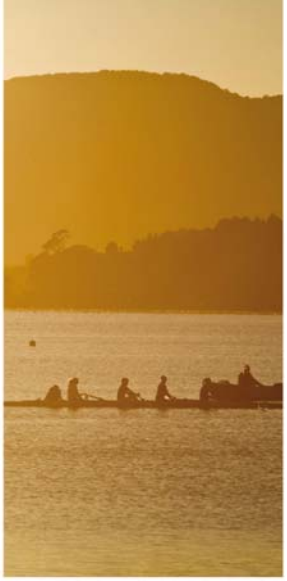


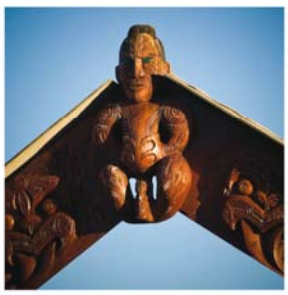
fresh ideas
shaping rotorua

# DISTRICT PLAN REVIEW

## DISCUSSION PAPER 1B – POLICY DIRECTION

## ISSUES OF IMPORTANCE TO MAORI

**MARCH 2009**



DESTINATION
ROTORUA
ROTORUA DISTRICT COUNCIL

# DISCUSSION PAPER 1B
# ISSUES OF IMPORTANCE TO MAORI
# POLICY DIRECTION

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***This document has been produced for discussion purposes to assist with the review of the Operative Rotorua District plan.***

***The views expressed in this paper do not represent a policy decision of Council, nor represent the views of Planning Services.***

***None of the recommendation and resulting decisions hold any statutory weight.***

***This document remains a discussion paper only.***

# 1 INTRODUCTION

The purpose of this paper is to review the major issues that need to be considered in the development of objectives, policies and rule framework for Maori land and cultural heritage.

The paper concludes with a number of options for discussion which will lay the foundation for the objective-policy-rule framework.

From the consultation and community engagement undertaken as part of the 'Fresh Ideas' project the key issues for Maori and the District plan are:

- A strong desire by Maori to realise the development potential of multiple owned Maori land
- The District plan needs to be more responsive and flexible in relation to papakainga housing
- The District plan needs to be easier for Maori to understand
- Lake water quality is a cultural as well as natural heritage issue
- The existing rules for renovating Marae are too restrictive and expensive
- The Central North Island settlements will have a major impact on the future look and direction of the district
- Continued recognition and protection of areas, places, sites, and buildings of cultural significance to Maori.

This discussion paper further analyses these key issues and provides recommendations for members consideration.

The paper is structured so that the above issues are approached through an understanding of the legislative context and how this has been interpreted at the national, regional, and local level. Following an analysis of the existing District plan a discussion of key issues is provided, concluding with options for discussion.

## 2 STATUTORY FRAMEWORK

The following table overviews the key national, regional, and local government statutory framework that provides guidance for key issues raised.

**Table 2.1 Statutory Framework**

| STATUTE/ DOCUMENT | RELEVANT SECTION | COMMENTARY |
|---|---|---|
| **NATIONAL LEVEL** | | |
| Resource Management Act 1991. (RMA) | *Part II, Section 6, Matters of national importance*<br>6(e) recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.<br><br>*Part II, Section 7, Other matters*<br>7(a) have particular regard to kaitiakitanga.<br><br>*Part II, Section 8, Treaty of Waitangi*<br>Take into account the principles of the Treaty of Waitangi.<br><br>*Section 11 Restriction on subdivision of land*<br>11(2) Maori land within the meaning of the Maori Land Act 1993 is not subject to the restrictions on subdivision laid out in S11(1) for the protection of historical heritage from inappropriate subdivision, use, and development.<br><br>*Section 74, Matters to be considered by territorial authority*<br>74(2A)(a) When preparing or changing a District plan must take into account relevant planning document recognised by iwi authority and lodged with the territorial authority | The RMA provides for recognition of Maori culture and traditions as a matter of national importance. Further more the Act recognises the special nature of Maori land tenure and acknowledges the role of Te Ture Whenua Maori Act 1993.<br><br>The RMA provides for heightened status of Maori in land management decisions and specifically directs Council to consider wants and aspirations of Maori (as expressed through Iwi Management Plans), to be considered when developing or changing District plans.<br><br>The RMA does not state that the effects of land use activities on Maori land should be treated any differently to those activities undertaken on general land. However, the RMA does direct Council both as a maker of policy and in its role as consent authority, to recognise and provide for the special relationship Maori have with land, site, water, and waahi tapu |
| Local Government Act 2002 (LGA) | *Section 81, Contributions to decision-making processes by Maori*<br>Provision of principles and requirements that are intended to facilitate participation by Maori in local authority decision-making processes. | Council now has a positive obligation to establish and maintain decision-making processes that provide opportunity for Maori to contribute. Also there is the responsibility to ensure that Maori capacity to contribute to Council processes is facilitated. |
| Te Ture Whenua Maori Act 1993 (TTWMA) | The powers and duties conferred by this Act are established so that, as far as possible, their is the facilitation and promotion of the retention, use, development, and control of Maori land as taonga tuku iho by Maori owners, their whanau, their hapu, and their descendants, and also seeks to protect waahi tapu**.** | Maori land is subject to this Act, and all transactions in relation Maori land are managed through the Maori Land Court. The TTWMA has a purpose of ensuring that Maori land remains with tangata whenua, and establishes a complex process should owners wish the land to become general title.<br>The partitioning off, and approval of occupation orders are also determined by the Maori Land Court as guided by TTWMA. |

