



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

**REPORT OF HEARING
PANEL**

Independent Hearing Commissioners:

Robert Schofield (Chair)
Loretta Lovell
Tim Aitken
Kate Taylor
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TOPIC 4A

Tangata Whenua Provisions

REPORT DATED

4 May 2023

DATE OF HEARING

10 to 12 August 2022

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List of Submitters and Further Submitters addressed in this Report

Submitter Name	Submitter Number
Department of Conservation (DOC)	S64
Federated Farmers of New Zealand (Federated Farmers)	S121
Hawke's Bay Regional Council (HBRC)	S11
Heretaunga Tamatea Settlement Trust (HTST)	S120
Heritage New Zealand Pouhere Taonga (HNZPT)	S55
Kairakau Lands Trust (KLT)	S84
Kāinga Ora - Homes and Communities (Kāinga Ora)	S129
Nga hapu me nga marae o Tamatea (NHMT)	S125
Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	S134
Peggy Scott	S31
Peggy Scott	S70
Rongomaraeroa Marae Trustees	S122

Further submitter Name	Further submitter number
Federated Farmers	FS25
HTST	FS13
Horticulture New Zealand (Hort NZ)	FS17
Kāinga Ora	FS23
NHMT	FS5
NZ Agricultural Aviation Association (NZAAA)	FS14
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	FS9

PART A – PRELIMINARY MATTERS

1 Introduction

1.1 Scope of this report

- 1.1.1 This document details the evaluation and recommended decisions of the Proposed CHBD Plan Hearings Panel on submissions received in regard to the provisions of the PDP in relation to Tangata Whenua matters, including the evidence and statements provided to the initial hearing on 10–12 August 2022, the outcomes of the Wānanga held on 4 and 6 September 2022, and the final second hearing held on 14 November 2022. Both hearings and the Wānanga were held at the CHBDC Chambers, Waipawa.
- 1.1.2 The recommendations in this report, together with all of the other recommendations of the Hearing Panel (“the Panel”) on other submissions on the PDP, will all go before the full Council following the end of the hearings, who will make the formal decisions.
- 1.1.3 Our report focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, we have adopted the s42A report’s recommendations and the underlying evaluation behind such changes.

1.2 Statutory considerations

- 1.2.1 The Panel’s Preliminary Report on Preliminary Matters and Statutory Requirements sets out the statutory framework and requirements for preparing a District Plan, as well as case law guidance for our consideration and recommendations. This framework is not repeated in this report. This report should be read in conjunction with the Report on Preliminary Matters and Statutory Requirements.
- 1.2.2 This report refers to the following s42A reports:
 - Section 42A report 1: ‘Officer’s Report: Tangata Whenua Provisions – Submitters Hui’ prepared by Stella Morgan for the initial hearing on Tangata Whenua provisions on 10-12 August 2022
 - Section 42A report 2A: ‘Officer’s Report: Tangata Whenua Provisions – Volume 1’ prepared by Stella Morgan for the second hearing on Tangata Whenua provisions on 14-17 August 2022, addressing –
 - Part 1 – Introduction and General Provisions
 - Introduction/Mihi/Foreword/How the Plan Works/National Direction Instruments
 - Tangata Whenua
 - Part 2 – District-Wide Matters #1
 - Strategic Direction / TW – Tangata Whenua
 - Section 42A report 2B: ‘Officer’s Report: Tangata Whenua Provisions – Volume 2’ prepared by Stella Morgan for the second hearing on Tangata Whenua provisions on 14-17 August 2022.
 - Part 2 –District-Wide Matters #2
 - SASM – Sites and Areas of Significance to Māori / Schedule SASM-SCHED3

- PKH – Papakāinga and Kaumātua Housing, and Associated Marae-based Development

- 1.2.3 The rights-of-reply from the reporting planner for the two hearings were also taken into account.
- 1.2.4 In addition to the evidence and statements provided by submitters to the hearings, this report also took into account the outcomes of the Wānanga, that was held outside the hearing process, between the two hearings on Tangata Whenua matters.
- 1.2.5 The development and reasoning for the Tangata Whenua provisions was addressed in Tangata Whenua s32 Topic Report, and summarised in s42A Report 1.
- 1.2.6 Where the reporting planner recommended amendments or alternative provisions, a further evaluation under s 32AA was provided in the s42A report where the change would be a material departure from what was notified. That same obligation to make a further assessment under s 32AA also applies to the Panel where we decided to recommend changes as a result of submissions which materially depart from the notified version or the recommendations of the reporting planner(s). In such cases, our analysis in this report is intended to meet the obligation to undertake a s32AA evaluation.
- 1.2.7 Through Minute #5, the Panel urged submitters to provide the hearings with a further assessment under s 32AA for any changes to the PDP they were seeking. Stephen Daysh on behalf of HTST provided a s32AA assessment on Key 1 & 2 New wording proposed in Part 1 Tangata Whenua – Engagement and Consultation, Amend TW-P1 and wording of Ngā Reo o te Takiwa: Representative Voice.
- 1.2.8 Where we have made amendments to the PDP that are consistent with the recommendations contained within Council officers' s42A and / or right-of-reply reports (and where there are relevant joint witness statements) we have adopted the s32AA analysis contained within those reports (unless expressly stated otherwise). Those reports are part of the public record and are available on the CHBDC website.
- 1.2.9 Where the Panel has made amendments to the PDP that are not contained within the reporting planner's recommendations, we have undertaken the required s32AA analysis and have incorporated it into the body of our report, with the required assessment forming part of our evaluation. We are satisfied that the required substantive assessment has been undertaken.

1.3 Submissions

- 1.3.1 The Tangata Whenua Hearing Topic addresses submissions on the following chapters of the Central Hawkes Bay Proposed District Plan (PDP):

General and District-wide Provisions

- Ngā Tangata Whenua o Tamatea (in Part 1 and Part 2 of the PDP)
- SASM – Sites and Areas of Significance to Māori chapter; and
- PKH – Papakāinga & Kaumatua Housing and Associated Marae Based Development chapter.

Tangata Whenua Chapters (Part 1 and Part 2)

Including:

- Relationships;
- Decision-making and cultural impacts;
- Development of Māori-owned land;
- Terms and definitions;

- Tangata whenua issues, objective and policies; and
 - Methods.
- 1.3.2 There were 11 submitters and 7 further submitters on these provisions of the PDP: these comprised 90 original submission points, and 67 further submissions points were received on the provisions relating to this sub-topic.
- 1.3.3 Of the original 90 submissions points, 73 were in support or sought amendments, and 17 were in opposition. Many of the submissions (in support and opposition) sought amendments to the provisions. In summary, the matters raised in the submission include:
- Mihi, Tangata Whenua Relationships and Representative Voices;
 - Co-Governance Opportunities and Iwi Involvement in Decision-Making;
 - Inserting 'Te Mana o te Wai' Provisions into the PDP;
 - The development of Māori-owned Land;
 - Te Reo Māori Terms, Glossary & Definitions; and
 - Tangata Whenua Provisions (Part 1 and Part 2).

1.4 Procedural matters

- 1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with cl8AA of Schedule 1 on the submissions relating to the Tangata Whenua provisions prior to the finalization of the initial s42A report.
- 1.4.2 Through Minute #11, the Panel identified that the submissions by Tangata Whenua were broader than a single section of the PDP, and their concerns were interrelated, making the hearing of all Tangata Whenua Matters complex. Given this and following engagement between Tangata Whenua submitters and representatives of Council, the Panel determined that a bespoke hearing process for these matters appropriate. The Tangata Whenua topic followed a three-step process:
- An initial hearing where overarching issues and key concerns will be discussed and clarification of matters to be addressed through Wānanga;
 - Wānanga to discuss and work through issues identified during the preliminary hearing; and
 - A second hearing where the outcomes of the Wānanga will be presented and any unresolved issues can be addressed through evidence and presentation to the Panel.
- 1.4.3 Full details on this process are outlined in Section 2.3 of the Panel Report on Preliminary Matters.
- 1.4.4 The Wānanga was facilitated by independent facilitator Dave Milner of Kahu Environmental, and all submitters on Tangata Whenua matters were invited to attend. The outcomes of the Wānanga for submitters on Tangata Whenua matters, held outside the Hearing process, were circulated to all parties prior to the second and final hearing in mid-November 2022: a copy of the Statement of Agreed Outcomes from the Wānanga is attached to this report as Appendix C. No further consultation or meetings with any parties regarding Tangata Whenua has been undertaken since circulation of the final s42A report.
- 1.4.5 No matters of trade competition were raised.

1.5 Hearing

- 1.5.1 The initial hearing for the Tangata Whenua topic was held on 10 and 11 August 2022 and the second hearing was held on the 14 November 2022, both at the Central Hawke's Bay District Council Chambers, Waipawa.

- 1.5.2 Submitters who appeared at the hearings, and the topics under which their evidence is discussed, are shown below in Table 1. All evidence and other information provided to the Hearings can be found on the PDP Hearing Schedule webpage under the relevant Hearing Topic [[Hearing Stream 4 - Second Stage | Central Hawke's Bay District Council \(chbdc.govt.nz\)](#)].

Table 1. Submitters who appeared at Hearing Stream 4 in relation to Tangata Whenua Matters

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
HTST (s120)	Stephen Daysh (planning)	Statement of evidence	Key Issue 1, 2, 3, 4, 7, 12, 13, 16, 17
NHMT	Liz Munroe	Statement of evidence	Key Issue 1, 2, 3, 4, 5, 6, 7, 8, 12, 13
HNZPT	Dean Raymond (planning)	Statement of evidence	Key Issue 15
Kāinga Ora	Michael Campbell (planning)	Statement of evidence	Key Issue 9
Fire & Emergency NZ (FENZ)	Paul McGimpsey	Statement of evidence	Key Issue 18
KLT	Stella Morgan	Statement of evidence	Key Issue 2, 11

- 1.5.3 Ms. Stella Morgan, Reporting Officer, appeared for the Central Hawke's Bay District Council at both Hearings.
- 1.5.4 Evidence provided by Ms. Morgan included two s42A Reports on Tangata Whenua (as outlined above), and an opening statement (verbal).
- 1.5.5 Following the adjournment of the hearing on 14 November 2022, a written right-of-reply from the Council's reporting planner was received and circulated on 21 November 2022.

1.6 Structure of this report

- 1.6.1 Given the number, nature and extent of the submissions and further submissions received, we have structured this Panel report according to the key issues identified in the s42A report, rather than present a submission point by submission point evaluation. Many of the submissions addressed the same or related issues and thus a 'key issue' approach avoids undue repetition.
- 1.6.2 There are 18 key issues addressed in this report:

Strategic Matters

- Key Issue 1: Mihi, Tangata Whenua Relationships and Representative Voices
- Key issue 2: Co-Governance Opportunities and Iwi involvement in Decision-Making
- Key Issue 3: Inserting 'Te Mana o te Wai' Provisions into the PDP
- Key Issue 4: Development of Māori-owned Land

All Other PDP TW – Tangata Whenua provisions (not otherwise addressed)

- Key Issue 5: Te Reo, Glossary and Definitions
- Key issue 6: General Matters & Te Tiriti o Waitangi Provisions
- Key Issue 7: TW Ngā Take: Issues (not already addressed)
- Key Issue 8: TW Objectives (not already addressed)

- Key Issue 9: TW Policies (not already addressed)
- Key Issue 10: TW Methods (not already addressed)

SASM – Sites and Areas of Significance to Māori

- Key Issue 11: SASM General Matters
- Key Issue 12: SASM Introduction, Issues, Objectives and Policies
- Key Issue 13: SASM Rules
- Key Issue 14: SASM Assessment Matters, Methods, Reasons and Results
- Key issue 15: SASM Mapping & Schedule

PKH – Papakāinga and Kaumātua Housing, and Associated Marae-based Development

- Key Issue 16: PKH General Matters
- Key Issue 17: PK Issues, Objectives and Policies
- Key Issue 18: PKH Rules and Standards

- 1.6.3 Where appropriate, we have structured our evaluation and recommendation on a hierarchical basis for each sub-topic, firstly reviewing the overarching issues relating to the topic and those submissions that made general points about the topic, including those seeking a binary relief such as complete withdrawal of relevant plan provisions, as well as submissions on definitions.
- 1.6.4 We then turn our evaluation to the higher-level provisions of the District Plan relating to the topic: the objectives and policies and associated matters.
- 1.6.5 We then turn to considering the associated rules and standards, and, if relevant, methods and anticipated environmental results.
- 1.6.6 Finally, we consider whether any minor errors require rectification or whether any consequential amendments may be required as a result of our recommendations.
- 1.6.7 The Panel's recommendations against each submission point are listed in the table in Appendix B.

PART B – EVALUATION

2 Overview

- 2.1.1 A scoping report on the ODP¹ recommended a re-write of provisions in partnership with Tangata Whenua to include:
- a review and update of Appendix C – Schedule of Sites of Cultural Significance to Tangata Whenua (Schedule of Sites and Areas of Significance to Māori in the PDP), and determining how best to map these (or not);
 - developing more comprehensive provisions/chapter addressing Tangata Whenua values and the protection of sites of cultural significance to Tangata Whenua; and
 - developing new provisions/chapter providing for papakāinga and marae-based development, to give effect to the particular policies in the Hawke’s Bay RPS.
- 2.1.2 This has resulted in the sections as outlined above being inserted in the PDP. Specific Tangata Whenua provisions in the PDP include:
- Introduction –
 - Mihi
 - Definitions and Glossary
 - Tangata whenua / mana whenua
 - District-wide Matters –
 - Strategic Direction: TW – Tangata Whenua (including issues, objectives, policies, and methods)
 - Historical and Cultural Values: SASM – Sites and Areas of Significance to Māori (including issues, objectives, policies, rules, assessment matters, and methods)
 - PKH – Papakāinga and Kaumātua Housing, and Associated Marae-Based Development (including issues, objectives, policies, rules, assessment matters, and SASM-SCHED3 – Schedule of Wāhi Tapu, Wāhi Taonga, and Sites and Areas of Significance to Māori)
- 2.1.3 More generally, Tangata Whenua matters were identified by submitters as cutting across many provisions of the PDP. In particular, issues were raised by Tangata Whenua submitters regarding earthworks, which may affect sites not identified as SASMs but are still culturally important, SNAs, which can potentially affect the development potential Māori-owned land, and limitations on the ability of Māori to develop land owned by Māori but which is not classified as Māori-owned land².
- 2.1.4 The structure of the Tangata Whenua provisions in the PDP is shown diagrammatically in the figure below.

¹ Central Hawke’s Bay District Plan Review 2017, Initial Section 32 Scoping Report, Sage Planning (August 2017)

² For example, Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993)

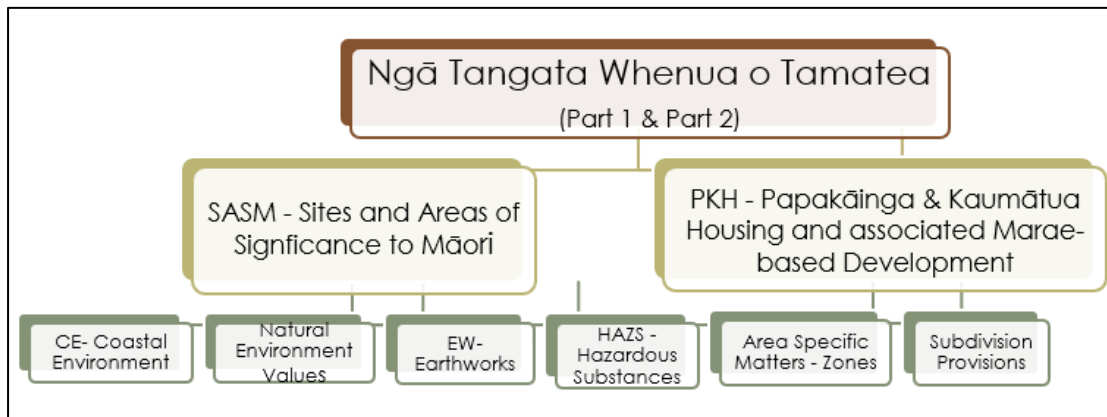


Figure 1 - PDP Tangata Whenua Matters

- 2.1.5 The preparation of the Tangata Whenua chapters was guided by Dr Roger Maaka and Brian Gregory, who represented Te Taiwhenua o Tamatea on the Council working party in the drafting stages of the district plan review.
- 2.1.6 Council advisers acknowledged, however, that there was still work to be done to ensure that these provisions represented the views of the broader Tangata Whenua of the District and that this work would be ongoing. In part, this reflects Councils' developing relationship with Tangata Whenua, and their willingness and ability to invest time and resource with Tangata Whenua to ensure capacity and capability to respond to not only RMA issues, but wider issues of importance to Tangata Whenua and the District such as Te Mana o te Wai.
- 2.1.7 The mihi in Part 1 provided context for the PDP by acknowledging the relationship of Tangata Whenua to the rohe. The Part 1 Tangata Whenua section provide further context to this relationship and identify the current Tangata Whenua relationships and representative voices. The role of these relationships with the RMA is also outlined.
- 2.1.8 The Part 2 Strategic Direction / Tangata Whenua chapter repeats the mihi as the overarching context for the Tangata Whenua chapters of the PDP and sets out the key ngā take / resource management issues for Tangata Whenua in Tamatea. It also sets out high level objectives, policies and methods for addressing these issues.
- 2.1.9 The SASM chapter deals specifically with the protection and management of sites identified in Schedule SASM-SCHED3. This chapter acknowledges that the Schedule, SASM-SCHED-3, is not currently representative of the scale and range of significant sites, and Council have indicated they wish to work with Tangata Whenua outside of the PDP process to progress this with a view to undertaking a Variation to the Plan as new sites are identified.
- 2.1.10 The Papakāinga and Kaumātua Housing, and Associated Marae-based Development chapter provided for development across the district on Whenua Māori (general land owned by Māori not subject to TTWMA. These provisions sought to enable Tangata Whenua who aspire to develop their lands, to meet their housing needs and cultural, social and economic goals.
- 2.1.11 Tangata Whenua matters are also addressed in other chapters across the PDP as reflected in the diagram below.
- 2.1.12 Submissions on other chapters of the PDP that may also be relevant to Tangata Whenua are generally addressed in hearings on their respective topic areas, unless a decision has been made to defer or include the submission in this Topic Report.

3 Key Issue 1 – Mihi, Tangata Whenua relationships and representative voices proposed plan provisions

- 3.1.1 This key issue addresses the submissions in relation to the Mihi, Tangata Whenua Relationships and Representative Voices Proposed Plan Provisions.

3.2 Submissions

- 3.2.1 9 original submission points and 9 further submission points raised matters relating to iwi relationships and representative voices on environmental matters. Seven submission points were in support of, or sought amendments to the provisions, and two submission points opposed provisions (refer to Appendix B for a table of submission points).
- 3.2.2 The key matters raised in these submissions are summarised as being requests to:
- Redraft the 'Mihi' at the beginning of the 'TW - Nga Tangata Whenua o Tamatea' chapter in the Proposed Plan to reflect the history relationships and whakapapa of Māori more broadly in the rohe, including a revised Mihi Whakataui. This section should be written in both English and te reo Māori;
 - Amend 'Mihi' at the start of the PDP to correct errors (including spelling and capitalisation errors) and acknowledge all hapū and marae;
 - Redraft the foreword to reflect the historical and contemporary connections of Tangata Whenua to the rohe, including the use of te reo Māori;
 - Redraft 'Te Whakataki: Introduction' section to meet mana whenua aspirations including the use of te reo Māori;
 - Amend 'Ngā Reo o te Takiwā: Representative Voices' to reflect the position of the HTST; and
 - Amend the listing of 'Ngā Reo o te Takiwā: Representative Voices' to include 'Ngāti Kere Hapū Authority'.

3.3 Reporting planner's recommendations (s42A report)

Introductory Mihi

- 3.3.1 The reporting planner noted that there was general agreement to retain the PDP Introduction Mihi provided the author was fully acknowledged. The reporting planner also noted that, arising from the Wānanga, there was an agreement to a technical edit prior to finalisation of decisions on the Plan will also ensure editing/spelling/capitalisation errors are corrected.
- 3.3.2 The reporting planner recommended that S125.001 NHMT be accepted and S84.017 KLT be accepted and S122.001 Rongomaraeroa Marae Trustees be accepted in part (in that errors in the Mihi will be corrected).

Tangata Whenua /Te Whakataki: Introduction

- 3.3.3 Tangata whenua submitters sought to redraft the 'Introduction and General Provisions / Nga Tangata Whenua O Tamatea Te Whakataki: Introduction' section so that it meets mana whenua aspirations including the use of te reo. At the Wānanga, it was agreed that this section would be redrafted and presented at the Hearing.
- 3.3.4 The reporting planner therefore reserved her recommendation with respect to S125.006 NHMT (NHMT).

Ngā Reo o te Takiwā: Representative Voices

- 3.3.5 The reporting planner considered the additional wording sought by HTST would further clarify the role of the Trust in Tamatea and would assist readers of the PDP to better understand HTST's role and function. The reporting planner therefore recommended that S120.009 HTST be accepted.
- 3.3.6 Ngāti Kere Hapū Authority is a recognised hapū entity in Tamatea and as such the reporting planner recommended it should be included as one of the Ngā Reo o te Takiwā: Representative Voices in the PDP. Using their submission as a basis, the reporting planner recommended the following be added to the list of Ngā Reo o te Takiwā: Representative Voices:

'Ngāti Kere Hapū Authority: representing coastal Māori communities made up of the Pōrangahau, the Pourēre and the Kairākau hapū communities.'

- 3.3.7 The reporting planner recommended that S134.001 Ngāti Kere Hapū Authority be accepted.

'Mihi' in Strategic Direction Ngā Tangata Whenua o Tamatea Chapter

- 3.3.8 At the Wānanga, there was a general acknowledgement that the PDP should reflect all marae and hapū in Tamatea, and a number of amendments to Plan provisions were prepared by the attendee submitters to achieve this. No undertaking to amend the second mihi was agreed. Therefore, the reporting planner advised that the Hearings Panel's options are to:
1. either retain the mihi in the Strategic Direction / Ngā Tangata Whenua o Tamatea Tangata Whenua section; or
 2. to accept an amended version.
- 3.3.9 Given the level of opposition to the second mihi in its current form, the desire for a more representative text in this part of the PDP, and no alternative mihi being provided, the reporting planner recommended the Hearings Panel delete the mihi from this section of the Plan and insert a 'place holder' reflecting that an amended version will be provided at a time when Tangata Whenua have agreed to appropriate wording. She advised that it may be that an amended mihi can be provided prior to the notification of the decisions version.
- 3.3.10 For the above reasons, the reporting planner recommended S125.016 NHMT be rejected and S84.018 KLT seeking the mihi be amended to correct spelling and capitalisation errors also be rejected (in that timing has not allowed for this to be completed).
- 3.3.11 The planner's recommended amendments to the provision are addressed below:

Ngā Reo o te Takiwā: Representative Voices

For the purposes of the District Plan, tangata whenua interests are represented by:

Individual marae: where issues specific to the respective areas of interest occur. Each marae exercises its own rangatiratanga through their role as kaitiaki.

Ngāti Kahungunu Iwi Incorporated (NKII): for issues that extend beyond the boundary of the Tamatea Rohe. Ngāti Kahungunu Iwi Incorporated is recognised as an iwi authority under the RMA for issues across Hawke's Bay.

Representatives of Māori land owners and managers: for issues specific to their land holdings.

Aorangi Māori Trust Board (AMTB): in agreement with the Crown, AMTB has co-management rights over the Department of Conservation owned land on the southern shore of Lake Whatumā.

Heretaunga Tamatea Treaty Settlement Trust (HTTST): for issues identified in the Heretaunga Tamatea Claims Settlement Act 2018. The HTTST represents the treaty settlement interests of the Tamatea hapū and marae to ensure the betterment of the hapū and marae. HTTST is the mandated voice and representative entity which includes considering the extent to which proposed planning policy and development may impact on the historical, cultural, and spiritual interests of the various hapū and those areas under statutory acknowledgement and /or the Heretaunga Tamatea Claims Settlement Act 2018.

Te Taiwhenua o Tamatea: as a collective and representative voice for the marae of Tamatea. The Taiwhenua was incorporated in 1990 and its geographic boundaries, which align closely with the local authority boundaries, are registered with the Māori Land Court. Te Taiwhenua O Heretaunga also has some overlap with northern Central Hawke's Bay.

Ngāti Kere Hapū Authority: representing coastal Māori communities made up of the Pōrangahau, the Pourēre and the Kairākau hapū communities.

3.4 Evidence to the hearing

- 3.4.1 Stephen Daysh provided planning evidence on behalf of HTST on the importance of Tangata Whenua being involved in the development of the PDP.
- 3.4.2 Liz Munroe provided evidence on behalf of NMHT which focused on the following:
- Use of Te Reo in the PDP;
 - Housing, economic and other development aspirations;
 - Co-governance;
 - Te Mana o te Wai and Matauranga Māori; and
 - The correlation between the PDP and the forthcoming law reforms.
- 3.4.3 At Hearing 2, Stella August representing the KLT presented a Marae pepeha for Kairākau marae for inclusion in the Representative Voices section. Ms August also raised concerns about historical context and representation identified in the amended version.

3.1 Post hearing information

- 3.1.1 The reporting planner's right-of-reply did not provide any further discussion on this key issue.

3.2 Evaluation and findings

Introductory Mihi

- 3.2.1 The Panel agrees that the current PDP Introduction Mihi should be retained, while acknowledging its author.
- 3.2.2 The Panel also agrees there should be a technical edit prior to finalisation of decisions on the Plan will also ensure editing/spelling/capitalisation errors are corrected.
- 3.2.3 The Panel agrees with the reporting planner and recommends that S125.001 NHMT be accepted and S84.017 KLT be accepted and S122.001 Rongomaraeroa Marae Trustees be accepted in part (in that errors in the Mihi will be corrected).

Tangata Whenua /Te Whakataki: Introduction

- 3.2.4 NHMT (S125) sought to have the 'Introduction and General Provisions / Nga Tangata Whenua O Tamatea Te Whakataki: Introduction' section redrafted so that it meets mana whenua aspirations including the use of te reo. At the Wānanga, it was agreed that this section would be redrafted and presented at the second Hearing.
- 3.2.5 The Panel agrees with the reporting planner's right-of-reply and recommends accepting S125.006 if the redrafting is complete by the time of the second hearing. NHMT, however, noted that the timing of the translation may not be available prior to releasing decisions on the PDP.

