
Monday, 21 June 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Hearings Committee Meeting

Kaupapataka

Attachments – Document 2

Plan Change 3 - Marae in Rural/Plains Production Zones

Te Rā Hui:
Meeting date: **Monday, 21 June 2021**

Te Wā:
Time: **9.30am**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

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TE KAUNIHERA Ā-ROHE O HERETAUNGA

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Partially Operative Hastings District Plan

**Plan Change 3: Providing for Marae in the Rural and Plains
Production Zone**

Section 32 Summary Evaluation Report



Prepared by: James Minehan, Senior Policy Planner

Reviewed by: Rowan Wallis, Policy Manager

Date: 2020 (Oct)

Status: Final Draft

Item 2

Attachment B

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1.0 PURPOSE OF THIS REPORT

This report is an evaluation of Plan Change 3 to the Partially Operative Hastings District Plan in accordance with Section 32 of the Resource Management Act 1991.

The report is required to accompany the proposed plan change for public notification under Schedule 1 of the RMA.

It is recommended that the Section 32 be read in conjunction with the current provisions of the Operative Hastings District Plan. Submissions can only be made on the proposed changes, not the existing unaltered provisions.

2.0 BACKGROUND INFORMATION

Reason for Plan Change

Under the 2003 District Plan marae were provided for as part of the wider Places of Assembly provisions. The Places of Assembly definition in the 2003 District Plan included churches and halls as well as marae. Places of Assembly were a permitted activity in the 2003 District plan subject to performance standards. This resulted in a number of activities locating particularly in the Plains Production Zone that conflicted with the wider Heretaunga Plains Urban Development Strategy that specified strict urban boundaries. As a result Places of Assembly were no longer permitted with the Plains Production Zone and the Rural Zone. In the plan review process there was an omission that resulted in marae not being specifically provided in the Plains Production Zone and the Rural Zone and as a result made them a non-complying activity.

This has led to an inconsistency in the current District Plan in how marae are provided for throughout the district. For instance marae are listed as a permitted activity in the Plains Settlement Zone which includes the rural settlements of Paki Paki, Bridge Pa and Omahu. Marae are also provided for in other zones, including the residential, commercial and light industrial zones, where they are still identified and included as Places of Assembly.

In summary neither "Marae" nor "Places of Assembly" are listed as an activity in the Plains Production Zone or the Rural Zone. Therefore in these two zones marae default to a non-complying activity.

This change seeks to address this situation by identifying "Marae" as a permitted activity in the Plains Production Zone and in the Rural Zone subject to specific performance standards. The proposed changes to section 5.2 and 6.2 of the District Plan are outlined in section 4.0 of this evaluation report.

This proposed plan change is significant as there are currently 23 marae acknowledged across the district in our territorial authority. Increased capacity and autonomy across the hapū groups in this area are also seeing older and or former significant places of gathering going through the various processes of establishing themselves as marae entities in 2020 and beyond. Marae across Hastings district, that includes two Taiwhenua (Heretaunga and Te Whanganui-a-Orotū) are not only vital for hapū and tangata whenua to maintain their respective and traditional relationships with place and provide a spiritual and cultural space for whānau and hapū, marae also make a significant contribution to the local economy across Hawke's Bay and in particular, Hastings District. Marae provide the appropriate cultural space for all cultural events to occur, including small and large events, and marae also serve as a multi-purpose community facilities; for instance, Civil Defence and Emergency Management Centres, community meeting places, church services, and or local school events. It is important that the District Plan facilitates for marae, their continued use, improvements and development. Council also have responsibilities under the Resource Management Act (RMA) to provide for the cultural wellbeing of Māori, recognising their physical and spiritual connection to the land.

In the District Plan marae are defined as follows:

Marae: means a site reserved under the Maori Affairs Act 1953 which is owned or administered by legally appointed trustees or a trust body for the common benefit of a defined group of Maori people.

3.0 CONSULTATION

When deciding who to consult and after discussions with Council's Advisor on Relationships, Partnerships and Heritage, the draft proposal was sent out to all marae in the Hastings District via e-mail and letters. The information included a summary of the provisions and background information to the RMA process.

It was considered that the plan change was specifically relevant to all marae situated in the Hastings District taking into account that marae have their respective rangatiratanga (autonomy). Wider community interest would be addressed by the opportunity to make submissions via the formal RMA submission process.

Feedback was obtained from a small number of marae and the focus was on building coverage and infrastructure associated with marae. Another issue was the importance of papakainga housing, often in close proximity to existing marae. There was recognition that the existing Section 21.1 of the District Plan (Papakainga District Wide Activity) addressed this aspect.

Pukehou Marae explicitly stated that they were happy with the draft changes.

Follow-up meetings were held at Council with the representatives of Kohupatiki Marae and the representatives of Waitangi Marae (Waipuka Maori Reservation Trust).

In relation to Waitangi Marae (concerning Waipuka Maori Reservation Trust land at Waitangi Road, Waimarama) plans were outlined for a potential new marae complex. This was timely as it informed the proposed plan change process about the extent of building coverage for a contemporary marae development and a subsequent change has been made to the maximum gross floor area.