| STATUTE/ DOCUMENT | RELEVANT SECTION | COMMENTARY |
|---|---|---|
| **REGIONAL LEVEL** | | |
| EBOP RPS and Regional plans | *Operative Regional Policy Statement, Chapter 4 Matters of Resource Management Significance to Iwi.*<br>Section 62 of the RMA states that Regional Councils shall include matters of resource management significance to Iwi authorities in the RPS.<br><br>Chapter 4 outlines Treaty of Waitangi responsibilities, canvassess issues of concern, and provides overarching …<br><br>Appendix C is the Schedule of References to objectives, policies, and methods, addressing issues of concern to Iwi<br><br>Each of the regional plans produced by EBOP make reference to Iwi matters, with the RPS provisions providing additional guidance | The Operative EBOP RPS has a forward chapter that provides for matters of significance to Iwi authorities. This chapter sets out the manner in which the region will conduct business with Iwi and has provisions that territorial authorities must have regard to in the exercise of their roles and responsibilities.<br><br>It is anticipated that in the Proposed Regional Policy Statement this section will be refined to reflect the changing nature of Iwi resource management and also to include acknowledgement of natural assets that Iwi have received from the Crown via settlement processes. |
| EW RPS and Regional plans | *Operative Waikato Regional Policy Statement, Section 2.2, Integrated Management*<br>Section 62 of the RMA states that Regional Councils shall include matters of resource management significance to Iwi authorities in the RPS.<br><br>Chapter 2 outlines Treaty of Waitangi policy responses and includes directional policies relating to Maori culture and tradition, promotion and provision for kaitiakitanga, tangata whenua relationship with natural and physical resources, consultation and participation.<br><br>Each of the regional plans produced by EBOP make reference to Iwi matters, with the RPS provisions providing additional guidance. | The Operative EW RPS has a forward chapter that provides for Treaty of Waitangi and matters of significance to Maori. This chapter sets out the guiding policies that EW will adopt when assessing applications and making decisions on matters of concern to Iwi. |
| **LOCAL LEVEL, INCLUDING RDC CORPORATE DOCUMENTS** | | |
| LTCCP | Council's LTCCP provides an indication for the community where resources are allocated for Maori input into decision making and highlights the importance of tangata whenua to the Rotorua district | |
| Mana Whenua policy | This policy sets the criteria for a contestable fund administered, and decided upon by Council. Individuals, corporations, trusts, or hapu are able to apply for funding for projects related to the development of multiple owned Maori land. | |
| Operative Rotorua District plan | The Operative Rotorua District plan manages the effects of land use activities on sites and areas of importance to Maori. This is canvassed in more detail, including the adequacy of existing policy, in the subsequent section of this paper. | |

**Adjoining territorial authorities**

The following table outlines the approach taken by adjoining territorial authorities. This will give Members a feel for how our colleague Councils manage issues of importance to Maori. It is not intended to be a complete and comprehensive dissection of adjoining District plan rather it provides Members with an appreciation of the different methods that have been employed to manage this issue

**Table 2.2 Other territorial authorities District plan response**

| COUNCIL | TOPIC/ COMMENT |
|---|---|
| **Taupo District Council** | ▪ Issues of importance to Maori interespersed throughout the plan<br>▪ No special recognition given to papakainga, treated as any another activity in the rural zone |
| **South Waikato District Council** | ▪ Issues of importance to Maori interspersed throughout the plan<br>▪ No special recognition given to papakainga, treated as any another activity in the rural zone |
| **Western Bay of Plenty District Council** | ▪ Iwi issues are interspersed throughout the plan.<br>▪ With papakainga there has been a change of focus toward having gradiated requirements.<br>▪ There are tougher standards where the papakainga adjoins unsealed roads.<br>▪ Number of houses managed are controlled and the location of community based facilities in the complex is a permitted activity<br>▪ Still charge financial contributions for reserve purposes but this has been reduced to 50%<br>▪ Key thrust of notified plan is to provide increased flexibility for development provided. |
| **Tauranga City Council** | ▪ Smartgrowth group assisted in the development of papakainga provisions, where the ability to develop land based on tenure was a key theme<br>▪ Archaeological sites in the plan has a tiered system approach to management.<br>▪ Make use of Marae zones<br>▪ Urupa, heritage, cultural, archaeological continue to be protected, as to sight lines from Urupa.<br>▪ Have reviewed the DC's under the LGA, and are likely to remove reserve contribution in Marae zone |
| **Whakatane District Council** | ▪ Papakainga is a controlled activity in the District plan.<br>▪ First two houses permitted, above this controlled.<br>▪ Is a focus on separation distances being maintained and vehicle access to and from the site managed well<br>▪ Have policies in the plan for recognition of the development of Maori land, but no specific Marae Zone as such |
| **Kawerau District Council** | ▪ Issues of importance to Maori interespersed throughout the plan<br>▪ No special recognition given to papakainga, treated as any another activity in the rural zone |

# 3 EXISTING DISTRICT PLAN ADEQUACY (RAID ASSESSMENT)

Combined with a consideration of the issues raised by the community, the next District plan is being based on an assessment of the strengths and perceived weaknesses of the existing District plan.

The existing plan has 20 chapters, with Chapter 5 (Maori Development) dealing exclusively with issues of concern to Maori. These were developed through the consultation process of the last review. The chapter does not contain rules; rather these are embedded in other sections of the plan. Other chapters of the plan - Part 7 (Residential Zones) and Part 11 (Reserves, Water Bodies and Heritage) also include objectives, policies, and rules that manage issue of concern to Maori.

To streamline the assessment of the existing plan a RAID technique has been applied, the following explaining this in more detail.

| | **Recommendation** | **What it Means** |
|---|---|---|
| **R** | REMAIN | The wording and intent of the issue, objective or policy is still relevant and should be included in the next District plan, as it appears in the existing plan |
| **A** | AMEND | The intent or purpose of the issue, objective or policy is still valid, but the wording requires amendment to align it with current best practice |
| **I** | INCLUDE | The issue, objective or policy does not currently exist in the District plan and needs to be incorporated |
| **D** | DELETE | The issue, objective or policy no longer has relevance and should not be reflected in the next District plan. |

A 'RAID' of the issues, objectives and policies of the existing District plan are undertaken in the following sections.