Ngā Reo o te Takiwā: Representative Voices

- 3.2.6 The Panel agrees that the additional wording sought by HTST would further clarify the role of the Trust in Tamatea and assist readers of the PDP to better understand the HTST's role and function. The Panel therefore agrees with the reporting planner and recommends that S120.009 HTST be accepted.
- 3.2.7 Ngāti Kere Hapū Authority is a recognised hapū entity in Tamatea and as such should be included as one of the Ngā Reo o te Takiwā: Representative Voices in the PDP. Using their submission as a basis, and acknowledging the evidence of Ms August for KLT, the Panel agrees with the reporting planner's right-of-reply and recommends the following be added to the list of Ngā Reo o te Takiwā: Representative Voices:

'Ngāti Kere Hapū Authority: tangata whenua in the Pōrangahau rohe.

- 3.2.8 The Panel agrees with the reporting planner and recommends that S134.001 Ngāti Kere Hapū Authority be accepted in part.

Mihi in Strategic Direction Ngā Tangata Whenua o Tamatea Chapter

- 3.2.9 At the Wānanga, there was acknowledgement that the PDP should reflect all marae and hapū in Tamatea, and a number of amendments to Plan provisions are being prepared by submitters to achieve this. No undertaking to amend the second mihi was agreed. Therefore, as the reporting planner outlined, the Hearings Panel's options are to:
1. retain the mihi in the Strategic Direction / Ngā Tangata Whenua o Tamatea Tangata Whenua section; or
 2. To accept an amended version.
- 3.2.10 Given the level of opposition to the second mihi in its current form, together with the desire for a more representative text in this part of the PDP, and no alternative mihi being provided, the Panel recommends deleting the mihi from this section of the PDP and insert a 'place holder' reflecting that an amended version will be provided at a time when Tangata Whenua have agreed to appropriate wording. It may be that an amended agreed mihi can be provided prior to the notification of the decisions' version.
- 3.2.11 For the above reasons, the Panel recommends S125.016 NHMT be accepted in part and S84.018 KLT that sought the mihi be amended to correct spelling and capitalisation errors also be accepted in part in that timing has not allowed for this to be completed but a placeholder to be inserted into the PDP.
- 3.2.12 It is noted that at the time of making this recommendation the proposed amendments to the mihi, introduction and representative voice had not been received. The Panel is of the opinion that these are no substantive matters can if received before the plan is notified, they can be included.

4 Key Issue 2 – Co-Governance opportunities and iwi involvement in decision-making

4.1 Proposed plan provisions

4.1.1 This key issue addresses co-governance opportunities and iwi involvement in decision-making.

4.2 Submissions

4.2.1 10 original submission points and nine (9) further submission points raise matters relating to iwi involvement in decision making. All submission points either support or sought amendments to the provisions.

4.2.2 The key matters raised in these submissions are summarised as being:

- Support for fostering and strengthening relationship with Council, and enabling direct involvement of hapū and marae alongside District Council in decision making, and provision of guidance and advice to achieve sustainable outcomes for the community;
- Amend provisions to reflect and strengthen opportunities for co-governance;
- Amend issues to acknowledge the lack of involvement of iwi in decision making; and
- Clarify the role of iwi engagement on resource management matters.

4.3 Reporting planner's recommendations

General support

4.3.1 NHMT made an overarching submission in support of the PDP, seeking to continue to improve Māori relationship with CHBDC, and appropriate recognition in the PDP of Māori relationships with natural and physical resources.

4.3.2 As no specific amendments were sought in this submission, the reporting planner recommended that S125.072 NHMT be accepted.

Co-governance capability and strengthening Tangata Whenua/ mana whenua involvement in resource management decision-making

4.3.3 A number of the submitters sought greater Tangata Whenua involvement in the District Plan decision-making processes, including opportunities for co-governance, whilst other submitters are seeking more clarity regarding Tangata Whenua's role in this respect.

4.3.4 We were advised that, currently, Council and Tangata Whenua do not have any RMA Mana Whakahono a Rohe arrangements in place. To do this is a matter to be addressed between the parties outside of the confines of the District Plan. The PDP therefore notes this opportunity in the 'Methods' section of the TW Strategic Directions chapter (refer Method TW-M3), rather than as a PDP objective or policy. It is also noted that Council have identified this aspiration as an action in their Tūhono mai Tūhono atū Māori Engagement Strategy³.

4.3.5 Taking this into account, the reporting planner considered identifying the lack of Tangata Whenua involvement in decision-making as an issue is appropriate and support amending the PDP to provide for this issue:

³ Tūhono mai Tūhono atū (2020), Oranga/People and Prosperity, Priority 4 / Actions, Rauemi / Resources and Infrastructure, Priority 1 / Actions.

TW-IX The lack of tangata whenua involvement in resource management decision-making.

- 4.3.6 The reporting planner therefore recommended S125.017 NHMT be accepted.
- 4.3.7 The reporting planner did not support amending Policy TW-P1 to have the District Plan formalise power-sharing with Tangata Whenua. As outlined above, this matter cannot be directed by the District Plan and required agreements to be made using processes outside of the District Plan.
- 4.3.8 For the same reason, the reporting planner did not support amending method TW-M3 as sought by NHMT. The reporting planner therefore recommended S125.031 and S125.035 NHMT be rejected.
- 4.3.9 Policy TW-P1 relates to engagement with Tangata Whenua in resource management decision-making. Four submitters have sought amendments to this policy as set out below:

Ngā hapū me ngā marae o Tamatea	TW-P1 To provide for timely, effective and meaningful engagement with tangata whenua, including by providing for timely, effective and meaningful engagement, in resource management decision-making and implementation where tangata whenua are interested and/or affected
Heretaunga Tamatea Settlement Trust	TW-P1 To provide for <u>opportunities for tangata whenua to actively engage in a timely, effective, and meaningful way</u> engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected <u>which recognises:</u>
Federated Farmers	TW-P1 To provide for timely, effective, and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected.
Kāinga Ora	TW-P1 To provide for timely, effective and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected.'

- 4.3.10 The reporting planner recommended S125.022 NHMT and S120.012 HTST be accepted in part (subject to decisions on other submissions).
- 4.3.11 Federated Farmers and Kāinga Ora sought to delete the words 'are interested' from Policy TW-P1 to provide clearer direction as to when and how Tangata Whenua will be involved in resource consent applications. The reporting planner recommended S121.014 Federated Farmers and S129.012 Kāinga Ora be accepted because of the difficulties in ascertaining when and which Tangata Whenua would be interested in a matter.
- 4.3.12 In summary, the reporting planner supported amendments to TW-P1 as follows:

TW-P1 To ~~provide-actively engage tangata whenua by providing~~ for timely, effective, and meaningful engagement, with tangata in resource management decision-making and implementation where tangata whenua are ~~interested and/or~~ affected.

- 4.3.13 The reporting planner also recommended S64.013 DOC, in support of Policy TW-P1, be accepted in part (subject to the above amendments).

Developing capability / cultural expertise and impact assessment

- 4.3.14 HTST have made a general submission to the Tangata Whenua provisions seeking amendments to the wording throughout the PDP to reflect the statutory requirement (RMA) to engage Tangata Whenua as a cultural expert to inform any development and decision-making process.
- 4.3.15 The reporting planner advised that, with respect to developing training for Tangata Whenua in resource consent assessment capability, Section 31(1)(b) of the Local Government Act 2002, directs

Councils to consider ways to foster the development of Māori capacity to contribute to the decision-making processes of the local authority. The *Mana Whakahono a Rohe* provisions of the RMA also set out specific provisions providing mechanisms for iwi authorities and local authorities to discuss, agree and record ways in which Tangata Whenua, through their iwi authorities, can participate in resource management and decision-making processes (Sections 58L -58U). These are, however, matters to be addressed outside of the District Plan. For these reasons, the reporting planner recommended that S134.002 Ngāti Kere Hapū Authority be accepted.

4.3.16 Whilst there is no statutory requirement for an applicant or Council to prepare or commission a cultural impact assessment, the reporting planner advised that such assessments (like other technical assessments) can assist both applicants and the Council to meet statutory obligations in a number of ways, depending on the particular circumstances of an application, including:

- preparation of an Assessment of Environmental Effects (AEE) in accordance with s88(2)(b) and Schedule 4 of the Resource Management Act 1991;
- responding to requests for further information under s92 of the RMA in order to assess the application;
- in response to a report commissioned under s 92(2) where an activity may have a significant adverse effect on the environment;
- providing information to enable appropriate consideration of the relevant Part 2 matters when making a decision on an application for resource consent under s104 of the RMA; or
- consideration of appropriate conditions of resource consent under s108 of the RMA.

4.3.17 Acknowledging that Council is required to make a judgement call as to when it is appropriate to engage cultural expertise, the reporting planner recommended that S120.008 HTST be rejected.

4.3.18 For these reasons, the reporting planner recommended that S134.004 Ngāti Kere Iwi Authority be accepted in part (in that Council is working with Tangata Whenua to develop capability, and that the need for a cultural impact assessment is made on a case-by-case basis).

4.4 Evidence to the hearing

4.4.1 Stephen Daysh provided planning evidence on behalf of HTST on the importance of Tangata Whenua being involved in the development of the PDP.

4.4.2 Liz Munroe provided evidence on behalf of NMHT which focused on the following:

- Use of Te Reo in the PDP;
- Housing, economic and other development aspirations;
- Co-governance;
- Te Mana o te Wai and Mātauranga Māori; and
- The correlation between the PDP and the forthcoming law reforms

4.4.3 Stella August provided evidence on behalf of KLT on Cultural Impact Assessments and when these should be required.

4.5 Post hearing information

4.5.1 The reporting planner's right-of-reply did not provide any further discussion on this key issue.

4.6 Evaluation and findings

Co-governance capability and strengthening Tangata Whenua/ mana whenua involvement in resource management decision-making

- 4.6.1 A number of the submitters sought greater Tangata Whenua involvement in the PDP decision-making processes, including opportunities for co-governance, whilst other submitters are seeking more clarity regarding Tangata Whenua's role in this respect.
- 4.6.2 The Council has identified that it is an aspiration to establish an RMA Mana Whakahono a Rohe arrangement as an action in their Tūhono mai Tūhono atū Māori Engagement Strategy⁴. Such an arrangement would need to be agreed between the parties outside the District Plan. The Panel therefore agrees that it is appropriate to have the PDP note this opportunity in the 'Methods' section of the TW Strategic Directions chapter (Method TW-M3), rather than as a PDP objective or policy
- 4.6.3 Taking this into account, and that Tangata Whenua have no other form of agreed role in decision-making on resource management matters facing the District, the Panel agrees with the reporting planner and considers identifying the lack of Tangata Whenua involvement in decision-making as an identified issue is appropriate and support amending the PDP to provide for this issue:

TW-IX The lack of tangata whenua involvement in resource management decision-making.

- 4.6.4 The Panel agrees with the reporting planner and recommends S125.017 NHMT be accepted.
- 4.6.5 The Panel agrees with the reporting planner and does not support amending Policy TW-P1 seeking the PDP formalise power sharing with Tangata Whenua. This matter cannot be directed by the PDP and requires agreements to be made using processes outside of the District Plan. Therefore, the Panel does not support amending method TW-M3 as sought by NHMT, and therefore recommends rejecting S125.031 and S125.035.
- 4.6.6 Policy TW-P1 relates to engagement with Tangata Whenua in resource management decision-making. Four submitters have sought amendments to this policy as outlined by the reporting planner (above).
- 4.6.7 The Panel agrees with the reporting planner in part (with the retention of the word "interested") and recommends S125.022 NHMT and S120.012 HTST be accepted in part by making the following recommended amendments to TW-P1:

TW-P1 To ~~provide actively engage tangata whenua by providing for timely, effective, and meaningful engagement, with tangata in resource management decision-making and implementation where tangata whenua are interested and/or affected.~~

- 4.6.8 The Panel agrees with the reporting planner and recommends S64.013 DOC, in support of Policy TW-P1, be accepted in part (subject to the above amendments).

Developing capability / cultural expertise and impact assessment

- 4.6.9 HTST has made a general submission to the Tangata Whenua provisions seeking amendments to the wording throughout the PDP to reflect the statutory requirement (RMA) to engage Tangata Whenua as a cultural expert to inform any development and decision-making process.
- 4.6.10 Acknowledging that Council is required to make a judgement call as to when it is appropriate to engage cultural expertise, the Panel agrees with the reporting planner and recommends that S120.008 HTST be rejected.

⁴ Tūhono mai Tūhono atū (2020), Oranga/People and Prosperity, Priority 4 / Actions, Rauemi / Resources and Infrastructure, Priority 1 / Actions.

- 4.6.11 In that Council is working with Tangata Whenua to develop capability, and that the need for cultural impact assessment is made on a case-by-case basis, the Panel agrees with the reporting planner and recommends that S134.004 Ngāti Kere Iwi Authority be accepted in part.

5 Key Issue 3 –Inserting ‘Te Mana o te Wai’ provisions into the PDP

5.1 Proposed plan provisions

- 5.1.1 This key issue addressed inserting ‘Te Mana o te Wai’ provisions into the PDP.

5.2 Submissions

- 5.2.1 5 original submission points, supported by 4 further submissions, request that the concept ‘Te Mana o te Wai’ be provided for in the PDP.

It is noted that number of these submission points specifically sought that reference to Te Mana o te Wai be provided in the ‘ECO – Ecosystems and Indigenous Biodiversity’ chapter of the PDP. Hearings on that Topic were held on 10th February 2022; however, these particular submissions were held over to this hearing so that they could be heard together with other submissions relating to Te Mana o te Wai}.

5.3 Reporting planner’s recommendations

- 5.3.1 The reporting planner advised that ‘Te Mana o te Wai’ was a fundamental concept of the NPS-FM that imposed a hierarchy of obligations on local authorities.
- 5.3.2 The reporting planner noted that the HBRC had yet to determine how to apply the NPS-FM Te Mana o te Wai provisions for the Region but based on current TANK Catchment Plan Change hearings, she considered there could be quite significant changes to the RPS as a result. The CHBDC is therefore lacking any clear guidance as to how the NPS-FM requirements might translate into land use provisions. The reporting planner noted that, once HBRC has promulgated policies and provisions for giving effect to the NPS-FM, a plan change may be required to the CHBD Plan to reflect such changes.
- 5.3.3 At the first Tangata Whenua hearing held in August, evidence was presented by the HTST’s planner, Mr Stephen Daysh, with respect to inserting Te Mana o te Wai provisions into the PDP.
- 5.3.4 The provisions sought by this submitter include:

- A new objective in the Tangata Whenua Strategic Direction chapter:

TW-01	Te Mana o te Wai, intrinsic values of ecosystems and the life supporting capacity of the districts natural resources are recognised and provided for.
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- Two new objectives in the ECO- Ecosystems and Indigenous Biodiversity chapter:

ECO-03	The relationship of Tangata Whenua and their culture and traditions, values, interests, and associations with water bodies are recognised and provided for.
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ECO-04	Subdivision use and development within the district is undertaken in an integrated manner that recognises Te Mana o te Wai for all receiving waters and minimises changes in the hydrological regime of those waters.
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- A new policy in the ECO- Ecosystems and Indigenous Biodiversity chapter:

ECO-P10	Recognise, protect, and enhance significant indigenous biodiversity and natural wetlands, while recognising and providing for Te Mana o te Wai.
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- A new method in the ECO- Ecosystems and Indigenous Biodiversity chapter:

ECO-MXX	Methods to recognise and provide for Te Mana o te Wai in receiving waters.
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5.3.5 The reporting planner acknowledged the importance of Te Mana o te Wai to the hapū of Tamatea as expressed by the participants at the Wānanga, and their concern that there was insufficient time to discuss this important issue. The planner was, however, unsure of inserting the proposed provisions prior to Tangata Whenua having determined what this meant for them regionally and locally. She also considered that inserting such provisions prior to the RPS identifying a regional approach may be premature.

5.3.6 However, acknowledging the importance of Te Mana o te Wai, and the direction of the NPS-FM, the reporting planner would support amendments to the PDP as follows:

‘TW-I1 The loss of **mana o te wai through** modification and degradation of lakes, rivers, springs and wetlands and traditional food gathering places (mahinga kai) that are central to the well-being of the hapū of Heretaunga Tamatea.

TW-M5 Hawke’s Bay Regional Council Functions

Hawke’s Bay Regional Council has various statutory functions and responsibilities including for regional pest management purposes (Hawke’s Bay Regional Pest Management Plan), and management of activities affecting the quality of air and water (Hawke’s Bay Regional Resource Management Plan and Regional Coastal Environment Plan), which specifically address **(or will be amended to address)** issues such **as freshwater management (including Te Mana O Te Wai)**, introduction of weeds and pests, farm run-off, industrial pollution, and drainage works.

5.3.7 The reporting planner noted that HTST had been invited to come back to the Hearing with a high-level statement about what Te Mana o te Wai means in Tamatea, which may further inform consideration of these submission points. She advised that, if the Panel is of a view to insert provisions into the PDP for this purpose, the preference would be that they are located in the TW-Tangata Whenua Strategic Direction chapter, as the Ecosystems and Indigenous Biodiversity chapter, whilst a district-wide chapter, is primarily focused on managing, trimming and clearance of indigenous vegetation, whereas the TW-Tangata Whenua Strategic Direction chapter applies more broadly.

5.3.8 For the reasons outlined above the reporting planner recommended that HTST S120.015, and S120.022 be accepted in part and S120.020, S120.021 be rejected.

5.4 Evidence to the hearing

5.4.1 Liz Munroe provided evidence on behalf of NMHT which focused on the following:

- Use of Te Reo in the PDP;
- Housing, economic and other development aspirations;
- Co-governance;
- Te Mana o te Wai and Mātauranga Māori; and
- The correlation between the PDP and the forthcoming law reforms.

5.4.2 Stephen Daysh provided planning evidence on behalf of HTST on inserting ‘Te Mana o te Wai’ Provisions into the PDP.

5.5 Post hearing information

5.5.1 The reporting planner’s right-of-reply addressed the need to take in to account Te Mana o te Wai, noting that considerable work and consultation needs to be undertaken to incorporate the directions under the NPS-FM into the PDP, once the policies are revised at a regional level through the RPS. The reporting planner retained her position that the timing is not appropriate for including Te Mana o te Wai in detail in the PDP.

5.6 Evaluation and findings

- 5.6.1 The Panel agrees with the reporting planner's right-of-reply that it is important to introduce the concept of Te Mana o te Wai into the PDP, once the regional policy framework has been reset. The Panel also agrees that, until that policy reset has been undertaken, it would be premature for the CHBDC to be introducing new policies and provisions into the PDP, particularly without community consultation and engagement.
- 5.6.2 However, the Panel considers there is scope within the submissions received on the PDP to acknowledge the importance of Te Mana o te Wai to Tangata Whenua, and the overarching direction of the NPS-FM, as recommended by the reporting planner. The Panel recommends the following amendments be made to the PDP:

TW-I1	The loss of <u>mana o te wai particularly in relation to fresh and coastal waters through the</u> modification and degradation of lakes, rivers, springs and wetlands and traditional food gathering places (mahinga kai) that are central to the well-being of the hapū of Heretaunga Tamatea.
TW-M5	<p>Hawke's Bay Regional Council Functions</p> <p>Hawke's Bay Regional Council has various statutory functions and responsibilities including for regional pest management purposes (Hawke's Bay Regional Pest Management Plan), and management of activities affecting the quality of air and water (Hawke's Bay Regional Resource Management Plan and Regional Coastal Environment Plan), which specifically address <u>(or will be amended to address)</u> issues such <u>as freshwater management (including Te Mana o Te Wai)</u>, introduction of weeds and pests, farm run-off, industrial pollution, and drainage works.</p>

6 Key Issue 4 – Development of Māori-owned land

6.1 Proposed plan provisions

6.1.1 This key issue addresses the development of Māori-owned Land.

6.2 Submissions

6.2.1 4 original submission points and 5 further submissions were received on provisions relating to the development of Māori-owned land.

6.2.2 The key matters raised in these submissions can be summarised as:

- Amend the Rural Land Resource (RLR) chapter to include a reference to development of land for papakāinga housing, kaumātua flats and marae-based development on rural Whenua Māori or Māori land;
- Amend provisions that prevent development of Māori-owned land, including providing for access to Māori-owned land; and
- Recognise the potential population increase of Māori as they return to their land and state commitment to planning for this and providing for this opportunity.

6.3 Reporting planner's recommendations

Amendment to the RLR -Rural Land resource provisions of the PDP

6.3.1 The reporting planner advised that the RLR - Rural Land Resource chapter is one of four district-wide strategic direction chapters in the PDP. She noted it specifically addresses the issue of the incremental loss of highly productive land as a district-wide matter, and that, as a strategic district-wide matter, the RLR objectives, policies and methods apply across the PDP. She advised that the PKH-Papakāinga Housing, Kaumātua Flats and Marae-based Development chapter is also a district-wide chapter, so in that respect for any papakāinga development proposed on highly productive land, both sets of provisions would apply. In addition, she highlighted that the relevant provisions of the Tangata Whenua chapter in the district-wide Strategic section would also apply (e.g., Objective TW-O4 and Policy TW-P5).

6.3.2 The reporting planner noted that the recently enacted NPS-HPL specifically excludes the use or development on specified Māori land as an inappropriate use, and defines specified Māori land as including any of the following:

- (a) *Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):*
- (b) *land vested in the Māori Trustee that—*
- (i) is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and*
 - (ii) remains subject to that Act:*
- (c) *land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:*
-:
- (f) *land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the mana whenua over the land'*

6.3.3 While the reporting planner acknowledged that much of Māori land and Whenua Māori is often located in the rural zones, and some of it may be located on highly productive land, she did not consider amending the RLR provisions as sought would add anything to the current approach. On

this basis, the reporting planner recommended that no amendments were required, and that the submission S125.008 NHMT be rejected.

PDP provisions should not preclude the development of Māori-owned Land

- 6.3.4 The reporting planner considered that the PDP has appropriately addressed opportunities for the development of Māori-owned land.
- 6.3.5 With respect to access to Māori-owned land from state highways and arterial roads, she advised that the PDP provisions in the 'SUB – Subdivision' and 'TRAN – Transport' chapter require all new lots to be provided with vehicle access to an existing legal road, subject to meeting standards, including setback requirements from any road intersection. She also advised that developers must also obtain permission from the respective Road Controlling Authority (Waka Kotahi for state highways and the District Council for other roads).
- 6.3.6 The reporting planner stated that access to Māori-owned land would therefore normally be taken into account at the time a title is issued. She was aware that there are historic issues with existing access to some Māori-owned land, but the RMA neither provided for District Plans to address this matter nor provide any jurisdiction to provide access where none exists. She noted that TTWMA contains provisions for providing access to landlocked Māori land, which essentially required an application to the Māori Land Court.
- 6.3.7 The reporting planner therefore considered that the notified PDP provisions which require access to an existing road as part of the subdivision process (including the subdivision of Māori land) is appropriate in that it addresses the matter of access to the degree that is possible in a District Plan, acknowledging that this will not always resolve historical access issues.
- 6.3.8 For these reasons, the reporting planner recommended that S125.071 NHMT and S134.005 Ngāti Kere Hapū Authority be accepted in part (in that these matters have been appropriately considered and no amendments are required).

6.4 Evidence to the hearing

- 6.4.1 Stephen Daysh provided expert planning evidence on behalf of HTST (S120) on the development of Māori-owned land, and sought amendments to proposed to TW-I3 and TW-P5 and proposed a new policy within the Urban Form and Development was to ensure it is explicitly clear within the PDP that, in addition to the provision of papakāinga housing, a range of housing options, including rural and residential housing, is provided for in the PDP.
- 6.4.2 Liz Munroe provided evidence on behalf of NHMT(S125) which focused on the following:
- Greater use of Te Reo in the PDP;
 - Housing, economic and other development aspirations;
 - Co-governance;
 - Te Mana o te Wai and Matauranga Māori; and
 - The correlation between the PDP and the forthcoming law reforms.
- 6.4.3 Karl Tipene presented evidence during Hearing 1 referencing the issues he raised in his submission relating to the creation of barriers to development on Māori land and the requirement under the PDP that consideration be given to conversion of general land owned by Māori-to-Māori freehold land under the authority of TTWMA.

6.5 Post hearing information

- 6.5.1 The reporting planner's right-of-reply addressed the provision of housing for Māori and the suitability of the Papakāinga and Kaumatua Housing and Marae-Based Activities (PKH) provisions and whether it would be appropriate to consider a broader application to general land.

6.6 Evaluation and findings

Amendment to the RLR rural land resource provisions of the PDP

- 6.6.1 The Panel agrees with the reporting planner and acknowledges that much of Māori Land and Whenua Māori is often located in the rural zones, and some of it may be located on highly productive land. The Panel, however, has concluded that constraints on the development of Māori-owned land is a significant issue for the District. Rather than amend the issues section in the RLR, which are district-wide matters for the whole District, the Panel recommends the issue be included in the Tangata Whenua Chapter as follows:

TW-17 The barriers to tangata whenua/mana whenua developing papakāinga housing, kaumātua flats and marae-based development on rural Whenua Māori or Māori Land (as defined under Te Ture Whenua Māori Act 1993).

There are many barriers facing tangata whenua/mana whenua in a developing Māori-owned land, including remoteness, lack of services and physical constraints. These barriers need to be taken into account in providing for the development and use of Whenua Māori and other Māori-owned land within the District.

- 6.6.2 On this basis, the Panel recommends that S125.008 NHMT be accepted in part.