4.0 PLAN PROVISIONS TO BE CHANGED

Twenty three marae are acknowledged across the district and it is the provisions of the Rural Zone and the Plains Production Zone that are proposed to be changed. The details of the new provisions are outlined below.

4.1 Section 5.2 Rural Zone

Anticipated Outcomes

Add new outcome RZAO10:

Provision for the use and development of marae.

Objectives and Policies

Add new objective RZO7:

To recognize and provide for tangata whenua's cultural and physical relationship with their land.

Add new policy RZP21 and associated explanation:

To provide for the development and maintenance of marae in rural locations in recognition of their cultural significance and taking into account the adverse effects on rural character.

Explanation

The District Plan recognizes that marae are essential for Maori to maintain the traditional relationship with their land providing both a spiritual and cultural home for hapu and iwi. They are an important place where significant cultural events occur and serve as a multi-purpose community facility.

Rule Table 5.2.4 Rural Zone

Add new rule:

Rule	Land Use Activities	Activity Status
RZ31	Marae	P

5.2.5 General Performance Standards and Terms

5.2.5B YARDS

Add new heading

4. Marae Buildings

Specify

Front yard 7.5m

All other boundaries 5m

5.2.6 Specific Performance Standards

Identify 5.2.6L Marae and specify:

SITE DENSITY AND COVERAGE

Maximum building coverage – 35%

Maximum gross floor area – 1000m²

Outcome:

Marae will be integrated into the scale and amenity of the zone

SALE OF ALCOHOL

The sale of alcohol may take place

5.2.8 Assessment criteria – Restricted Discretionary and Discretionary Activities

Add 5.2.8J Marae and insert following criteria:

The suitability of the site and the extent to which alternative sites or locations have been considered.

The impact of the scale, character and/or intensity of the use and its compatibility with surrounding activities.

The ability of any proposed buildings to be integrated with the character of the site and locality.

The extent to which the activity affects the natural, cultural and heritage activities of the site.

Whether the site can be adequately serviced.

Matters of Consideration

The recognition of tikanga Maori values including enabling marae-based development in accordance with those advocated in the Hawke's Bay Regional Resource Management Plan 2012 (POL UD6.1, POL UD6.2, OBJ34 POL 57).

4.2 Section 6.2 Plains Production Zone

Anticipated Outcomes

Add new outcome PPAO11:

Provision for the use and development of marae.

Objectives and Policies

Add new objective PPO10:

To recognize and provide for tangata whenua's cultural and physical relationship with their land.

Add new policy PPP26 and related explanation:

To provide for the development and maintenance of marae in rural locations in recognition of their cultural significance and taking into account the adverse effects on rural character.

Explanation

The District Plan recognizes that marae are essential for Maori to maintain the traditional relationship with their land providing both a spiritual and cultural home for hapu and iwi. They are an important place where significant cultural events occur and serve as a multi-purpose community facility.

Rule Table 6.2.4 Plains Production Zone

Add new rule:

Rule	Land Use Activities	Activity Status
PP43	Marae	P

6.2.5 General Performance Standards and Terms

6.2.5B YARDS

Add new heading

5. Marae Buildings

Specify

Front yard 7.5m

All other boundaries 5m

6.2.5J TOTAL BUILDING COVERAGE

Add a new clause stating

Note: For Marae refer to the specific performance standard 6.2.6P for the maximum site coverage and the maximum gross floor area.

6.2.6 Specific Performance Standards and Terms

Add 6.2.6P "Marae" and specify:

SITE DENSITY AND COVERAGE

Maximum building coverage – 35%

Maximum gross floor area – 1000m²

Outcome:

Marae will be integrated into the scale and amenity of the zone

SALE OF ALCOHOL

The sale of alcohol may take place

6.2.8 Assessment criteria – Restricted Discretionary and Discretionary Activities

Add 6.2.8U "Marae" and add in selected criteria as follows:

The suitability of the site, particularly in regard to the versatile values of the land, and the extent to which alternative sites or locations have been considered.

The impact of the scale, character and/or intensity of the use and its compatibility with surrounding activities.

The ability of any proposed buildings to be integrated with the character of the site and locality.

The extent to which the activity affects the natural, cultural and heritage activities of the site.

Whether the site can be adequately serviced.

Matters of Consideration

The recognition of tikanga Maori values including enabling marae-based development in accordance with those advocated in the Hawke's Bay Regional Resource Management Plan 2012 (POL UD6.1, POL UD6.2, OBJ34 POL 57).

5.0 SECTION 32 EVALUATION REQUIREMENTS

5.1 RMA Requirements

Clause 5(1) of Schedule 1 of the RMA specifies that a local authority must prepare an evaluation report for a proposed policy statement or plan in accordance with section 32 and for Council's to have particular regard to that report when deciding whether to proceed with the statement or plan.