## 3.1 Issues

Table 3.1. Assessment of issues relevant to Maori in the Operative District plan

| **Issue** | **Plan part** | **RAID Assess** | **Reason** |
|---|---|---|---|
| Resource management practices do not always adequately recognise the Principles of the Treaty of Waitangi | 5 | **Delete** | The procedures that Council has put in place since the inception of the plan have reduced the magnitude of this issue. |
| Some activities have the potential to adversely affect Maori cultural and spiritual values | 5 | **Amend** | The issue is still current. The wording would benefit from a review. |
| Heritage and amenity values in Maori villages | 7 | **Amend** | The issue is still current. The wording would benefit from a review. |
| Certain activities may have adverse effects on cultural heritage values in the district | 11 | **Amend** | The issue is still current. The wording would benefit from a review. |

In summary, the majority of issues that are detailed in the existing plan still have relevance, but would benefit from re-wording.

### 3.2 Objectives

**Table 3.2 Assessment of objectives relevant to Maori in the Operative District plan**

| Objectives in the Operative District plan | Plan part | RAID Assess | Reason |
|---|---|---|---|
| (a) The Principles of the Treaty of Waitangi be taken into account in Council's resource management practice.<br>(b) Recognition of the importance of rangatiratanga to iwi. | 5 | **Delete** | The procedures that Council has put in place since the inception of the Plan have reduced the magnitude of this issue. They are objectives governing Council's internal procedures and provide little value for other users of the plan. |
| District plan provisions and consent processes that recognise and effectively provide for the relationship of Maori people and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. | 5 | **Delete** | As above. This objective effectively refers to having an easier to understand plan and more robust consent processing requirements. The matters are not thought to be related to the management of effects from land use activities rather operational matters that have been the focus of continued best practice. |
| Residential amenity and heritage values of the Maori villages in the Rotorua Urban Area are maintained and not adversely affected by tourist and other non-residential activities | 7 | **Amend** | The objective is still current, and could well be expanded to include other Marae and communities in the district. The wording would benefit from a review. |
| The protection of historic places in the District | 11 | **Amend** | The objective is still current. The wording would benefit from a review, and should be expanded to provide clearer linkages to the items listed in the RMA. |

### 3.3 Policies

**Table 3.3 Assessment of Policies relevant to Maori in the Operative District plan**

| Policy | Plan part | RAID Assess | Reasons |
|---|---|---|---|
| To actively continue the development of partnership relationships between Council and Iwi authorities | 5 | **Delete** | The procedures that Council has put in place since the inception of the Act have reduced the need for this policy. Further, it is a policy governing Council's internal procedure and provides little value for other users of the plan. The onset of the LGA02 has meant a refocus on consultation with Maori, which is an issue wider than the District plan. |
| To recognise the importance of the rangatiratanga principle when dealing with the management of Maori resources | 5 | **Delete** | As above |
| To effectively consult with tangata whenua when making decisions that affect them | 5 | **Delete** | As above |

| Policy | Plan part | RAID Assess | Reasons |
|---|---|---|---|
| To consult with tangata whenua, where an application for resource consent may adversely affect the relationship of Maori and their culture with their ancestral lands, water, sites, waahi tapu, and other taonga, unless the tangata whenua indicate that adequate consultation has already taken place. | 5 | **Delete** | This is an internal procedure matter and is adequately covered through internal processes and best practice. The policy is also a repetition of statutory requirements and presently does not add any value to the assessment of resource consent applications |
| To recognise that some information held by tangata whenua which may be necessary for informed decision-making may be considered by tangata whenua to be privileged. | 5 | **Delete** | Again this is an operational matter that does not assist decision making on resource consent applications. |
| To recognise the important role of Maori Reserves including identified waahi tapu in preserving the spiritual and cultural heritage of tangata whenua within the District. | 5 | **Amend** | The intent of the policy is to achieve the protection and sound management of sites of cultural importance, refinement of the policy to give it more strength is favoured. |
| Non-residential activities in the Maori villages should not adversely affect residential amenity and heritage protection values. | 7 | **Amend** | Refinement of policy is required, acknowledging that some non-residential activities are an accepted part of village life, where these do not impact on the unique characteristics of the village. |
| To identify and protect historic places within the District. | 11 | **Delete** | This is a policy governing Council's internal procedure and provides little value for other users of the plan. It is probably more appropriate that this be reflected in an Activity Plan in Council's Ten Year Plan. |
| To assist other heritage protection authorities, including the New Zealand Historic Places Trust, in the protection of historic places and areas within the District. | 11 | **Delete** | The procedures that Council has put in place since the inception of the Act have reduced the need for this policy. Further, it is a policy governing Council's internal procedure and provides little value for other users of the plan. |
| To raise people's level of awareness about their obligations to inform the New Zealand Historic Places Trust if a possible archaeological site is uncovered while undertaking any activity or use of a site. | 11 | **Delete** | As above |
| To recognise and use the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value when making decisions that might affect heritage resources in the District. | 11 | **Delete** | As above |
| To facilitate archaeological survey and assessment within Rotorua District, particularly in areas where sites are at risk or it is likely that there are large numbers of sites. | 11 | **Delete** | This is a policy governing Council's internal procedure and provides little value for other users of the plan. It is probably more appropriate that this be reflected in an Activity Plan in Council's Ten Year Plan. |

### 3.4 Summary of District plan evaluation

In summary, very little of the current policy set should be incorporated within the next District plan. Many of the policies existing in the plan relate to operational matters that Planning Services need to implement in the course of everyday business.

Many of the operational directives are now standard practice. The policies should focus on the facilitation of the use and management of Maori land, sites, areas, and places of importance. The District plan review is an opportunity to develop policy that will positively guide assessments and decisions on applications.

