

**Report to the Statutory Management Committee**

Date: 9 October 2014

Councillors  
**WANGANUI DISTRICT COUNCIL**

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**Subject:** Section 42a Officer's report  
Proposed Plan Change 37 – Papakainga

**Meeting Date:** 4 November 2014

**Prepared for Chief Executive by:** Clive Aim

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**1.0 SUMMARY**

- 1.1 Council is presently reviewing the District Plan in Phases. This Plan Change is part of the fifth phase of changes proposed to the Plan.
- 1.2 The purpose of Proposed Plan Change 37 is to insert rules in the District Plan to provide for papakainga developments.
- 1.3 Five submissions have been received to the Plan Change.

**2.0 RECOMMENDATIONS OF THE STATUTORY MANAGEMENT COMMITTEE**

That the Council:

1. receives the report.
2. adopts the Decisions Report including the evaluation required under section 32 of the Resource Management Act 1991
3. accepts, accepts in part or rejects the submissions as set out in Section 7 of the Decision Report for the reasons given
4. adopts Proposed Plan Change 37 to the Wanganui District Plan.

**Appendices:**

- 1: Copy of the Public Notice
- 2: Copies of Submissions Received
- 3: Plan Change Proposal and Section 32 Report
- 4: Marked up text following submissions

### **3.0 INTRODUCTION**

- 3.1 The Resource Management Act 1991 (RMA) requires each part of the District Plan to be reviewed not later than 10 years after the Plan becomes operative. The Operative Plan was made operative on 27 February 2004. In accordance with Section 73(3) of the RMA, the Wanganui District Council is undertaking a review of the District Plan in phases.
- 3.2 Proposed Plan Change 37 (PC37) proposes amending the existing District Plan provisions to make the development of Papakainga on ancestral land a permitted or controlled activity.

### **4.0 PROPOSED PLAN CHANGE**

- 4.1 The Operative District Plan contains definitions for papakainga and marae but no provisions relating to them.
- 4.2 Development of papakainga is currently a difficult process. Making District Plan requirements simpler and clearer will reduce one of the difficulties. Enabling development that acknowledges the uniqueness of ancestral land is consistent with the purpose of the RMA.

### **5.0 KEY STATISTICS**

- 5.1 Proposed PC37 was publicly notified in accordance with Clause 5 of the 1st Schedule of the RMA on Thursday 1 May 2014, with the period for submissions closing on Wednesday 4 June 2014. A copy of the public notice is included as Appendix 1.
- 5.2 A total of 5 submissions were received in relation to Proposed Plan Change 37 at the close of submissions. Copies of all submissions received are included in Appendix 2.
- 5.3 All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the RMA.
- 5.4 The further submission process opened on Thursday 25 June 2014 and closed on Wednesday 9 July 2014. No further submissions were received to Proposed Plan Change 37.

### **6.0 PROCEDURAL MATTERS**

#### **6.1 Consultation**

Section 73 (1A) of the RMA enables a district plan to be changed by a territorial authority in the manner set out in the First Schedule.

Pursuant to Clause 3, First Schedule of the RMA, the Council has consulted with relevant parties during the preparation of Draft Plan Change 37. Consultation on Draft Plan Change 37 began in early 2013 and concluded in early 2014. It involved work with an Iwi focus group and public meetings.

Feedback enabled development of revised definitions for Papakainga and marae, a new definition of ancestral land, and development of issues, objectives, policies and rules.

### **7.0 STATUTORY AND LEGISLATIVE FRAMEWORK**

#### **7.1 Resource Management Act 1991 (RMA)**

Section 74 of the Act requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the Act:

#### 31 Functions of territorial authorities under this Act

1. Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its District:
  - a. The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.
  - b. The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –
    - i. the avoidance or mitigation of natural hazards
2. The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined in section 5(2) as:

In this Act, “sustainable management” means 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 while:

- a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b. Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- c. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the Act.

## **7.2 National Policy Statements and Environmental Standards**

There are no NPS or NES relevant to Plan Change 37.

## **7.3 Part II Considerations**

The relevant statutory considerations in relation to these submissions are whether the outcomes will be consistent with sections 31 and 32 of the Act, along with Part II of the Act. The recommendations in section 8 are considered both effective and efficient and will ensure that the methods contained in this section are the most appropriate for achieving the objectives of the Plan. This section of

the Plan is considered appropriate under Part II of the Act in achieving sustainable management within the Wanganui District.

#### 7.4 Horizons Regional Council – Regional Policy Statement

Section 75(2) of the RMA requires that a District Plan must not be inconsistent with the regional policy statement or any regional plan. Horizons Regional Council’s One Plan is considered to be relevant to this Proposed Plan Change in that it relates to Tangata Whenua.

7.4.1 An assessment of how the provisions in Proposed Plan Change 37 compare with the Objectives and Policies of the Operative Regional Policy Statement and the Proposed One Plan are considered in **Table 1** below.

**Table 1**

Regional Policy Statement (operative)		Proposed Plan Change 37
Objectives	Policies	Evaluation
<p><b>Objective 3</b> To provide for the relationship of nga hapu and nga iwi of the Manawatu-Wanganui Region and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p> <p><b>Objective 4</b> To recognise iwi and hapu Kaitiakitanga.</p>	<p><b>Policy 3.2</b> To recognise the spiritual link nga hapu and nga iwi of the Manawatu-Wanganui Region have with their ancestral lands, water, sites, waahi tapu and other taonga and the special relationship that implies.</p> <p><b>Policy 4.3</b> To recognise the tangata whenua status of nga hapu and nga iwi of the Manawatu-Wanganui Region over their ancestral lands, water, sites, waahi tapu and other taonga.</p>	<p>Plan Change 37 gives effect to the objective and policies by recognising the special relationship of Tangata whenua with their ancestral land.</p>

**Proposed One Plan**

**Proposed Plan**

<b>Change 37</b>		
<p><b>Objective 4-1: Resource management</b></p> <p><i>Whāinga 4-1: Te whakahaere rauemi</i></p>	<p><b>Policy 4-1: Hapū* and iwi* involvement in resource management</b></p> <p><i>Kaupapa 4-1: Te whakauru mai o ngā hapū me ngā iwi ki roto i te whakahaere rauemi</i></p>	<p><b>Evaluation</b></p>
<p>(a) To have regard to the <i>mauri*</i> of <i>natural and physical resources</i><sup>^</sup> to enable <i>hapū*</i> and <i>iwi*</i> to provide for their social, economic and cultural wellbeing.</p> <p>Te Ao Māori</p> <p><i>Kia aro atu ki te mauri o ngā rauemi māori - ōk i k o hok i - hei oranga hāpori, ōhanga hok i, tik anga hok i mō ngā hapū me ngā iwi.</i></p> <p>(b) <i>Kaitiakitanga</i><sup>^</sup> must be given particular regard and the relationship of <i>hapū*</i> and <i>iwi*</i> with their <i>ancestral lands</i><sup>^</sup>, <i>water</i><sup>^</sup>, <i>sites*</i>, <i>wāhi tapu*</i> and other <i>taonga*</i> (including <i>wāhi tūpuna*</i>) must be recognised and provided for through resource management processes.</p> <p><i>Ka mate k a tino arohia te kaitiakitanga, ā, k a mate ka whakamanatia te hononga o ngā hapū me ngā iwi ki ō rātou whenua tūpuna, wai, papa, wāhi tapu hok i me ētahi atu taonga (pērā i</i></p>	<p>The Regional Council must enable and foster <i>kaitiakitanga</i><sup>^</sup> and the relationship between <i>hapū*</i> and <i>iwi*</i> and their <i>ancestral lands</i><sup>^</sup>, ...</p> <p><i>Ka mate k a tutuk i i te Kaunihera ā-Rohe - ka atawhaitia hoki - te kaitiakitanga me</i></p> <p><i>te hononga o ngā hapū me ngā iwi ki ō rātou whenua tūpuna, ...</i></p>	<p>Plan Change 37 gives effect to the objective and policy by recognising the special relationship of Tangata whenua with their ancestral land.</p>

<i>ngā wāhi tūpuna), ā, ka whak aratongia mā ngā tuk anga whak ahaere rauemi.</i>		
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## 7.5 Section 32 Evaluation

As there has been only one minor amendment to Proposed Plan Change 37, the S32 report has not been re-evaluated. The Section 32 report is attached as Appendix 3.