PDP provisions should not preclude the development of Māori-owned Land

- 6.6.3 While the Panel considers that the PDP has, in general, appropriately addressed opportunities for the development of Māori-owned land, the Panel notes the difficulty for Māori in developing freehold titles. The Panel evaluated the option of introducing a Māori Purpose Zone (provided for under the National Planning Standards⁵), and concluded that, while the method has merits, it would need to be fully considered in regard to the specific circumstances of Central Hawke's Bay, and be fully consulted on. It is therefore outside the scope of the present PDP process to introduce. The Panel, however, considers that such a zoning is a method that iwi and Council could consider in the future.
- 6.6.4 The Panel acknowledges respect to PDP provisions in the 'SUB – Subdivision' and 'TRAN – Transport' chapter require all new lots, no matter the land ownership, to be provided with vehicle access to an existing legal road, subject to meeting standards. All developers must also obtain permission from the respective Road Controlling Authority to get access onto roads (Waka Kotahi for state highways and the District Council for other roads).
- 6.6.5 We agree with the reporting planner that access to Māori-owned land would therefore normally be taken into account at the time a title is issued and that the matter of access to Māori-owned land is not a matter for the PDP.
- 6.6.6 Accordingly, the Panel agrees with the reporting planner and considers the notified PDP provisions that require access to an existing road as part of the subdivision process (which would also apply to the subdivision of Māori land) addresses the matter of access to the degree that is possible in a District Plan. The difficulties in obtaining access, and alternatives from of access, would be an assessment matter for specific subdivision proposals. For these reasons, the Panel recommends that S125.071 NHMT and S134.005 Ngāti Kere Hapū Authority be accepted in part.

⁵ The description of the Māori Purpose Zone under the National Planning Standards is for "areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities."

7 Key Issue 5 – Te Reo, glossary and definitions

7.1 Proposed plan provisions

- 7.1.1 This key issue addresses the use of Te Reo in the PDP, as well as Māori words and terms in the glossary and definitions.

7.2 Submissions

- 7.2.1 7 original submission points and 3 further submissions were received on the use of te reo Māori terms in the PDP, including submissions on specific terms in the Glossary section of the PDP.
- 7.2.2 The key matters raised in these submissions can be summarised as follows:
- Clarify how the terms 'Mana Whenua' and 'Tangata Whenua' have been used throughout the PDP;
 - Add a new definition for 'Cultural Values', 'Māori Values', and 'Archaeological Values';
 - Amend definition of terms including 'Tapu', 'Wāhi Tapu', 'Mahinga Kai';
 - Add a new definition for 'Māori Land'; and
 - General use of Te Reo in the PDP.

7.3 Reporting planner's recommendations

Defining 'Cultural Values', 'Māori Values', and 'Archaeological Values'

- 7.3.1 Rongomaraeroa Marae Trustees sought that the terms 'Cultural Values', 'Māori Values', and 'Archaeological Values' be defined in the PDP, and they queried if archaeological sites with cultural values were wāhi tapu.
- 7.3.2 With respect to the terms 'Cultural Values', 'Māori Values', and 'Archaeological Values', the reporting planner noted these were not terms defined in the RMA, or, in the case of 'archaeological values', in the HNZPT Act. She noted that it was unclear how these terms would be defined, or how helpful this would be in interpreting the provisions of the PDP.
- 7.3.3 The discussion at the Wānanga acknowledged a significant amount of work was still required to correctly reflect the position of Tamatea hapū in the PDP on cultural and Māori values. Whilst some amendments to provisions were anticipated being presented at the Hearing, that may partially address this submitters' concerns, any definition of such values would require a broader discussion with Tangata Whenua outside of the current process.
- 7.3.4 For the reasons outlined, the reporting planner recommended that S122.006 Rongomaraeroa Marae Trustees be rejected.

Editing corrections to Mihi

- 7.3.5 KLT (S84) submitted on spelling and capitalization errors in the Mihi in the 'Introduction' and 'Strategic Direction' sections of the PDP.
- 7.3.6 The reporting planner agreed that correct spelling and use of capitals should be used in the Mihi (and the PDP in general) and this matter will be further explored with submitters before the PDP is finalised.
- 7.3.7 An editing process for the PDP was discussed at the Wānanga, from which it is anticipated that a final technical edit of the Tangata whenua sections for this purpose would be undertaken prior to the PDP being finalized.

- 7.3.8 The reporting planner also noted that minor errors in a district plan can be corrected at any stage without going through the Schedule 1 process, pursuant to Ccl16 Schedule 1 of the RMA.
- 7.3.9 For these reasons the reporting planner recommended that S84.018 KLT be accepted.

Glossary terms ‘Tapu’, ‘Wāhi Tapu’ and ‘Mahinga Kai’

- 7.3.10 Rongomaraeroa Marae Trustees (S122) raised concerns with the use of Māori terms in the PDP. As an example of Māori terms that are inaccurate or misused, Rongomaraeroa Marae Trustees provided a definition of ‘tapu’ as follows:

Wāhi Tapu – a place sacred to Māori, and the community in the traditional, ritual, spiritual, religious, and mythological sense. E.g. Taikura rock is well respected by Māori and the Porangahau community.

- 7.3.11 This definition aligns with HNZPT’s submission which sought that wāhi tapu be defined as follows:

Wāhi Tapu – ~~a treasured place~~ has the same meaning as in section 6 of the HNZPTA 2014 (as set out below) means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.

- 7.3.12 The reporting planner noted that the term ‘Tapu’ has not been used in the PDP as an independent term but is generally used when referring to ‘wāhi tapu’ which is translated in the PDP Glossary as ‘a treasured place’. She stated that it would be helpful if Rongomaraeroa Marae Trustees could clarify at the hearing if they were seeking a new term in the PDP for defining ‘tapu’ or if the interpretation they had provided relates to the PDP definition of ‘wāhi tapu’.
- 7.3.13 The reporting planner agreed that the PDP translation of tapu is broad, and as such could apply to places of significance to other cultures as well as Māori, which was not the intent of its use within the PDP. She noted that wāhi tapu were identified on the PDP maps and within Schedule SASM-SCHED3 as ‘Sites and Areas of Significance to Māori’ and therefore had a very specific meaning within the PDP that was more in accordance with the alternative definition as proposed by these submitters. The reporting planner also considered that the notion of ‘a treasured place’ was encompassed in the alternative wording, but was specific to Māori.
- 7.3.14 The reporting planner also noted the statement agreed to at the Wānanga to use the HNZPT Act definitions. The planner agreed with this insofar as the PDP uses the term ‘wāhi tapu’, but, given the PDP did not use the terms ‘wāhi tapu area’ or ‘wāhi tūpuna’ the planner did not support including these terms in the PDP.
- 7.3.15 For these reasons, the reporting planner recommended the definition proposed by HNZPT be adopted, and S55.011 HNZPT be accepted and S122.002 Rongomaraeroa Marae Trustees be accepted in part.
- 7.3.16 In regard to the term mahinga kai, the reporting planner noted the PDP translated this term as follows:

a place where traditional food resources can be produced or harvested.

- 7.3.17 NHMT, supported by HTST, sought to amend this definition so that it was consistent with Tangata whenua understanding of mahinga kai, as follows:

The customary gathering of food and natural materials, the food and resources themselves and the places where those resources are gathered.

- 7.3.18 The reporting planner accepted that the PDP translation of ‘mahinga kai’ was narrow when compared with the alternative definition that was proposed. She noted that ‘mahinga kai’ was not a term used within any of the PDP rules, but was solely referenced in Subdivision Assessment Matter SUB-AM9 as follows:

SUB-AM9 Esplanade Reserves, Esplanade Strips and Access Strips

...

4. Whether any waiver or reduction in size or width of the esplanade reserve or esplanade strip will:

- a. Ensure the security of private property or the safety of people;
- b: Maintain or enhance the protection of wāhi taonga, including wāhi tapu and mahinga kai as well as the provision of access to areas of importance to Māori;

7.3.19 The reporting planner did not consider that adopting the broader definition would impact on the application of this Assessment Matter, nor change the intention of how this term was used in the PDP, and, given the broad support from the hapū of Tamatea and the HTST, the reporting planner recommended that S125.005 NHMT be accepted.

Definition of Māori Land

7.3.20 With respect to the request for a new definition for 'Māori Land', the reporting planner noted this term was used in the PDP specifically in relation to the PKH – Papakāinga and Kaumātua Housing, and Associated Marae Based Development chapter. In the 'Introduction' to that section it states:

The Te Ture Whenua Māori Act 1993 defines Māori land as follows:

'means Māori customary land and Māori freehold land'

7.3.21 The reporting planner considered that given the term 'Māori land' as used in the PDP, clearly intends to relate land that comes within the TTWMA, it would be appropriate to include a new definition and wording as follows:

has the same meaning as in section 4 of the Te Ture Whenua Act (as set out below):
means Māori customary land and Māori freehold land.

7.3.22 For these reasons the reporting planner recommended that S125.003 NHMT be accepted.

General support for use of te reo in the PDP subject to terms being defined / used correctly

7.3.23 S120.028 HTST did not seek any specific relief on this matter, but supported, in part, the glossary, on the basis that the Trust considers it encouraging to see Te Reo Māori kupu and terms woven throughout the PDP. As no changes were sought by this submission, the reporting planner recommended that S120.028 HTST be accepted insofar as the Glossary and the use of Te Reo Māori kupu in the PDP are to be retained.

7.4 Evidence to the hearing

7.4.1 Liz Munroe provided evidence on behalf of NHMT which focused on the following:

- The use of Te Reo in the PDP;
- Housing, economic and other development aspirations;
- Co-governance;
- Te Mana o te Wai and Matauranga Māori; and
- The correlation between the PDP and the forthcoming law reforms.

7.5 Post hearing information

7.5.1 The reporting planner's right of reply provided clarification on the definition of Māori land and its definition in TTWMA.

7.6 Evaluation and findings

Defining 'Cultural Values', 'Māori Values', and 'Archaeological Values'

- 7.6.1 With respect to the terms 'cultural values', 'Māori values', and 'archaeological values', the Panel notes these are not terms used in the PDP and therefore are uncertain how defining them in the PDP would assist in interpreting the provisions of the PDP. No specific amendments or definitions were provided to the final Hearing.
- 7.6.2 The Panel acknowledges that the Wānanga agreed there a significant amount of work that is still required to correctly reflect the position of ngā Tamatea hapū in the PDP. Any definition of such values will require a broader discussion with Tangata Whenua outside of the current process.
- 7.6.3 For the reasons outlined, the Panel agrees with the reporting planner's recommendation that S122.006 Rongomaraeroa Marae Trustees be rejected, but note that the use of Te Reo in the PDP – and more broadly – is an ongoing evolution.

Editing corrections to Mihi

- 7.6.4 The Panel agrees with the reporting planner that correct spelling and use of capitals should be used in the Mihi (and the PDP in general) and this matter will be addressed before the PDP is finalised as part of the final technical edit of the PDP.
- 7.6.5 For these reasons the Panel recommends that S84.018 KLT be accepted.

Glossary terms 'tapu', 'wāhi tapu' and 'mahinga kai'

- 7.6.6 The Panel notes that the term 'tapu' is not used in the PDP as an independent term but is generally used when referring to 'wāhi tapu', which is translated in the PDP Glossary as 'a treasured place'.
- 7.6.7 The Panel agrees that the PDP translation is broad, and as such could apply to places of significance to other cultures as well as Māori, which is not the intent of its use within the PDP. Wāhi tapu are identified on the PDP maps and within Schedule SASM-SCHED3 as 'Sites and Areas of Significance to Māori' and therefore have a very specific meaning within the PDP that is more in accordance with the alternative definition as proposed by these submitters.
- 7.6.8 For these reasons, the Panel agrees with the reporting planner and recommends the definition proposed by HNZPT be adopted, and S55.011 HNZPT be accepted and S122.002 Rongomaraeroa Marae Trustees be accepted in part. The definition is recommended to be:

Wāhi Tapu – 'a treasured place has the same meaning as in section 6 of the HNZPTA 2014 (as set out below) as being a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.

- 7.6.9 In regard to the term 'mahinga kai', the PDP definition is as follows:

'a place where traditional food resources can be produced or harvested.'

- 7.6.10 NHMT supported by HTST sought this definition be amended so that it meets mana whenua's understanding of mahinga kai.
- 7.6.11 The Panel agrees with the reporting planner that the PDP translation of 'mahinga kai' is narrow when compared with the definition sought by the submitters is proposed. Accordingly, the Panel recommend amending the definition as follows:

Mahinga Kai – The customary gathering of food and natural materials, the food and resources themselves and the places where those resources are gathered.

- 7.6.12 Accordingly, the Panel recommends accepting the submissions from NHMT and HTST.

Māori land

- 7.6.13 The term 'Māori Land' is used in the PDP specifically in relation to the PKH – Papakāinga and Kaumātua Housing, and Associated Marae Based Development chapter and is defined in the Introduction to that section as having the same meaning as under TTWMA as "Māori customary land and Māori freehold land".
- 7.6.14 The Panel agrees with the reporting planner that it would be appropriate to include a new definition as part of the Glossary as follows:

Māori Land – has the same meaning as in section 4 of the Te Ture Whenua Act (as set out below) as being Māori customary land and Māori freehold land.

- 7.6.15 For these reasons the Panel recommends that S125.003 NHMT be accepted.

8 Key Issue 6 – General matters & Te Tiriti o Waitangi provisions

8.1 Proposed plan provisions

8.1.1 This key issue addresses the general matters and Te Tiriti o Waitangi Provisions.

8.2 Submissions

8.2.1 There were 8 original submissions points and 5 further submissions that provided either high level support for, or opposition to, the Tangata Whenua provisions in the PDP, and how Te Tiriti o Waitangi/ the Treaty of Waitangi has been referenced in the PDP. 4 submission points were in support or sought amendments, and one did not request any specific relief.

8.2.2 The key matters raised in these submissions can be summarised as being:

- Amendments sought to chapter to provide greater clarity (as set out in subsequent submissions points on specific provisions);
- Council ‘to fix what it has broken’;
- Specific (and separate) provision should be made for the Te Tiriti o Waitangi / Treaty of Waitangi within the PDP; and
- Amend reference to Te Tiriti o Waitangi / Treaty of Waitangi to reference the principles of partnership, participation and protection.

8.3 Reporting planner’s recommendations

Acknowledge Rongomaraeroa Marae and Ngāti Kere Hapū Authority

8.3.1 While Rongomaraeroa Marae Trustees has sought amendments to a number of PDP provisions, this submitter expressed general support for the Tangata Whenua provisions.

8.3.2 The reporting planner acknowledged Rongomaraeroa Marae Trustees submission point that the PDP has neither reflected Ngāti Kere’s role in Tamatea, nor the fact that Rongomaraeroa was the oldest operating Marae in Tamatea. The reporting planner noted this matter was being addressed in response to submission point S134.001 (Key Issue 1) above, as well as through the review of Part 1 Tangata whenua provisions by Tangata Whenua submitters.

8.3.3 As no specific changes are sought by this submission point, the reporting planner recommended that S122.004 Rongomaraeroa Marae Trustees be accepted.

Amend PDP provisions to reflect Council’s duty under RMA S6(e)

8.3.4 NHMT supports those plan provisions that respond to Council’s duties under of the RMA matter of national importance s6(e) to recognise and provide for ‘the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:’ and sought that these provisions are not amended.

8.3.5 In drafting the PDP, the reporting planner stated that the Council was cognisant of its duties under S6(e) as addressed in the Section 32 Tangata Whenua Topic Report. As no specific changes were requested by this submission point, and this matter has been addressed in the drafting stages of preparing the PDP, the reporting planner did not consider any specific changes are required.

8.3.6 The reporting planner therefore recommended that S125.073 NHMT be accepted.

Amendments to 'Foreword'

- 8.3.7 NHMT and HTST sought amendments to the PDP 'Foreword'.
- 8.3.8 The reporting planner advised that the Foreword is not a legal part of the District Plan document, and therefore not something the Hearings Panel can technically decide on. She noted, however, that the Foreword will be amended prior to the decisions on the PDP being finalised and released to the public. Therefore, this submission will be passed on to the Mayor and Chief Executive to take into account when updating their message for the ODP.
- 8.3.9 On this matter though, the reporting planner noted the following was agreed at the Wānanga:
- Editable Word version documents of the Tangata Whenua/Mana Whenua introduction (Part One to be provided to Darryn Russell⁶, who will draft that information) will be circulated to marae for their inputs.*
- Word documents should be provided to translator/ editor for editing and proofing.*
- Final edit to take place once all the documents/inputs from Tangata Whenua / Mana Whenua submitters are finalised. (Translator to be agreed to by submitters).*
- 8.3.10 She noted that there may also be opportunities to include Te Reo translations for other sections of the PDP as well. For these reasons, the reporting planner recommended that S125.002 NHMT and S120.006 HTST be accepted in part.

Te Tiriti of Waitangi / Treaty of Waitangi

- 8.3.11 The submissions from Rongomaraeroa Marae Trustees, HNZPT, and further submitters supported a separate section for Treaty of Waitangi / Te Tiriti o Waitangi and have the PDP reference its principles in the PDP.
- 8.3.12 The reporting planner noted that, currently, the Treaty of Waitangi is referenced in 'Part 1 – Introduction and General Provisions, Tangata Whenua, Nga Tangata Whenua o Tamatea' and 'Part 2 – District Wide Matters, Strategic Direction TW – Tangata Whenua' sections of the PDP. Taking into account the broad support from submitters on this matter and their reasons, the reporting planner agreed that greater clarity in how the Treaty is identified in the PDP would be appropriate, and proposed a new section be inserted into 'Part 1 – Introduction and General Provisions – How the Plan Works, Statutory Context' (based on the Proposed Porirua District Plan approach) as follows (new text underlined):

Statutory Context [unchanged]

The District Plan forms part of a group of inter-related planning and policy documents. The intention of the RMA is that all these plans and documents should work together to achieve the integrated management of natural and physical resources.

District Plans must also give effect to National Policy Statements and Regional Policy Statements and must not be inconsistent with Regional Plans. District Plans are also required to give effect to the National Planning Standards. These planning and policy documents are discussed below.

References to the RMA and other legislation, statutory regulations, National Policy Statements, Regional Policy Statements and Regional Plans were accurate at the time this Plan was approved.

The Treaty of Waitangi (Te Tiriti o Waitangi) and the Resource Management Act

The RMA has a number of statutory provisions to ensure that the relationship between tangata whenua and natural and physical resources are recognised and appropriately addressed. Section 8 of the RMA requires that in achieving its purpose of sustainable management, all persons exercising functions and powers under it, in relation

⁶ Te Kāhu Tātara / Chief Executive Officer, Heretaunga Tamatea Settlement Trust

<p><u>to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi.</u></p> <p><u>The Treaty of Waitangi is a foundational legal document for New Zealand. The Crown is the primary Treaty Partner responsible for the treaty relationship. However, in delegating responsibilities to councils, Parliament acknowledges the need to ensure that councils give appropriate consideration to the principles of the Treaty as part of their statutory obligations to Māori.</u></p> <p><u>Of particular relevance to the relationship between tangata whenua and natural and physical resources, local authorities are required to recognise and provide for, as matters of national importance:</u></p> <ul style="list-style-type: none"> - <u>the relationship of Māori with their ancestral lands, water, sites, wāhi tapu, and other taonga (section 6(e)).</u> - <u>the protection of historic heritage from inappropriate subdivision, use, and development (section 6(f)), and</u> - <u>the protection of protected customary rights (section 6(g)).</u> <p><u>Local authorities are also required to have regard to kaitiakitanga (s7(a)).</u></p> <p><u>Treaty Settlements are an agreement between the Crown and a Māori claimant group to settle historical claims against the Crown. In Central Hawke’s Bay, the Heretaunga Tamatea Deed of Settlement sets out:</u></p> <ol style="list-style-type: none"> 1. <u>An agreed historical account, Crown acknowledgements and apology to Heretaunga Tamatea;</u> 2. <u>Cultural redress; and</u> 3. <u>Financial and commercial redress.</u> <p><u>Statutory Acknowledgements recognise the association between Heretaunga Tamatea and a particular site or area and enhances their ability to participate in specified RMA processes. These areas are identified in TW-SCHED1 Schedule of Statutory Acknowledgement Areas in the PDP. The relationship between Heretaunga Tamatea, the Statutory Acknowledgement and the District Plan is outlined further in the Tangata Whenua chapter.</u></p>
National Level
...

- 8.3.13 The reporting planner noted Rongomaraeroa Marae Trustees’ submission point that Te Tiriti of Waitangi was not part of Māori whakapapa, as treaties are a European paradigm, and requested that references to the Treaty of Waitangi be moved to its own section. The reporting planner was unsure if they are seeking a deletion to any reference to the Treaty in the ‘Introduction’ sections, or that they be completely separated under a new heading. In the interim, the reporting planner proposed a heading be inserted as set out below:

<p>TANGATA WHENUA / MANA WHENUA</p> <p>Te Whakataki: Introduction</p> <p>....</p> <p>Te Whenua: The Land</p> <p>...</p> <p>Tangata Whenua: The People of the Land</p> <p>...</p> <p><u>The Treaty of Waitangi: Te Tiriti o Waitangi</u></p> <p>...</p> <p>Te Ao Hurihuri: Tangata Whenua today</p> <p>...</p>

- 8.3.14 With respect to the referencing the Treaty principles as sought by NHMT, while the reporting planner noted these are not listed in the RMA itself, s8 of the RMA provides that ‘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’.

- 8.3.15 The reporting planner therefore considered the amendment as sought was appropriate, as it would provide further guidance with respect to how Council and Tangata Whenua will work together.
- 8.3.16 Taking into account the submissions and the reasons outlined above, the reporting planner recommended changes to ‘Part 1- Introduction and General Provisions, Nga Tangata Whenua o Tamatea as follows (new text underlined):

TANGATA WHENUA / MANA WHENUA

Te Whakataki: Introduction

The intent of this chapter is to assist plan users to engage constructively and productively with Ngāti Kahungunu in general, and specifically with the marae and hapū of Tamatea.

...

Tangata Whenua: The People of the Land

...

The Treaty of Waitangi: Te Tiriti o Waitangi

All features of the natural world – such as flora, fauna, water bodies and ancestral sites – are considered taonga (treasures and treasured possessions) and acknowledgement of tangata whenua status as kaitiaki is guaranteed under Article Two of the Treaty of Waitangi:

Ko te tuarua

Ko Te Kuini o Ingarangi ka waakarite ka wakaee ki nga Ranagira ki nga hapū - ki nga tangata katoa o Nu Tirani Te Tino Rangatiratanga o ratou whenua o ratou kainga me o ratou taonga katoa...

Article the second

Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand and the respective families and individuals thereof the full and exclusive and undisturbed possession of their Lands and Estates forests and fisheries and other properties...

Despite the promise in Article Two, land alienation in Central Hawke’s Bay has been severe. From the Waipukurau Purchase in 1852 through to the present day, tangata whenua land holdings have dwindled and, as a result, many sites of cultural, historical and spiritual significance are no longer in tangata whenua ownership. The protection and culturally appropriate care of these sites is an ongoing concern for tangata whenua today.

Te Tiriti o Waitangi/Treaty of Waitangi also includes the principles of partnership, participation and protection that underpin the relationship between tangata whenua and the District Council.

...

- 8.3.17 For the reasons outlined above, the reporting planner recommended that S122.005 Rongomaraeroa Marae Trustees, S55.012 HNZPT and S125.007 NHMT be accepted.

District plan framework

- 8.3.18 P Scott requested the District Council ‘*fix what you have broken*’. The reporting planner considered that the issues raised in this submission are broad and beyond the scope of what can be addressed by a District Plan, as provided for by the RMA legislation. The reporting planner therefore recommended that S31.001 P Scott be rejected.

General support for Strategic Direction, ‘TW – Ngā Tangata Whenua o Tamatea’ provisions

- 8.3.19 HBRC, HNZPT and Kāinga Ora submitted in general support of the Strategic Direction, TW – Ngā Tangata Whenua o Tamatea’ provisions of the PDP, with no specific changes sought.
- 8.3.20 As these submission points did not seek any specific changes, the reporting planner recommended S11.003 HBRC, S55.014 HNZPT, and S129.010 Kāinga Ora be accepted in part (subject to amendments being made in response to other submission points).

8.4 Evidence to the hearing

- 8.4.1 Liz Munroe provided evidence on behalf of NHMT which focused on the following:
- The use of Te Reo in the PDP;
 - Housing, economic and other development aspirations;
 - Co-governance;
 - Te Mana o te Wai and Mātauranga Māori; and
 - The correlation between the PDP and the forthcoming law reforms.
- 8.4.2 Dean Raymond representing HNZPT provided evidence in support for the inclusion of Te Tiriti.

8.5 Post hearing information

- 8.5.1 The reporting planner’s right-of-reply addressed NHMT amendment to the ‘Te Whakataki: Introduction’ to include additional words (or alternative wording to similar effect) referencing the Treaty. The reporting planner considered that the additional reference to the principles appropriately reflected the intentions of s8 of the RMA and recommended its inclusion in the PDP as sought.

8.6 Evaluation and findings

Amend PDP provisions to reflect Council’s duty under RMA S6(e)

- 8.6.1 NHMT supported plan provisions that respond to Council’s duties under of the RMA matter of national importance s6(e) to recognise and provide for ‘the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga’.
- 8.6.2 As no specific changes were requested by this submission point, the Panel therefore recommends that S125.073 NHMT be accepted.

Amendments to ‘Foreword’

- 8.6.3 NHMT and HTST sought amendments to the PDP ‘Foreword’.
- 8.6.4 The Panel accepted the advice of the reporting planner that the Foreword is not a legal part of the District Plan document, and therefore not something the Hearings Panel can make recommendations to change. The Panel does, however, urge the Mayor and Chief Executive take into account submissions on the PDP as well as feedback through the Wānanga process when finalising the Foreword.
- 8.6.5 For these reasons, the Panel agrees with the reporting planner and recommends that S125.002 NHMT and S120.006 HTST be accepted in part.

Te Tiriti of Waitangi / Treaty of Waitangi

- 8.6.6 The submissions from Rongomaraeroa Marae Trustees, HNZPT, and further submitters support a separate section for Treaty of Waitangi / Te Tiriti o Waitangi and that the PDP make reference to its principles.
- 8.6.7 The Panel agrees with the reporting planner and considers the amendment as sought is appropriate given s8 of the RMA. Such information would provide further guidance to Plan users with respect to how Council and Tangata Whenua will work together.
- 8.6.8 Taking into account the submissions, the Panel recommended the following changes to 'Part 1- Introduction and General Provisions, Ngā Tangata Whenua o Tamatea:

TANGATA WHENUA / MANA WHENUA

Te Whakataki: Introduction

The intent of this chapter is to assist plan users to engage constructively and productively with Ngāti Kahungunu in general, and specifically with the marae and hapū of Tamatea.