**Table 3.4 Summary outcomes from District plan evaluation**

| | |
|---|---|
| **Issues** | ▪ Delete issues that deal with operational matters<br>▪ Amend issues relating to management of effects of land use activities on sites of cultural and spiritual value<br>▪ Be more specific about what type of activities impact upon cultural heritage values<br>▪ Insert issues that address more current issues of concern to Maori |
| **Objectives** | ▪ Delete objectives that deal with operational matters<br>▪ Amend objectives so that they clearly state what the outcomes are to be achieved for maintaining amenity in and around Marae<br>▪ Be clearer about what outcome Council is seeking in relation to the protection of sites of importance to Maori<br>▪ Insert objectives that are focussed on development outcomes and aspirations for multiple owned Maori land |
| **Policies** | ▪ Delete policies that deal with operational matters<br>▪ Refine policies so that they provide more constructive guidance for assessing and deciding on consent applications that may impact sites of importance to Maori<br>▪ Be more specific about what attributes and qualities of Maori villages the plan is seeking to protect<br>▪ Insert policies that provide more direction in relation to the management and protection of sites of importance to Maori<br>▪ Insert policies that facilitate development of multiple owned Maori land |

# 4 ISSUE IDENTIFICATION

Consideration of the issues raised by the community and the review of the strengths and perceived weaknesses of the existing District plan, will lay the platform for the review of the issues of concern to Maori. The 'Towards a New District plan Issues Paper' consolidates all of the issues from the Fresh Ideas community engagement process, including issues from technical feedback, community meetings, elected members input, and from Iwi. The following section identifies those issues of particular relevance to Maori and provides focus on key issues in contention

**Table 4.1. Issues raised during consultation.**

| ISSUE RAISED DURING CONSULTATION | TYPE/ORIGIN | | | | SUMMARY NOTES FROM CONSULTATION |
|---|---|---|---|---|---|
| | Technical | Iwi | Community | Elected Members | |
| There is a strong desire by Maori to realise the development potential of multiple-owned Maori land | | X | | | Maori experience is that Council administrative procedures (and the Acts from which those procedures flow) restrict their opportunities, and in some cases have taken away their rights and failed to recognise their affinity to their lands and resources. |
| The District plan needs to be more responsive and flexible in relation to papakainga housing | X | X | | | The existing District plan provides for the establishment of papakainga on multiple-owned Maori land with a rural zoning, but as a discretionary activity. The environmental issues to be addressed in an application for a discretionary resource consent for the development are essentially the same as for any proposal to subdivide rural land for relatively high density housing and are comprehensive; relaxation of servicing standards needs investigation. |
| The District plan needs to be easier for Maori to use and understand | X | X | X | X | The existing plan is too complex and wordy and needs to be simpler. Needs to be ease of use of where to find papakainga and Marae development provisions. |
| The lake water quality is a cultural as well as a natural heritage issue | | X | | | An integrated approach to lake water quality management needs to include Iwi aspirations. This will mean more than discussions with Te Arawa Lakes Trust. Discussions with Iwi and hapu will be needed. |
| The existing rules for renovating marae are too restrictive and expensive to progress through | X | X | X | | Every renovation or alteration on a Marae complex needs consent, this is too restrictive. Those who manage the Marae should be able to make their own decisions about the Marae; it is rare that any alteration or renovation will impact the historical qualities of a Marae. More permissive rules or another solution is needed. |
| Continued recognition and protection of matters of cultural significance to Maori | | X | | | Present management of sensitive information is good, and this needs to continue. |
| The Central North Island treaty settlements may have a major impact on the future look and direction of the district | | | | | The claim settlements that are to come from the Crown will be substantial and, once the management and governance entities are established, will shape the district in years to come. The District plan needs to realise that there potentially will be an increase in development demands on multiple owned land. |

## 5 STRATEGIES FOR RESPONSE – POLICY OPTIONS

The consolidated major issues from the existing District plan analysis that have been identified have been summarised below.

**Table 5.1 Action points to be addressed**

| Action points | DP Evaluation (Section 3) | Consultation Theme (Section 4) |
|---|---|---|
| **Matters outside the RMA**<br>▪ Delete all reference to operational matters presently in the plan | X | |
| **Better plan crafting**<br>▪ Policies that clearly provide more constructive guidance for assessing and deciding on consent applications that may impact sites of importance to Maori<br>▪ The District plan needs to be easier for Maori to use and understand | X | X |
| **Treaty settlement process**<br>▪ The Central North Island treaty settlements may have a major impact on the future look and direction of the district | | X |
| **Protection of sites of cultural importance**<br>▪ Be more specific about what activities/effects need to be managed in order to protect sites of cultural and spiritual value<br>▪ Continued recognition and protection of matters of cultural significance to Maori | X | X |
| **Maintaining prominence of villages**<br>▪ Be more specific about what activities may not be compatible with Maori villages | X | |
| **Management of Marae**<br>▪ Amend objectives and policies so that they clearly state what outcomes are to be achieved for managing amenity in and around Marae<br>▪ The existing rules for renovating marae are too restrictive and expensive | X | X |
| **Development of Maori land**<br>▪ Insert policies that facilitate development of multiple owned Maori land<br>▪ There is a strong desire by Maori to realise the development potential of multiple-owned Maori land | X | X |
| **Papakainga development**<br>▪ The District plan needs to be more responsive and flexible in relation to papakainga housing | | X |
| **Lake water quality**<br>▪ The lake water quality is a cultural as well as a natural heritage issue | | X |

### 5.1 Matters outside the RMA

- *Delete all reference to operational matters presently in the plan*

Response
The existing plan has a considerable amount of operational direction included in it that is better placed elsewhere. This is a product of the age of the District plan. At the time of production of the plan there was a vacuum in terms of a response to many of the responsibilities that the RMA placed on Councils. The responsibilities were incorrectly referenced in the District plan, and with the review it is timely to remove these unnecessary statements.