Section 32 of the RMA specifies the following:

(1) An evaluation report required under this Act must—

(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

(i) identifying other reasonably practicable options for achieving the objectives; and

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions; and

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) An assessment under subsection (1)(b)(ii) must—

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

So in summary two main evaluations are required:

Under S32(1)(a)

The extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA

And under S32(1)(b)

Whether the provisions in the proposal are the most appropriate way to achieve the objectives by:

- Identifying other reasonably practicable options for achieving the objectives
- Assessing the efficiency and effectiveness of the provisions in achieving the objectives (Including identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions)
- Summarising the reasons for deciding on the provisions

5.2 The extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA

5.2.1 The intent of the proposed plan changes and the requirements of the RMA

The proposed change adds one new objective to the Rural Zone and the Plains Production Zone

To recognize and provide for tangata whenua's cultural and physical relationship with their land.

The specified related anticipated outcome is:

Provision for the use and development of marae.

There is a related policy and explanation:

To provide for the development and maintenance of marae in rural locations in recognition of their cultural significance and taking into account the adverse effects on rural character.

Explanation

The District Plan recognizes that marae are essential for Maori to maintain the traditional relationship with their land providing both a spiritual and cultural home for hapu and iwi. They are an important place where significant cultural events occur and serve as a multi-purpose community facility.

Under S32(1)(a) Council must examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA .

Section 74 of the RMA also states that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2.

Analysis of the proposed plan change and the RMA requirements follow below.

5.2.2 Part 2 (Purpose & Principles) of the RMA

The purpose of the RMA is the sustainable management of natural and physical resources. Section 5 of the RMA defines sustainable management as "managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety".

Comment: Plan Change 3 directly provides for the continued use and development of marae in the Plains Production and Rural Zones. Marae are long established and there has been significant physical and cultural investment in them and the plan recognises this. The change will enable the Maori people and their communities to provide for their social, economic and cultural wellbeing by providing for marae as a permitted activity subject to standards to protect rural amenity.

Section 6 identifies "Matters of National Importance". Section 6(e) identifies "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga". Section (g) identifies "the protection of protected customary rights".

Comment: Plan Change 3 aligns with these aspects of protecting cultural traditions and customary rights.

Section 8 Treaty of Waitangi is also relevant to the proposed variation i.e. "In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)".

Comment: Plan Change 3 aligns with Section 8.

5.2.3 Hawke's Bay Regional Resource Management Plan (incorporating the Regional Policy Statement) 2012

Section 75 of the RMA states that a district plan must give effect to any regional policy statement. The relevant document is the Hawke's Bay Regional Resource Management Plan (incorporating the Regional Policy Statement) 1 Jan 2012.

In Chapter 3 Regionally Significant Issues, Objectives and Policies and Under Section 3.1B "Managing the Built Environment" the relevant policies in relation to marae are shown below:

Provision for papakainga and marae-based development (region)

POL UD6.1 District plans shall, where appropriate enable papakainga and marae-based development in accordance with tikanga Maori values, outside existing urban areas and any urban limits, provided development:

a) Avoids or mitigates the following locational constraints:

- i. projected sea level rise as a result of climatic changes*
- ii. active coastal erosion and inundation*
- iii. stormwater infrastructure that is unable to mitigate identified flooding risk*
- iv. flood control and drainage schemes that are at or over capacity*
- v. active earthquake faults*
- vi. high liquefaction potential*
- vii. nearby sensitive waterbodies that are susceptible to potential contamination from on-site wastewater systems or stormwater discharges*
- viii. no current wastewater reticulation and the land is poor draining*
- ix. identified water short areas with the potential to affect the provision of an adequate water supply.*

Papakainga and marae-based development (region)

POL UD6.2 Papakainga and marae-based development shall be encouraged, where possible, to:

a) Integrate with existing development

b) Integrate with the provision of strategic and other infrastructure (particularly strategic transport networks in order to limit network congestion, reduce dependency on private motor vehicles and promote the use of active transport modes).

c) Promote, and not compromise, social infrastructure including community, education, sport and recreation facilities and public open space.

Principal reasons and explanation

Housing and associated activities around rural marae have been in existence for many years. Provision is made for accommodating growth through papakainga and marae-based development on ancestral land, which may fall outside urban limits. The continuation and expansion of papakainga and other marae based activities, subject to relevant statutory processes, gives effect to the requirements of sections 6(e), 7(a) and 8 of the Act and also recognises the statutory provisions in the Te Ture Whenua Maori Act 1993. This policy provides tangata whenua with the potential to meet their housing and economic development needs.

Comment: Plan Change 3 provides for marae and their use and development and is therefore consistent with POL UD6.2. Existing provisions in the current District Plan already address hazards and related infrastructural issues thereby aligning with POL UD6.1. It can be noted that provision for papakainga is already addressed in a separate section of the proposed plan (Section 21.1 Papakainga District Wide Activity).

Under Section 3.14 "Recognition of Matters of Significance to Iwi/Hapu" the relevant objectives and policies are:

OBJECTIVE OBJ 34 To recognise tikanga Maori values and the contribution they make to sustainable development and the fulfilment of HBRC's role as guardians, as established under the RMA, and tangata whenua roles as kaitiaki, in keeping with Maori culture and traditions.