...

Tangata Whenua: The People of the Land

...

The Treaty of Waitangi: Te Tiriti o Waitangi

All features of the natural world – such as flora, fauna, water bodies and ancestral sites – are considered taonga (treasures and treasured possessions) and acknowledgement of tangata whenua status as kaitiaki is guaranteed under Article Two of the Treaty of Waitangi:

Ko te tuarua

Ko Te Kuini o Ingarangi ka waakarite ka wakaee ki nga Ranagtira ki nga hapū - ki nga tangata katoa o Nu Tirani Te Tino Rangatiratanga o ratou whenua o ratou kainga me o ratou taonga katoa...

Article the second

Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand and the respective families and individuals thereof the full and exclusive and undisturbed possession of their Lands and Estates forests and fisheries and other properties...

Despite the promise in Article Two, land alienation in Central Hawke's Bay has been severe. From the Waipukurau Purchase in 1852 through to the present day, tangata whenua land holdings have dwindled and, as a result, many sites of cultural, historical and spiritual significance are no longer in tangata whenua ownership. The protection and culturally appropriate care of these sites is an ongoing concern for tangata whenua today.

The RMA also requires that the principles of Te Tiriti o Waitangi/Treaty of Waitangi be taken into account. These principles include partnership, participation and protection that underpin the relationship between tangata whenua and the District Council.

...

- 8.6.9 For the reasons outlined, above the Panel recommends that S122.005 Rongomaraeroa Marae Trustees, S55.012 HNZPT and S125.007 NHMT be accepted in part.

District plan framework

- 8.6.10 The Panel notes the submission from P Scott (S31,001) sought to have the Council 'fix what you have broken'. The Panel agrees with the reporting planner that the issues raised in this submission are broad and beyond the scope of what can be addressed by a District Plan, as provided for by the RMA legislation, and therefore accordingly recommends rejecting the submission from S31.001 P

Scott. However, more broadly, the Panel would note the Council has taken significant steps to further develop its relationship with ngā hapū o Tamatea, both through the hearing process (for example, the Wānanga process), as well as at a general Council level.

9 Key Issue 7 –TW Ngā Take: Issues (not already addressed)

9.1 Proposed plan provisions

- 9.1.1 This key issue addressed those matters raised in relation to ‘TW Ngā Take: Issues’ that have not already addressed.

9.2 Submissions

- 9.2.1 10 original submission points and 9 further submissions were received on the Strategic Direction TW – Tangata Whenua ‘Ngā Take: Issues’ provisions of the PDP. Seven of these submissions and further submissions were in support of the provisions as notified. Two submissions sought specific issues in TW to be deleted (Issues TW-I1 and TW-I2), while one sought an amendment to Issue TW-I3.
- 9.2.2 The key matters raised in these submissions can be summarised as being requests to:
- Ensure Tangata Whenua matters are appropriately consulted on;
 - Delete Issue TW-I1 as it was references matters addressed by the Regional Plan; and
 - Amend Issue TW-I3 to include reference to housing options.

9.3 Reporting planner’s recommendations

Request for Amended Issues / Request to Delete Issues TW-I1 and TW-I2

- 9.3.1 NHMT sought to have the PDP identify the following additional environmental issues for Tangata Whenua:

TW-IX The loss of mauri particularly in relation to fresh and coastal waters.

TW-IXX The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use.

- 9.3.2 In the reporting planner’s opinion, these proposed two issues are similar in intent to PDP Issues TW-I1 and TW-I2 that identify the impact of modification and degradation of freshwater, and the environment, on mahinga kai and the wellbeing of the hapū of Heretaunga Tamatea as issues for Tangata Whenua.
- 9.3.3 The reporting planner also considered the reference to ‘coastal’ waters to be appropriate given that the PDP recognises other ‘methods’ including HBRC functions (Method TW-M5).
- 9.3.4 The reporting planner noted that Federated Farmers’ submission point sought that Issues TW-I1 and TW-I2 be deleted, on the basis they are matters addressed by regional council functions and therefore have no place in a District Plan. The reporting planner considered that the effects of land use and development on freshwater and coastal waters was a relevant and appropriate District Plan issue, and therefore are appropriate to include in the PDP.
- 9.3.5 In summary, and taking into account the recommendations in Key Issue 3 above, the reporting planner supported amending PDP Issues TW-I1 and TW-I2 as follows:

TW-I1 The loss of mauri and te mana o te wai particularly in relation to fresh and coastal waters including the modification and degradation of lakes, rivers, springs and wetlands and traditional food gathering places (mahinga kai) that are central to the well-being of the hapū of Heretaunga Tamatea.

TW-12 The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use
~~The modification and degradation of the environment~~ due to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works that have severely damaged traditional food sources and mahinga kai.

- 9.3.6 On the basis of the reasons outlined above, the reporting planner recommended submissions S125.017 NHMT be accepted, S64.002, S64.003 DOC be accepted in part, and S121.011, S121.012 Federated Farmers be rejected.

Amendment to Issue TW-I3 to reference enabling ‘a range of housing options including rural and residential housing’

- 9.3.7 The reporting planner noted that TW-I3, as notified, relates to enabling Māori to better utilise ancestral lands in ways that meets their aspirations. The reporting planner did not consider the wording sought by S120.011 HTST was necessary and may confuse the issue of enabling development of ancestral land, with development of general land which was controlled by zone provisions.
- 9.3.8 For these reasons, the reporting planner recommended that S120.011 HTST be rejected.

Ensure 'Issues' are appropriately consulted on, recognised as not always complete and a living document as circumstances change

- 9.3.9 S64.008 DOC supported the recognition of issues facing Tangata Whenua and sought to ensure that the issues are appropriately consulted on, recognised as not always complete and are a living document as circumstances change.
- 9.3.10 In the reporting planner’s opinion, while noting the significant contributions of both Council and Tangata Whenua in the current process, and the desire for ongoing relationship development outside of this process, including the Draft Plan phase, Clause 1 processes, notified hearings process and the bespoke Tangata Whenua hearings process including the Wānanga, the planner was satisfied that Council has provided the appropriate consultation opportunities in terms of the requirements of the RMA, including the identification and expression of the key resource management issues facing the District.
- 9.3.11 The reporting planner therefore recommended S64.008 DOC be accepted.

Issues TW-4 – TW-I6

- 9.3.12 As there were no submissions opposing or seeking amendments to issues TW-I4, TW-I5 and TW-I6, the reporting planner recommended that DOC S64.005–007 be accepted.

9.4 Evidence to the hearing

- 9.4.1 Stephen Daysh provided expert planning evidence on behalf of HTST on the importance of Tangata Whenua being involved in the development of the PDP.
- 9.4.2 Liz Munroe provided evidence on behalf of NHMT which focused on the following:
- The use of Te Reo in the PDP;
 - Housing, economic and other development aspirations;
 - Co-governance;
 - Te Mana o te Wai and Matauranga Māori; and
 - The correlation between the PDP and the forthcoming law reforms.

9.5 Post hearing information

- 9.5.1 The reporting planner's right-of-reply provided clarification and amendments to the wording of TW-I2 as follows:

Issue TW-I2

The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use due to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works **that** have severely damaged **these resources**. ~~traditional food sources and mahinga kai.~~

- 9.5.2 The changes did not change the intent of the issue.

9.6 Evaluation and findings

Request for Amended Issues / Request to Delete Issues TW-I1 and TW-I2

- 9.6.1 NHMT sought to have the following additional environmental issues for Tangata Whenua identified in the PDP:

TW-IX The loss of mauri particularly in relation to fresh and coastal waters.

TW-IXX The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use.

- 9.6.2 The Panel agrees that these issues closely aligned with Issues TW-I1 and I2, but that these issues can be amended to capture the matters raised by the submitter as follows:

TW-I1 The loss of mauri and te mana o te wai particularly in relation to fresh and coastal waters, including the modification and degradation of lakes, rivers, springs and wetlands and traditional food the gathering places of mahinga kai that are central to the well-being of the hapū of Heretaunga Tamatea.

TW-I2 The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use ~~The modification and degradation of the environment~~ due to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works **that** have severely degraded traditional sources of mahinga kai.

- 9.6.3 On the basis of the reasons outlined above, the Panel recommended submissions S125.017 NHMT be accepted, S64.002, S64.003 DOC be accepted in part, and S121.011, S121.012 Federated Farmers be rejected.

Amendment to Issue TW-I3 to reference enabling 'a range of housing options including rural and residential housing'

- 9.6.4 TW-I3 as notified relates to enabling Māori to better use ancestral lands in ways that meets their aspirations.

- 9.6.5 The Panel disagrees with the reporting planner in that the housing needs of Tangata Whenua do not necessarily correlate with those generally, and considers that there is a broader spectrum of housing typologies that may be required to support and enable Tangata Whenua to use their land in a way that provides for their social and economic aspirations as well as their culture and traditions. Such housing may not be solely confined to papakāinga housing, kaumātua flats, marae-based development.

- 9.6.6 Accordingly, the Panel recommends that TW-I3 be amended as follows:

'With the loss and alienation from ancestral lands, the provision/enabling of **a range of housing options, including rural and residential housing**, papakāinga housing, kaumātua flats, marae-based development is important to enable Tangata Whenua to use their land in a way that is consistent with their culture and traditions and their social and economic aspirations.'

- 9.6.7 The Panel therefore recommends that S120.011 HTST be accepted.

Ensure 'Issues' are appropriately consulted on, recognised as not always complete and a living document as circumstances change

- 9.6.8 The Panel agrees with the reporting planner and recommends S64.008 DOC be accepted insofar as it is acknowledged the significant resource management issues identified in the PDP have been consulted on, but are recognised as 'living' in that they may not be fully complete and will change over time.

10 Key Issue 8 – TW Objectives (not already addressed)

10.1 Proposed plan provisions

10.1.1 This key issue addressed those TW Objectives that have not already addressed.

10.2 Submissions

10.2.1 10 original submission points and 9 further submissions were received on the 'Strategic Direction TW – Tangata Whenua Objectives' provisions contained in the PDP. 7 of these submissions were in support of, or sought amendment to, the provisions as notified. 3 submissions opposed these provisions.

10.2.2 The key matters raised in these submissions can be summarised as being requests to clarify or amend to provide stronger directives.

10.3 Reporting planner's recommendations

Objective TW-O1

10.3.1 NHMT sought to strengthen objective TW-O1. DOC supports TW-O1 as proposed, but also supports consultation with iwi on these provisions.

10.3.2 In the reporting planner's opinion, the proposed amendment to Objective TW-O1 would not change its intention, but would provide stronger directive for Council to involve Tangata Whenua/mana whenua as kaitiaki in the protection and management of the district's natural and physical resources as anticipated by the RMA and pending reviewed legislation.

10.3.3 The reporting planner therefore supported amending Objective TW-O1 as follows.

TW-O1 ~~The role of Tangata whenua are actively involved as kaitiaki in the protection and management of the natural and physical resources of an area is acknowledged and provided for.~~

10.3.4 For these reasons, the reporting planner recommended S125.018 NHMT be accepted.

Objective TW-O2

10.3.5 Objective TW-O2 is about enabling Tangata Whenua to participate in the implementation of the District Plan more proactively. Three submitters sought amendments to Objective TW-O2 as set out below.

10.3.6 NHMT sought to strengthen the Objective, while Federated Farmers and Kāinga Ora sought to qualify the Objective.

Ngā hapū me ngā marae o Tamatea	'TW-O2 Enable the active participation of Tangata whenua/mana whenua are actively involved in all aspects of the implementation of the Central Hawke's Bay District Plan including decision-making processes.'
Federated Farmers	'TW-O2 Enable the active participation of tangata whenua in all aspects of the implementation of the Central Hawke's Bay District Plan <u>where appropriate.</u> '
Kāinga ora	'TW-O2 Enable the active participation of tangata whenua in all aspects of the implementation of the Central Hawke's Bay District Plan, <u>particularly in relation to matters potentially impacting Wāhi Tapu, Wāhi Taonga and Sites of Significance.</u> '

10.3.7 In the absence of a formalised participation relationship agreement that clearly determines the matters for joint decision-making, the reporting planner supported a clearer objective that reflects the desire for Tangata Whenua to play a more active role in RM matters that affect them, whilst recognising that there may also be a range of other matters that do not.

- 10.3.8 The reporting planner also noted that Policy TW-P1, in giving effect to this Objective, provided for engagement of Tangata Whenua in the resource management decision-making process. She stated that this was much in the same way as a s42A reporting officer or a technical expert was involved in the decision-making process in that they have input into the assessment of a proposal and make recommendations, but it was the Council or those with delegated authority that make the decision.
- 10.3.9 The reporting planner did not support using the words appropriate in this objective as she considered it was unclear what this means and who would determine what was appropriate. The planner did, however, agree that, as currently worded, the objective could imply that Tangata Whenua will be involved in all resource consents. In the reporting planner's view, this would both be burdensome on Tangata Whenua, and was not necessary.
- 10.3.10 Taking all these matters into account, the reporting planner supported making some amendments to Objective TW-O2, and suggested the following wording that may address all submitters' concerns:

TW-O2 Enable the active participation of Tangata whenua are actively involved in all aspects of the implementation of the Central Hawke's Bay District Plan that affect their relationship with their culture and traditions, ancestral lands, water, sites, wāhi tapu and other taonga.

- 10.3.11 On the basis of the above reasons, the reporting planner recommended that S125.019 NHMT, S121.013 Federated Farmers and S129.011 Kāinga Ora be accepted in part.

Objective TW-O3

- 10.3.12 NHMT sought to strengthen Objective TW-O3, while DOC supported TW-O3 as proposed, but also supported consultation with iwi on these provisions.
- 10.3.13 In the reporting planner's opinion, the proposed amendment to Objective TW-O3 is consistent with the direction of the RMA as outlined above. She considered the proposed amendment did not change the intention of this Objective, but would provide a stronger directive for Council to involve Tangata Whenua in the management and protection of sites of significance.
- 10.3.14 For these reasons, the reporting planner supported amending Objective TW-O3 as sought, and accordingly recommend S125.020 NHMT and S64.011 DOC be accepted in part.

Objective TW-O4

- 10.3.15 There were no submissions opposing or that sought an amendment to Objective TW-O4. The reporting planner therefore recommended S125.021 NHMT and S64.012 DOC, which sought to retain this objective, be accepted.

10.4 Evidence to the hearing

- 10.4.1 Liz Munroe provided evidence on behalf of NHMT which focused on the following:

- The use of Te Reo in the PDP;
- Housing, economic and other development aspirations;
- Co-governance;
- Te Mana o te Wai and Matauranga Māori; and
- The correlation between the PDP and the forthcoming law reforms.

10.5 Post hearing information

- 10.5.1 The reporting planner's right-of-reply did not provide any further evaluation of this key issue.

10.6 Evaluation and findings

Objective TW-O1

- 10.6.1 NHMT sought to strengthen objective TW-O1. DOC supported TW-O1 as proposed, but also supported consultation with iwi on these provisions.
- 10.6.2 In the reporting planner's opinion, the proposed amendment to Objective TW-O1 would not change its intention, but would provide a stronger directive for Council to involve Tangata Whenua/ Mana Whenua as kaitiaki in the protection and management of the district's natural and physical resources as anticipated by the RMA.
- 10.6.3 The Panel agrees with the reporting planner and supports amending Objective TW-O1 as follows.

TW-O1 ~~The role of Tangata whenua are actively involved~~ as kaitiaki in the protection and management of ~~the natural and physical resources of an area is acknowledged and provided for.~~

- 10.6.4 For these reasons, the Panel recommend S125.018 NHMT be accepted.

Objective TW-O2

- 10.6.5 Objective TW-O2 is about enabling Tangata Whenua to participate in the implementation of the District Plan more proactively.
- 10.6.6 Three submitters sought amendments to Objective TW-O2 as set out below. NHMT sought to strengthen the Objective, and Federated Farmers and Kāinga Ora sought to qualify the Objective.

Ngā hapū me ngā marae o Tamatea	'TW-O2 Enable the active participation of Tangata whenua/mana whenua <u>are actively involved</u> in all aspects of the implementation of the Central Hawke's Bay District Plan <u>including decision-making processes.</u>
Federated Farmers	'TW-O2 Enable the active participation of tangata whenua in all aspects of the implementation of the Central Hawke's Bay District Plan <u>where appropriate.</u> '
Kāinga ora	'TW-O2 Enable the active participation of tangata whenua in all aspects of the implementation of the Central Hawke's Bay District Plan, <u>particularly in relation to matters potentially impacting Wāhi Tapu, Wāhi Taonga and Sites of Significance.</u> '

- 10.6.7 The Panel agrees that, in the absence of a formalised participation relationship agreement that clearly determines the matters for joint decision-making, it is appropriate to make the objective more clearly reflect the desire for Tangata Whenua to play a more active role in resource management matters that affect them, whilst recognising that there may also be a range of other matters that do not.
- 10.6.8 The Panel recommends the following amendments to Objective TW-O2:

TW-O2 ~~Enable the active participation of~~ Tangata whenua are actively involved in all aspects of the implementation of the Central Hawke's Bay District Plan, including where it affects their relationship with their culture and traditions, ancestral lands, water, sites, wāhi tapu and other taonga.

- 10.6.9 Accordingly, the Panel recommends that S125.019 NHMT, S121.013 Federated Farmers and S129.011 Kāinga Ora be accepted in part.

Objective TW-O3

- 10.6.10 NHMT sought to strengthen objective TW-O3, while DOC supported TW-O3 as proposed, but that iwi are consulted with.
- 10.6.11 The Panel considers that the proposed amendment to Objective TW-O3 sought by the submitter is consistent with the direction of the RMA as outlined above, and would provide a stronger directive for Council to involve Tangata whenua in the management and protection of sites of significance.

10.6.12 For these reasons the Panel agrees with the reporting planner and supports amending Objective TW-O3 as sought, and accordingly recommends S125.020 NHMT and S64.011 DOC be accepted in part.

11 Key Issue 9 – TW Policies (not already addressed)

11.1 Proposed plan provisions

11.1.1 This key issue addresses those TW Policies not already addressed.

11.2 Submissions

11.2.1 18 original submissions and 10 further submissions were received on the Strategic Direction TW – Tangata Whenua ‘Policies’ contained in the PDP. 17 submission points were in support of, or sought amendment to, the provisions as notified and 1 was in opposition.

11.2.2 The key matters raised in these submissions can be summarised as follows:

- Clarifications or amendments sought to the language used to provide stronger directives; and
- Concern that Policy TW-P7 expresses an incorrect approach to unearthing of burial sites or Māori artefacts.

11.3 Reporting planner’s recommendations

Policy TW-P3

11.3.1 Policy TW-P3 sought to acknowledge and recognise the importance and relevance of iwi management plans in resource management planning.

11.3.2 NHMT sought to insert additional wording into this Policy that explains the role of such plans as follows:

TW-P3 To acknowledge and recognise iwi/hapū management plans as an expression of rangatiratanga to help tangata whenua/mana whenua exercise kaitiaki roles and responsibilities in the district, and as mutually appropriate means of achieving sustainable environmental outcomes.

11.3.3 The reporting planner agreed that the amendments provide improved clarity as to the purpose of iwi management plans and therefore would contribute to greater understanding by plan users about the role of such plans.

11.3.4 For this reason, the reporting planner recommended S125.023 NHMT be accepted.

11.3.5 The reporting planner also recommended S64.015 DOC in support of Policy TW-P3, be accepted in part (subject to the above amendments).

Policy TW-P4

11.3.6 Policy TW-P4 relates to the recognition and use of traditional place names.

11.3.7 NHMT sought amendments to further clarify Policy TW-P4 and inclusion of specific reference to using dual Māori signage for all official place names as follows:

TW-P4 To encourage and support the recognition and use of traditional Māori place names including and the use of interpretive material and the use of dual Māori signage for all official place names.

11.3.8 The Panel Report noted that, while the Council can only require use of dual language signage on sites within their control, it is noted this policy is to ‘encourage and support’ such an approach more broadly. In that respect, the reporting planner also noted that Council’s ‘Tūhono mai Tūhono atū’ Māori Engagement Strategy identifies the following as a key action:

Increase the use and visibility of current and new bilingual signage in public and office spaces of Central Hawke's Bay District Council, as well as the use of te reo Māori in reports and publications.⁷

11.3.9 The reporting planner therefore supported this proposed amendment, acknowledging that it was not always within Council's powers to achieve. The reporting planner recommended S125.024 NHMT be accepted.

11.3.10 The reporting planner also recommended S64.016 DOC, in support of Policy TW-P4, be accepted in part (subject to the above amendments).

Policy TW-P5

11.3.11 Policy TW-P5 relates to the development of Māori land.

11.3.12 Two submitters sought amendments to this policy as follows:

Ngā hapū me ngā marae o Tamatea	TW-P5 To recognise and provide for development of, and a range of activities on, Māori Land <u>and Whenua Māori</u> to meet the needs and aspirations of tangata whenua like <u>papakāinga housing, kaumātua flats and marae-based development</u> , while ensuring that actual or potentially adverse effects of activities are avoided, remedied, or mitigated
Heretaunga Tamatea Settlement Trust	TW-P5 To recognise <u>actively promote and enhance</u> and provide for development of, and a range of activities on, Māori Land to meet the needs and aspirations of tangata whenua while ensuring that actual or potentially adverse effects of activities are avoided, remedied, or mitigated

11.3.13 The reporting planner generally considered the amendments as sought by NHMT more clearly reflected the intention of this policy.

11.3.14 The reporting planner stated that the introduction of district-wide provisions for the development of papakāinga and kaumātua housing, and associated marae-based development on ancestral land recognises the need for particular provisions that enable development of ancestral land. In addition, she noted that Council also has stated a clear commitment in their Tūhono mai Tūhono atu, Māori Engagement Strategy to support iwi and Māori communities in the long-term sustainability and well-being of local Marae, landholdings and other assets.⁸ In that regard, the reporting planner considered Council's role was more of a support role, rather than actively promoting and enhancing. She therefore suggested the following amendment may more accurately reflect Council's ability to contribute towards implementing this policy:

TW-P5 To actively recognise, support and provide for development of papakāinga housing, kaumātua flats and marae-based development, ~~and a range of activities on~~, Māori Land and Whenua Māori to meet the needs and aspirations of tangata whenua, while ensuring that actual or potentially adverse effects of activities are avoided, remedied, or mitigated.

11.3.15 On this basis, the reporting planner recommended S125.025 NHMT and S120.013 HTST be accepted in part.

11.3.16 The reporting planner also recommended S64.017 DOC, in support of Policy TW-P5, be accepted in part (subject to the above amendments).

Policy TW-P6

11.3.17 There were no submissions opposing or seeking amendment to Policy TW-P6 and the reporting planner therefore recommended S125.028 NHMT and S64.018 DOC, be accepted.

⁷ Refer: Tūhono mai Tūhono atu (2020), Pou Tahi, Whiriwhiria/Council Iwi Relationship, Priority 2/Actions

⁸ Refer: Tūhono mai Tūhono atu (2020), Pou Wha, Rauemi/Resources and Infrastructure, Priority 2/Actions

Policy TW-P7

- 11.3.18 Policy TW-P7 relates to implementing procedures in conjunction with Tangata Whenua on occasions when burial sites or Māori artefacts are unearthed or disturbed. In some cases, the need for this will be triggered through rules in the 'Historic Heritage' SASM chapters of the PDP, including when earthworks are being undertaken. In addition, where archaeological sites are encountered (both identified and unidentified), the provisions of the HNZPT Act will also apply.
- 11.3.19 In its submission, the KLT considered that the PDP approach to protecting such items was potentially legally incorrect and did not accurately portray the correct procedures for protecting Māori artefacts/ Taongatūturu. In support of this view, the Trust cited Part 2, section 11 of the Protected Objects Act 1975 and legislation relating to Kōiwi Tangata as provided for in HNZPT's guidance.
- 11.3.20 This matter was addressed in more detail in the S42A report that addressed the 'SASM provisions. In summary, the reporting planner considered that the approach in the PDP reflects s6(e) of the RMA that required Council to recognise and provide for *'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga'* as a matter of national importance. She noted that such activities often result in both District Plan and other legislative processes being triggered. The reporting planner stated that the purpose of this PDP policy was to recognise the need for such procedures, and the stated 'Methods' for implementing this policy reflects that this could be through a District Plan and / or a HNZPT Act response (refer Method TW M4).
- 11.3.21 The reporting planner was therefore satisfied that Policy TW-7 as notified (and as further detailed in Method TW-4) accurately portrayed the processes required under both the RMA and the HNZPT Act.
- 11.3.22 Accordingly, the reporting planner recommended S84.019 KLT be rejected. The reporting planner recommended that S125.029 NHMT and S64.019 DOC in support of Policy TW-P7 be accepted.

Policy TW-P8

- 11.3.23 Policy TW-P8 relates to public access, which, as set out in Key Issue 6 above, is a matter of particular importance to Tangata Whenua. The amendments to this policy as sought by NHMT sought to clarify the policy with respect to access to mahinga kai and other significant sites as follows:

TW-P8 To work with tangata whenua/mana whenua to identify, maintain and enhance appropriate public access to the District's public forests and significant waterways, wetlands, and coastal areas, having regard to their traditional the importance as of protecting mahinga kai, wāhi taonga and tangata whenua sites of significance.

- 11.3.24 In the reporting planner's opinion, the use of the word 'appropriate' in a policy was not always helpful, as it was difficult to quantify what this means and who will determine what was appropriate. Other than that, the planner considered the amended wording more clearly states the intention of this policy with respect to sites that are of importance to Tangata Whenua. On this basis, the planner recommended the following wording be adopted:

TW-P8 To work with tangata whenua to identify, maintain and enhance public access to the District's public forests and significant waterways, wetlands, and coastal areas, having regard to their traditional the importance as of protecting mahinga kai, wāhi taonga and tangata whenua sites of significance.

- 11.3.25 For the reasons set out above the reporting planner recommended S125.026 NHMT be accepted in part. The reporting planner also recommended S64.017 DOC in supported of Policy TW-P5, be accepted in part (subject to the above amendments).