### 5.2 District plan layout and content, better plan crafting

- *Policies that clearly provide more constructive guidance for assessing and deciding on consent applications that may impact sites of importance to Maori*
- *The District plan needs to be easier for Maori to use and understand*

Response
A key driver of the review is to simplify the District plan. Using plain English and removing as much jargon as possible will assist in an easier to use District plan. Officers are mindful of the want of Iwi and the wider community to have a layout that is easy to follow, and also to have content that is relevant. The Mana whenua chapter, as well as matters affecting Maori throughout the plan will be clearly stated and identified.

As part of smarter crafting of the plan, key definitions relating to Maori require review. Many of the definitions included in the plan are Eurocentric in nature. At the moment papakainga relates in the main to residential activity, it needs to be acknowledged that other activities of a non-residential community nature can happily occur, and are compatible with residential activities on multiple owned Maori land.

### 5.3 Treaty Settlements

- *The Central North Island treaty settlements may have a major impact on the future look and direction of the district*

Response
Recent treaty settlements between Crown and tangata whenua have resulted in significant financial resourcing of Maori, more so than in the past. Whilst it is a challenge for the District plan to specifically provide for what may come from realising opportunities for Maori land, there will be a need to develop a framework to facilitate Maori land development.

The plan will need to be responsive and flexible, acknowledging that many developments that may occur will not be primarily residential in nature, more commercial activities on multiple Maori land may eventuate.

The challenge for the District plan will be in recognising and providing for the special relationship of Maori with their land, and managing those adverse effects that could result from activities that may impact the surrounding environment.

### 5.4 Protection of sites of cultural importance

- *Be more specific about what activities/effects need to be managed in order to protect sites of cultural and spiritual value*
- *Continued recognition and protection of matters of cultural significance to Maori*

Response
The District plan presently provides for the protection of sites of cultural importance, where these are identified in the plan. Also the plan requires that consent applicants undertake consultation with Iwi to determine if there are any site of importance to Iwi and hapu that may be impacted by an applicant's development. The policies of the District plan need strengthening to provide focus on what it is the plan is actually trying to achieve. While feedback from consultation said that on the whole the plan has been successful in the protection of sites of cultural importance, at a technical level the existing plan provisions are very generic.

In order to provide guidance to consent applicants and the community focussed policy that relates to a clear outcome for the district's sites of cultural importance is needed.

Clearer guidance and cross referencing within the plan is needed so that plan users are able to find information on the sites of importance, and to determine if their proposals affect, or are affected by, the presence of a site of importance. As mentioned, the rules and provisions of the plan in relation to the management of sites of importance to Maori have served the district well, therefore a wholesale rewrite is not considered necessary.

### 5.5 Maintaining prominence of villages

- *Be more specific about what activities may not be compatible with Maori villages*

Response
The District plan gives special recognition to the villages of Ohinemutu, Whakarewarewa, and Ngapuna. The plan, by way of policies and rules, manages heights of activites surrounding these villages, so that the Marae maintain their prominence. The provisions of the plan were implemented post some of the larger buildings being located in close proximity to the Marae of Ngapuna.

Through consultation the issue was often raised as to why only these three villages were recognised as important in the urban area when there are other Marae that are important, and that those Marae in the rural area could also be at risk of losing their prominence and stature within the landscape. This is an issue that will need policy direction as part of the review.

### 5.6 Management of Marae

- *Amend objectives and policies so that they clearly state what outcomes are to be achieved for managing amenity in and around Marae*
- *The existing rules for renovating Marae are too restrictive and expensive*

Response
Marae, as defined in the plan presently, are used for the benefit of a defined group of Maori people. Recognition needs to be given to the use of Marae for the purposes of private functions, consultation, promotions, networking, workshops, catering, tourism and information sharing, thus benefiting the local and national community. Further Marae need recognition as a community complex, not just a focus on the Wharenui or Whare kai. There needs to be acknowledgement that Marae incorporate a number of buildings that may or may not be related to traditional Marae based activities.

A key issue that was highlighted in Hui was the need to maintain clear transport networks into and out of Marae. Whilst this is not essentially a District plan matter, revised policies and rules can assist in ensuring sound access is provided, not only in and out of Marae complexes, but also giving consideration to transport routes in the wider surrounding environment.

The plan also states that each Marae is a heritage resource in the District plan and, therefore, activities undertaken on the Marae must be controlled to ensure that the qualities and characteristics of the Marae are maintained. The operative District plan requires consent to undertake any construction, alteration, or additions to Marae. These are considered too restrictive and cumbersome, both from a technical perspective and also from Hui/community feedback. There are a number of options for management of effects on Marae, ranging from development of permissive rules, or to zoning Marae area within the District plan and providing guiding policies and rules.

### 5.7 Development of Maori land and provision for papakainga development

- *Insert policies that facilitate development of multiple owned Maori land*
- *There is a strong desire by Maori to realise the development potential of multiple-owned Maori land*
- *The District plan needs to be more responsive and flexible in relation to papakainga housing*

Response
The current situation is that any proposal by Maori to develop land is treated the same as a proposal from any other applicant. The special status of Maori as tangata whenua, with respect to decision making , is not part of the detail when assessing the effects of an activity. All activities will generate the same effect irrespective of land tenure. The challenge for the plan is to develop a policy and rule framework that enables development on Maori land.

In the current District plan there is a concession provided for papakainga activity. Papakainga housing is specifically linked to multiple owned Maori land. It has no direct commercial links to other forms of housing developments, and is not a part of the standard real estate market. Papakainga activitiy is provided for as a discretionary activity in the Rural A Zone on multiple owned Maori land, whereas the same density of development on general title land is a non-complying, and therefore more stringent,activity. The intent of this difference is to recognise the special relationship of Maori with their lands. There is discussion that the papakainga provisions of the plan do not extend perhaps as far as they should.