POLICIES

POL 57 Where policy is being developed for the management of natural and physical resources the following matters shall be had regard to:

- (a) Where the effects of an activity have minimal or no measurable impact on the state of mauri, the life sustaining capacity of a resource – no or minimal regulation (noa).*
- (b) Where the actual or potential effects of an activity on the state of mauri are significant – the activity shall be dealt with on a case-by-case basis according to those effects (rahui).*
- (c) Where the impacts of an activity have a severe and irreversible impact upon the state of mauri that activity shall be prohibited (tapu).*

Comment: Plan Change 3 recognises tikanga Maori values and provides for marae through minimum regulation as a permitted activity. Any potential adverse effects are avoided, remedied and mitigated through the application of standards.

5.3 Whether the provisions in the proposal are the most appropriate way to achieve the objectives

Under s32(b) Council must examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by:

- Identifying other reasonably practicable options for achieving the objectives
- Assessing the efficiency and effectiveness of the provisions in achieving the objectives (including the benefits and costs of the environmental, economic, social and cultural effects under S32(2)(a))
- Summarizing the reasons for deciding on the provisions

To recap the Plan Change 3 adds a new objective and related policy as follows:

New objective:

To recognize and provide for tangata whenua's cultural and physical relationship with their land.

New policy:

To provide for the development and maintenance of marae in rural locations in recognition of their cultural significance and taking into account the adverse effects on rural character.

The associated explanation states:

The District Plan recognizes that marae are essential for Maori to maintain the traditional relationship with their land providing both a spiritual and cultural home for hapu and iwi. They are an important place where significant cultural events occur and serve as a multi-purpose community facility.

5.3.1 Identifying other reasonably practicable options for achieving the objectives

There are three possible options to consider:

- To do nothing (leave Marae as a non-complying activity)
- To go ahead with the current proposal (provide for Marae as a permitted activity subject to conditions)

- To choose another activity status i.e. this would be a controlled or discretionary activity

The table below summarises the benefits, costs, efficiency and effectiveness of the 3 options.

Activity Status	Benefits	Costs	Efficiency	Effectiveness
Non-complying	This consent status is the most onerous, however, it does provide a very high level of scrutiny. In this case it is considered an over reach of regulation because the proposed plan change applies a robust set of standards that will protect existing rural amenity.	Over-regulation Higher consenting costs and time expended	Low as a non-complying activity will not achieve the stated objective (to recognise and provide for tangata whenua's cultural and physical relationship with their land) at the lowest cost to tangata whenua and the non-complying activity status will not provide any discernible additional benefit to the wider community.	Low as a non-complying activity does not provide any certainty of outcome - in this case the provision for the use and development of marae in rural locations. A non-complying activity can be refused. A robust set of standards will be applied to protect the existing rural character and amenity.
Permitted	Certainty of outcome Permissive approach	No consenting costs	High	High Existing and new plan standards to protect amenity
Other activity status i.e. controlled, restricted discretionary, discretionary	These options would allow extra scrutiny for any application and give the Council the ability to set more conditions. However, it is considered that the proposed plan change applies existing and new standards that will be sufficient to protect rural amenity.	Consenting costs and time expended	Less efficient	A permitted activity status with robust standards to protect amenity is considered the most effective approach. Consents will still be required for proposals outside the specified standards

	Therefore there would be no additional environmental benefit. There would also be less certainty of outcome for the applicant (except for controlled activity status which would have to be approved).			
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5.3.2 Assessing the efficiency and effectiveness of the provisions in achieving the objectives

Looking at the table it is considered that inserting provisions to identify marae as a permitted activity in the Plains Production Zone and the Rural Zone is the most practical option of achieving the objective and related policy.

This is preferable to a non-complying activity status which is more inefficient and ineffective.

Specifying another activity status such as a controlled, restricted discretionary or discretionary activity would mean a resource consent is required in all situations and this is considered to be a less efficient approach. This is not to say that a consenting process is not effective subject to suitable conditions and/or assessment criteria. In this case, however, this process should be reserved for those situations where proposals do not meet the district plan standards.

As far as the benefits and costs are concerned the permitted activity status gives the most benefit for the least cost. The benefits can be measured in the positive economic, social, and cultural outcomes for Maori through facilitating the development and use of marae in rural areas. There is also certainty of outcomes subject to meeting the specific thresholds identified by the district plan.

Specific standards have been set to protect the existing amenity for the zones. These are based on the previous district plan provisions for marae and have been aligned and integrated with the proposed plan standards.

The gross floor area for buildings that has been set at 1000m². This is above the 400m² threshold set in the former district plan. The provision has been based on feedback from the Waipuka Reservation Trust that submitted plans for a potential new marae complex (Waitangi Marae) at Waitangi Road, Waimarama. This provided a timely benchmark for the proposed plan change in relation to building area.