Policy TW-P9

- 11.3.26 As there were no submissions opposing or seeking amendment to Policy TW-P9, the reporting planner therefore recommended S125.030 NHMT and S64.021 DOC be accepted.

11.4 Evidence to the hearing

- 11.4.1 Michael Campbell provided planning evidence on behalf of Kāinga Ora and supported the reporting planner's proposed changes to TW-P1.

11.5 Post hearing information

- 11.5.1 The reporting planner's right-of-reply addressed whether policy TW-P1 should retain the word 'interested'. The reporting planner did not have a strong view on if the word 'interested' should be retained or not and considered that the Commissioners have the option to retain it if they wish.

11.6 Evaluation and findings

Policy TW-P3

- 11.6.1 Policy TW-P3 sought to acknowledge and recognise the importance and relevance of iwi management plans in resource management planning.
- 11.6.2 NHMT sought to insert additional wording into this Policy to explain the role of such plans as follows:

TW-P3 To acknowledge and recognise iwi/hapū management plans as an expression of rangatiratanga to help tangata whenua/mana whenua exercise kaitiaki roles and responsibilities in the district, and as mutually appropriate means of achieving sustainable environmental outcomes.

- 11.6.3 The Panel agrees with the reporting planner that the amendments provide improved clarity as to the purpose of iwi management plans and therefore will contribute to greater understanding by plan users about the role of such plans.
- 11.6.4 For this reason, the Panel recommends S125.023 NHMT be accepted, and that S64.015 DOC, in support of Policy TW-P3, be accepted in part (subject to the above amendments).

Policy TW-P4

- 11.6.5 Policy TW-P4 relates to the recognition and use of traditional place names.
- 11.6.6 NHMT sought amendments to further clarify Policy TW-P4 and inclusion of specific reference to using dual Māori signage for all official place names as follows:

TW-P4 To encourage and support the recognition and use of traditional Māori place names including and the use of interpretive material and the use of dual Māori signage for all official place names.

- 11.6.7 The Panel notes that, while Council can only require use of dual language signage on sites within their control, this policy sought to 'encourage and support' greater use of traditional Māori place names, which, as the reporting planner identified, is consistent with the Council's 'Tūhono mai Tūhono atū' Māori Engagement Strategy.
- 11.6.8 The Panel therefore agrees with the reporting planner and supports this proposed amendment, and recommends S125.024 NHMT be accepted. The Panel also recommends S64.016 DOC in support of Policy TW-P4, be accepted in part (subject to the above amendments).

Policy TW-P5

- 11.6.9 Policy TW-P5 relates to the development of Māori land.

11.6.10 Two submitters sought amendments to this policy as follows:

Ngā hapū me ngā marae o Tamatea	TW-P5 To recognise and provide for development of, and a range of activities on, Māori Land and Whenua Māori to meet the needs and aspirations of tangata whenua <u>like papakāinga housing, kaumātua flats and marae-based development</u> , while ensuring that actual or potentially adverse effects of activities are avoided, remedied, or mitigated
Heretaunga Tamatea Settlement Trust	TW-P5 To recognise <u>actively promote and enhance</u> and provide for development of, and a range of activities on, Māori Land to meet the needs and aspirations of tangata whenua while ensuring that actual or potentially adverse effects of activities are avoided, remedied, or mitigated

11.6.11 The Panel generally considers the amendments as sought by NHMT to reflect the intention of this policy more clearly, but recommend some minor changes to the amendment as outlined below:

TW-P5 To recognise and provide for development of, and a range of activities on, Māori Land **and Whenua Māori** to meet the needs and aspirations of tangata whenua, such as papakāinga housing, kaumātua flats and marae-based development, while ensuring that actual or potentially adverse effects of activities are avoided, remedied, or mitigated

11.6.12 On this basis, the Panel recommends S125.025 NHMT and S120.013 HTST be accepted in part. The Panel also recommends S64.017 DOC in support of Policy TW-P5, be accepted in part (subject to the above amendments).

Policy TW-P7

11.6.13 Policy TW-P7 relates to implementing procedures in conjunction with Tangata Whenua on occasions when burial sites or Māori artefacts are unearthed or disturbed. In some cases, the need for this will be triggered through rules in the ‘Historic Heritage’ or ‘Sites and Areas of Significance to Māori’ chapters of the PDP including when earthworks are being undertaken. In addition, where archaeological sites are encountered (both identified and unidentified), the provisions of the HNZPT Act will also apply.

11.6.14 The Panel recommends that the policy is amended as follows:

TW-P7 ~~Where there is no agreed procedure between tangata whenua and the resource user, to implement procedures in conjunction with the tangata whenua~~ To encourage discussion between tangata whenua and the resource user with respect to appropriate protocols (tikanga) when burial sites or Māori artefacts are unearthed or disturbed, in addition to statutory requirements.

11.6.15 The Panel therefore recommends S84.019 KLT be accepted in part. The Panel recommends that S125.029 NHMT and S64.019 DOC in support of Policy TW-P7 be accepted in part.

Policy TW-P8

11.6.16 Policy TW-P8 relates to public access, which, as set out in Key Issue 6 above, is a matter of particular importance to Tangata Whenua. The amendments to this policy as sought by NHMT sought to clarify the policy with respect to access to mahinga kai and other significant sites.

11.6.17 The Panel agrees with the reporting planner that the use of the word ‘appropriate’ in a policy is not always helpful, as it is difficult to quantify what this means and who is determine what is appropriate. On this basis, the Panel recommends the following wording be adopted:

TW-P8 To work with tangata whenua to identify, maintain and enhance public access to the District's public forests and significant waterways, wetlands, and coastal areas, having regard to ~~their traditional~~ the importance as of protecting mahinga kai, wāhi taonga and tangata whenua sites of significance.

11.6.18 For the reasons set out above the Panel recommends S125.026 NHMT be accepted in part. The reporting planner also recommends S64.017 DOC in supported of Policy TW-P5, be accepted in part (subject to the above amendments).

12 Key Issue 10 – TW Methods (not already addressed)

12.1 Proposed plan provisions

12.1.1 This key issue addresses the TW Methods (not already addressed).

12.2 Submissions

12.2.1 5 original submission points and 1 further submission were received on other TW- Methods provisions. 2 submissions were in support of provisions as notified and 3 sought amendments.

12.2.2 The key matters raised in these submissions are summarised as being requests to:

- Amend Method TW-M2 to include reference to all overlay and statutory acknowledgements from other applicable Treaty settlements;
- Make minor editing correction to Method TW-M4; and
- Add a new method to reference Accidental Discovery Protocol.

12.3 Reporting planner's recommendations

Use of terms 'Tangata Whenua' and 'Mana Whenua'

12.3.1 Rongomaraeroa Marae Trustees submitted on the use of the terms 'Tangata Whenua' and 'Mana Whenua' as used in Method TW-M1 set out as follows:

TW-M1 Tūhono mai Tūhono atū

Te Taiwhenua o Tamatea and the Council have an active and ongoing relationship to advance areas of mutual interest. This is evident by the first Māori Engagement Strategy ('Tūhono mai Tūhono atū'), adopted in August 2020 by the Central Hawke's Bay District Council.

Tūhono mai Tūhono atū, developed with the support of Te Taiwhenua o Tamatea, recognizes the special status of mana whenua and takes into account the Te Tiriti o Waitangi in resource management making processes as well as increasing cultural capacity and capability of Council to effectively engage with Tangata Whenua.

12.3.2 The panel was advised by the reporting planner that the PDP has sought to use the term 'Tangata Whenua' throughout the PDP rather than Mana Whenua to align with the approach sought by Rongomaraeroa Marae Trustees.

12.3.3 The reporting planner acknowledged that she was not a cultural expert and agreed that the use of both terms in Method TW-M1 was confusing. The planner therefore recommended these provisions be amended to use the term 'Tangata Whenua'.

12.3.4 For the reasons outlined, the reporting planner recommended that S122.003 Rongomaraeroa Marae be accepted and S125.033 NHMT be accepted in part.

Reference to additional overlay and Statutory Acknowledgement Areas

12.3.5 The PDP references the Statutory Acknowledgement Areas as required by the RMA, referring to those outlined in the 'Heretaunga Tamatea Treaty Settlement Trust and the Crown – Deed of Settlement of Historical Claims'.

12.3.6 The reporting planner explained that she was not aware of any other Statutory Acknowledgement Areas that apply within the CHB District, and it would be helpful to the Hearings Panel if NHMT could advise of additional relevant settlement legislation that should be included in the PDP.

12.3.7 In the absence of this information, the reporting planner recommended S125.034 NHMT be rejected.

Minor amendment to Policy TW-P4

- 12.3.8 The reporting planner supported the amendment sought to Policy TW-P4 by KLT. She considered it more clearly signals that modification or destruction of any archaeological site is an offence. The reporting planner therefore recommended S84.020 be accepted.

Reference to Accidental Discovery Protocol (ADP)

- 12.3.9 Māori Artefacts or “Koiwi” would meet the definition of ‘archaeological site’ as set out in the HNZPT Act being:

- (a) *any place in New Zealand, including any building or structure (or part of a building or structure), that—*
- (i) *was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - (ii) *provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand*

- 12.3.10 The Panel was advised that the PDP does not have any rules relating to archaeological sites, and as such the provisions of HNZPT Act would apply rather than the provisions of the PDP. Thus, an Accidental Discovery Protocol in these situations would be a matter between Tangata Whenua, the landowner /developer, and HNZPT.

- 12.3.11 The reporting planner understood from discussions at the first Hearing on Tangata Whenua matters that there was concern that Accidental Discovery Protocols are a ‘bottom of the cliff’ approach, and also that each iwi or hapū may wish to develop their own protocol according to the situation. The reporting planner was therefore reluctant to reference the need for Accidental Discovery Protocol in this chapter. If, however, the Panel did wish to reference Accidental Discovery Protocol as a method for protection of important Māori cultural sites, she considered it would be more appropriate to insert provisions in the SASM – Sites and Areas of Significance to Māori chapter.

- 12.3.12 Given the discussions at the first TW-Hearing, the reporting planner recommended that S125.032 NHMT be rejected.

TW Principal Reasons - consideration of other options for protection

- 12.3.13 The submission from KLT highlighted some of the challenges for Tangata Whenua in identifying sites of cultural significance, and requested this be reflected in the ‘Principal Reasons’ section. The reporting planner agreed that it was important for Council to develop strong relationships with Tangata Whenua for this purpose so that appropriate methods of protection including those beyond the PDP, could be considered.

- 12.3.14 The reporting planner therefore supported an amendment to the TW Principal Reasons to reflect this, and proposed the following amendment:

The principal reasons for adopting the policies and methods:

Wāhi tapu, wāhi taonga or sites of significance that have been notified to the Council, are identified in SASM-SCHED3 and shown on the Planning Maps. This enables the Council to quickly and easily identify where there are wāhi tapu, wāhi taonga and sites of significance on land which may be affected by proposed activities, and when there is a need to notify tangata whenua. It is acknowledged that additional work by Council in partnership with tangata whenua is required to further develop this list and further that tangata whenua will not always identify all sites for cultural reasons. **When considering the protection of sites of cultural significance many factors need to be considered, such as cultural values, intellectual property and capacity, and a range of options for protection needs to be considered. To achieve this a strong partnership underpinned by strong communication and commitment between Council and tangata whenua is essential.**

...

- 12.3.15 For the above reasons, the reporting planner recommended that S84.021 KLT be accepted.

12.4 Evidence to the hearing

- 12.4.1 No specific evidence was provided on this key issue.

12.5 Post hearing information

- 12.5.1 The reporting planner's right-of-reply did not provide any further discussion on this key issue.

12.6 Evaluation and findings

Use of terms 'Tangata Whenua' and 'Mana Whenua'

- 12.6.1 Rongomaraeroa Marae Trustees submitted on the use of the terms 'Tangata Whenua' and 'Mana Whenua' as used in Method TW-M1. The Panel was advised that the PDP had sought to use the term 'Tangata Whenua' throughout the PDP rather than Mana Whenua, in line with the approach sought by Rongomaraeroa Marae Trustees.
- 12.6.2 The Panel recommends that 'Tangata Whenua' be consistently used, and accordingly that S122.003 Rongomaraeroa Marae be accepted and S125.033 NHMT be accepted in part.

Reference to additional overlay and Statutory Acknowledgement Areas

- 12.6.3 The Panel was not provided with any information to indicate that there are other Statutory Acknowledgement Areas that apply within the CHB district. Therefore, in the absence of such additional information, the Panel recommends S125.034 NHMT be rejected.

Minor amendment to Method TW-M4

- 12.6.4 The Panel supports the amendment sought to Method TW-M4 by KLT, as we consider the wording more clearly signals that modification or destruction of any archaeological site is an offence. The Panel therefore recommends S84.020 be accepted.

TW-M4 District Plan

...

1. Wāhi Tapu, Wāhi Taonga and Sites of Significance... Under that Act, it is an offence to modify or destroy ~~an~~ any archaeological site without an Authority from Heritage New Zealand Pouhere Taonga.'

Reference to Accidental Discovery Protocol (ADP)

- 12.6.5 The Panel acknowledges that Māori artefacts or koiwi would meet the definition of 'archaeological site' as set out in the HNZPT Act.
- 12.6.6 As the PDP does not have any rules relating to archaeological sites, the provisions of HNZPT Act would solely apply. Thus, an Accidental Discovery Protocol in these situations would be a matter between Tangata Whenua, the landowner /developer, and HNZPT.
- 12.6.7 The Panel understands from discussions at the first TW-Hearing each hapū may wish to develop their own accidental discovery protocol according to the situation. The Panel is therefore reluctant to reference the need for a standard Accidental Discovery Protocol in this chapter. Accordingly, the Panel recommends that S125.032 NHMT be rejected.

SASM principal reasons - consideration of other options for protection

- 12.6.8 The submission from the KLT highlighted some of the challenges for Tangata Whenua in identifying sites of cultural significance. The Panel agrees that these challenges should be reflected in the 'Principal Reasons' section.

- 12.6.9 The Panel therefore supports an amendment to the SASM Principal Reasons to reflect this, and recommends the following amendment:

The principal reasons for adopting the policies and methods:

Wāhi tapu, wāhi taonga or sites of significance that have been notified to the Council, are identified in SASM-SCHED3 and shown on the Planning Maps. This enables the Council to quickly and easily identify where there are wāhi tapu, wāhi taonga and sites of significance on land which may be affected by proposed activities, and when there is a need to notify tangata whenua. It is acknowledged that additional work by Council in partnership with tangata whenua is required to further develop this list and further that tangata whenua will not always identify all sites for cultural reasons. **In the protection of sites of cultural significance many factors need to be considered, such as cultural values, intellectual property, the capacity and ability of iwi / hapu to participate, and landowner interests. In identifying the appropriate option for protection, a strong partnership, underpinned by strong communication and commitment, between Council and tangata whenua is essential. ...**

- 12.6.10 For the above reason, the Panel recommends that S84.021 KLT be accepted.

13 Key Issue 11 – SASM general matters

13.1 Proposed plan provisions

13.1.1 This key issue addressed the SASM General Matters.

13.2 Submissions on Sites and Areas of Significance to Māori

Sites and Areas of Significance to Māori

13.2.1 There were 9 submitters and 7 further submitters on these provisions of the PDP.

13.2.2 53 original submission points and 81 further submission points were received on these provisions. Of the original 53 submissions points, 40 were in support or sought amendments, and 13 were in opposition. Many of the submissions (in support and opposition) sought amendments to the provisions.

13.2.3 In summary, the matters raised in the submission in regard to SASM include:

- Issue SASM-I1 needs to be redrafted to more clearly articulate the implications and potential adverse effects resulting from degradation and/or loss of wāhi tapu, wāhi taonga and sites of significance over time to Tangata Whenua;
- In consultation with iwi, map 'silent file' features and sites;
- Clarify spatial extent of archaeological sites and SASM;
- Leave protection of SASM to hapū, whanau and kaitiaki;
- Amendments sought to 'Introduction' to include reference to both the HNZPT Act and the New Zealand Archaeological Association (NZAA) database, and to amend to reflect a broader partnership approach;
- Amendment sought to SASM 'Issues' provisions to reflect that engagement should be led by Council, as Tangata Whenua hold this information and knowledge and values cannot be fully expressed on a map;
- New SASM Policy sought to encourage and support the visual presentation of SASM in the District;
- Amendment sought to provisions to provide for engagement and assistance for landowners and resource users with respect to SASM;
- A redraft of the rules is required to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe so that these sites are given the highest level of protection which may include a more stringent activity status in the District Plan;
- There should not be any 'Permitted Activity' status for any activity affecting a wāhi tapu, wāhi taonga or site or area of significance to Māori;
- Amend Rule SASM-R4 to permit primary production activities within areas of an identified SASM subject to not destroying, damaging or modifying a wāhi tapu, wāhi taonga or site of significance;
- Amend Assessment Matter SASM-AM1 to include reference to the HNZPT Act;
- Amend Method SASM-M1 to include that 'any new sites and areas will be incorporated using a Schedule 1 process';
- Amend Method SASM-M3 that 'where sites are on private land, landowners are included and involved early in this process';

- Redraft Method SASM-M3 to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe, including the principle of partnership. Redrafting to be undertaken collaboratively with the Mana Whenua of the District;
- Include a new Method SASM-MXX supporting landowners to manage, maintain and preserve sites and areas of significance to Māori;
- Work with Tangata Whenua to update SASM Schedule;
- Add five new sites to Schedule SASM-SCEHD3;
- Provide more information in SASM-SCHED3 including location, name, details and values;
- Clarify which of the Schedules is more appropriate for a number of items (HH- SCHED2 or SASM-SCHED3);
- Add new site HNZPT List number 7717 'Te Awakari a Tamanui', to the appropriate Schedule;
- Adjust the extent of sites in response to landowner's submissions and make sure landowner are aware of the nonregulatory methods available to support them; and
- Map extent of sites on planning maps or include a buffer area managed by the rules.

13.3 Submissions on general matters relating to Sites and Areas of Significance to Māori

- 13.3.1 3 original submission points and 3 further submissions raised matters of a general nature relating to the 'SASM - Sites and Areas of Significance to Māori' chapter of the PDP. One submission broadly supported the SASM provisions, one sought a range of changes to the provisions to ensure that SASM were sufficiently protected, and one opposed provisions seeking that protection of SASM be left in the hands of hapū, whanau and kaitiaki.
- 13.3.2 The key matters raised in these submissions are summarised as being requests to:
- Issue SASM-I1 needs to be redrafted to more clearly articulate the implications and potential adverse effects resulting from degradation and/or loss of wāhi tapu, wāhi taonga and sites of significance over time to Tangata Whenua (No alternative wording supplied);
 - In consultation with iwi, map 'silent file' features and sites;
 - Clarify spatial extent of archaeological sites and sites of significance to Māori; and
 - Leave protection of SASM to hapū, whanau and kaitiaki.

13.4 Reporting planner's recommendations

General matters raised by Kāinga Ora

- 13.4.1 Kāinga Ora sought amendments to Issue SASM-I1 to more clearly articulate the implications and potential adverse effects resulting from degradation and/or loss of wāhi tapu, wāhi taonga and sites of significance over time to Tangata Whenua. The reporting planner acknowledged that the issue/s relating to protecting SASMs for Tamatea, including the identification of, and methods for protecting such sites, required further work in partnership with Tangata Whenua.
- 13.4.2 The reporting planner advised that discussion at the Wānanga identified the need for this to be better expressed from a Tangata Whenua perspective, and acknowledged the significant body of work that would need to be completed to identify sites for protection. She noted that Tangata Whenua submitters had been invited to submit an amended introduction to the SASM chapter and associated Key Issue 1 to reflect this. This will be presented as evidence prior to the Hearing. This rewording may in part address Kāinga Ora concerns.

- 13.4.3 Kāinga Ora also sought the PDP maps ‘Silent File’ sites where their features and locations are known.
- 13.4.4 The reporting planner stated that the approach adopted in the PDP recognised that inclusion of ‘other methods’ for identifying sites of cultural significance and an associated policy and rule framework required the mandate from the District’s hapū in terms of their cultural intellectual property, working in partnership with Council. This process she stated will take some time and was better placed to operate outside of the time constraints of the District Plan review process.
- 13.4.5 The reporting planner did not consider it necessary to provide further detail on spatial extent for archaeological sites. The reporting planner recommended that S129.061 Kāinga Ora be rejected.

‘Leave it in the hands of hapū, whanau, kaitiaki’

- 13.4.6 P Scott (S70.001) requested that Māori resource management issues should be left ‘in the hands of hapū, whanau, kaitiaki’.
- 13.4.7 The reporting planner stated that the Council was required as a matter of national importance (RMA S6(e)) to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; as an ‘other matter’ to have particular regard to kaitiakitanga (RMA, S7(a)) and to take into account the principles of the Treaty of Waitangi (S8).
- 13.4.8 In responding to these matters Council was required to work in partnership with Tangata Whenua whilst acknowledging that they are the holder of this knowledge. In that context, while the Council must initiate these processes, it was Tangata Whenua who decide what and how their important cultural sites are to be protected.
- 13.4.9 For these reasons, the reporting planner recommended that S70.001 P Scott be accepted in part.

13.5 Evidence to the hearing

- 13.5.1 Stella August provided evidence on behalf of KLT on the protection of sites of value and areas of cultural significance.

13.6 Post hearing information

- 13.6.1 The reporting planner’s right-of-reply did not provide any further discussion on this key issue.

13.7 Evaluation and findings

General matters raised by Kāinga Ora

- 13.7.1 Kāinga Ora sought amendments to Issue SASM-I1 to more clearly articulate the implications and potential adverse effects resulting from degradation and/or loss of wāhi tapu, wāhi taonga and sites of significance over time to Tangata Whenua. The reporting planner acknowledged that the issue/s relating to protecting sites and areas of significance to Māori for Tamatea, including the identification of, and methods for protecting such sites, required further work in partnership with Tangata Whenua.
- 13.7.2 Discussion at the Wānanga identified the need for this to be better expressed from a Tangata Whenua perspective, and acknowledged the significant body of work that would need to be completed to identify sites for protection. The Panel acknowledges and agrees there is a need for an ongoing partnership between the Council and Tangata Whenua and that there has been a commitment to establish an enduring relationship. For example, the Council has recently established a new Council Committee, the Tamatea Partnerships Committee, the purpose of which

is to provide guidance to Central Hawke's Bay District Council and Mana Whenua partners – HTST and Ngā Hapū o Tamatea on effective partnership in Tamatea Central Hawke's Bay to reflect Te Tiriti o Waitangi and associated Acts and responsibilities of Local Government to that effect.

- 13.7.3 The Panel considers that the approach adopted in the PDP appropriately recognises that inclusion of 'other methods' for identifying sites of cultural significance and an associated policy and rule framework required the mandate from the District's hapū in terms of their cultural intellectual property, and working in partnership with Council, which will take some time and is better placed to operate outside of the time constraints of the District Plan review process.
- 13.7.4 In regard to the mapping of SASMs, Kāinga Ora sought to have the PDP map, as 'Silent Files', SASMs where their features and locations are known. The Panel agrees with the reporting planner and does not consider it necessary to provide further detail on spatial extent for archaeological sites, but acknowledges that this is a larger piece of work beyond the scope of the PDP. The Panel recommends that S129.061 Kāinga Ora be rejected.

'Leave it in the hands of hapū, whanau, kaitiaki'

- 13.7.5 Council is required as a matter of national importance (RMA S6(e)) to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; as an 'other matter' to have particular regard to kaitiakitanga (RMA, S7(a)) and to take into account the principles of the Treaty of Waitangi (S8).
- 13.7.6 In responding to these matters Council is required to work in partnership with Tangata Whenua whilst acknowledging that they are the holder of this knowledge. In that context, the Panel agrees that it is Tangata Whenua who decide what and how their important cultural sites are to be protected. Accordingly, the Panel recommends that S70.001 P Scott be accepted in part.

14 Key Issue 12 – SASM introduction, issues, objectives & policies

14.1 Proposed plan provisions

14.1.1 This key issue addresses the SASM Introduction, Issues, Objectives and Policies.

14.2 Submissions

14.2.1 19 original submissions and 25 further submissions were received on the ‘Introduction’, ‘Issues’, ‘Objectives’ and ‘Policies’ provisions of the ‘SASM – Sites and Areas of Significance to Māori’ provision of the PDP. 18 submissions were in support of, or sought amendments to the notified provisions, and 1 opposed the provisions.

14.2.2 The key matters raised in these submissions can be summarised as follows:

- Amendments sought to ‘Introduction’ to include reference to both the HNZPT Act and the New Zealand Archaeological Association (NZAA) database, and to amend to reflect a broader partnership approach;
- Amendment sought to SASM ‘Issues’ provisions to reflect that engagement should be led by Council, as Tangata Whenua hold this information and knowledge and values cannot be fully expressed on a map;
- New SASM Policy sought to encourage and support the visual presentation of SASM in the District;
- Amendment sought to provisions to provide for engagement and assistance for landowners and resource users with respect to SASM; and
- Various other minor amendments sought to SASM Policy.

14.3 Reporting planner’s recommendations

General amendment to SASM Chapter / SASM-SCHED3

14.3.1 The reporting planner agreed that further work is required with Tangata Whenua to determine the most appropriate methods for identifying wāhi tapu and including them on SASM-SCHED-3. This is acknowledged in the Introduction provisions of the SASM chapter that states:

...However, Council acknowledges that there are a great number of sites that have not been identified. Further research, evaluation and engagement between Council and tangata whenua is necessary to accurately identify, understand, document and map this resource. SASM-SCHED3 is not currently representative of these sites, therefore effective engagement with tangata whenua is necessary to ensure the ongoing protection and security of sites of significance that are not listed in the District Plan. In some cases, there is a reluctance by tangata whenua to identify the exact location of some Wāhi Tapu sites because of the need to protect their sacredness. Accordingly, it is only those sites that have been identified which are protected by the provisions of the District Plan.

14.3.2 The reporting planner advised that a more comprehensive Schedule will require significant work from both Council and Tangata Whenua, and would be matter for a further Plan Change in the future. She considered that the current provisions in that sense are a ‘placeholder’ and a beginning point for this further work to occur.