## 8.0 THE SUBMISSIONS ANALYSIS

**Submitter Name: Moari Maraea Bailey**

**Submission No: 37.1**

### Summary:

The submitter supports the plan change and gives reasons why papakainga development is positive for Tangata whenua, the land, knowledge, the community and the economy.

### Decisions Sought:

1. A positive holistic expression of the benefits of Papakainga development for the land, the people and the community.
2. Amendments to Issues, to express the need to improve the under-use and non-occupation of Maori land and its need of kaitiakitanga.
3. Amendments to Objectives to express the goal of realising the potential of the land for wide benefits.
4. Amendment to allow for buildings in close proximity, residential style, in the Rural zone.
5. Allowance for alternative infrastructure for power, wastewater and water disposal.
6. Provision for Urupa (cemeteries) associated with papakainga.
7. Provision for community facilities by multi-function buildings, including employment.

### **Officer comment**

1. Under 2.4 the sentence “The intention of the papakainga\* provisions is to enable Tangata Whenua to cater for their aspirations” goes some way towards expressing the benefit to be expected from papakainga development. The addition after that sentence of the following would expand on the benefits: “Development of papakainga\* will bring benefits to the people, the land, the community and the economy.”
2. Issues: Issue 2.5.2 of the proposed plan change refers to ‘the long established tradition of Maori settlement and use of natural resources’ which would include values of kaitiakitanga. This adequately covers the point raised.

3. Objectives: Objective 2.6.1 ‘Development of Maori land that sustainably achieves Tangata whenua aspirations’ expresses the same concept of development potential.
4. Policies 2.7: Close proximity buildings: Rule 2.8.1 allows for buildings to be in closer proximity than would normally be allowed. The “community development” in the definition of Papakainga further provides for closer development regardless of the zone.

**Papakainga** means development or activity established on ancestral land by an iwi, hapū or whanau of the Whanganui District on behalf of and for use by its members which promotes Tangata Whenua community development, and sustains the relationship of Tangata Whenua with their culture, traditions and ancestral land.

5. Alternative infrastructure: The proposed rules do not restrict structures needed for alternative infrastructure except adjoining external boundaries, so no change is needed. Wastewater systems are governed by regional council rules.
6. Urupa: The definition of Papakainga does not explicitly list urupa, but urupa would come within the ‘...development ...which...sustains the relationship of Tangata Whenua with their culture, traditions and ancestral land.’ Any other legislative requirements for urupa would need to be complied with.
7. Community facilities and employment: These are provided for in the definitions of Papakainga and marae.
8. **Recommendation:** That submission 37.1 from Moari Bailey be accepted in part, with the adoption of the plan change as notified, with the addition to 2.4 of “Development of papakainga\* will bring benefits to the people, the land, the community and the economy.”

**Submitter Name:** Chris Shenton for Te Runanga O Ngati Apa

**Submission No:** 37.2

Summary:

Supports the plan change.

Decision Sought:

Adoption of plan change as notified.

**Officer comment**

The submission in support is acknowledged and appreciated.

**Recommendation:** That submission 37.2 from Te Runanga O Ngati Apa be accepted.

**Submitter Name:** Horizons Regional Council  
**Submission No:** 37.3

Summary:

Supports the plan change subject to clarification of flood hazard management.

Decision Sought:

Clarification of application of flood hazard mitigation Performance Standards and District-wide rules to Papakainga.

**Officer comment**

Flood mitigation provisions apply to all activities, and PC37 does not alter this.

Rule 2.8.1 states: 'Permitted activities. All activities shall comply with Performance Standards and District-wide rules where relevant.'

**Recommendation:** That submission 37.3 from Horizons RC be accepted.

**Submitter Name:** Kevin and Carol Battersby  
**Submission No:** 37.4

Summary:

Concern development may be non-compliant.

Decision Sought:

1. That land use for Papakainga will have Council approval and go through usual processes.
2. That any proposed uses such as restorative justice housing be notified to neighbours.

**Officer comment**

1. Many developments occur as permitted activities ie without needing resource consent, while needing other approvals; typically building consent, and discharge consent where sewage is concerned. Papakainga which comply at their outer ie neighbours boundary, will be likewise required to obtain all other relevant consents.

2. Residential activity is a permitted activity in the rural zone. Various community care facilities are included in the definition of residential activity, and are thus also permitted activities.

**Recommendation:** That submission 37.4 from Kevin and Carol Battersby be rejected.

Note: Discussion with the submitters and others has highlighted that the main concern is with the current and future adequacy of a particular road. This will be addressed over time via other Council processes.



**Submitter Name: NZ Fire Service Commission**

**Submission No: 37.5**

Summary:

Concern that adequate provision be made for firefighting water supply and access.

Decision Sought:

1. An addition to the Performance Standards for all Rural zones via Plan Change 36.

**Officer comment**

As noted the decision required will be addressed via Plan Change 36 Rural.

**Recommendation:** That submission 37.5 from NZ Fire Service be accepted.

\*

## Public Notice of Proposed Plan changes to Wanganui District Plan

### District Plan review – Phase 5 (Rural zones and Papakainga)

#### Resource Management Act 1991 (the Act)

Wanganui District Council hereby gives public notice pursuant to Clause 5 First Schedule of the Act of Proposed Plan Changes (PPC) 36-37 to the Operative Wanganui District Plan.

Summary of Proposed changes:

**PPC36 (Rural)** creates the 'Rural A Zone' which defines areas close to urban settlement which comprise Class 1 soils, and those areas of Class 2 soils subject to potential residential or rural lifestyle development pressure.

The Rural B Zone is expanded to include parts of Mosston Road, Tayforth Road, Durie Hill, and Aramoho.

A new Rural C Zone is created which encompasses the balance of rural land, with generally land of lesser soil quality and lower demand for lifestyle development.

The Rural Settlement Zone continues to provide for a wide range of activities recognising its service centre functions with little change to the existing Plan provisions.

**PPC37 (Papakainga)** amends the definition of Papakainga in the Plan, and limits the application of the Plan's Performance Standards to the external boundaries of land defined as Papakainga. Objectives and policies are also introduced to the Plan in relation to Papakainga.

Please contact Alisha Huijs (Rural) or Clive Aim (Papakainga) by phone on 06 349 0001, if you have any queries about the proposed changes. The proposed changes may be inspected during normal office hours at:

- Customer Services Desk at Wanganui District Council, 101 Guyton Street; or
- Public Libraries at Queens Park and Gonville; or
- Anytime on the Council's District Plan Website: <http://www.wanganui.govt.nz/Shaping/>

Any person may make a submission by sending a written or electronic submission to Wanganui District Council, PO Box 637, 101 Guyton Street, Wanganui Fax 06 349 0000 or email [Adrienne.Greenfield@wanganui.govt.nz](mailto:Adrienne.Greenfield@wanganui.govt.nz). The submission must be in Form 5 and state whether or not you wish to be heard on your submission. Copies of the form are available from the Council offices and website (see above). Electronic submissions do not require a signature.