Discussion also focuses around the servicing provisions for papakainga and whether they should be reviewed. A key discussion point is whether there should be a 'sliding scale' for servicing papakainga development, but not at the expense of nationally accepted standards. Council can exercise a degree of management over any potential environmental issues associated with papakainga development, but public notification could generally be avoided. These possible directions would ensure that responsibilities under the RMA are fulfilled and a response is provided to voiced concerns.

Further, and in relation to total cost of development many acknowledged that development contributions will need to be payable, but questioned whether it is necessary still to take a financial contribution for reserve purposes when, by the very nature of papakainga, sufficient reserve and communal recreation and living space is already provided.

### 5.8 Lake water quality

- *The lake water quality is a cultural as well as a natural heritage issue*

Response
Management of lake water quality is a key issue for the District plan review, and will only be promoted when there is integrated management – which includes input from Maori. Water holds *mauri* for Maori and is recognised as being integral part of Maori cultural and spiritual life. Issues surrounding take and abstraction are managed at a regional level and are not the responsibility of the District plan. Measures that will be implemented as part of the review to manage the effects of land use activities on water quality will apply to all land irrespective of tenure.

# 6 RECOMMENDATIONS

The following are recommendation and options that will provide the basis for discussion, and subsequent direction from Members. The recommendations draw together information presented in the paper and propose a way forward for the District plan.

In some instances there may only be one option, but most however, will have a number of options. Members may wish some of the options to be reported on in more detail, and this will be done once initial reaction and direction has been gauged.

### 6.1 Matters outside the RMA

- *Delete all reference to operational matters presently in the plan*

**Options**

A. Leave the operational matters in the District plan
B. That unnecessary references to operational matters be removed from the plan
C. That operational matters such as this are referred to a separate "Methods other than rules" document that does not form part of the District plan
D. That the operational matters contained within the District plan are inserted into Policy Team work programme documents.

### 6.2 Better plan crafting

- *Policies that clearly provide more constructive guidance for assessing and deciding on consent applications that may impact sites of importance to Maori*
- *The District plan needs to be easier for Maori to use and understand*

**Options**

A. Keep existing provisions of the District plan
B. Issues, objectives, and policies of relevance to Maori identified in a separate chapter with extensive cross referencing to other parts of the plan
C. Issues, objectives, and policies of relevance to Maori embedded in each of the chapters of the District plan that are written in clear plain English, and with clear supporting information pamphlets
D. A forward chapter on recognition of issues of importance to Maori with Issues, objectives, and policies of relevance to Maori embedded in each of the chapters of the District plan.

### 6.3 Treaty settlement process

- *The Central North Island treaty settlements may have a major impact on the future look and direction of the district*

**Options**

A. No change to the District plan to reflect potential treaty settlement outcomes
B. Inclusion in the new chapter on 'issues of importance to Maori' recognition of the potential changing nature of Maori land development
C. Consider in the crafting of the other sections of the District plan, the changing nature of future land use potential of tracts of Maori land, specifically in the rural zone
D. Specifically establish a separate Maori land development section of the District plan.

### 6.4 Protection of sites of cultural importance

- *Be more specific about what activities/effects need to be managed in order to protect sites of cultural and spiritual value*
- *Continued recognition and protection of matters of cultural significance to Maori*

**Options**

A. No change to the District plan objectives and policies for the protection of sites of cultural importance
B. Develop new objectives that identify what the outcome for sites of cultural importance that the District plan seeks to achieve
C. Provide more specific and directional policies on those matters over which Council wishes to exercise control

D. Review the existing appendices of the District plan so that they are more accurate and contain as much information as Council holds on sites of importance of Maori
E. Include descriptive policies and rules for increasing protection of sites of cultural importance

### 6.5 Maintaining prominence of villages

- *Be more specific about what activities may not be compatible with Maori villages*

**Options**

A. No change to the existing provisions of the District plan, with continued focus on Ohinemutu, Whakarewarewa, and Ngapuna
B. Extend the provisions of the District plan to cover all Marae and associated villages within the urban area
C. Develop policies that focus less on activities within the village but more on activities outside the village that can have impact
D. Develop policies and associated rules that focus on the particular effects of activities that may compromise unique village characteristics
E. Develop 'viewshafts' for the protection of Marae vistas
   (a) throughout the district
   (b) in the urban and settlement areas
   (c) in the rural areas
F. Introduce more stringent controls for non-residential activities and activities not compatible with Maori villages.

### 6.6 Management of Marae

- *Amend objectives and policies so that they clearly state what outcomes are to be achieved for managing amenity in and around Marae*
- *The existing rules for renovating marae are too restrictive and expensive*

**Options**

A. No change to the present provisions of the plan, including the definition of Marae to remain the same
B. Review the existing definition in the District plan so that it is more reflective of Marae activities
C. Maintain present restrictions in the plan with respect to building height control for areas that surround Marae
D. tend the building height control policies and rules to other areas of the district to ensure Marae continue to have stature within the landscape.
E Provide for a specific zone around each of the Marae of the district that lists a number of permitted activity
F Make renovations or alterations to the Marae structure (the wharenui or wharekai and other building where they have historic worth) a less stringent activity such as a controlled activity
G Do not have a separate zone for Marae; rather policies and rules within each of the zone that recognise and provide for the special nature of Marae

### 6.7 Development of Maori land

- *Insert policies that facilitate development of multiple owned Maori land*
- *There is a strong desire by Maori to realise the development potential of multiple-owned Maori land*

**Options**

A. No change to the District plan to reflect increased potential of Maori land development
B. Inclusion in the new chapter on 'issues of importance to Maori' recognition of the potential changing nature of Maori land development
C. Consider in the crafting of the other sections of the District plan the changing nature of future land use potential of tracts of Maori land, specifically in the rural zone
D. Specifically establish a separate Maori land development section of the District plan.