14.3.3 In response to S125.049 NHMT, the reporting planner recommended an additional Assessment Matter on cultural impact assessment be included in SASM-AM1 as follows:

SASM-AM1 General Assessment Matters for Wāhi Tapu, Wāhi Taonga or Sites of Significance

...

7. When assessing applications Council will have regard to a Māori values assessment or cultural impact assessment prepared for the site of significance.

- 14.3.4 The matter of Council support for capacity building of Tangata Whenua to assist in resource management matters was address earlier, in regard to iwi involvement in decision-making and Cultural Impact Assessment, on which the planner recommended a number of changes to the Tangata Whenua chapters in response. The reporting planner did not consider any further specific changes are required to the provisions of the SASM chapter.
- 14.3.5 Accordingly, the reporting planner recommended that S134.003 Ngāti Kere Hapū Authority be accepted in part.

Reference to HNZPT Act and the New Zealand Archaeological Association (NZAA) database

- 14.3.6 The reporting planner advised that there is a close relationship (and a crossover of duties) between the RMA and the HNZPT Act. She stated that this is clearly identified in the introduction to the HH-Historic Heritage chapter, although the reporting planner agreed that this could be more strongly reflected in the introduction provisions of the SASM chapter. The reporting planner therefore proposed additional explanation to the introduction to the SASM chapter to better align with the HH-Historic Heritage Chapter as follows:

Introduction

...

The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua. Accordingly, the District Plan sought to facilitate the opportunity for this to occur as part of the subdivision, development and land-use process.

There are also legal responsibilities that relate to all archaeological sites, whether they are identified, unknown, listed or recorded. Section 42 of the Heritage New Zealand Pouhere Taonga Act 2014 makes it an offence for anyone to modify or destroy, or cause to be modified or destroyed, the whole, or any part of any site, if it is known or suspected to be an archaeological site. Section 44 of the Act requires applications for an authority to modify or destroy, or cause to be modified or destroyed, an archaeological site to be made to Heritage New Zealand Pouhere Taonga. The location of recorded archaeological sites in Central Hawke's Bay as at the date of notification of the District Plan are shown on the Planning Maps. This is for information purposes only, as an alert to Council and landowners. Landowners are encouraged to search the New Zealand Archaeological Association's database for the latest recorded site information prior to commencing any land disturbance activities. It should be noted that there are many unrecorded archaeological sites, and developers also have a responsibility to avoid damage to these.

- 14.3.7 The reporting planner accordingly recommended that S84.003 KLT be accepted.

Issue SASM-I1

- 14.3.8 KLT submitted that Issue SASM-I1 reflects a fundamentally incorrect way of thinking.
- 14.3.9 The reporting planner noted that this matter was discussed at the first TW Hearing, and advised that it was agreed at the Wānanga that protection of sites and areas of significance to Māori is a complex issue, and more work is required in this space. She noted that the District Plan has a role in response to its section 6(e) duties, as did HNZPT in response to the requirements of the HNZPT Act, and in many cases these obligations overlap. She also advised that there is also an education and advocacy role for Council and Tangata Whenua with landowners, developers and the community in general, to ensure these sites are better protected.
- 14.3.10 Submitters were invited to submit additional or alternative wording that better reflects their identification of the issue for this chapter to the Hearing. In the interim, the reporting planner reserved her recommendation on S84.004 KLT.

SASM objectives

- 14.3.11 The reporting planner recommended accepting the submissions on Objectives SASM-O1 and SASM-O2 from S84.024 KLT, S125.039 NHMT, and S125.040 NHMT, as these were in support.
- 14.3.12 Federated Farmers' submission supported Objective SASM-O3 but also sought an additional SASM-Method (refer Federated Farmers' submission point S121.170 addressed in Key Issue 14 below).
- 14.3.13 NHMT supported Objective SASM-O3. As no issues were raised or amendments sought to SASM-O3 the planner recommended that S121.159 Federated Farmers and S125.041 NHMT be accepted.

Broader partnership and support for landowners in protecting SASM

- 14.3.14 Federated Farmers sought amendments to the Introduction provisions (S121.158), policies SASM-P1 (S121.60),
- 14.3.15 and ASM-P3 (S121.161) to reflect a requirement for broader engagement with, and assistance for, landowners / resource users who have SASM sites on their properties. They also sought additional supporting Methods which was considered separately in Key Issue 14 below.
- 14.3.16 The changes they sought to the 'Introduction' provisions and SASM policies are repeated for convenience as follows:

Introduction

...The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua. Accordingly, the District Plan sought to facilitate the opportunity for this to occur by adopting a partnership approach which recognises the importance of all parties. as part of the subdivision, development and land use process.

Policies

SASM-P1 To continue to identify, in partnership with tangata whenua and landowners, land within the District which contains wāhi tapu, wāhi taonga, and sites of significance.

...

SASM- P3 To promote a greater awareness and understanding of wāhi tapu, wāhi taonga, and sites of significance of importance to tangata whenua, and assist resource users conducting activities near recorded sites and in the event of a discovery of unrecorded sites.

- 14.3.17 The reporting planner considered that the Introduction provisions as notified appropriately recognise the role of landowners and the changes as sought were not necessary.
- 14.3.18 The reporting planner did not agree with the amendment to Policy SASM-P1 sought by Federated Farmers. She considered that Policy SASM-P1 (that links back up to Objective SASM-O1), specifically recognises that Tangata Whenua are the holders of this knowledge and identifying sites must come from them in the first instance, and it would be inappropriate to include landowners in these early processes. Landowners would be duly notified of any potential for identified sites on their property, through notification of such sites in accordance with the RMA Schedule 1 process.
- 14.3.19 With respect to Federated Farmers' submission to Policy SASM-P3, the reporting planner understood that they are seeking to promote non-regulatory methods and incentives for landowners to assist in the protection of SASM and to establish a link with an additional method for this purpose. However, in the planner's opinion, the proposed wording would not assist with this intent, nor would it add any greater clarity to the policy as notified. She considered that the policy as notified would not preclude the opportunity to consider additional methods as sought by Federated Farmers (refer also Federated Farmers' submission point S121.170 addressed in Key Issue 14 below).
- 14.3.20 For the reasons outlined above, the reporting planner recommended S121.158, S121.160 and S121.161 Federated Farmers be rejected.

Policy SASM -P2 and other submissions on SASM-P3

- 14.3.21 The reporting planner recommended that the support for Policies SASM-P2 and other submissions on SASM-P3 from S125.043 (NHMT) and S125.044 (NHMT) be accepted.
- 14.3.22 The planner noted that Policy SASM-P3 contained an editing error and recommended that the Panel address this as a cl16 minor correction as follows:

SASM-P3 To promote a greater awareness and understanding of wāhi tapu, wāhi taonga, and sites of significance ~~of~~ importance to tangata whenua.

SASM-P4

- 14.3.23 NHMT sought the following amendments to Policy SASM-P4:

To ~~consult~~ **actively involve** with Tangata Whenua on applications received by the Council for subdivision consents and resource consents relating to proposals affecting or potentially affecting a wāhi tapu, wāhi taonga or site(s) of significance, including but not limited to those identified in SASM-SCHED3 and shown on the Planning Maps.

- 14.3.24 The reporting planner supported the amendment that Council ‘actively involve’ Tangata Whenua with respect to development that may affect SASMs. The reporting planner therefore recommended S125.046 NHMT be accepted.

New SASM policy relating to signage

- 14.3.25 NHMT sought a new policy as follows:

SASM Policy To encourage and support the visual acknowledgement of wāhi tapu and other places of significance through signage, information boards, poupou (traditional carved motifs) and other mahi toi.

- 14.3.26 The reporting planner was not opposed to including provisions relating to signage, acknowledging that it can be an important part in educating and creating awareness of the District’s cultural landscape. However, in the planner’s opinion this would be better included as a method for implementing Policy SASM-P3 that would assist in achieving Objective SASM-O1. The reporting planner therefore recommended an additional method as follows:

SASM-M7 Education and Advocacy

Council will encourage and support the visual acknowledgement of wāhi tapu and other places of significance for example, through signage, information boards, poupou (traditional carved motifs) and other mahi toi.

- 14.3.27 For this reason, the reporting planner recommended that S125.047 NHMT be accepted in part.

14.4 Evidence to the hearing

- 14.4.1 Stephen Daysh provided planning evidence on behalf of HTST on the Key Issues 12 and 13 SASM Issues, Objectives and Policies and Rules and generally supported the reporting planner.
- 14.4.2 Liz Munroe provided evidence on behalf of NHMT, which focused on the following:
- The use of Te Reo in the PDP;
 - Housing, economic and other development aspirations;
 - Co-governance; and
 - Te Mana o Te Wai and Mātauranga Māori.
- 14.4.3 Stella August provided evidence on behalf of KLT on the protection of sites of value and areas of cultural significance and specifically at Hearing 1 stated that Tangata Whenua must be involved in the process of identifying and determining what cultural sites are recorded. At Hearing 2, as invited, Ms. August proposed alternative wording for SASM-I1 on the basis of ensuring that involvement.

- 14.4.4 In respect to SASM -P4 in her evidence during hearing 2 Ms. August noted that a key concern was the effect of development on unrecorded sites currently. She agreed with the report planners proposed amendments to SASM-P4 as a means of addressing that concern.

14.5 Post hearing information

- 14.5.1 The reporting planner's right-of-reply addressed Issue SASM-I1 and accepted the amendments by KLT.

14.6 Evaluation and findings

General amendment to SASM Chapter / SASM-SCHED3

- 14.6.1 The Panel agrees with Ms. August that the involvement of Tangata Whenua in the identification of wāhi tapu and including them on SASM-SCHED-3 is essential. The Panel also acknowledges that further work is required with tangata whenua to determine the most appropriate methods for doing so. This is acknowledged in the Introduction provisions of the SASM chapter as highlighted by the reporting planner.
- 14.6.2 The Panel recognises that this will require significant work from both Council and Tangata Whenua, as well as liaison with landowners. Given this exercise will take time, the Panel accepts that the current provisions in that sense are a 'placeholder' and a beginning point for further work to occur.
- 14.6.3 The Panel has, earlier in this report (Key Issue 13), recommended an additional Assessment Matter on cultural impact assessment be included in SASM-AM1, a change which may also partially address this aspect of the submission point from S125.049 NHMT.
- 14.6.4 The matter of Council support for capacity building of Tangata Whenua to assist in resource management matters has also been addressed earlier in this report, and the Panel has recommended a number of changes to the Tangata Whenua chapters in response to this matter. Accordingly, the Panel does not consider that any further specific changes are required to the provisions of the SASM chapter.
- 14.6.5 For the reasons outlined above, the Panel recommends that S134.003 Ngāti Kere Hapū Authority be accepted in part.

Reference to HNZPT Act and the New Zealand Archaeological Association (NZAA) database

- 14.6.6 The Panel acknowledges that there is a close relationship between the RMA and the New Zealand Pouhere Taonga Act 2014. While this relationship is clearly identified in the introduction to the HH- Historic Heritage chapter, the Panel agreed with the reporting planner that this could be more strongly reflected in the introduction provisions of the SASM chapter. The Panel therefore recommends including an additional paragraph to the introduction to the SASM chapter as follows:

Introduction

...The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua. Accordingly, the District Plan sought to facilitate the opportunity for this to occur as part of the subdivision, development and land-use process.

There are also legal responsibilities that relate to all archaeological sites, whether they are identified, unknown, listed or recorded. Section 42 of the Heritage New Zealand Pouhere Taonga Act 2014 makes it an offence for anyone to modify or destroy, or cause to be modified or destroyed, the whole, or any part of any site, if it is known or suspected to be an archaeological site. Section 44 of the Act requires applications for an authority to modify or destroy, or cause to be modified or destroyed, an archaeological site to be made to Heritage New Zealand Pouhere Taonga. The location of recorded archaeological sites in Central Hawke's Bay as at the date of notification of the District Plan are shown on the Planning Maps. This is for information purposes only, as an alert to Council and landowners. Landowners are encouraged to search the New Zealand Archaeological Association's database for the latest recorded site information

prior to commencing any land disturbance activities. It should be noted that there are many unrecorded archaeological sites, and developers also have a responsibility to avoid damage to these.

- 14.6.7 Accordingly, the Panel recommends that S84.003 KLT be accepted.

Issue SASM-I1

- 14.6.8 S84.004 KLT submitted to amend Issue SASM-I1 to reflect that engagement on SASMs should be led by Council, as while Tangata Whenua hold this information and knowledge and values, Tangata Whenua hold so little of their ancestral land.
- 14.6.9 The Panel acknowledges that the identification and protection of SASMs is a complex issue, and more work is required in this space, led by the Council. The Panel also recognises that there is an education and advocacy role for Council, working with Tangata Whenua, to assist and support with landowners, developers and the community in general, to ensure these sites are better identified and protected.
- 14.6.10 The Panel therefore recommends that S84.004 KLT be accepted. As no alternative wording to this issue was provided at the second hearing, the Panel recommends the following changes be made to SASM-I1:

SASM-I1	Loss of Sites and Areas of Significance to Māori
...	
<u>Explanation</u>	
	Protection of site values and areas of cultural and spiritual significance to tangata whenua requires identifying and mapping these sites and areas and understanding their values. This process is led by <u>the Council, working closely with tangata whenua who hold this information and knowledge.</u>
	<u>Working with tangata whenua, there is a role for Council to assist and support landowners, developers and the community in general to improve the understanding of the cultural heritage of the District, to ensure these sites are better identified and protected.</u>

Broader partnership and support for landowners in protecting SASM

- 14.6.11 Federated Farmers sought amendments to the Introduction provisions (S121.158), policies SASM-P1 (S121.60), and SASM-P3 (S121.161), to reflect a requirement for broader engagement with, and assistance for, landowners / resource users who have SASM sites on their properties. They also sought additional supporting Methods (separately considered in Key Issue 14 below).
- 14.6.12 The Panel agrees with the submitter that there is a role for landowners to be engaged and involved with identifying and protecting Sites and Areas of Significance to Māori. The Panel consider this is appropriately acknowledged in the Introduction: “The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and Tangata Whenua”. The Panel considers it is appropriate to reflect this role in Policy SASM-P1, but not Policy SASM-P3 which the Panel considered appropriately focused on promoting greater awareness.
- 14.6.13 Accordingly, the Panel recommends S121.158, S121.160 and S121.161 Federated Farmers be accepted in part, and the following amendments are made:

Policies	
SASM-P1	To continue to identify, in partnership with tangata whenua <u>and landowners</u>, land within the District which contains wāhi tapu, wāhi taonga, and sites of significance.

Policy SASM -P2 and other submissions on SASM-P3

- 14.6.14 The Panel agrees with the reporting planner that policy SASM-P3 has an editing error and the Panel recommends that this be amended as a cl16 minor correction as follows:

SASM-P3 To promote a greater awareness and understanding of wāhi tapu, wāhi taonga, and sites of significance of importance to tangata whenua.

SASM-P4

- 14.6.15 NHMT sought the following amendments to Policy SASM-P4:

To ~~consult~~ **actively involve** with Tangata Whenua on applications received by the Council for subdivision consents and resource consents relating to proposals affecting or potentially affecting a wāhi tapu, wāhi taonga or site(s) of significance, **including but not limited to those** identified in SASM-SCHED3 and shown on the Planning Maps.

- 14.6.16 The Panel agrees with the reporting planner and supports the amendment that Council 'actively involve' Tangata Whenua with respect to development that may affect SASM, which is better aligned with the principles of the Treaty of Waitangi (s8 RMA). The Panel also considers it is appropriate to recognise that SASMs are not confined solely to those identified currently in the PDP, but that other sites, as yet unscheduled, may be revealed as part of wider engagement between Council and Tangata Whenua and via the consenting process.

- 14.6.17 The Panel therefore recommends S125.046 NHMT be accepted.

New SASM Policy relating to Signage

- 14.6.18 NHMT sought a new policy as follows:

SASM PX To encourage and support the visual acknowledgement of wāhi tapu and other places of significance through signage, information boards, poupou (traditional carved motifs) and other mahi toi.

- 14.6.19 The Panel agrees with the reporting planner that provisions relating to signage and acknowledge can be an important part in educating and creating awareness of the District's cultural landscape. However, the Panel agrees with the planner that this would be better included as a method implementing Policy SASM-P3 and that would assist in achieving Objective SASM-O1. The Panel therefore recommends an additional method as follows:

SASM-M7 Education and Advocacy

Council will encourage and support the visual acknowledgement of wāhi tapu and other places of significance for example, through signage, information boards, poupou (traditional carved motifs) and other mahi toi.

- 14.6.20 Accordingly, the Panel recommends that S125.047 NHMT be accepted in part.

15 Key Issue 13 – SASM Rules

15.1 Proposed plan provisions

15.1.1 This key issue addressed the SASM Rules.

15.2 Submissions

15.2.1 13 original submissions and 22 further submissions were received to the 'SASM-Rules' section of the PDP: 6 submissions supported the provisions as notified or sought amendments and 7 opposed provisions.

15.2.2 The key matters raised in these submissions can be summarised as follows:

- A redraft of the rules is required to reflect the history, relationships and whakapapa of Māori in the rohe more fully and accurately so that these sites are given the highest level of protection which may include a more stringent activity status in the PDP;
- There should not be any 'Permitted Activity' status for any activity affecting a wāhi tapu, wāhi taonga or SASMs;
- Clarify if rules are lawful; and
- Amend Rule SASM-R4 to permit primary production activities within areas of an identified SASM subject to not destroying, damage or modify a wāhi tapu, wāhi taonga or site of significance.

15.3 Reporting planner's recommendations

Redrafting with Tangata Whenua

15.3.1 NHMT sought a full redraft of the SASM rules to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe so that these sites are given the highest level of protection which may include a more stringent activity status in the PDP. The changes sought included the following:

- The proposed activity should be designed in partnership and consultation with mana whenua.
- The proposed activity should be designed to avoid all known places and areas of significance to Māori where possible by encouraging consideration of alternative development locations and including the provision of protective buffer areas.
- The proposed activity should be subject to a Māori values assessment or cultural impact assessment.
- The proposed activity should mitigate or remedy any damage to any significant sites that have been damaged from past earthworks, construction of structures and buildings or erosion.
- The proposed activity should achieve positive heritage outcomes and provisions including the use of a covenant to protect significant places and areas.

15.3.2 The reporting planner considered that some of the above changes as sought by this submitter are reflected to a degree within the SASM assessment matters, as outlined below:

Submitters' proposed amendments	SASM-AM1 General Assessment Matters for Wāhi Tapu, Wāhi Taonga or Sites of Significance
The proposed activity should be subject to a Māori values assessment or cultural impact assessment (or similar appropriate assessment)	1. The values of the wāhi tapu, wāhi taonga, or site of significance including its value to Tangata Whenua.
The proposed activity should be designed to avoid all known places and areas of significance to Māori where possible by encouraging consideration of	2. Whether the proposed activity may destroy, damage, modify or adversely affect the wāhi tapu, wāhi taonga, or site of significance, particularly in relation to:

alternative development locations and including the provision of protective buffer areas.	<ul style="list-style-type: none"> a. the nature and scale of the proposed activity; b. the design, layout or location of the activity on the site, including associated building platforms, vehicle access and services on the site; c. whether there are alternatives that do not involve destruction, damage, modification or adverse effects.
<p>The proposed activity should be designed in partnership and consultation with mana whenua</p> <p>The proposed activity should mitigate or remedy any damage to any significant sites that have been damaged from past earthworks, construction of structures and buildings or erosion.</p>	3. Methods to protect the wāhi tapu, wāhi taonga, or site of significance, including any recommendations from consultation with Tangata Whenua and (where appropriate) HNZPT.
The proposed activity should mitigate or remedy any damage to any significant sites that have been damaged from past earthworks, construction of structures and buildings or erosion.	4. Whether the proposed activity respects the significant values of the wāhi tapu, wāhi taonga, or site of significance and will not dominate or detract from the wāhi tapu, wāhi taonga, or site of significance.
The proposed activity should achieve positive heritage outcomes and provisions including the use of a covenant to protect significant places and areas.'	5. Whether the contents of a site contribute towards its significance as wāhi tapu, wāhi taonga, or site of significance and whether regard should be had to conserving those contents.
The proposed activity should be subject to a Māori values assessment or cultural impact assessment (or similar appropriate assessment)	6. The outcomes and recommendations from any impact assessment undertaken on the effects of the activity on the wāhi tapu, wāhi taonga, or site of significance
The proposed activity should be subject to a Māori values assessment or cultural impact assessment (or similar appropriate assessment)	-

- 15.3.3 In regard to the last matter, the reporting planner recommend this could be addressed by including an additional clause in this Assessment Matter to reinforce the importance of undertaking cultural impact assessment when proposing works that affect such sites as set out in clause 7 above. She recommended it could be worded as follows:

When assessing applications, Council will have regard to a Māori values assessment or cultural impact assessment prepared for the site of significance.

- 15.3.4 For the reasons outlined, the reporting planner recommended that S125.049 NHMT be accepted in part.

Rule legality and activity status

- 15.3.5 The reporting planner noted that the rule framework sought to regulate activities that will impact on SASMs identified in Schedule SASM-SCHED3. With respect to the legality of this approach, and as outlined in the interim S42A report presented at the first hearing, she advised that the intention of this regulatory approach was that normal day-to-day activities can continue without need for resource consent (i.e., as a permitted activity), but that any activities that will 'destroy, damage or modify' these sites, including any ground disturbance in the area of the protected site, will require resource consent as a Restricted Discretionary activity (and possibly an archaeological authority). The reporting planner further advised that, where consent was required the range of assessment matters outlined in AM-1 must be taken into account. This includes (among other things)

consideration of the values of a site, any alternatives that have been considered, recommendations from Tangata Whenua, and outcomes/ recommendations of any impact assessment that has been completed.

- 15.3.6 The reporting planner was satisfied that the rule framework as proposed was both legal and appropriate to achieve protection of SASM. The application of Restricted Discretionary activity status to works that potentially destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, allows Council to grant or refuse an application, and where it grants an application, to apply conditions. The reporting planner considered that this approach was appropriate as it retains focus on any application to the consideration of cultural matters, rather than applying a broad discretion which could introduce other matters.
- 15.3.7 The reporting planner noted that, at the first hearing, KLT accepted the above explanation of the rule framework and in her speaking notes Stella August stated as follows: “We are happy with the explanation in the Officer’s Report that the rule framework sought only to regulate activities that will impact on SASMs identified in Schedule (SASM-SCHED3).”
- 15.3.8 Accordingly, the reporting planner recommended that:
- the submissions from NHMT (S125.049) and KLT (S84.005) be accepted in part;
 - The submissions from Federated Farmers (S121.164, S121.167), KLT (S84.006, S84.007, S84.008, S84.009, S84.010) and Hort NZ (S81.070, S81.071) be accepted and
 - the submission from Federated Farmers (S121.166) be rejected.

Rule SASM-R4 - primary production activities

- 15.3.9 The reporting planner did not agree with Federated Farmers that a rule permitting ‘primary production activities’ in relation to SASMs was appropriate, as some primary production activities can have significant effects on SASM, particularly mining, quarrying and forestry activities. The planner therefore recommended that S121.165 Federated Farmers be rejected.

15.4 Evidence to the hearing

- 15.4.1 Stephen Daysh provided expert planning evidence on behalf of HTST on the Key Issues 12 and 13 Sites of Significance to Māori Issues, Objectives and Policies and Rules, and generally supported the reporting planner’s evaluation and recommendations.
- 15.4.2 Liz Munroe provided evidence on behalf of NHMT which focused on the following:
- Use of Te Reo in the PDP;
 - Housing, economic and other development aspirations;
 - Co-governance; and
 - Te Mana o te Wai and Matauranga Māori.

15.5 Post hearing information

- 15.5.1 The reporting planner’s right-of-reply did not provide any further discussion on this key issue.

15.6 Evaluation and findings

Redrafting with Tangata Whenua

- 15.6.1 As outlined above, NHMT sought a full redraft of this section and amendments to include the following:

- 'The proposed activity should be designed in partnership and consultation with mana whenua.
- The proposed activity should be designed to avoid all known places and areas of significance to Māori where possible by encouraging consideration of alternative development locations and including the provision of protective buffer areas.
- The proposed activity should be subject to a Māori values assessment or cultural impact assessment.
- The proposed activity should mitigate or remedy any damage to any significant sites that have been damaged from past earthworks, construction of structures and buildings or erosion.
- The proposed activity should achieve positive heritage outcomes and provisions including the use of a covenant to protect significant places and areas.'

- 15.6.2 The Panel agrees with the reporting planner that many of the above changes as sought by this submitter are reflected to a degree within the SASM assessment matters, as outlined above.
- 15.6.3 In regard to cultural impact assessments, the Panel agrees with the reporting planner and recommends an additional clause be included into the Assessment Matters to reinforce the importance of undertaking cultural impact assessment when proposing works that affect such sites as set out in clause 7 above.
- 15.6.4 Insofar as the assessment matters, including the recommended new clause, address the relief sought by the submitters, the Panel recommends that S125.049 NHMT be accepted in part. However, we concur with the outcomes of the Wānanga that the identification and protection of SASM in the District will be an ongoing process, and that more korero and considerably more mahi will be required in the future to provide a more comprehensive and robust regulatory framework. To this end, the Panel have made some broader longer-term recommendations to the Council that fall outside the immediate scope of recommendations on the PDP.

Rule legality and activity status

- 15.6.5 The rule framework seeks to regulate activities that will potentially impact on SASMs identified in Schedule SASM-SCHED3. The Panel is satisfied that this framework is an appropriate approach for protecting identified SASM.
- 15.6.6 The framework would enable normal day-to-day activities to continue without need for resource consent (i.e., as a permitted activity). However, activities that will potentially 'destroy, damage or modify' these sites, including any ground disturbance in the area of the protected site, will require resource consent as a Restricted Discretionary activity. Where consent is required the range of assessment matters outlined in AM-1 must be taken into account. These matters include consideration of the values of a site, any alternatives that have been considered, recommendations from Tangata Whenua, and outcomes/ recommendations of any impact assessment that has been completed.
- 15.6.7 A Restricted Discretionary activity status allows Council to grant or refuse an application, and, where it grants an application, to apply conditions.
- 15.6.8 The Panel acknowledges that, at the first hearing, KLT accepted the above explanation of the rule framework.
- 15.6.9 For the reasons outlined, the Panel recommends the following:
- S125.049 NHMT be accepted in part (in that Restricted Discretionary activity status affords the appropriate level of protection for SASM);
 - S84.005 KLT be accepted in part (in that activities are only permitted if they do not destroy, damage, or modify a wāhi tapu, wāhi taonga or site of significance);
 - S84.006, S84.00, S84.007, S84.008, S84.009, S84.010 KLT be accepted (in that the lawfulness of Rules SASM-R1-R6 has been clarified as lawful);
 - S121.164, S121.167 Federated Farmers be accepted;

- S121.166 Federated Farmers be rejected, and
- S81.070, S81.071 Hort NZ be accepted.