**Submissions close at 5.00pm on Wednesday 4 June 2014.**

#### Public Participation Process

The process for public participation in the consideration of the proposal under the Act is as follows:

- After the closing date for submissions Council must prepare a summary of decisions requested by submitters and give public notice of where the summary and submissions can be inspected; and
- Any person may make a further submission in support of, or opposition to, the submissions already made.
- If any person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
- Council must give its decision on the provisions and matters raised in the submissions (including its reasons for accepting or rejecting submissions) and give public notice of its decisions within 2 years of notifying the proposal and service it on every person who made a submission at the same time; and
- Any person who has made a submission has the right to appeal against the decision on the proposal to the Environment Court if, the persons submission referred to the matter for which an appeal is to be lodged; and the appeal does not seek the withdrawal of the proposal as a whole.

**Kevin Ross (Chief Executive) on behalf of WDC**

**1 May 2014**

Contact details as stated above

## Submission on a Publicly Notified Plan Change To The Wanganui District Plan

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Wanganui District Council, PO Box 637, Wanganui

Name: **Moari Maraea Bailey**

**This is a submission on Plan Change No. 37 to the Wanganui District Plan. Closing Date: 4/6/2014**

1. (a) I could not\* gain an advantage in trade competition through this submission.  
(b) I /am not\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition

**2. The specific provisions of the proposed plan change that my submission relates to:**

Are of a general nature.

.....  
**3. My submission is that I support** the provision and additions to the District plan for Papakainga. Why? because it has become timely and relevant to enable the transition, progress and future proofing of the development of Papakainga, for both descendants wanting to return to their land and for the region to embrace these developments and the culturally enriching and economics benefit they have the potential to provide.

There are some amendments and additions for consideration.

**4. I seek the following decision from the Council**

I wish to see amendments that 'positivity' identifies and expresses the need and support for Papakainga development, and objectives that meet those needs. Also a holistic approach, it is about the land, its care, improved utilization and its progressive development, also about the people and community on and around the land, and how the community as a whole can benefit.


Briefly highlighting some initially identified mutual benefits .

\* Benefits for tangata whenua: it is about reconnecting, reviving our special relationship and values through a long lived (since 1800's) line of passed tupuna (ancestors), and whakapapa (genealogy) who all have a bond and connection to the land, and this in turn provides a sense of belonging, peace, acceptance and safety to those descendants, and particularly those wanting to return to grass roots home base and create a Papakainga.

\* Benefits for land: it is also a living and often spiritual entity Wairuatanga (embedded emotion/spirit), requiring nurturing and ideally positive utilisation (not economic exploitation), by tangata whenua or those that share the same aroha for the land. Much of this land not only has rich history, but often archaeology sites left by the once occupying tupuna and natural assets once used for survival and now valued for conservation.

\* Benefits and knowledge to share: cultural, environmental and conservation resources/assets: Maori have a special relationship with natural resources, once resourcefully and environmentally managed and used to survive by their tupuna and their land it is sacred taonga rich in much history, there is opportunity and benefits for realisation and embracing by owners, descendants, community and regions to preserve, conserve and share their land asset in a respective and enriching way.

\* Benefits for the community: as Marae, Papakainga are also based on principles of kotahitanga (cohesion and collaboration) establishing effective partnerships and collaboration with community. Also Manaakitanga

Received 4/6/2014 

(hospitality and security) acceptance and hospitality to visitors. There are no high gates and windowless buildings.

\* Benefits for the economy: progressive development, this requires planning, financial resources and technical/skilled/contracted resources, equates to hiring, purchasing and financial expenditure directly into the local community and economy.

2.5.1

**Issue/Need**

To improve the under utilisation and non occupation of Maori land (multi owned), unfortunately is often in need of Kaitiakitanga (Guardianship, protection and stewardship) care and development for both returning owners, and the wider community for many unrealised benefits .

**Objective:**

Realising the potential from enabling the development of the districts Maori land ( and Treaty settlement land) to ensure the land asset can be occupied and developed to contribute significantly to lift Maori social, health, cultural, and economic well being, that in turn benefits the wider community.

**Policy inclusions**

Appropriate density Papakainga are settlements and require the ability to build in close proximity, this may not be adequately provisioned for in rural zoning. Zoning will need to allow for more residential type allocation for housing and facilities so that there are no restrictions to building Papakainga as a close knit settlement.

Due to some Papakainga being on rural land with no services there needs to be provision for alternative infrastructure for power generation and waste /water disposal ie Solar, windmills, eco sewerage systems.

Urupa will need to be a inclusion if the Papakainga has a requirement to have one, if one does not already exist, or full or not able to be used for other reasons.

Community facilities to be able to provide for a range of activities, that would used for hui, host visitors and social events. Also buildings that may have flexible and functional uses, as classrooms, offices, workshops, art and craft studios or additional accommodation and/or home occupations space or commercial activity, that can employ as many people as needed for economic sustainable well-being of the community and regional economic input for development.

I am happy to be contacted regarding this or further information at details below

5. I **do not**\* wish to be heard in support of this submission

6. If others make a similar submission I **would** be prepared to consider presenting a joint case with them at any hearing.

**7. Address for service:**

14 Tregenna Street, Castlecliff, Wanganui

.....

**Signature:** *MM Bailey*.....

**Day time phone No** 067582914/0273335000

**Email:** arimbailey@gmail.com **Date:** 3/6/2014

37.2



Resource Management Act 1991  
Submission on a Publicly Notified Plan Change  
To The Wanganui District Plan



In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Chris Shenton for Te Runanga o Ngati Apa

This is a submission on Plan Change No. 37 to the Wanganui District Plan. Closing Date: 4/6/14

- 1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I ~~am~~/am not\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:  
 Definitions for 'Ancestral Land' & 'Papakainga' & the Rules section.  
 Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):  
 I am supportive of the Plan change as it enables the development of Papakainga in a broad sense whilst retaining some discretion.  
 Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):  
 That council accept the plan change as drafted on pages 7-9 of the Phase 5 document dated April 2014.  
 Use additional pages if required

5. I ~~do~~/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would~~/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service: 161 Bridge Street, P.O. Box 103, Bulls 4863

Signature: [Handwritten Signature]

(Person making submission or person authorised to sign on

Day time phone No: (06) 327 5544 behalf of person making submission)

Email: Chris@ngatiapa.iwi.nz Date: 4 June 2014

D-255183

Received 4/6/2014 [Signature]



## Resource Management Act 1991

**Submission on a Publicly Notified Plan Change to the Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

**To:** Wanganui District Council  
PO Box 637  
Wanganui

**Name:** Horizons Regional Council

**Contact Person:** Barry Gilliland, Senior Policy Analyst

**This is a submission on:** **Proposed Plan Change 36 (Rural) and 37 (Papakainga)**

1. I **could not** gain an advantage in trade competition through this submission.
  2. The specific provisions of the proposed plan change that my submission relates to are outlined in **Annex A**.
  3. My submission points are detailed in **Annex A**.
  4. The decisions sought from Wanganui District Council are detailed in **Annex A**.
  5. I **do** wish to be heard in support of this submission.
  6. I would welcome any opportunity to attend informal or formal pre-hearing meetings with Wanganui District Council and other parties to discuss points of contention.
  7. If others make a similar submission I **would** be prepared to consider presenting a joint case with them to any hearing.
  8. **Address for Service:** Horizons Regional Council  
Private Bag 11025  
Palmerston North
- Day time phone No:** (06) 9522 904  
**Email:** [barry.gilliland@horizons.govt.nz](mailto:barry.gilliland@horizons.govt.nz)

Signed:



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Nic Peet  
**GROUP MANAGER STRATEGY AND REGULATION**

Dated: 4 June 2014

**Details of Horizons Regional Council submission to Wanganui District Plan Proposed Plan Change 36 (Rural)**

HRC – Horizons Regional Council  
WDC – Wanganui District Council

**BACKGROUND**

The Proposed One Plan, HRC's Regional Policy Statement and Regional Plan, provides the basis for this submission. All appeals have been resolved either by decisions from the Environment Court or approval of mediation agreements by the Environment Court. As at 4 June 2014, it has not been made operative, but it has legal effect.