Another benchmark was provided in the provisions of Papakainga District Wide Activity of the Operative District Plan. This provides for housing on Maori land. Commercial and industrial buildings, to complement the residential activity, are provided for up to a maximum of 1000m² maximum gross floor area. This coincides with the proposed 1000m² for buildings associated with marae development in this proposed plan change.

The building footprint needs to be large enough to enable tangata whenua to carry out their cultural activities in a fit for purpose community facility without undue hindrance. The amenity of the rural environment will be protected by an existing set of standards and some specific additional standards. This means that the proposed provisions are both efficient and effective in achieving the stated objective and related policy i.e.

To recognize and provide for tangata whenua's cultural and physical relationship with their land.

And;

To provide for the development and maintenance of marae in rural locations in recognition of their cultural significance and taking into account the adverse effects on rural character.

5.3.3 Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Plan Change 3 provides for marae as a permitted activity in the Rural Zone and the Plains Production Zone.

There were provisions for the operation and development of marae in the 2003 Operative Plan. However these were omitted in the review process - hence making them non-complying.

The Council is aware that the current non-complying status of marae has been causing problems for Maori communities in the use and development of their marae.

There is little risk of acting because on uncertain or insufficient information. However, there is a real risk for the wellbeing of Maori communities if the status quo remains.

5.3.4 Summarising of the reasons for deciding on the provisions

The Operative District Plan does not explicitly provide for marae in the Plains Production Zone and Rural Zone and by default they are a non-complying activity.

In comparison, marae are specifically listed as a permitted activity in the Plains Settlement Zone of Paki Paki, Bridge Pa and Omahu.

There is need for a consistent approach in the provision of marae in all rural locations. A change to the Operative District Plan to identify marae as a permitted activity (subject to standards to protect amenity) is required.

Plan Change 3 will:

- Provide for marae, their use and development, in rural locations.
- Align with the requirements of the RMA including Section 5 (social, economic and cultural wellbeing), Section 6 (protection of customary rights) and 8 (Treaty of Waitangi).
- Align with the Hawke's Bay Regional Resource Management Plan (provision for marae based activities outside the urban areas and to recognise tikanga Maori values)
- Be an efficient and effective way to meet the stated objective "To provide for marae their use and development" and related policy "To provide for marae in rural locations subject to any adverse effects being avoided, remedied or mitigated"

6.0 CONCLUSION

Plan Change 3 has been developed to identify marae as a permitted activity in the Rural Zone and the Plains Production Zone. This is to align with the way they are provided for in the Plains Settlement Zone and also to align with their provision in the former operative district plan. As assessed in this section 32 report the proposed plan variation is the most appropriate way to meet the purpose of the RMA and to achieve the stated objectives for the Rural Zone and Plains Production Zone.

Plan Change 3 to the Partially Operative Hastings District Plan: Providing for Marae in the Rural Zone and Plains Production Zone

PLAN CHANGE 3

This proposed plan change is subject to Clause 5 of the First Schedule of the Resource Management Act 1991 and proposes changes to Section 5.2: (Rural Zone) and Section 6.2 (Plains Production Zone) of the Partially Operative Hastings District Plan.

Currently the District Plan requires a resource consent for the establishment and development marae in the Rural Zone and the Plains Production Zone.

The Plan Change 3 will provide a more permissive approach for marae in rural areas by identifying them as a permitted activity in the Rural Zone and the Plains Production Zone.

Submissions can only be made on the proposed changes, not the existing unaltered provisions.

PROPOSED CHANGES TO SECTION 5.2 RURAL ZONE

Anticipated Outcomes

Add new outcome RZAO10:

Provision for the use and development of marae.

Objectives and Policies

Add new objective RZO7:

To recognize and provide for tangata whenua’s cultural and physical relationship with their land.

Add new policy RZP21 and associated explanation:

To provide for the development and maintenance of marae in rural locations in recognition of their cultural significance and taking into account the adverse effects on rural character.

Explanation

The District Plan recognizes that marae are essential for Maori to maintain the traditional relationship with their land providing both a spiritual and cultural home for hapu and iwi. They are an important place where significant cultural events occur and serve as a multi-purpose community facility.

Rule Table 5.2.4 Rural Zone

Add new rule:

Rule	Land Use Activities	Activity Status
RZ31	Marae	P

5.2.5 General Performance Standards and Terms

5.2.5B YARDS

Add new heading

4. Marae Buildings

Specify

Front yard 7.5m

All other boundaries 5m

[5.2.6 Specific Performance Standards](#)

Identify 5.2.6L Marae and specify:

[SITE DENSITY AND COVERAGE](#)

Maximum building coverage – 35%

Maximum gross floor area – 1000m²

Outcome:

Marae will be integrated into the scale and amenity of the zone

[SALE OF ALCOHOL](#)

The sale of alcohol may take place

[5.2.8 Assessment criteria – Restricted Discretionary and Discretionary Activities](#)

Add 5.2.8J Marae and insert following criteria:

The suitability of the site and the extent to which alternative sites or locations have been considered.

The impact of the scale, character and/or intensity of the use and its compatibility with surrounding activities.

The ability of any proposed buildings to be integrated with the character of the site and locality.