### 6.8 Papakainga development

- *The District plan needs to be more responsive and flexible in relation to papakainga housing*

**Options**

A. No change to the papakainga provisions of the District plan

B. Review the provisions so that the papakainga provisions would be the same as how medium density would be treated on general title land
C. Provide more guidance through objectives and policies on the outcomes sought for papakainga development
D. Develop a gradiated system of management for papakainga developments, using different number of houses to trigger different activity types in the plan
E. Removing the current provision in the plan that papakainga must be built on land linked to a Marae or another site of significance to Maori
F. Investigate the possible reduction in engineering standards that need to be applied to papakainga development, with a view to using a gradiated scale of levels of service provision
G. Investigate the possibility of having reduced financial contributions for reserve purposes as part of a papakainga development associated with a Marae complex.

### 6.9 Lake water quality

- *The lake water quality is a cultural as well as a natural heritage issue*

**Options**

The options for lake water quality will be explored in more detail in a separate discussion paper.

# 7 POLICY DISCUSSION AND DIRECTION

This section of the paper records Members feedback for Workshop A and includes comment on the key discussion points from the Workshop.

## 7.1 Matters outside the RMA

Issue

- *Delete all reference to operational matters presently in the plan*

Recommended policy direction:

**Modified option C**

**C. That operational matters such as this are referred to a separate "Methods other than rules" document that does not form part of the District plan, and that the Plan contains references to Council responsibilities in regard to Iwi consultation and consultation with NZHPT**

Key discussion points:

7.1.1 Concern about recommendation to delete operational policies, need to make sure that the deletion of these policies does not send the wrong signal. Need to mention Council responsibilities to Iwi and NZHPT somewhere in the plan, may be that this is in the Statutory Framework section of the plan

7.1.2 Members also thought that it was necessary for the District plan to provide a succinct and practical linkage to the AEE requirements that must be met by consent applicants. Noting that it needs to be in the plan and put more simply (reader friendly).

7.1.3 District plan needs to have more information about district characteristics, and supported by pamphlets or other material about who we need to speak to in relation to a specific Iwi/Marae.

### 7.2 Better plan crafting

Issue

- *Policies that clearly provide more constructive guidance for assessing and deciding on consent applications that may impact sites of importance to Maori*

- *The District plan needs to be easier for Maori to use and understand*

Recommended policy direction

**Modified option D**

**D. That the District plan shall contain a forward chapter on recognition of issues of importance to Maori with Issues, objectives, and policies of relevance to Maori embedded in each of the chapters of the District plan. That the provisions of the plan are written in clear plain English and with clear supporting information pamphlets.**

Key discussion points:

7.2.1 Need to be clear that the 'mana whenua' chapter will satisfy statutory requirements to give special regard to tangata whenua. It does not intend to be a "one stop shop" chapter for Maori.

### 7.3 Treaty settlement process

Issue

- *The Central North Island treaty settlements may have a major impact on the future look and direction of the district*

Recommended policy direction:

**Option C**

**C. Consider in the crafting of the other sections of the District plan the changing nature of future land use potential of tracts of Maori land, specifically in the rural zone**

Key discussion point s

7.3.1 Difficult to plan now for what development may eventuate from treaty settlement process

7.3.2 The plan needs to recognise that the use of multiple owned Maori land will change; no longer the buffer between rural and urban

7.3.3 Make sure the plan is easy to understand for when owners want to implement change

### 7.4 Protection of sites of cultural importance

Issue

- *Be more specific about what activities/effects need to be managed in order to protect sites of cultural and spiritual value*

- *Continued recognition and protection of matters of cultural significance to Maori*

Recommended policy direction:

**B. Develop new policies that identify what the outcome for sites of importance that the District plan seeks to achieve**

**C. That the new policies developed are more specific in relation to those matters over which Council is concerned about and has responsibility for**

**D. Review the existing appendices of the District plan so that they are accurate and contain as much information as Council holds on sites of importance**

Key discussion points

7.4.1 Recognition that this is a key area of the plan that has worked well

7.4.2 There are a number of internal processes in place that ensures that where sites of importance are known, this information is shared with consent holders

7.4.3 As accurate information as is possible should be held by Council in order for it to effectively implement the plan

7.4.4 Information held does not need to have a mass of detail, but be enough so that consent applicants are aware that there may be a site of importance to Maori on the development site.

### 7.5 Maintaining prominence of villages

Issue

- *Be more specific about what activities may not be compatible with Maori villages*

Recommended policy direction

**A. No change to the existing provisions of the District plan, with continued focus on Ohinemutu, Whakarewarewa, and Ngapuna – and where the special places of Ohinemutu and Whakarewarewa to Te Arawa is given due recognition**

**C. Develop policies that focus less on activities within the village but more on activities outside the village that can have impact**

**D. Develop policies and associated rules that focus on the particular effects of activities that may compromise unique village characteristics**

Key discussion points

7.5.1 There are Marae that should be accorded status, such as recognition of the villages and Marae of Whakarewarewa and Ohinemutu, as being important to all of Te Arawa.

7.5.2 Recognise that the exiting provisions were put in at a later stage for Ngapuna in order to assist in correcting a historical legacy. It has been compromised by surrounding developments.

7.5.3 The plan needs not to cut other aspirations off with regard to special character areas/villages. There is no problem with retaining the existing three, but the plan should not limit creative thinkers in the future, coming along and proposing activities in other villages in the future.

7.5.4 Need to remember that these are draft recommendations from Council that these need to be canvassed with the Te Arawa Standing Committee.