The provisions of district plans must give effect to the Regional Policy Statement and WDC's response to this requirement is the focus of this submission.

~~**PROPOSED PLAN CHANGE 36 (RURAL)**~~

~~HRC supports the intent of Proposed Plan Change 36 to mitigate alienation of Class I and II (versatile) soils. The key provisions in the Proposed One Plan relating versatile soils are found in Chapter 3. Objective 3-1C and Policies 3-3B are relevant considerations.~~

~~It is considered that the approach taken in Proposed Plan Change 36 to safeguard Class 1 and 2 soils from alienation generally implements the provisions of the Regional Policy Statement in a way that is fit for purpose for purpose for Wanganui District.~~

~~The interrelationship between rural development and HRC's discharges of domestic wastewater rules in the Proposed One Plan has also been evaluated. It is submitted that a cross reference guidance note may be helpful for plan users so they are aware of the additional requirements in the Proposed One Plan. The key provisions relating to new and upgraded discharges of domestic wastewater are Rules 13-11 and 13-12.~~

~~The points identified in this submission are intended to provide support for the approaches taken in Proposed Plan Change 36 and where appropriate seek amendments to clarify and make the provisions more certain.~~



## Details of Horizons Regional Council submission to Wanganui District Plan Proposed Plan Change 37 (Papakainga)

### PROPOSED PLAN CHANGE 37 (PAPAKAINGA)

HRC supports the objectives of Proposed Plan Change 37, provided matters such as flood hazard are managed effectively. This is the focus of HRC's submission.

Proposed Plan Change 37 Provision Submission Relates to	Submission Point	Decision sought [Proposed Plan Change text in italics with deletions shown in strikethrough and additions shown in underline]
<b>RULES</b>		
<p><b>Rules 2.8.1 and 2.8.2</b></p> <p>Compliance with Performance Standards and District-wide Rules</p>	<p>It is not clear how the Permitted Activity and Restricted Discretionary Activity Rules will work in terms of flood hazard mitigation. On the one hand it is stated that "activities must comply with Performance Standards and District-wide Rules," but on the other hand compliance appears to me determined at the "outer boundary." On the face of things, this appears uncertain and it is submitted that consideration be given to providing redrafting to clarify this.</p> <p>HRC would be concerned if zone requirements for flood mitigation were not required for developments where flood hazard is identified as an issue in the District Plan.</p>	<p>That when WDC makes decisions on submissions, that the requirements of the rules with respect to Performance Standards and District-wide rules be clarified for the purpose of certainty.</p>
<p><b>Consequential changes and other relief as part of decisions</b></p>		<p>For this submission point HRC also seeks:</p> <ol style="list-style-type: none"> <li>1. Alternative amendments or relief as may be necessary or appropriate to give effect to the decisions sought; and</li> <li>2. Any consequential amendments or relief as may be necessary or appropriate to give effect to the decisions sought.</li> </ol>





Resource Management Act 1991  
Submission on a Publicly Notified Plan Change  
To The Wanganui District Plan



In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Kevin and Carol Battersby

Wanganui District Council  
4 JUN 2014  
RECEIVED

This is a submission on Plan Change No. 36+37 to the Wanganui District Plan. Closing Date: 04/06/14

(a) I ~~could/could not~~\* gain an advantage in trade competition through this submission. (\*please delete one).  
(b) I ~~am/am not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Land use of Papakainga (Hewitts Rd)

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

Future land use of Papakainga, we have concerns future land use will not have to be approved by the district council and that the papakainga will not have to be compliant in its development and land use.

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

We seek reassurance that any future land use will need to seek district council approval and as a neighbouring property the future use of the Papakainga and rural areas surrounding it will have to go through the same process as other land owners and notification and approval of neighbouring properties will be a consideration.

Use additional pages if required

5. I ~~do/do not~~\* wish to be heard in support of this submission (\*please delete one). PTD

6. If others make a similar submission I would/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

43 Hewitts Rd,  
RD2

Wanganui 4572

Signature: cbattersby

(Person making submission or person authorised to sign on

Day time phone No: 3453812

behalf of person making submission)

0274535114 (Kevin)

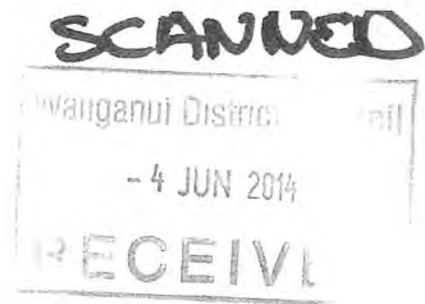
Email: batts@kbes.co.nz

Date: 4/6/14

0344132

We have heard in the community that the land is to be used for restorative justice housing. As landowners on a neighbouring property this does not please us. We would hope that all future land use would be notified to neighbouring property owners that may feel disadvantaged by its establishment of something that may have a detrimental effect on the value and sale of their properties in the future.

37.5



## FORM 5

### SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN UNDER CLAUSE 6 OF THE FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991

To: Wanganui District Council  
Submission on: Proposed District Plan Changes 36 & 37  
Name of submitter: New Zealand Fire Service Commission (the NZFS Commission)  
Address for service: C/- Beca Group Ltd  
PO Box 3942  
WELLINGTON 6140  
Attention: Alexandra Strawbridge  
Phone: 04 550 5995  
Email: alexandra.strawbridge@beca.com

This is a submission on Proposed Plan Changes 36 & 37 to the Wanganui District Plan.  
The NZFS Commission is not a Trade Competitor to this Proposal.

The specific parts of the Proposed Plan that the NZFS Commission's submission relates to are:

- Aspects of the Proposed Plan that may impact on the operations of the NZFS Commission, including the provision of sufficient water supply for firefighting purposes, and physical access for fire appliances.

#### Background:

In achieving the sustainable management of natural and physical resources under the RMA 1991, decision makers must have regard to the health and safety of people and communities. Furthermore, there is a duty to avoid, remedy or mitigate actual and potential adverse effects on the environment. The NZFS Commission has a responsibility under the Fire Service Act 1975 to provide for firefighting activities in a safe, effective and efficient manner. As such, the NZFS Commission monitors development occurring under the RMA 1991 to ensure that, where necessary, a submission is made which promotes the consideration of fire safety.

The NZFS Commission's main areas of concern are the provision of a water supply and access to enable the New Zealand Fire Service (NZFS) to operate effectively and efficiently. In order to achieve this, the NZFS Commission seeks compliance with the New Zealand Standard for the provision of firefighting water supply and access, known as the *New Zealand Fire Service*



*Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008* (the NZFS Code). The NZFS Code sets out standards for water supply and access design which meet the operational requirements of the NZFS for both reticulated and non-reticulated areas.