The extent to which the activity affects the natural, cultural and heritage activities of the site.

Whether the site can be adequately serviced.

[Matters of Consideration](#)

The recognition of tikanga Maori values including enabling marae-based development in accordance with those advocated in the Hawke's Bay Regional Resource Management Plan 2012 (POL UD6.1, POL UD6.2, OBJ34 POL 57).

PROPOSED CHANGES TO SECTION 6.2 PLAINS PRODUCTION ZONE

[Anticipated Outcomes](#)

Add new outcome PPAO11:

Provision for the use and development of marae.

[Objectives and Policies](#)

Add new objective PPO10:

To recognize and provide for tangata whenua's cultural and physical relationship with their land.

Add new policy PPP26 and related explanation:

To provide for the development and maintenance of marae in rural locations in recognition of their cultural significance and taking into account the adverse effects on rural character.

[Explanation](#)

The District Plan recognizes that marae are essential for Maori to maintain the traditional relationship with their land providing both a spiritual and cultural home for hapu and iwi. They are an important place where significant cultural events occur and serve as a multi-purpose community facility.

[Rule Table 6.2.4 Plains Production Zone](#)

Add new rule:

Rule	Land Use Activities	Activity Status
------	---------------------	-----------------

PP43	Marae	P
------	-------	---

6.2.5 General Performance Standards and Terms

6.2.5B YARDS

Add new heading

5. Marae Buildings

Specify

Front yard 7.5m

All other boundaries 5m

6.2.5J TOTAL BUILDING COVERAGE

Add a new clause stating

Note: For Marae refer to the specific performance standard 6.2.6P for the maximum site coverage and the maximum gross floor area.

6.2.6 Specific Performance Standards and Terms

Add 6.2.6P "Marae" and specify:

SITE DENSITY AND COVERAGE

Maximum building coverage – 35%

Maximum gross floor area – 1000m²

Outcome:

Marae will be integrated into the scale and amenity of the zone

SALE OF ALCOHOL

The sale of alcohol may take place

6.2.8 Assessment criteria – Restricted Discretionary and Discretionary Activities:

Add 6.2.8U "Marae" and add in selected criteria as follows:

The suitability of the site, particularly in regard to the versatile values of the land, and the extent to which alternative sites or locations have been considered.

The impact of the scale, character and/or intensity of the use and its compatibility with surrounding activities.

The ability of any proposed buildings to be integrated with the character of the site and locality.

The extent to which the activity affects the natural, cultural and heritage activities of the site.

Whether the site can be adequately serviced.

Matters of Consideration

The recognition of tikanga Maori values including enabling marae-based development in accordance with those advocated in the Hawke's Bay Regional Resource Management Plan 2012 (POL UD6.1, POL UD6.2, OBJ34 POL 57).

Sensitivity: General

Form 5

Submission on - Proposed Plan Change 3 – Providing for Marae in
the Rural Zone and in the Plains Production Zone - Hastings
District Plan

To: Hastings District Council

Submission on: Plan Change 3 – Providing for Marae in the Rural Zone and in the Plains
Production Zone

Name of submitter: Fire and Emergency New Zealand (FENZ)

Address: c/o Beca Ltd
PO Box 3942
Wellington 6140

Attention: Britta Blann

Phone: 04 460 1763

Email: Britta.blann@beca.com

Background

This submission is made on behalf of Fire and Emergency New Zealand (FENZ) concerning the Proposed Plan Change 3 to the Upper Hutt District Plan (here after 'PC3').

The Fire and Emergency New Zealand Act 2017 (FENZ Act) established FENZ from 1 July 2017. FENZ has a responsibility under the FENZ Act to reduce the incidence of unwanted fire and the associated risk to life and property. As such, FENZ monitors changes in statutory planning documents occurring under the Resource Management Act 1991 (RMA) to ensure that, where necessary, appropriate consideration is given to fire safety.

The provision of adequate water supply and firefighting access is essential to the efficient operation of FENZ. It is important to FENZ that any new dwelling or land use that does not have access to a reticulated water supply has access to an adequate firefighting water supply. If this is not provided for, local fire crews will need to rely completely on the water supply that can be transported via fire appliances, which is rarely adequate to control a structural fire. This essential emergency water supply will provide for the health, safety and wellbeing of people and the wider community, and therefore achieves the purpose of the RMA.

The New Zealand Firefighting Water Supplies Code of Practice SNZ/PAS 4509:2008 (Code of Practice) is a non-mandatory New Zealand Standard that sets out the requirements for firefighting water and access. The Code of Practice enables a consistent approach throughout New Zealand and allows FENZ to operate effectively and efficiently in a fire emergency. FENZ considers that the best way to provide a consistent approach to mitigating the actual and potential effects of fire across the district (rather than just the notified applications for resource consents) is to include specific standards in district plans.



Beca // 12 March 2021 //
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Sensitivity: General

FENZ's role includes promoting fire safety and fire prevention, and extinguishing fires. FENZ considers that PC3 provides an opportunity to better facilitate these activities by including provisions which will enable people and communities to provide for their health and safety with regard to fire safety, fire prevention and fire extinction.