7.5.5 Need to be mindful that there may be other villages in the future that gain in prominence, and the District plan should not have rules that restrictive that would inhibit this growth

### 7.6 Management of Marae

Issue

- *Amend objectives and policies so that they clearly state what outcomes are to be achieved for managing amenity in and around Marae*

- *The existing rules for renovating marae are too restrictive and expensive*

Recommended policy direction:

**B. Review the existing definition in the District plan so that is it more reflective of Marae activity**

**F. That in the District plan renovations or alterations to the Marae structure (the wharenui or wharekai and other buildings where they have historic worth) a less stringent activity such as a controlled activity**

Key discussion points

7.6.1 Accepted that the present provisions in the District plan are too stringent and need to be less restrictive

7.6.2 Need to be mindful that this does not apply to 'Marae' that now are commonly associated with schools

### 7.7 Development of Maori land

Issue

- *Insert policies that facilitate development of multiple owned Maori land*

- *There is a strong desire by Maori to realise the development potential of multiple-owned Maori land*

Recommended policy direction:

**C. Consider in the crafting of the other sections of the District plan the changing nature of future land use potential of tracts of Maori land, specifically in the rural zone**

Key discussion point s

7.7.1 Difficult to plan now for what development may eventuate from treaty settlement process

7.7.2 The plan needs to recognise that the use of multiple owned Maori land will change, no longer the buffer between rural and urban

7.7.3 Make sure plan is easy to understand for when owners want to implement change

### 7.8 Papakainga development

Issue

- *The District plan needs to be more responsive and flexible in relation to papakainga housing*

Recommended policy direction

**C. Provide more guidance through objectives and policies on the outcomes sought for papakainga development**

**D. Develop a gradiated system of management for papakainga developments, using different number of houses to trigger different activity types in the plan,**

**E. Removing the current provision in the plan that papakainga must be built on land linked to a Marae or another site of significance to Maori**

**F. Investigate the possible reduction in engineering standards that need to be applied to papakainga development, with a view to using a gradiated scale of levels of service provision**

**G. Investigate the possibility of having reduced financial contributions for reserve purposes as part of a papakainga development associated with a Marae complex.**

Key discussion points

7.8.1 Should papakainga be treated any different to general land, in terms of whether the rules should be more permissive for papakainga, and housing densities higher than what would be envisaged on general land

7.8.2 Standards should apply equally to papakainga as they do to other developments in the rural zone

7.8.3 Discussion centred around whether papakainga should be permitted to develop away from a Marae or other important site, noting that there could be infrastructural and servicing concerns

7.8.4 Acknowledgement that papakainga need to be wider than just residential in nature, there are a number of other activities that those in papakainga may wish to undertake

7.8.5 Members wanted to see the quantum of 'papakainga potential' within the district identified, where this exists in proximity to Marae or other site of significance and where this does not

7.8.6 It was acknowledged that the District plan is commonly blamed as an impediment to achieving a papakainga, but that there are many other issues that are brought to bear even before the District plan comes into play

# 8 POLICY DIRECTION FOR ISSUES OF IMPORTANCE TO MAORI

The policy direction provided by Members at Workshop 10 has been summarised below and will provide the platform for the development of the "Issues of Importance to Maori" issues, objectives and policies of the District plan. The policy direction will also inform other parts of the plan that are of importance to Maori.

**Table 8.1 Issues of Importance policy direction**

| ISSUE | POLICY DIRECTION |
|---|---|
| **8.1 Matters outside the RMA** | **1. That operational matters such as this are referred to a separate "Methods other than rules" document that does not form part of the District plan**<br><br>**2. That the Plan contains references to Council responsibilities in regard to Iwi consultation and consultation with NZHPT** |
| **8.2 Better plan crafting** | **3. That the District plan shall contain a forward chapter on recognition of issues of importance to Maori with Issues, objectives, and policies of relevance to Maori embedded in each of the chapters of the District plan.**<br><br>**4. That the provisions of the plan are written in clear plain English and with clear supporting information pamphlets.** |
| **8.3 Treaty settlement process** | **5. That consideration be given in crafting of the other sections of the District plan the changing nature of future land use potential of tracts of Maori land, specifically in the rural zone** |
| **8.4 Protection of sites of cultural importance** | **6. That new policies are developed that identify what the outcome for sites of importance that the District plan seeks to achieve**<br><br>**7. That the new policies developed are more specific in relation to those matters over which Council is concerned about and has responsibility for**<br><br>**8. That a review of the existing appendices of the District plan is undertaken so that they are accurate and contain as much information as Council holds on sites of importance** |
| **8.5 Maintaining prominence of villages** | **9. That there be no change to the existing provisions of the District plan, with continued focus on Ohinemutu, Whakarewarewa, and Ngapuna**<br><br>**10. That the District plan continues to give special recognition to the significant Te Arawa villages of Ohinemutu and Whakarewarewa**<br><br>**11. That policies are developed that focus less on activities within the villages but more on activities outside the villages that can have an impact**<br><br>**12. That policies and associated rules are developed that focus on the particular effects of activities that may compromise unique village characteristics** |

| | |
|---|---|
| **8.6 Management of Marae** | **13. That the existing definition in the District plan for Marae is reviewed so that is it more reflective of Marae activity**<br><br>**14. That in the District plan renovations or alterations to the Marae structure (the wharenui or wharekai ad other buildings where they have historic worth) a less stringent activity such as a controlled activity** |
| **8.7 Development of Maori land** | **15. That consideration be given in crafting of the other sections of the District plan the changing nature of future land use potential of tracts of Maori land, specifically in the rural zone** |
| **8.8 Papakainga development** | **16. That more guidance is provided through objectives and policies on the outcomes sought for papakainga development**<br><br>**17. That a gradiated system of management for papakainga is developed, using a different number of houses to trigger different activity types in the plan,**<br><br>**18. That current provision in the plan that papakainga must be built on land linked to a Marae or another site of significance to Maori be investigated further, and placed back before Council at Workshop 11.**<br><br>**19. That investigation into possible reduction in engineering standards that need to be applied to papakainga id, undertaken in conjunction with Councils' engineers, with a view to using a gradiated scale of levels of service provision is possible.**<br><br>**20. That the possibility of having reduced financial contributions for reserve purposes as part of a papakainga development associated with a Marae complex is investigated and reported to Council in the next two months.** |