The NZFS Commission has been involved in the Wanganui District Plan Review process, as a submitter on Plan Change 27 – Subdivision, Earthworks and Infrastructure. The NZFS Commission was largely in support of the proposed provisions for the Subdivision and Infrastructure chapter. In particular it supported the requirements for lots with a connection to the reticulated water network to comply with the NZFS Code, or the ability to comply with the NZFS Code for sites without reticulated water supply. The NZFS Commission has appreciated the Council's positive position towards providing for the operational needs of the NZFS across the District with the aim of assisting the NZFS in responding to structural fire emergencies effectively and efficiently.

In this submission, the NZFS Commission raises some remaining concerns relating to the provision of adequate fire fighting water supplies in areas that cannot be connected to a reticulated water network. These concerns and requested actions are set out in detail in the sections below.

**The NZFS Commission's submission is:**

The specific amendments, additions or retentions sought are outlined below:

1. Provision of adequate firefighting water supply in remaining Rural Zones at the point of subdivision

In its submission on Plan Change 27, the NZFS Commission supported what is now Rule 11.5.7 – Site Serviceability. This Rule requires all new allotments to connect to reticulated water services excluding the Rural B Zone which shall demonstrate the ability to comply with the NZFS Code.

In its original submission on Plan Change 27, the NZFS Commission requested that this rule be made applicable to all the Rural Zones to ensure that all non-reticulated development considers compliance with the NZFS Code at the point of subdivision. After subsequent discussions with the Council, the NZFS Commission understood that this addition would be dealt with under the Plan Change that addresses the Rural Zone (i.e. Plan Change 36).

Upon review of Plan Change 36, it does not appear that these changes have been proposed. The NZFS Commission therefore requests that the remaining Rural Zones be added to Rule 11.5.7, being Rural A, Rural C and Rural Settlement. The NZFS Commission considers that requiring all non-reticulated subdivision to demonstrate the ability to comply with the NZFS Code would provide a consistent approach (rather than this only being required for subdivision in the Rural B Zone). This approach is

especially relevant, as it is noted that, under proposed Policy 3.3.2, the Council is not considering extending urban reticulated infrastructure to any new allotments within these Zones.

The NZFS Commission therefore requests that **additions** be made to the following provision of the District Plan:

- Proposed Plan Change 36: Rural – Chapter 11: Subdivision and Infrastructure – 11.5: Performance Standards-Subdivision - Rule 11.5.6: Site serviceability:

*"a. Each new allotment shall connect to reticulated water services (sewer, stormwater and water supply) excluding the Rural A, Rural B, Rural C and Rural Settlement zones which shall be required to demonstrate it can provide those services within the proposed allotment.*

...

*d. For sites in the Rural A, Rural B, Rural C and Rural Settlement zones applications shall:*

*i. Provide secure suitable non-reticulated levels of service for potable water supply.*

*ii. Demonstrate the ability to comply with New Zealand Fire Service Fire Fighting Water Supplies Code of Practice 2008 SNZ PAS 4509:2008."*

2. Provision of adequate firefighting water supply to developments that do not involve subdivision

With the addition of the requested additions above, the NZFS Commission is satisfied that its operational requirements will be considered in all areas of the District at the point of subdivision.

However, the NZFS Commission is also concerned with development that may take place separately to the subdivision process in areas of the District with no connection to a reticulated water supply. This includes the construction of dwellings and other commercial and industrial structures with a high occupancy (but excluding uninhabitable rural farm and horticultural structures etc.) that may take place in the Rural Environment (the NZFS Code can be applied to all these types of structural development).

While the NZFS Commission is concerned with all new development in non-reticulated areas, the type of development allowed through Plan Change 37 (Papakainga) is an example of a situation where potentially extensive development could take place which is not caught under Rule 11.5.6 (above). These types of development (as well as other non-reticulated development) are therefore not currently required to demonstrate the ability to comply with the NZFS Code.

The NZFS Commission is not opposed to Plan Change 37 to allow for Papakainga developments; however, in order to promote the protection of lives, property and the surrounding environment, it requests that **additions** be made to the following proposed provisions of the Rural Environment chapter:

- Proposed Plan Change 36: Rural – Chapter 3: Rural Environment – 3.5 Performance Standards (*Rural A Zone*) – 3.5.5 Structures:

*(e) All new habitable structures to be used for residential, commercial or industrial purposes shall be provided with a fire fighting water supply and access to this supply in accordance with New Zealand Fire Service Fire Fighting Water Supplies Code of Practice 2008 SNZ PAS 4509:2008.*

- Proposed Plan Change 36: Rural – Chapter 3: Rural Environment – 3.7 Performance Standards (*Rural B Zone*):

**3.7.8 Structures:**

*(a) All new habitable structures to be used for residential, commercial or industrial purposes shall be provided with a fire fighting water supply and access to this supply in accordance with New Zealand Fire Service Fire Fighting Water Supplies Code of Practice 2008 SNZ PAS 4509:2008.*

- Proposed Plan Change 36: Rural – Chapter 3: Rural Environment – 3.9 Performance Standards (*Rural C Zone*) – 3.9.5 Structures:

*(e) All new habitable structures to be used for residential, commercial or industrial purposes shall be provided with a fire fighting water supply and access to this supply in accordance with New Zealand Fire Service Fire Fighting Water Supplies Code of Practice 2008 SNZ PAS 4509:2008.*

- Proposed Plan Change 36: Rural – Chapter 3: Rural Environment – 3.11 Performance Standards (*Rural Settlement Zone*) – 3.11.5 Structures:

*(j) All new habitable structures to be used for residential, commercial or industrial purposes shall be provided with a fire fighting water supply and access to this supply in accordance with New Zealand Fire Service Fire Fighting Water Supplies Code of Practice 2008 SNZ PAS 4509:2008.*

The NZFS Commission understands that, while the intention of Plan Change 37 is to make Papakainga development more allowable, the development is still required to comply with the Performance Standards of the relevant zone. Where these developments are to be located within any Rural Zone, the NZFS Commission then understands that the rules referred to above would still apply to Papakainga development.



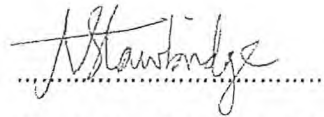
The NZFS Commission seeks the following decision from the consent authority:

That, if Proposed Plan Change 36 is approved, the above additions requested by the NZFS Commission be included in the final wording (which would also address the concerns of the NZFS Commission relating to Plan Change 37).

The NZFS Commission has qualified staff, experienced in all aspects of this submission, and would be happy to assist and/or advise in any way possible.

The NZFS Commission wishes to be heard in support of their submission.

The NZFS Commission is not prepared to consider presenting a joint case at the hearing.



*(Signature of person authorised to sign on behalf of New Zealand Fire Service)*

3/6/14

Date



**Wanganui District Council  
District Plan Review  
Phase 5**

**Section 32 Report**

**Proposed Plan Change 37  
Papakainga**

Prepared by  
WDC Policy Team

Dated April 2014

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# 1. INTRODUCTION

## 1.1 PLAN REVIEW PROCESS

Section 79 of the Resource Management Act 1991 (RMA) requires Council to commence a review of its plans at least every 10 years. Recent amendments to the Act clarify that whole plans need not be reviewed. A Council may choose to review plans in part.