FENZ also recognises the importance of PC3 in setting the planning framework for enabling and managing future development of marae in the Hasting's District.

The specific part of the application that FENZ submission relates to is:

- The provision for access and water supply for firefighting purposes.

FENZ's submission is:

PC3 seeks to provide for marae in the 'Rural Zone' and the 'Plains and Production Zone' as permitted activities. The scope of PC3 includes the introduction of permitted activity standards which would need to be complied with for the activity to be permitted. The scope of the plan change also includes 'assessment criteria' for restricted discretionary and discretionary activities for marae including 'whether the site can be adequately serviced'. Of interest to FENZ, the specific performance standards proposed for marae in PC3 do not include a requirement for firefighting water supply or access.

FENZ supports the intention to provide for marae as a permitted activity, however, has concerns that the proposed permitted activity standards for marae do not adequately address the requirement for marae to be serviced with sufficient firefighting water supply. The requirement for firefighting water supply is critical as habitable buildings (marae) in the rural areas are unlikely to have access to reticulated water supply which increases the risk posed by fire to both property and life.

FENZ seeks the following:

FENZ is supportive to the PC3. However, should Council be minded to recommend PC3 be confirmed, FENZ requests an addition to the proposed 'Permitted Activity' Specific Performance Standards and Terms 5.2.6L to include:

Fire Fighting Water Supply

Provision of water supply for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008.

And the amendment to the proposed 'Restricted Discretionary and Discretionary activity' Assessment Criteria 5.2.8 to include the clause:

'Whether the site can be adequately serviced, including water supply for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008

FENZ could not gain an advantage in trade competition through this submission.

FENZ wishes to be heard in support of its submission.

If others make a similar submission FENZ will consider presenting a joint case with them at a hearing.

Sensitivity: General



(Signature of person authorised to
sign on behalf of Fire and
Emergency New Zealand)

12/03/2021

Date

Title and address for service of
person making submission:

Fire and Emergency New Zealand
c/o Beca Ltd

Attention: Britta Blann

Address: Beca Ltd
 PO Box 3942
 Wellington 6140



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Item 2

Attachment D

Christine A. Hilton

From: James Minehan <jamesm@hdc.govt.nz>
Sent: Tuesday, 11 May 2021 11:39 AM
To: Christine A. Hilton
Subject: Submission Te Taiwhenua o Heretaunga Trust

From: Wufoo [mailto:no-reply@wufoo.com]
Sent: Friday, 12 March 2021 4:23 PM
To: Policy Team <policyteam@hdc.govt.nz>
Subject: HDC - Marae Submission Form [#1]

1. Your details	Marei Apatu
Name *	
Address *	<input type="checkbox"/> Te Taiwhenua o Heretaunga Trust 821 Orchard RD Hastings 4172 New Zealand
Email *	Marei.Apatu@ttoh.iwi.nz
Phone Number *	0274304282
2. The specific parts of Proposed Plan Change 3 that my submission relates to are: (Give Details). *	Currently the District Plan requires a resource consent for the establishment and development marae in the Rural Zone and the Plains Production Zone.
3. My submission is that: (State the nature of your submission, clearly indicating whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.) *	Te Taiwhenua o Heretaunga SUPPORT the Proposed Plan Change 3 To recognize marae rangatiratanga status as set out in article 2 of the Treaty of Waitangi
4. I/We seek the following decision: (Please give precise details, this section must be completed to ensure a valid submission). *	Currently the District Plan requires a resource consent for the establishment and development marae in the Rural Zone and the Plains Production Zone. Proposed Plan Change 3 will provide a more permissive approach for marae in rural areas by identifying them as a permitted activity in the Rural Zone and the Plains Production Zone

5. Please indicate whether you wish to be I wish to speak at the Hearing in support of my submission; or
heard in support of your submission: *

•



HERITAGE NEW ZEALAND
POUHERE TAONGA

Tairangahia a tua whakarere;
Tatakihia nga reanga o amuri ake nei
Honouring the past; Inspiring the future

3 March 2021

File reference: 33002-069

James Minehan
Senior Planner Environmental Policy
Hastings District Council
Private Bag 9002
Hastings 4156
policyteam@hdc.govt.nz

Tēnā koe James

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON PLAN CHANGE 3 – PROVIDING FOR
MARAЕ IN THE RURAL AND PLAINS PRODUCTION ZONES**

1. Introduction:

Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand welcomes the opportunity to make this submission on the proposed plan change.

- 2. Heritage New Zealand Pouhere Taonga could not gain an advantage in trade competition through this submission.**
- 3. The specific provisions of the Plan Change 3 that the Heritage New Zealand Pouhere Taonga submission relates to are as follows:**

General

In general HNZPT is supportive of Plan Change 3 as it provides for Māori communities to develop their own resources and land with fewer administrative hurdles. This is consistent with Part 6 of the Resource Management Act 1991 in that it provides for *'The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga'*.