Rule SASM-R4 - primary production activities

- 15.6.10 The Panel agrees with the reporting planner and does not agree with Federated Farmers that a rule permitting 'primary production activities' on SASM as a Permitted Activity is appropriate, as some primary production activities can have significant effects on SASM, particularly mining, quarrying and forestry activities. Accordingly, the Panel recommends that S121.165 Federated Farmers be rejected.

16 Key Issue 14 – SASM assessment matters, methods, reasons and results

16.1 Proposed plan provisions

16.1.1 This key issue addresses the SASM Assessment Matters, Methods, Reasons and Results.

16.2 Submissions

16.2.1 7 original submissions and 12 further submissions were received on the SASM Methods section of the PDP. No submissions were received on the ‘Principal Reasons’ and ‘Anticipated Environmental Results’ provisions of the SASM chapter. No submissions opposed these provisions, but a number of amendments were sought.

16.2.2 The key matters raised in these submissions are summarised as being requests to:

- Ensure Tangata Whenua matters are appropriately consulted on;
- Delete Issue TW-I1 as it is references matters addressed by the Regional Plan; and
- Amend Issue TW-I3 to include reference to housing options.

16.3 Reporting planner’s recommendations

Assessment matter SASM-AM1

16.3.1 Submission S84.011 KLT sought to include reference to the HNZPT Act in the assessment matters. The reporting planner agreed that a reference to the HNZPT Act in the Assessment Matters could be useful, as this would reinforce the need for applicants to also contact HNZPT. The planner considered this could be achieved by way of a note to the Assessment Matters as whole (rather than just in respect to AM1 (2)) and on this basis recommended an amendment to the Assessment Matters as follows:

SASM-AM1 General Assessment Matters for Wāhi Tapu, Wāhi Taonga or Sites of Significance

7...

Note: An archaeological authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, may also be required for activities within Sites and Areas of Significance to Māori. Such an authority is not automatically granted, and can be declined under certain circumstances, even when an activity is permitted in the District Plan or by resource consent. Heritage New Zealand Pouhere Taonga should be contacted for guidance if any activity such as earthworks, fencing or landscaping may modify or destroy any archaeological site.

16.3.2 The reporting planner therefore recommended that S84.011 KLT be accepted in part insofar as this reference would meet the relief they sought.

Method SASM-M1

16.3.3 The reporting planner did not agree with Federated Farmers (S121.168) that a note referencing the Schedule 1 process was required in Method SASM-M1. Updates to a PDP must adhere to the RMA Schedule 1 process (including a public notification and formal consultation process), and therefore referencing it in the Methods was not necessary. The reporting planner therefore recommended that S121.168 Federated Farmers be rejected.

Method SASM-M3

16.3.4 Federated Farmers sought the following amendment to Method SASM -M3:

Partnership

Working with tangata whenua to develop a cultural landscape overlay identifying areas where there is a high likelihood of wāhi tapu, wāhi taonga and sites of significance being located and to record this information on Council GIS as an alert layer to consult with tangata whenua prior to development in time. **Where sites are on private land, landowners are included and involved early in this process.**

...

- 16.3.5 The reporting planner agreed that it was appropriate to involve landowners in the identification process once Tangata Whenua have determined which sites they wish to record and how they wish to see these protected. The reporting planner supported slightly alternative wording as follows:

Partnership

Working with tangata whenua to develop a cultural landscape overlay identifying areas where there is a high likelihood of wāhi tapu, wāhi taonga and sites of significance being located and to record this information on Council GIS as an alert layer to consult with tangata whenua prior to development in time. **Where sites are on private land, landowners are also consulted as part of the identification process.**

...

- 16.3.6 The reporting planner recommended that S121.169 Federated Farmers be accepted in part.
- 16.3.7 NHMT S125.048 sought the redrafting of Method AM-3 in collaboration with Mana Whenua of the District to better reflect the history, relationships and whakapapa of Māori in the rohe, including the principle of partnership. An outcome of the Wānanga was that an amended 'Introduction' section to the SASM chapter and revised Part 1 Tangata whenua / Mana Whenua section providing context and process related provisions would be provided prior to the second Tangata Whenua hearing, which might address some of this submitter's concerns.
- 16.3.8 However, in the absence of alternative wording, the reporting planner recommended S125.048 NHMT be rejected.

Method SASM-M4

- 16.3.9 Method SASM-M4 relates to the role of HNZPT with respect to the protection of archaeological sites. CHBDC has mapped the most current version at the time of notification of the New Zealand Archaeological Association's database of archaeological sites as an alert layer to developers. The reporting planner agreed with the submitter that it was appropriate to reference that database in this method and recommend the following wording:

SASM-M4 Heritage New Zealand Pouhere Taonga

...

It is important that the planning for any building or development takes this requirement into account and undertakes an archaeological assessment if necessary. **Developers are encouraged to search the New Zealand Archaeological Association's database for the latest recorded site information, and it is advised** to contact Heritage New Zealand Pouhere Taonga if any activity such as earthworks, fencing or landscaping may modify, damage, or destroy any archaeological site.

- 16.3.10 The reporting planner recommended that S84.013 KLT be accepted.

New method

- 16.3.11 Federated Farmers (S121.158, S121.160 and S121.161) sought the following new method relating to support for landowners be included. This method was associated with Federated Farmers' amendments sought to be made Policy SASM-P3 (addressed in Key Issue 12 above) included below for convenience.

SASM-P3 To promote a greater awareness and understanding of wāhi tapu, wāhi taonga, and sites of significance of importance to tangata whenua, and assist resource users conducting activities near recorded sites and in the event of a discovery of unrecorded sites.

Methods

...

SASM-MXX Support landowners to manage, maintain and preserve sites and areas of significance to Māori, including by:

- 1. increasing awareness, understanding and appreciation within the local community of the presence of and importance of identified sites and areas of significance to Māori;**
- 2. encouraging landowners to engage with local Tangata Whenua and/or marae and develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori;**
- 3. providing assistance to landowners to preserve, maintain and enhance sites and areas of significance to Māori;**
- 4. Waiving consent and processing fees.**

16.3.12 For the reasons set out in Key Issue 12, the reporting planner recommended against adopting the changes to Policy SASM-P3 as sought by Federated Farmers. However, as noted, the planner did agree that an additional method promoting better understanding of the presence and importance of SASMs was an appropriate response to the identified issue, and would link well with the objective and policy framework, and, in particular, Policy SASM-P3 and Objective SASM-O3.

16.3.13 The reporting planner supported the following alternative wording to reflect part of this submission point and to better fit with the PDP framework (taking into account the recommendation to S121.158, S121.160 and S121.161 Federated Farmers discussed in Key Issue 12 above).

SASM-M7 Education, Advocacy, Facilitation

The Council will continue to develop information for landowners and the public to increase awareness, understanding and appreciation within the local community of the presence and importance of sites and areas of significance to Māori. Information will include for example identifying likely places of location, the process of consultation, and steps landowners can take to avoid, or minimise the impact of Wāhi Tapu, Wāhi Taonga and sites of significance on their land.

The Council will encourage landowners to engage with local tangata whenua, hapū and/or marae to develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori.

16.3.14 For the reasons outlined above, the reporting planner recommended that S121.170 Federated Farmers be accepted in part.

16.4 Evidence to the hearing

16.4.1 No specific evidence was provided on this key issue.

16.5 Post hearing information

16.5.1 The reporting planner's right-of-reply did not provide any further discussion on this key issue.

16.6 Evaluation and findings

Assessment matter SASM-AM1

16.6.1 The Panel agrees that a reference to the HNZPT Act in the Assessment Matters could be useful advice for Plan Users. The Panel considers that this reference will reinforce the need for applicants to also contact HNZPT. This reference could be achieved by way of a note to the Assessment Matters as whole (rather than just in respect to AM1(2)) and on this basis the Panel recommends an amendment to the Assessment Matters as follows:

7...

Note: An archaeological authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, may also be required for activities within Sites and Areas of Significance to Māori. Such an authority is not automatically granted, and can be declined under certain circumstances, even when an activity is permitted in the District Plan or by resource consent. Heritage New Zealand Pouhere Taonga should be contacted for guidance if any activity such as earthworks, fencing or landscaping may modify or destroy any archaeological site.

- 16.6.2 The Panel therefore recommends that S84.011 KLT be accepted in part.

Method SASM-M1

- 16.6.3 The Panel agrees with the reporting planner that a note referencing the Schedule 1 process is required in Method SASM-M1 is not required. Updates to a District Plan must adhere to the RMA Schedule 1 process (including public notification and formal consultation process), and therefore referencing it in the Methods is not necessary. Accordingly, the Panel recommends that S121.168 Federated Farmers be rejected.

Method SASM-M3

- 16.6.4 Federated Farmers sought the following amendment to Method SASM -M3:

Partnership

Working with tangata whenua to develop a cultural landscape overlay identifying areas where there is a high likelihood of wāhi tapu, wāhi taonga and sites of significance being located and to record this information on Council GIS as an alert layer to consult with tangata whenua prior to development in time. **Where sites are on private land, landowners are included and involved early in this process.**

...

- 16.6.5 The Panel agrees with the reporting planner that it is appropriate to involve landowners in the identification process but the Panel recommends slightly amended wording as follows:

Partnership

Working with tangata whenua to develop a cultural landscape overlay identifying areas where there is a high likelihood of wāhi tapu, wāhi taonga and sites of significance being located and to record this information on Council GIS as an alert layer to consult with tangata whenua prior to development in time. **Where sites are on private land, landowners are also consulted as part of the identification process.**

...

- 16.6.6 The Panel recommends that S121.169 Federated Farmers be accepted in part.
- 16.6.7 NHMT sought the redrafting of Method AM-3 in collaboration with Mana Whenua of the District to better reflect the history, relationships and whakapapa of Māori in the rohe, including the principle of partnership. It was anticipated that an amended 'Introduction' section to the SASM chapter and revised Part 1 Tangata whenua / Mana Whenua section providing context and process related provisions will be provided prior to the hearing. However, no alternative wording was provided by the time of the second hearing, and the Panel determined that it was inappropriate for the Panel to prepare alternative wording. The Panel anticipates that a revision of the PDP provisions for SASMs, including the methods, would be prepared in the future through a comprehensive identification and engagement process.
- 16.6.8 In the absence of alternative wording, the Panel agrees with the reporting planner and recommends S125.048 NHMT be rejected.

Method SASM-M4

- 16.6.9 Method SASM-M4 relates to the role of HNZPT with respect to the protection of archaeological sites. CHBDC has mapped the most current version of the New Zealand Archaeological Association's database of archaeological sites as an alert layer to developers. The Panel agrees that it is appropriate to reference that database in this method and recommends the following wording:

SASM-M4 Heritage New Zealand Pouhere Taonga

...

It is important that the planning for any building or development takes this requirement into account and undertakes an archaeological assessment if necessary. **Developers are encouraged to search the New Zealand Archaeological Association's database for the latest recorded site information, and it is advised** to contact Heritage New Zealand Pouhere Taonga if any activity such as earthworks, fencing or landscaping may modify, damage, or destroy any archaeological site.

- 16.6.10 The Panel recommends that S84.013 KLT be accepted.

New method

- 16.6.11 Federated Farmers sought to have the following new method relating to support for landowners be included. This method links with their amendments sought to Policy SASM-P3 (addressed in Key Issue 12 above).
- 16.6.12 The Panel disagrees with the reporting planner and considers the Federated Farmers' wording is more appropriate and better reflects the types of education and advocacy methods that the Council should pursue. However, the Panel did not consider it appropriate to include waiving consent and processing fees:

SASM-MXX Education, Advocacy, Facilitation

- 1. Council will increase awareness, understanding and appreciation within the local community of the presence of and importance of identified sites and areas of significance to Māori;**
- 2. Council will encourage landowners to engage with local tangata whenua and/or marae and develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori;**
- 3. Council will encourage and support the visual acknowledgement of wāhi tapu and other places of significance for example, through signage, information boards, poupou (traditional carved motifs) and other mahi toi.**

- 16.6.13 For the reasons outlined, above the reporting planner recommended that S121.170 Federated Farmers be accepted in part.

17 Key Issue 15 – SASM mapping & schedule

17.1 Proposed plan provisions

1.1.1 This key issue addresses the SASM Mapping & Schedule.

17.2 Submissions

17.2.1 12 original submissions and 19 further submissions were received on the SASM Mapping and Schedule SASM-SCHED3. One submission opposed the Schedule and others sought amendments.

17.2.2 The key matters raised in these submissions are summarised as being requests to:

- Work with Tangata Whenua to update SASM Schedule;
- Add five new sites to Schedule SASM-SCHED3: Old Mataweka Pah Site, Old Mataweka urupā (including small hut), Te Hauapu along Waipawa River including Te Haupapa fortified pa, and Hutana Memorial Trees and wāhi tapu site;
- Provide more information in SASM-SCHED3 including location, name, details and values;
- Clarify which of the Schedules is more appropriate for a number of items (HH- SCHED2 or SASM-SCHED3);
- Add new site HNZPT List number 7717 'Te Awakari a Tamanui', to the appropriate Schedule;
- Adjust the extent of sites in response to landowner's submissions and make sure landowner are aware of the nonregulatory methods available to support them; and
- Map extent of sites on planning maps or include a buffer area managed by the rules.

17.3 Reporting planner's recommendations

Work with Tangata Whenua to identify sites to include in SASM-SCHED3

17.3.1 There was support from Tangata Whenua submitters and further submitters for amending the Schedule SASM-SCHED3 and associated district plan mapping in collaboration with Tangata Whenua.

17.3.2 The reporting planner recommended S120.016 HTST and S125.050 NHMT be accepted in part (in that the need to work collaboratively with Tangata Whenua to identify sites is acknowledged, but that this work will be progressed outside of the current PDP process).

Provide more information in SASM-SCHED3 / Map extent of sites on planning maps or include a buffer area managed by the rules / Adjust the extent of sites in response to landowners' submissions and make sure landowners are aware of the nonregulatory methods available to support them

17.3.3 The reporting planner considered that SASM-SCHED3 provided a scant level of information. This was acknowledged in the Tangata Whenua s32 Topic report and was reflected in the SASM chapter introduction provisions. It was also acknowledged at the Wānanga that the recording of SASMs, including the most appropriate methods of achieving this, required additional work outside of this PDP process. Where possible, the reporting planner recommended including additional information as a result of submissions (as addressed below).

17.3.4 For these reasons, the reporting planner did not support amending the planning maps or SASM-SCHED 3 until this work has been completed.

- 17.3.5 With respect to adjustments as a result of landowner submissions, the reporting planner acknowledged the inaccuracy and lack of SASM mapping, but noted that no landowner submissions were received on the SASM mapping or SASM-SCHED3. She advised that, as this information resource is extended, better information will also be available to landowners.
- 17.3.6 For these reasons, the reporting planner recommended that S55.047, S55.048 and S55.081 HNZPT, and S121.171 Federated Farmers be rejected, but agreed that further education should be provided on what the SASM provisions mean.

Add sites to Schedule SASM-SCHED3

- 17.3.7 Mataweka Marae and HNZPT requested inclusion of a number of additional sites to Schedule SASM-SCHED3.
- 17.3.8 Mataweka Marae requested the following sites be included:
- Te Haupapa fortified Pa;
 - Mataweka Urupā;
 - Old Mataweka Pā Site;
 - Old Mataweka Urupā; and
 - Hutuna Memorial Trees.
- 17.3.9 Subject to finalising exact location and ownership details and informing the landowners, the reporting planner supported including the following sites within SASM-SCHED3:
- Mataweka Urupā;
 - 3 Old Mataweka Pā Site;
 - 4 Old Mataweka Urupā; and
 - 5 Hutuna Memorial Trees.
- 17.3.10 The reporting planner did not support including Te Haupapa fortified Pa within SASM-SCHED3 as there was insufficient information. The reporting planner therefore recommended that S30.001 Mataweka Marae be rejected.
- 17.3.11 HNZPT submitted on a number of sites, seeking clarification between sites and information contained within HH-SCHED2 and SASM-SCHED3. The reporting planner considered that this submission highlights the need for a thorough review of Schedule SASM-SCHED3, including its relationship with the Schedule HH-SCHED2.
- 17.3.12 The reporting planner was reluctant at this stage to remove any items from either Schedule until this review has been completed. For the above reasons, the reporting planner recommended that S55.041 HNZPT be rejected as it was not possible with any confidence to determine the relationship between items on HH-SCHED2 and SASM-SCHED3 until such time as a complete review of Schedule SASM-SCHED3 was completed.
- 17.3.13 HNZPT sought the name 'Eparaima' and identifying information, including 'HNZPT List number 7676', be added to the Site Identifier column for SASM-58 in SASM-SCHED3. This was supported by HTST (FS13.026) and NHMT (FS5.057).
- 17.3.14 Given the level of agreement on this location, and the lack of any information for SASM-58 in SCHED3, the reporting planner supported this submission point and recommended the following information be included on SASM-SCHED3:

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
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SASM-58	Eparaima	– Urupā (<u>Wāhi Tapu HNZPT Register No. 7676</u>)		35
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- 17.3.15 Accordingly, the reporting planner recommended that S55.050 HNZPT be accepted.
- 17.3.16 HNZPT sought that the name 'Tokatea' and identifying information, including 'HNZPT List number 7672', be added to the Site Identifier column for SASM-60. This was supported in further submissions by both HTST (FS13.027) and NHMT.
- 17.3.17 SASM-60 was located on a distinct parcel of land and, given the level of agreement on this location, the reporting planner supported this submission point and recommended the following information be included on SASM-SCHED3:

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
SASM-60	<u>Tokatea</u>	– urupā. (<u>Wāhi Tapu HNZPT Register No. 7672</u>)	V23/44	37

- 17.3.18 Accordingly, the reporting planner recommended S55.051 HNZPT be accepted.
- 17.3.19 HNZPT sought the following site be listed in either HH-SCHED2 or SASM-SCHED3:
‘HNZPT List number 7717 'Te Awakari a Tamanui'.
- 17.3.20 However, land parcel details and justification for its inclusion on the list was not provided. A landowner could therefore not reasonably have expected to submit on this request. For this reason, the reporting planner considered that this site should not be included at this time, and therefore recommended that S55.052 HNZPT be rejected.

17.4 Evidence to the hearing

- 17.4.1 Dean Raymond provided evidence on behalf of HNZPT and was generally in support of the reporting planner’s evaluation and recommendations.

17.5 Post hearing information

- 17.5.1 The reporting planner’s right-of-reply did not provide any further discussion on this key issue.

17.6 Evaluation and findings

Work with Tangata Whenua to identify sites to include in SASM-SCHED3

- 17.6.1 The Panel acknowledges the support from Tangata Whenua submitters for amending the Schedule SASM-SCHED3 and associated district plan mapping in collaboration with Tangata Whenua.
- 17.6.2 The Panel agrees with the reporting planner, and recommends S120.016 HTST and S125.050 NHMT be accepted in part, recognising that there was an ongoing need to engage with and work collaboratively with Tangata Whenua to identify sites, to be progressed outside of the current PDP process.

Provide more information in SASM-SCHED3 / Map extent of sites on planning maps or include a buffer area managed by the rules / Adjust the extent of sites in response to landowners’

submissions and make sure landowners are aware of the nonregulatory methods available to support them

- 17.6.3 The Panel agrees with the reporting planner in acknowledging that the level of information in the SASM-SCHED3 is relatively limited, and that a lot of additional work is required following this PDP process to improve the information base of SASMs in the District. As this information resource is extended, better information will also be available to landowners.
- 17.6.4 For this reason, the Panel does not support amending the planning maps or SASM-SCHED 3 until this work has been completed. With respect to adjustments as a result of landowner submissions, the Panel notes that, while no landowner submissions were received on the SASM mapping or SASM-SCHED3, consultation with affected landowners is critical before listing additional sites on the schedule.
- 17.6.5 For these reasons, the Panel recommends that S55.047, S55.048 and S55.081 HNZPT, and S121.171 Federated Farmers be rejected, while acknowledging that education should be provided on what the SASM provisions mean (refer to our recommendations on SASM Methods).

Add sites to Schedule SASM-SCHED3

- 17.6.6 Mataweka Marae and HNZPT requested inclusion of a number of additional sites to Schedule SASM-SCHED3.
- 17.6.7 Subject to finalising exact location and ownership details and informing the landowners, the Panel agrees with the reporting planner and supports the inclusion of the following sites within SASM-SCHED3:
- Mataweka Urupā
 - 3 Old Mataweka Pā Site
 - 4 Old Mataweka Urupā
 - 5 Hutuna Memorial Trees
- 17.6.8 The Panel did not agree with the reporting planner in that we support including Te Haupapa fortified Pā within SASM-SCHED3 as the landowner has requested it and thinks it should be included and the Panel considers that sufficient information has been provided. The Panel notes that the spelling should be 'Te Hauapu'. The Panel therefore recommends that S30.001 Mataweka Marae be accepted.
- 17.6.9 It is noted that the Hutana Memorial Trees were destroyed in Cyclone Gabrielle, however, the site is still significance as is a resting place of great Humana grandparents.
- 17.6.10 HNZPT submitted on a number of sites seeking clarification between sites and information contained within HH-SCHED2 and SASM-SCHED3. The Panel agrees with the reporting planner and is reluctant at this stage to remove any items from either Schedule until this review has been completed. For the above reasons the Panel recommends that S55.041 HNZPT be rejected as it is not possible with any confidence to determine the relationship between items on HH-SCHED2 and SASM-SCHED3 until such time as a complete review of Schedule SASM-SCHED3 is completed.
- 17.6.11 HNZPT sought the name 'Eparaima' and identifying information (including 'HNZPT List number 7676') be added to the Site Identifier column for SASM-58 in SASM-SCHED3. This is supported by HTST (FS13.026) and NHMT (FS5.057).
- 17.6.12 Given the level of agreement on this location, and the lack of any information for SASM-58 in SCHED3, the Panel supports this submission point and recommends the following information be included on SASM-SCHED3:

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
SASM-58	<u>Eparaima</u>	– Urupā (<u>Wāhi Tapu HNZPT Register No. 7676</u>)		35

17.6.13 Accordingly, the Panel recommends that S55.050 HNZPT be accepted.

17.6.14 HNZPT sought that the name 'Tokatea' and identifying information including 'HNZPT List number 7672' be added to the Site Identifier column for SASM-60. This is supported in further submissions by both HTST (FS13.027) and NHMT.

17.6.15 SASM-60 is located on a distinct parcel of land and given the level of agreement on this location the Panel recommends the following information be included on SASM-SCHED3:

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
SASM-60	<u>Tokatea</u>	– urupā. (<u>Wāhi Tapu HNZPT Register No. 7672</u>)	V23/44	37

17.6.16 Accordingly, the Panel recommends S55.051 HNZPT be accepted.

17.6.17 HNZPT sought the following site be listed in either HH-SCHED2 or SASM-SCHED3:

‘HNZPT List number 7717 'Te Awakari a Tamanui'.

17.6.18 However, land parcel details and justification for its inclusion on the list were not provided, and the landowner could therefore not reasonably have expected to submit on this request. The Panel therefore agrees with the reporting planner and considers that this site should not be included at this time. For the reasons outlined the Panel recommends that S55.052 HNZPT be rejected.

18 Key Issue 16 – PKH general matters

18.1 Proposed plan provisions

18.1.1 This key issue addresses the PKH General Matters.

18.2 Submissions

Papakāinga and kaumatua housing and associated marae-based development

18.2.1 There were 10 submitters and 3 further submitters on these provisions of the PDP, with 28 original submission points and 6 further submission points. Of the original 28 submission points, 27 were in support or sought amendments, while 1 was in opposition.

18.2.2 In summary, the matters raised in submissions include:

- Amend provisions to make a clear commitment to promoting housing opportunities for hapū across all classes of land;
- Clarify the relationship between the PKH chapter and the underlying zone;
- Activity status in Rule PKH-R4 (being development on land held under General Title not already provided for) amend from 'Discretionary' to 'Controlled;'
- Amendments and/or deletion of several standards including:
 - Standard PKH-S2 (to provide for firefighting water supply);
 - Standard PKH-S2(1) to ensure safe drinking water supply is provided; and
 - Delete Rule PKH-S2(1) requirement for outdoor living space (too onerous).

18.2.3 4 original submission points and 2 further submissions were received on general matters relating to the Papakāinga and Kaumātua Housing, and Associated Marae-Based Development provisions of the PDP.

18.2.4 The key matters raised in these submissions are summarised as being requests to:

- Amend provisions to make a clear commitment to promoting housing opportunities for hapū across all classes of land; and
- Clarify the relationship between the PKH chapter and the underlying zone.

18.3 Reporting planner's recommendations

Submissions in general support

18.3.1 NHMT and HBRC supported retaining the provisions in the 'PKH - Papakāinga and Kaumātua Housing, and Marae-Based Development' chapter.

18.3.2 The reporting planner recommended that S125.070 NHMT and S11.032 HBRC be accepted in part, subject to amendments to this chapter in response to other submission points.

Commitment to housing opportunities for hapū across all classes of land

18.3.3 The introduction of the PKH chapter into the PDP specifically focuses on the development of ancestral land associated with a Marae to address the constraints for such housing opportunities. This negotiation includes the development of land under General Title where the following can be demonstrated:

- the historical reasons why the land should be considered for papakāinga or kaumātua housing; and
- why the land cannot be converted to Māori Title under the TTWMA⁹.

18.3.4 S134.006 Ngāti Kere Hapū Authority recommended that the PDP state a commitment to promoting housing opportunities for hapū members across all classes of land, not limited to Māori land under TTWMA.