The intention of the review is not to meet a specific deadline under section 79 but to ensure the provisions in the Plan are efficient and effective in managing the resources in the District and ensuring that Council's obligations under the Act are met.

The RMA does not detail how a Council must review its plans. However consideration of the efficiency and effectiveness of existing provisions is considered the first step. Section 32 of the RMA requires Council to carry out an evaluation of options before notifying a proposed plan change. These matters are discussed throughout this report. The efficiency and effectiveness of the provisions in achieving the stated objectives are analysed in this report, as are the various options that were considered.

## 1.2 STATUTORY AND LEGISLATIVE FRAMEWORK FOR THE REVIEW

### 1.2.1 Resource Management Act 1991

Section 74 of the RMA requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the RMA:

*31 Functions of territorial authorities under this Act*

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
  - b. *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of*
    - i. *the avoidance or mitigation of natural hazards*
2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined in section 5(2) as:

*In this Act, “sustainable management” means 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 while:*

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the RMA.

## 1.2.2 National Policy Statements and Environmental Standards

There are no relevant statements or standards.

### Horizons Regional Council – Regional Policy Statement

Section 75(2) of the RMA requires that a District Plan must not be inconsistent with the regional policy statement or any regional plan. Horizons Regional Council’s One Plan is considered to be relevant to this Proposed Plan Change in that it relates to seismic activity.

An assessment of how the provisions in Proposed Plan Change 37 compare with the Objectives and Policies of the Operative Regional Policy Statement and the Proposed One Plan are considered in **Table 1** below.

**Table 1**

Regional Policy Statement (operative)		Proposed Plan Change 37
Objectives	Policies	Evaluation
<p><b>Objective 3</b> To provide for the relationship of nga hapu and nga iwi of the Manawatu-</p>	<p><b>Policy 3.2</b> To recognise the spiritual link nga hapu and nga iwi of the Manawatu-Wanganui Region have with their ancestral lands, water, sites, waahi tapu and other taonga and the special relationship that</p>	<p>Plan Change 37 gives effect to the objective and policies by recognising the special relationship of Tangata whenua with their ancestral land.</p>

<p>Wanganui Region and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p> <p><b>Objective 4</b> To recognise iwi and hapu Kaitiakitanga.</p>	<p>implies.</p> <p><b>Policy 4.3</b> To recognise the tangata whenua status of nga hapu and nga iwi of the Manawatu-Wanganui Region over their ancestral lands, water, sites, waahi tapu and other taonga.</p>	
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Proposed One Plan		Proposed Plan Change 37
<p><b>Objective 4-1:</b> <b>Resource management</b> <i>Whāinga 4-1: Te whakahaere rauemi</i></p>	<p><b>Policy 4-1: Hapū* and iwi* involvement in resource management</b> <i>Kaupapa 4-1: Te whakauru mai o ngā hapū me ngā iwi ki roto i te whakahaere rauemi</i></p>	<p><b>Evaluation</b></p>

<p>(a) To have regard to the <i>mauri* of natural and physical resources^</i> to enable <i>hapū*</i> and <i>iwi*</i> to provide for their social, economic and cultural wellbeing.</p> <p>Te Ao Māori <i>Kia aro atu k i te mauri o ngā rauemi māori - ōk i k o hok i - hei oranga</i></p>	<p>The Regional Council must enable and foster <i>kaitiakitanga^</i> and the relationship between <i>hapū*</i> and <i>iwi*</i> and their ancestral <i>lands^</i>, ...</p> <p><i>Ka mate k a tutuk i i te Kaunihera ā-Rohe - ka atawhaitia hoki - te kaitiakitanga me</i></p> <p><i>te hononga o ngā hapū me ngā iwi k i ō rātou whenua tūpuna,...</i></p>	<p>Plan Change 37 gives effect to the objective and policy by recognising the special relationship of Tangata whenua with their ancestral land.</p>
--	---	---

<p><i>hapori,</i></p> <p><i>ōhanga hok i, tik anga hok i mō ngā hapū me ngā iwi.</i></p> <p>(b) <i>Kaitiakitanga</i>^ must be given particular regard and the relationship of <i>hapū</i>* and <i>iwi</i>* with their ancestral <i>lands</i>^, <i>water</i>^, <i>sites</i>*, <i>wāhi tapu</i>* and other <i>taonga</i>* (including <i>wāhi tūpuna</i>*) must be recognised and provided for through resource management processes.</p> <p><i>Ka mate k a tino arohia te kaitiak itanga, ā, k a mate ka whakamanatia te hononga o ngā hapū me ngā iwi k i ō rātou whenua tūpuna, wai, papa, wāhi tapu hok i me ētahi atu taonga (pērā i ngā wāhi tūpuna), ā, ka whak aratongia mā ngā tuk anga whak ahaere rauemi.</i></p>		
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## 2. PART 1: PLAN CHANGE PROPOSAL

### 2.1 DESCRIPTION OF PROPOSED PLAN CHANGE 37

Proposed Plan Change 37 seeks to insert rules in the District Plan to provide for papakainga developments. The result will be the Tangata whenua will be able to develop papakainga\* or marae\* on ancestral land\*.

### 2.2 PROPOSED AMENDMENTS TO THE DISTRICT PLAN

The current District Plan has definitions of papakainga and marae and no regulation relating to them. Following extensive consultation, a set of Issues, Objectives Policies and rules has been produced. Tangata whenua of the District in possession of defined ancestral land will be able



to carry out development in culturally appropriate ways provided their boundary interactions meet zone requirements. Insert the following additions and deletions to Chapter 2 – Tangata Whenua of the District Plan are proposed:

## **“2.4 CHAPTER 2 – TANGATA WHENUA**

Multiple ownership of land has led to some difficulties with development and use. The intention of the papakainga\* provisions is to enable Tangata Whenua to cater for their aspirations. It is recognised by Council\* that papakainga\* has multiple meanings from hapū to hapū. The definition in the District Plan is intended to recognise the significance of marae\* and to enable hapū to use land in a way that meets their aspirations for the future.

### **2.5 ISSUES**

- 2.5.1 Difficulty in developing multiply owned Maori land may inhibit efficient use of such land.
- 2.5.2 The character of development in the Wanganui District does not reflect the long established tradition of Maori settlement and use of natural resource which may diminish the community awareness of the significance of this history.
- 2.5.3 Marae\* are places with a high cultural value that are centres of learning, traditional arts, community interaction, celebration and mourning. There is potential for activities that surround Marae\* to adversely impact on these activities, and conversely for activities within the Marae\* to impact on surrounding activities.

### **2.5 OBJECTIVES**

- 2.6.1 Development of Maori land that sustainably achieves Tangata whenua aspirations.
- 2.6.2 Development reflects a culturally inclusive community.
- 2.6.3 Development that avoids or mitigates adverse effect on the cultural values of items and places of significance to Tangata whenua, hapu or whanau.

### **2.7 POLICIES**

- 2.7.1 To enable Papakainga\* or marae\* developments to be established by Tangata whenua, hapu or whanau.
- 2.7.2 To enable Tangata Whenua to design papakainga\* and marae\* developments in accordance with cultural needs, subject to relevant legislation.

- 2.7.3 Ensure that adverse effects beyond the outer boundary of papakainga\* or marae\* developments are avoided, remedied or mitigated.

## 2.8 RULES

### 2.8.1 **Permitted activities**

All activities shall comply with Performance Standards and District-wide rules where relevant.