Built Heritage

Most (if not all) of the marae located within the Rural and Plains Production Zones will be historic places, even though they are not included in the District Plan schedule for historic buildings or listed with HNZPT. These places, including many significant and striking wharenui, are taonga to be treasured and protected.

The Māori heritage work of Heritage New Zealand Pouhere Taonga is guided by *Tapuwae* - The Māori Heritage Council Statement on Māori Heritage. *Tapuwae* describes the role of the Māori Heritage Council (to whom HNZPT reports) as follows:

The Māori Heritage Council understands and acknowledges that Māori are kaitiaki of their heritage places and therefore works alongside Māori communities. The Council does not seek to act as kaitiaki, but is committed to recognising, supporting, and where appropriate, facilitating the kaitiakitanga of whānau, hapū and iwi. The Council also recognises and accepts what Māori communities say they want; to manage their own heritage places but with support, advice and assistance from the Council. (p11-12)¹

The Council recognises the unique relationship between Māori built heritage and Māori communities, not only for the heritage and cultural values they possess, but because they are a necessary part of a cultural continuum that is expressed through art, whakapapa, social function, and spiritual meaning. The conservation of this heritage provides a number of challenges to advocate for the preservation of cultural identity through the built environment, whilst acknowledging the dynamism of change within the context of a living culture. (p.20-21)

Following this guidance HNZPT acknowledges that local hapū or marae committees are best placed to make decisions on the use and development of their own places and resources.

Therefore HNZPT is supportive of Plan Change 3. While our role is to advocate for the protection of heritage, including Māori built heritage, this is best done alongside iwi, hapū and whānau, recognising their kaitiakitanga.

Heritage New Zealand Pouhere Taonga has produced some guidance documents which the District Council may find informative and which can also be shared with any marae representatives. We have included with this letter the following brochures: *Māori Heritage Services – Listing*, and *Conserving Marae Buildings*. I am also enclosing a summary document of the *Tapuwae* statement.

Archaeology

Many of the marae in the Rural and Plains Production Zone will have been occupied prior to 1900, and thus are archaeological sites as defined in the Heritage New Zealand Pouhere Taonga Act 2014: *Any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.*

¹ *Tapuwae: The Māori Heritage Council Statement on Māori Heritage*, HNZPT 2017. Available to view and download at <https://www.heritage.org.nz/resources/tapuwae>

The archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014 are referenced in a number of places in the Hastings District Plan, including chapter 30 – subdivision and land development. These references to the HNZPTA and the requirements for obtaining an Archaeological Authority under that Act are sufficient to make all stakeholders and land developers aware of the legal provisions protecting archaeological sites. Therefore it is not necessary to include any additional references in this plan change with regard to marae development and the potential for archaeological discoveries.

4. Heritage New Zealand Pouhere Taonga seeks the following decision:

HNZPT supports proposed plan change 3.

5. Heritage New Zealand Pouhere Taonga does not wish to be heard in support of our submission.

6. Heritage New Zealand Pouhere Taonga would be willing to make a joint case if anyone else makes a similar submission.

Nāku noa, nā



Jamie Jacobs
Director / Kaiwhakahaere Matua
Central Region / Te Takiwā o Te Pūtahi a Māui
Heritage New Zealand Pouhere Taonga

Address for service
Heritage New Zealand Pouhere Taonga
Te Takiwā o Te Pūtahi a Māui (Central Region)
PO Box 2629
Wellington 6140
Ph: 04 494 8325
Contact person: Dean Raymond, Kaiwhakamāhere (Planner)
Email: draymond@heritage.org.nz

Christine A. Hilton

From: James Minehan <jamesm@hdc.govt.nz>
Sent: Tuesday, 11 May 2021 11:33 AM
To: Christine A. Hilton
Subject: FW: Further Submission James Graham

From: Wufoo [mailto:no-reply@wufoo.com]
Sent: Monday, 12 April 2021 1:12 PM
To: Policy Team <policyteam@hdc.govt.nz>
Subject: HDC - Marae Further Submission Form [#1]

Name of person making further submission: James Graham

This is a further submission in support of a person representing a relevant aspect of the public interest,
(or in opposition to) a submission on
Proposed Plan Change 3 (the Proposal)

I am:

In this case, also specify the grounds for saying that you come within this category As Chair of the marae trustees, I represent Pukehou Marae that sits at the south end of the HDC boundary.

I support (or oppose) the submission of: James and Graham

(Name and address of original submitter and submission number of original submission if available) *

☐
169 Waikareao Road RD11
Hastings, RD11 4178
New Zealand

The particular parts of the submission I support (or oppose) are: Pukehou Marae supports [the] Plan Change 3.

(Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal) *

The reasons for my support (or opposition) are:

This is a 'no brainer' that is now being addressed and so it is great to see.

(Give reasons) *

I seek that the whole or part (describe part of the submission be allowed (or disallowed):

N/A

(Give precise details) *

Please indicate whether you wish to be heard in support of your submission: *

I do not wish to speak at the Hearing in support of my submission.

Email address for service of person making further submission: *

jgraham1854@gmail.com

Phone Number *

+64273250586

*