The following are permitted activities in all zones:

- a. Papakainga\* or marae\* developments on ancestral land\* that comply at the outer boundary with the performance standards for the zone.

### 2.8.2 **Restricted Discretionary Activities**

The following are restricted discretionary activities:

- a. Any papakainga\* or marae\* development or activity which does not comply with any relevant zone performance standard, at the outer boundary.

Council restricts its discretion to the following matters:

- i. The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances.

### 2.8.3 **Discretionary Activities**

The following are discretionary activities:

- a. Papakainga\* or marae\* developments on land that does not comply with the District Plan definition of ancestral land\*.

## CHAPTER 13 - DEFINITIONS

### **Ancestral Land** means

1. Maori Land as defined under Te Ture Whenua Maori Land Act 1993  
or
2. Land returned via Treaty Settlement Claims process.

**Marae** means the land and buildings (meeting house/whareniui, kitchen & dining hall/wharekai, ablution block/wharepaku) generally associated with gatherings, meetings and programmes of tangata whenua, iwi, hapū or whanau for religious, educational, or community or other purposes.

**Papakainga** means development established on ancestral land by an iwi, hapū or whanau of the Whanganui District on behalf of and for use by its members which promotes Tangata Whenua community development, and sustains the relationship of Tangata Whenua with their culture, traditions and ancestral land.

**Papakainga:** means a traditional Maori settlement on ancestral land and includes a marae complex, urupa, and farming activities.”

### **3. PART 2: SECTION 32 REPORT**

#### **3.1 Introduction**

This report has been prepared in fulfilment of the requirements of Section 32(1)(c) of the Resource Management Act 1991 (RMA) which requires Local Authorities to prepare a report summarising the evaluation of the alternatives, benefits and costs of the Plan change, and giving reasons for that evaluation. Pursuant to Section 32(3) of the RMA this evaluation details the appropriateness of the objectives in achieving the purpose of the RMA, and whether, having regard to their efficiency and effectiveness, the policies, rules and other methods proposed, are the most appropriate for achieving the objectives.

#### **3.2 Plan Change Objective**

The objective of Proposed Plan Change 37 is to make provision for Papakainga development by Tangata whenua of the District.

### **4. REASON FOR PROPOSED PLAN CHANGE 37**

#### **4.1 Background**

Since its notification in 1996, the District Plan has contained definitions of Papakainga and Marae but no provisions relating to those definitions. In the absence of such provisions, development of papakainga on ancestral land is governed by the rules of the zone in which they lie. This can lead to difficulties for compliance. Note: nothing in this plan change removes obligations under Regional Council rules or other Acts.

#### **4.2 Chronology**

Consultation with Tangata whenua and the public was planned and carried out during 2013 as follows:

<b>23 January 2013</b>	Tamaupoko Link meeting item
<b>13 February 2013</b>	Tupoho Working Party meeting item
<b>20 February 2013</b>	Whanganui River Road ratepayers meeting panui
<b>6 March 2013</b>	Tamaupoko Link meeting
<b>18 March 2013</b>	Focus group forum
<b>27 March 2013</b>	Tupoho Working Party meeting
<b>30 April 2013</b>	Public meeting
<b>1 May 2013</b>	Public meeting
<b>8 May 2013</b>	Tupoho Working Party meeting
<b>22 May 2013</b>	Tamaupoko Link meeting
<b>19 June 2013</b>	Tupoho Working Party meeting
<b>10 July 2013</b>	Tamaupoko Link report back

- 24 October 2013      Focus group meeting
- 5 December 2013      Draft provisions circulated for comment
- 13 March 2014      Public meeting

#### 4.3      **Statutory Requirements**

Before a Plan change is notified, the Council must undertake the following duties under Section 32 of the RMA:

**“32 Consideration of alternatives, benefits, and costs-**

1. *In achieving the purpose of this Act, before a .... change...is publicly notified....an    evaluation must be carried out by-*
  - (d) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1);*
2. *A further evaluation must also be made by-*
  - (a) *a local authority before making a decision under clause 10 or clause 29(4) of the First Schedule.*
3. *An evaluation must examine-*
  - (b) *whether having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives,*
4. *For the purposes of this examination, an evaluation must take into account-*
  - (a) *the benefits and costs of policies, rules, and other methods;*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matters of the policies, rules, and other methods.*
5. *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
6. *The report must be available for public inspection at the same time as the document to which the report relates to is publicly notified or the regulation is made.”*

The purpose of the RMA is the baseline against which these statutory steps are to be carried out. Section 5 of the RMA sets out the purpose of the Act. The following sections are relevant:

#### 4 4      **Purpose**

1. *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

2. *In this Act, “sustainable management” means 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 while-*
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*
  - and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The Plan change will enable the sustainable development of land held by Tangata Whenua.

Other sections of relevance in Part II of the Act are as follows:

#### **4.5 Matters of national importance**

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 recognise and provide for the following matters of national importance:

- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”

The Plan change will be in partial fulfilment of this requirement as it provides for the relationship of Tangata Whenua with ancestral lands.

#### **4.6 Other matters**

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 have particular regard to—

- (a) kaitiakitanga:
  - (aa) the ethic of stewardship:
  - (b) the efficient use and development of natural and physical resources:
    - (ba) the efficiency of the end use of energy:
    - (c) the maintenance and enhancement of amenity values:
    - (f) the maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources.”

The proposed rule change contributes to kaitiakitanga, the ethic of stewardship, the efficient use and development of resources within the district in that development of papakainga will be less difficult. Because boundary rules apply, amenity and environmental quality will be protected. The proposed rule change is therefore considered consistent with section 7 of the Resource Management Act 1991.

#### **4.7 Treaty of Waitangi**

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).”

The plan change will be consistent with the principles of the Treaty of Waitangi.

## **5. CONSIDERATION OF PROPOSED ISSUES, OBJECTIVES, POLICIES AND RULES**

### **5.1 Proposed Issues**

**5.1.1** Difficulty in developing multiply owned Maori land may inhibit efficient use of such land.

**5.1.2** The character of development in the Wanganui District does not reflect the long established tradition of Maori settlement and use of natural resource which may diminish the community awareness of the significance of this history.

**5.1.3** Marae are places with a high cultural value that are centres of learning, traditional arts, community interaction, celebration and mourning. There is potential for activities that surround Marae to adversely impact on these activities, and conversely for activities within the Marae to impact on surrounding activities.

#### **Comment**

These issue statements are the product of lengthy consultation with Tangata Whenua representatives and open forums. They set out the issues defined by Tangata whenua in the District Plan context.

## 5.2 Proposed Objectives

<p><b>Objectives</b></p> <p><b>Objective 1</b> Development of Maori land that sustainably achieves Tangata whenua aspirations.</p> <p><b>Objective 2</b> Development reflects a culturally inclusive community.</p> <p><b>Objective 3</b> Development that avoids or mitigates adverse effect on the cultural values of items and places of significance to Tangata whenua, hapu or whanau</p>	
<b>Comment</b>	These objectives are the response to the respective stated issues. Their focus is development which is sustainable, inclusive and appropriate.
<b>Appropriateness and Reasonableness</b>	The objectives are appropriate and reasonable in light of the requirements of section 6, 7 and 8 of the RMA. They facilitate Tangata whenua aspirations while protecting wider community environmental values.
<b>Principal Alternative</b>	As well as leaving the Plan without objectives for Papakainga, numerous alternative wordings of the final objectives were considered.
<b>Other alternatives considered</b>	NA
<b>Preferred option reason</b>	These objectives are the outcome of appropriate consultation and are fit for the intentions of the Act.
<b>Information Risks</b>	There is sufficient information for decision making in this Plan Change process



### 5.3 Proposed Policies

<p><b>Policies</b></p> <p><b>Policy 1</b> To enable Papakainga* or marae* developments to be established by Tangata whenua, hapu or whanau.</p> <p><b>Policy 2</b> To enable Tangata Whenua to design papakainga and marae developments in accordance with cultural needs, subject to relevant legislation.</p> <p><b>Policy 3</b> Ensure that adverse effects beyond the outer boundary of papakainga* or marae* developments are avoided, remedied or mitigated.</p>	
<b>Comment</b>	These policies will assist Tangata whenua to develop land in culturally appropriate ways.
<b>Principal Alternative</b>	The alternative of having no policies was considered and rejected as inappropriate as it provided no guidance for planners or Tangata whenua development.
<b>Benefits</b>	<p><b>Environmental</b> – Papakainga land can be developed with effects appropriately managed.</p> <p><b>Economic</b> – Tangata whenua will be able to make better use of an asset.</p> <p><b>Social and Cultural</b> – Tangata whenua will be able to develop land in culturally appropriate ways, with expected improvements in social cohesion and satisfaction.</p>
<b>Costs</b>	<p><b>Environmental</b> – Any environmental effects will be avoided, remedied or mitigated so environmental costs will be minimal.</p> <p><b>Social, Cultural and Economic</b> – None</p>
<b>Effectiveness</b>	The policies will be effective by providing greater certainty for development.
<b>Efficiency</b>	By reducing consent complexity efficiency will be improved.
<b>Appropriateness</b>	The policies are appropriate under the Act.
<b>Information Risks</b>	There is sufficient information for decision making in this Plan Change process.

## 5.4 Proposed Rules

### Rules

#### Permitted activities

All activities shall comply with Performance Standards and District-wide rules where relevant.

The following are permitted activities in all zones:

- b. Papakainga\* or marae\* developments on ancestral land\* that comply at the outer boundary with the performance standards for the zone.

#### Restricted Discretionary Activities

The following are restricted discretionary activities:

- b. Any papakainga\* or marae\* development or activity which does not comply with any relevant zone performance standard, at the outer boundary.

Council restricts its discretion to the following matters:

- ii. The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances.

#### Discretionary Activities

The following are discretionary activities:

- b. Papakainga\* or marae\* developments on land that does not comply with the District Plan definition of ancestral land\*.

#### Comment

The intention of these rules is to allow a degree of freedom over the internal arrangements of a papakainga, while resulting the effects at the external boundary, as is standard planning practice and socially acceptable. Other requirements such as those of the Regional Council or Building Act will still apply.

#### Benefits

**Environmental** – Development will occur with boundary effects appropriately managed.

**Economic** – Consent processes will be reduced, reducing costs.

**Social and Cultural** – Tangata whenua will be able to develop land in ways which satisfy their social and cultural needs. Recognition is given to the special relationship of Tangata whenua with their ancestral land.

<b>Costs</b>	<b>Environmental and Cultural</b> – None identified <b>Economic</b> – None identified. <b>Social</b> – None identified.
<b>Effectiveness</b>	The rules will be effective in permitting development which complies with appropriate environmental standards.
<b>Efficiency</b>	The rules are efficient by reducing consent processes and enabling development.
<b>Appropriateness</b>	The rules are appropriate to deal with a range of possible development scenarios.
<b>Principal Alternative</b>	The alternative of defining papakainga areas on planning maps was considered but rejected as lacking flexibility.

### **Consultation**

Iwi and public focussed consultation is detailed in section 3.2. In addition, Council's consent planners have been consulted.

### **Conclusion**

The goal of the Plan change is to ensure the District Plan is enabling for Papakainga development.

The Wanganui District Council is satisfied that the preferred alternative is necessary to achieve this desired outcome in accordance with the purpose of the Resource Management Act 1991 and that it is the most appropriate means of doing so of the alternatives considered.

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**Wanganui District Council  
District Plan Review  
Phase 5**

**Proposed Plan Change 37  
Papakainga  
Revised text after submissions**

Prepared by  
WDC Policy Team

Dated October 2014

## “2.4 CHAPTER 2 – TANGATA WHENUA

Multiple ownership of land has led to some difficulties with development and use. The intention of the papakainga\* provisions is to enable Tangata Whenua to cater for their aspirations. Development of papakainga\* will bring benefits to the people, the land, the community and the economy. It is recognised by Council\* that papakainga\* has multiple meanings from hapū to hapū. The definition in the District Plan is intended to recognise the significance of marae\* and to enable hapū to use land in a way that meets their aspirations for the future.

### 2.5 ISSUES

- 2.5.1 Difficulty in developing Maori land may inhibit efficient use of such land.
- 2.5.2 The character of development in the Wanganui District does not reflect the long established tradition of Maori settlement and use of natural resources which may diminish the community awareness of the significance of this history.
- 2.5.3 Marae\* are places with a high cultural value that are centres of learning, traditional arts, community interaction, celebration and mourning. There is potential for activities that surround Marae\* to adversely impact on these activities, and conversely for activities within the Marae\* to impact on surrounding activities.

### 2.5 OBJECTIVES

- 2.6.1 Development of Maori land that sustainably achieves Tangata Whenua aspirations.
- 2.6.2 Development reflects a culturally inclusive community.
- 2.6.3 Development that avoids or mitigates adverse effect on the cultural values of items and places of significance to Tangata Whenua, hapu or whanau.

### 2.7 POLICIES

- 2.7.1 To enable Papakainga\* or marae\* developments to be established by Tangata Whenua, hapu or whanau.
- 2.7.2 To enable Tangata Whenua to design papakainga\* and marae\* developments in accordance with cultural needs, subject to relevant legislation and District Plan requirements.

- 2.7.3 Ensure that adverse effects beyond the outer boundary of papakainga\* or marae\* developments are avoided, remedied or mitigated.

## 2.8 RULES

### 2.8.1 **Permitted activities**

All activities shall comply with Performance Standards and District-wide rules where relevant.

The following are permitted activities in all zones:

- a. Papakainga\* or marae\* development or activity on ancestral land\* that comply with the zone performance standards at the outer boundary.

### 2.8.2 **Restricted Discretionary Activities**

The following are restricted discretionary activities:

- a. Papakainga\* or marae\* development or activity on ancestral land that does not comply with any relevant zone performance standard, at the outer boundary.

Council restricts its discretion to the following matters:

- i. The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliance.

### 2.8.3 **Discretionary Activities**

The following are discretionary activities:

- a. Papakainga\* or marae\* development or activity on land that does not comply with the District Plan definition of ancestral land\*.

## CHAPTER 13 - DEFINITIONS

### **Ancestral Land** means

1. Maori Land as defined under Te Ture Whenua Maori Land Act 1993  
or
2. Land returned via Treaty Settlement Claims process.

**Marae** means the land and buildings (meeting house/whareniui, kitchen and dining hall/wharekai, ablution block/wharepaku) generally associated with gatherings, meetings and programmes of tangata whenua, iwi, hapū or whanau for religious, educational, or community or other purposes.

**Papakainga** means development or activity established on ancestral land by an iwi, hapū or whanau of the Whanganui District on behalf of and for use by its members which promotes Tangata Whenua community development, and sustains the relationship of Tangata Whenua with their culture, traditions and ancestral land.

**Papakainga:** means a traditional Maori settlement on ancestral land and includes a marae complex, urupa, and farming activities.”

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