18.3.5 The reporting planner advised that, while the PDP provisions for Papakāinga and Kaumātua Housing and Associated Marae-Based Development specifically provide for development on ancestral land, the Council was also committed to assisting Tamatea whanau into homes (regardless of land tenure) through non-regulatory assistance as expressed in their Council's CHB Strategic Housing Framework.

18.3.6 The reporting planner therefore would support an amendment to the PKH - Methods that acknowledges this commitment as follows:

PKH- M7	<u>Housing-Strategic-Framework 2019-2029</u>
x.	<u>Central Hawke's Bay Housing Strategic Framework supports the community to Thrive through access to a home - He āhuru mōwai, e taurikura ai te hāpori', through five key goal areas:</u>
	<u>-Social housing leadership</u>
	<u>- Working together to improve housing</u>
	<u>- Provide access to suitable housing</u>
	<u>- Retirement housing is provided in the most efficient and effective way</u>

18.3.7 For the reasons outlined above, the reporting planner recommended that S134.006 Ngāti Kere Hapū Authority be accepted in part, to the degree that this additional method addresses their relief sought.

PKH standards

18.3.8 S59.003 K Tipene identified a number of standards that, in his view, were not consistent with zone requirements: for example, the 20% total building coverage in Standard PKH-S3, the 7.5m setback from roads in Standard PKH-S6 and the 5m internal setback in Standard PKH-S7 are all inconsistent with the equivalent Residential zone standards. From discussion at the Wānanga, it was agreed that these standards were potentially inequitable and constraining of development on Māori land and Whenua Māori, particularly for the large number of smaller parcels of land such as those that exist near Pōrangahau.

Building coverage

18.3.9 The reporting planner advised that the 20% building coverage requirement included in the PKH sought to balance provisions of papakāinga development with the requirement to protect the District's productive land and rural amenity. However, the reporting planner agreed that, for smaller blocks of land, this site coverage could be unduly constraining.

18.3.10 The reporting planner supported an amendment to the total building coverage provision, Standard PKH-S3 as follows:

PKH-S3 Total Building Coverage	
All	<ol style="list-style-type: none"> <u>Sites less than 5,000m² no building coverage restriction applies</u> <u>Sites 5,000m² or greater</u> Maximum building coverage (including hardstand and sealed areas) must not exceed 20% of the net site area.

⁹ Rule PKH-R4 Papakāinga and Kaumatua housing on land held under General Title not already provided for.

Setbacks for residential units

- 18.3.11 Standard PKH-S6 required residential units and accessory buildings to be setback 7.5m from road boundaries.
- 18.3.12 The reporting planner agreed that 7.5 m was more onerous than any of the zones and supported an amendment to Standard PKH-S6 that provided for a consistent approach as follows:

PKH-S6 Setback from Roads and Rail Network	
Residential Units and Accessory Buildings	<ol style="list-style-type: none"> Minimum setback of any building(s) from road boundaries is: 7.5m <ul style="list-style-type: none"> <u>Residential zones 3m</u> <u>Rural zones 5.0m</u> Minimum setback of any building(s) from the Rail Network Boundary is 5m.

- 18.3.13 Standard PKH-S7 requires a minimum setback of buildings from internal boundaries (being any legal boundary of a site other than a road boundary) of 5m. Where a site abuts the General Residential Zone, this setback may be reduced to 1m for residential units.
- 18.3.14 Given the majority of Māori land lies within the land that is zoned Rural. The planner considers that the 5m setback from neighbours is appropriate in the rural areas to maintain rural amenity and to address any potential for reverse sensitivity issues to occur. However, the reporting planner agreed that it is more onerous for development in the residential zones, and therefore supported an amendment to Standard PKH-S7 as follows:

PKH-S7 Setback from Neighbours	
All	<ol style="list-style-type: none"> Minimum setback of buildings from internal boundaries is: <ul style="list-style-type: none"> <u>Residential zones 1m</u> <u>Rural zones 5m.</u> Domestic water storage tanks up to 2m in height are exempt from this standard. Setbacks for residential units may be reduced to 1m where the site abuts the GRZ – General Residential Zone.

- 18.3.15 Overall, for the reasons outlined above, the reporting planner recommended that S59.003 K Tipene be accepted.

Other matters

- 18.3.16 With respect to Mr Tipene's submission point, in which he questioned if one house could be classified as papakāinga on a piece of land, the reporting planner advised that the PDP neither defines 'papakāinga' nor imposes any specific limit on the number of houses that can be developed under these provisions. She advised that it was implicit in these provisions that development will generally be multi-unit given the matters for consideration relate to effects of the scale of any development. Where development of one house was proposed it would in the reporting planner's opinion, make more sense to apply the general zone provisions of the PDP as there was no advantage in applying the PKH provisions.
- 18.3.17 The reporting planner understands from the Wānanga that there was concern that if the PKH provisions are not used for resource consenting then government assistance may potentially not be available. The reporting planner could not respond with respect to how that may affect any funding applications, she however notes that Te Puni Kōkiri's 'A Guide to Papakāinga Housing'

states that ‘a papakāinga, for the purpose of this guide, refers to a group of houses, of three or more, on whenua Māori as a ‘community’ which may include broader support and occupant involvement.’

18.4 Evidence to the hearing

18.4.1 No specific evidence was provided in relation to this key issue.

18.5 Post hearing information

18.5.1 The reporting planner’s right-of-reply did not provide any further discussion on this key issue.

18.6 Evaluation and findings

Commitment to housing opportunities for hapū across all classes of land

18.6.1 The Panel acknowledges that, while the PDP provisions for Papakāinga and Kaumātua Housing and Associated Marae-Based Development specifically provide for development on ancestral land, the Council is also committed to assisting Tamatea whanau into homes (regardless of land tenure) through non-regulatory assistance as expressed in their Council’s CHB Strategic Housing Framework. To this end, therefore, the Panel supports an amendment to the PKH - Methods that acknowledges this as follows:

PKH- M7 Housing-Strategic-Framework 2019-2029

x. Central Hawke’s Bay Housing Strategic Framework supports the community to Thrive through access to a home - He āhuru mōwai, e taurikura ai te hāpori’, through five key goal areas:

-Social housing leadership

- Working together to improve housing

- Provide access to suitable housing

- Retirement housing is provided in the most efficient and effective way

18.6.2 For the reasons outlined above, the Panel recommends that S134.006 Ngāti Kere Hapū Authority be accepted in part.

PKH Standards – building coverage

18.6.3 The Panel considers the 20% building coverage requirement included in the PKH could be unduly constraining for smaller blocks of land, such as those outside Pōrangahau settlement.

18.6.4 The Panel disagrees with the reporting planner that a building coverage restriction needs to apply to papakāinga as any development will have to meet the requirements of the zone within which it is going to be established. There is no building coverage restriction for GRUZ and the Panel therefore recommends the following addition “there is no building coverage for sites less than 5000m² and 35% for sites 5000m² or greater”.

18.6.5 The Panel is confident that there are other standards within the PKH chapter that will ensure housing is well designed. We also note that there is no site coverage requirement for a retirement village which is considered most similar to papakāinga. The resource consent process will be the most effective method to ensure that a proposed papakāinga development is well-designed, with an appropriate level of building coverage and open space.

18.6.6 The Panel therefore recommends to the following to amendments to Standard PKH-S3:

PKH-S3 Total Building Coverage

All	<ol style="list-style-type: none"> 1. <u>Building coverage standards in the underlying zone apply, except that in GRUZ there is no building coverage for sites less than 5000m² and 35% for sites 5000m² or greater.</u> 2. Maximum building coverage (including hardstand and sealed areas) must not exceed 20% of the net site area.
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Setbacks for residential units

18.6.7 Standard PKH-S6 required residential units and accessory buildings to be setback 7.5m from road boundaries.

18.6.8 The Panel agrees with the reporting planner that 7.5m is more onerous than any of the zones and supports an amendment to Standard PKH-S6 that provides for a consistent approach as follows:

PKH-S6 Setback from Roads and Rail Network	
Residential Units and Accessory Buildings	<p>Minimum setback of any building(s) from road boundaries is: 7.5m</p> <ul style="list-style-type: none"> • <u>Residential zones 3m</u> • <u>Rural zones 5.0m</u> <p>Minimum setback of any building(s) from the Rail Network Boundary is 5m.</p>

18.6.9 Standard PKH-S7 requires a minimum setback of buildings from internal boundaries (being any legal boundary of a site other than a road boundary) of 5m. Where a site abuts the General Residential Zone, this may be reduced to 1m for residential units.

18.6.10 Given the majority of Māori land lies within the land that is zoned rural the Panel agrees with the planner that the 5m setback from neighbours is appropriate to in the rural areas to maintain rural amenity and to address any potential for reverse sensitivity issues to occur. The Panel, however, agrees that it is a more onerous requirement than for development in the residential zones and therefore agrees with the reporting planner and recommends an amendment to Standard PKH-S7 as follows:

PKH-S7 Setback from Neighbours	
All	<ol style="list-style-type: none"> 3. Minimum setback of buildings from internal boundaries is: <ul style="list-style-type: none"> - <u>Residential zones 1m</u> - <u>Rural zones 5m.</u> Domestic water storage tanks up to 2m in height are exempt from this standard. 4. Setbacks for residential units may be reduced to 1m where the site abuts the GRZ – General Residential Zone.

18.6.11 Overall, for the reasons outlined above, the Panel recommended that S59.003 K Tipene be accepted.

Other Matters

18.6.12 With respect to Mr Tipene's submission point questioning if one house can be classified as papakāinga on a piece of land, the Panel agrees with the reporting planner that, while it is implicit that papakāinga development will generally be multi-unit, where development of one house is

proposed it would in the reporting planner's opinion, make more sense to apply the general zone provisions of the PDP as there is no advantage in applying the PKH provisions.

19 Key Issue 17 – PKH issues, objectives and policies

19.1 Proposed plan provisions

19.1.1 This key issue addresses the PKH Issues, Objectives and Policies.

19.2 Submissions

19.2.1 11 original submission points and no further submissions were received on the Issues, Objectives and Policies of the Papakāinga and Kaumātua Housing, and Associated Marae-Based Development chapter of the PDP.

19.2.2 All submission points were in support of these provisions and no amendments were sought.

19.3 Reporting planner's recommendations

19.3.1 As these submission points did not raise any issue or requested any amendments to the Issue, Objectives and policies as notified in the PDP, no further analysis was necessary and the reporting planner recommended that these submissions be accepted.

19.4 Evidence to the hearing

19.4.1 No specific evidence was provided at the hearing in relation to this key issue.

19.5 Post hearing information

19.5.1 The reporting planner's right-of-reply did not provide any further discussion on this key issue.

19.6 Evaluation and Findings

19.6.1 The Panel agrees with the reporting planner's recommendations that these submissions be accepted, given their support for the objectives and policies.

20 Key Issue 18 – PKH rules and standards

20.1 Proposed plan provisions

20.1.1 This key issue addresses the PKH Rules and Standards.

20.2 Submissions

20.2.1 11 original submission points and 4 further submissions were received on the PKH-Rules and PKH-Standards section of the Papakāinga and Kaumatua Housing, and Associated Marae-Based Development chapter of the PDP.

20.2.2 10 submission points supported the provisions as notified, or sought amendments; one submission points opposed the provisions.

20.2.4 The key matters raised in these submissions are summarised as being requests to:

- Amendments and/or deletion of several standards including:
 - Standard PKH-S2 (to provide for firefighting water supply);
 - Activity status in Rule PKH-R4 (being development on land held under General Title not already provided for) amend from ‘discretionary’ to ‘controlled’;
 - Standard PKH-S2(1) to ensure safe drinking water supply is provided; and
- Delete Rule PKH-S2(1) requirement for outdoor living space.

20.3 Reporting planner’s recommendations

General support subject to amendments

20.3.1 Kāinga Ora generally supported the PKH chapter subject to a number of amendments and /or deletion of several standards as sought in separate submission points. Given the changes recommended to be made to the PKH Rules and Standards in response to other submission points (addressed below), the reporting planner recommended rejecting these amendments.

Rule PKH-R4 Papakāinga and kaumatua housing on land held under General Title not already provided for

20.3.2 As set out above, under PKH-R2, papakāinga and kaumatua housing development is provided as a controlled activity across two categories of land: land declared Māori Land pursuant to the TTWMA, and land which was given a declaration of status to General Land under the Māori Affairs Amendment Act 1967 (MAAA). For land given a declaration of status to General Land, evidence must be provided showing:

- that the Title was given a Declaration of Status under the MAAA, and
- that the land has remained in ancestral ownership continuously from the date the status declaration was given.

20.3.3 PKH-R4 provides for development of land held under General Title not already provided for as a Discretionary Activity if it meets the following conditions:

Evidence must be provided showing:

- the historical reasons why the land should be considered for papakāinga or kaumatua housing; and
- why the land cannot be converted to Māori Title under the TTWMA.

- 20.3.4 S120.024 HTST sought that the type of development provided for under Rule PKH-R4 be a Controlled not Discretionary Activity.
- 20.3.5 The reporting planner supported retaining the Discretionary Activity status for papakāinga, kaumātua housing and associated marae-based development on General Title. She noted that, as a Controlled Activity, Council cannot turn an application down and matters of control are limited. She considered this distinction was important to prevent the situation where land, developed as papakāinga under General Title could end up in non-Māori ownership in the future: “that is not the intention of these provisions.” As a Discretionary Activity, Council could grant or refuse an activity and all adverse effects can be considered. She, however, supported clearer guidance on how Council was to apply this rule as she accepted the current evidence-based condition in PKH-R4(1)(a) rule would be difficult to apply.
- 20.3.6 As an alternative to the relief sought by the submitters, the reporting planner suggested the following amendments to the PKH chapter to provide improved direction as to when Council would consider an application to develop papakāinga on General Land:

PKH – Introduction

...

This section of the Plan aims to ensure that papakāinga housing, kaumātua flats and small scale commercial and industrial enterprise based around marae provides for tangata whenua who aspire to develop their traditional lands to meet their housing needs and cultural, social and economic goals. **Development of other General Land will be considered where a clear connection to providing for Māori wellbeing can be demonstrated, and where appropriate mechanisms are in place to secure long term Māori administration, ownership and maintenance of the land title.**

...

PKH-R4 Papakāinga and kaumātua housing on land held under General Title not already provided for

All Zones	<p>1. Activity Status: DIS</p> <p>Matters of discretion, whilst not limited, will take into account the following assessment matters:</p> <ul style="list-style-type: none"> a. PKH-AM1: b. PKH-AM2; and c. PKH-AM3 d. Where the following conditions are met: <p>a. Evidence must be provided showing:</p> <ul style="list-style-type: none"> i. the historical reasons why the land should be considered for papakāinga or kaumātua housing; and ii. why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993. 	<p>2. Activity status where compliance not achieved: the provisions of the underlying zone apply</p>
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Assessment Matters

PKH-AM1

PKH-AM2 Long Term Ownership of Papakāinga on Land Given a Declaration of Status under the Māori Affairs Amendment Act 1967 and Papakāinga on General Title.

1. Where an applicant wants to undertake papakāinga development under land which is in General Title, **the applicant must provide consideration will be given to details showing:**
 - a. Explanation as to the historical reasons for the land being given General Title.
 - b. Evidence of the historical reasons as to why the land should be considered for papakāinga development.

- c. Explanation as to why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993.
- d. **The availability of appropriate mechanisms, including covenants, to secure long term Māori administration, ownership and maintenance of the land title.**

20.3.7 The reporting planner considered that these amendments will provide greater certainty to Tangata Whenua as to the situations where Council will consider development of land held in General Title for the purposes set out in this chapter. For the above reasons, the planner recommended that S120.024 HTST be rejected.

Include firefighting water supply in standard PKH-S2

20.3.8 FENZ submitted to the Rural Zone chapters of the PDP on this matter (considered as part of Hearing Steam 3). In preparing the S42A– Rural Environment– Other Activities Report, the reporting planner s and FENZ reached agreement on a set of provisions for inclusion in the Rural Zones. The reporting planner considered that corresponding provisions would also be appropriate in the PKH chapter and therefore recommended that Standard PKH-S2 be amended as follows:

PKH-S2 Residential Units

Amenities and Servicing

1. ...
2. **All buildings (excluding accessory buildings that do not include a habitable room) where water is not supplied to a site by Council or a private community supply, or water is supplied by Council but is a restricted supply flow, access to a water supply for firefighting purposes shall be made available to all buildings on a site that is or will be:**
 - a. **accessible to firefighting equipment; and**
 - b. **between 6 and 90 metres from the buildings on the site; and**
 - c. **on the same site as the buildings (except where the specified volume or flow of water is in a pond, dam or river that is within the required distances); and**
 - d. **either:**
 - i. **stores at least 45,000 litres, in addition to a potable water supply on the site; or**
 - ii. **provides at least 25 litres per second for a minimum of 30 minutes.**

Note: Further advice and information about managing fire risk and storage of water for firefighting purposes can be obtained from Fire and Emergency New Zealand and SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

Note: The above does not replace Regional Council rules which control the taking and use of groundwater and surface water.

20.3.9 The reporting planner considered that the proposed wording, which was agreed to by FENZ, provided certainty and clarity to Plan users regarding the expectations for provisions of water supply for firefighting purposes where reticulated water supply was not available. The reporting planner therefore recommended accepting in part S57.093 FENZ.

Amend standard for drinking water (PKH-S2(1))

20.3.10 Mr Cameron Ormsby, Health Protection Officer, presented online on behalf of the HBDHB on this matter at the first Tangata Whenua hearing in August. With respect to drinking water, Mr Ormsby noted the establishment of Taumata Arowai since making their submission, the recent Water

Services Act 2021 and the pending Drinking Water Standards that would require water supplies to meet acceptable solution requirements. During the hearing Mr Ormsby did acknowledge that acceptable solutions were but one of multiple options available to drinking water suppliers under the Water Services Act 2021 and that others such as water management plans might be more appropriate. Mr Ormsby's evidence was that whilst they submitted seeking some specific amendments, their main concern was to establish a link between the drinking water regulations and the PDP provisions for papakāinga which are often established in rural areas where reticulated water was not available.

- 20.3.11 In that respect, the reporting planner noted that the new Drinking Water Standards would be coming into effect in November 2022, and these standards would set Maximum Acceptable Values (MAVs) for a range of contaminants which can affect the safety and quality of drinking water based on guideline values set by the World Health Organisation (WHO). The reporting planner did not agree with the amendments sought by Health New Zealand as the drinking water standards are regulated outside of the RMA and therefore not a District Plan matter. However, the planner accepted Mr Ormsby's comment that a flag to whanau developing papakāinga would be helpful, and considered an advice note could be included with Standard PKH-S2 Residential Units, Amenity and Servicing as follows:

PKH-S2 Residential Units	
Amenities and Servicing	<p>1. Each residential unit within the papakāinga and kaumātua housing development must provide the following:</p> <p>...</p> <p>e. Domestic Water Storage Tank (where public water reticulation is not available).</p> <p><u>Note: Drinking water supply must comply with the provisions of the Water Services Act 2021 and Drinking Water Standards</u></p> <p>...</p>

- 20.3.12 Based on the reasons outlined above, the reporting planner recommended that S126.001 HBDHB be accepted.

Delete requirement for 'Outdoor Service Space' (Rule PKH-S2(1))

- 20.3.13 Kāinga Ora sought that Standard PKH-S2(1)(b) requiring an 'outdoor service space' for each residential unit be deleted on the basis that such a requirement was overly prescriptive and inappropriate.

- 20.3.14 'Outdoor service spaces' provide areas for functions or structures such as clotheslines, storage of rubbish bins and wood etc and this standard sets a minimum area for such purposes. The standard for PKH required:

... for each residential unit, there must be a minimum continuous area for outdoor service space, contained in one area within the net area of the site, of 15m² with a minimum dimension of 3m.

- 20.3.15 Kāinga Ora submitted on similar provisions in the General Residential Zone and, in evidence to Hearing Stream 2 on the Urban Environment, Mr Nicholas Rae (Urban Designer and Landscape Architect) for Kāinga Ora provided evidence as follows:

This is a very large area which may not be needed and being continuous limits options for the location of service type activities. For example, the most suitable location on the site for rubbish bins or wood storage, may not be the most suitable for a clothes line. The 50% building coverage recommendation enables space for these activities.

- 20.3.16 For these reasons, Mr Rae was of the view that these provisions were not required.
- 20.3.17 The reporting planner noted that the outdoor service space standard for PKH activities was consistent with the standard applied in the PDP residential zones, being a standard that was carried over from the ODP. It was therefore a standard the community was familiar with in residential areas, and there are no specific reasons to remove it. In the reporting planner's opinion, it was appropriate to apply similar provisions for papakāinga multi-unit developments to ensure the amenity and character of the areas within which they locate can be maintained and enhanced. The planner also did not agree that a lesser requirement was onerous, or would be appropriate in the rural areas, where maintaining the predominant rural amenity and open space character of these areas was a key objective.
- 20.3.18 For these reasons the planner, recommended that S129.142 Kāinga Ora be rejected.

20.4 Evidence to the hearing

- 20.4.1 Paul McGimpsey on behalf of FENZ provided evidence on the provision of the firefighting water standard PKH-S2.

20.5 Post hearing information

- 20.5.1 The reporting planner's right-of-reply did not provide any further discussion on this key issue.

20.6 Evaluation and findings

Rule PKH-R4 Papakāinga and kaumatua housing on land held under General Title not already provided for

- 20.6.1 As set out in Key Issue 4 above, under PKH-R2, papakāinga and kaumatua housing development was provided as a controlled activity across two categories of land: land declared Māori Land pursuant to the TTWMA, and land which was given a declaration of status to General Land under the MAAA. One of the conditions that a proposal must meet to be a controlled activity was that, for land given a declaration of status to General Land, evidence must be provided showing:
- that the Title was given a Declaration of Status under the MAAA; and
 - that the land has remained in ancestral ownership continuously from the date the status declaration was given.
- 20.6.2 Matters over which control was reserved was out under the three assessment matters:
- PKH-AM1.
 - PKH-AM2.
 - PKH-AM3.
- 20.6.3 Of importance, Assessment Matter PKH-AM2 was as follows:

PKH-AM2	Long Term Ownership of Papakāinga on Land Given a Declaration of Status under the Māori Affairs Amendment Act 1967 and Papakāinga on General Title
1.	Where an applicant wants to undertake papakāinga development under land which is in General Title, the applicant must provide details showing:
a.	Explanation as to the historical reasons for the land being given General Title.
b.	Evidence of the historical reasons as to why the land should be considered for papakāinga development.

20.6.4 Under Rule PKH-R4, the development of land for papakāinga and kaumātua housing held under General Title required resource consent as a Discretionary Activity if it meets the following condition:

Evidence must be provided showing:

- the historical reasons why the land should be considered for papakāinga or kaumātua housing; and
- why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993.

20.6.5 The activity status where compliance with this condition was not achieved depends on the provisions of the underlying zone that apply.

20.6.6 S120.024 HTST sought that this type of development be provided for as a Controlled Activity.

20.6.7 In evaluating this submission, the Panel first reflected on the objectives for papakāinga and kaumātua housing, which were not in contention. The objectives are:

PKH-O1	To recognise the desire of Māori to maintain and enhance their traditional relationship with their land.
PKH-O2	To provide for papakāinga development, kaumātua housing and associated Māori economic development on Māori Land.
PKH-O3	To allow for hapū to develop papakāinga, kaumātua housing and engage in associated economic activity, while ensuring appropriate health, safety and amenity standards are met.

20.6.8 Two of the policies of the PKH chapter (PKH-P1 and P3) specifically provide for the development of papakāinga, kaumātua housing and associated Māori economic development on Māori Land (in achieving Objective PKH-O2). One policy, Policy PKH-P2, is to “allow for papakāinga development and kaumātua housing on general title where there is a historical ancestral connection to the land and an expectation that the land will remain in Māori ownership in the long term.”

20.6.9 The remaining policies (PKH-P4 to P11) generally relate to managing the internal and external environmental effects of papakāinga and kaumātua housing development without reference to the ownership or historical nature of the land (these give effect to Objective PKH-O3).

20.6.10 The Panel agrees with the reporting planner and supports retaining a Discretionary Activity status for papakāinga and kaumātua housing on General Title insofar as this is consistent with the management of multi-unit residential development generally.

20.6.11 The Panel also took into account that, as a discretionary activity, the consent authority can apply a wide range of discretion, as relevant, and decline a resource consent application if the adverse effects cannot be appropriately managed. We consider this is an appropriate management approach for a form of multi-unit development. Further, the Panel considers that Assessment Matter PKH-AM1 appropriately sets out a wide range of matters relating to the Master Planning for papakāinga and kaumātua housing developments.

20.6.12 However, the Panel has significant concerns with the current condition in PKH-R4(1)(a), requiring Iwi Māori applicants provide evidence showing the historical reasons why the land should be considered for papakāinga or kaumātua housing, and why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993. The Panel considered this condition places an unnecessary and overly onerous burden on papakāinga and kaumātua housing proponents, and was unclear as to the purpose and intent of this requirement. We were also concerned about placing the decision-maker into the position of attempting to determine an iwi or hapu historical connections to the land in question, in order to determine compliance.

- 20.6.13 The Panel also had concerns about the activity status if an application did not comply with this condition. The rule as notified states that the activity status where compliance not achieved is determined by the provisions of the underlying zone. The Panel considered this to be unclear and difficult to determine – in some circumstances it may lead, circularly, to the same consent activity status. We note the reporting planner recommended deleting this clause. The Panel agrees that, as a full discretionary activity without any conditions of compliance, there is no requirement to specify an activity status is compliance is not achieved.
- 20.6.14 Given the type of activity papakāinga and kaumātua housing is, we agree with the reporting planner that it is important to consider the nature of the development and its connections to the land. We do not consider, however, that this should be a compliance condition, but rather a consideration among other matters of discretion. If the decision-maker had some concerns about the nature of the proposal and its long-term ownership, the Panel considered that either conditions of consent could be imposed around its ownership to ensure appropriate mechanisms are in place to secure long term Māori administration, ownership and maintenance of the land title or, alternatively, consent can be declined. Accordingly, the Panel recommends deleting any condition requiring evidence showing the historical reasons why the land should be considered for papakāinga or kaumātua housing, and why the land cannot be converted to Māori Title under the TTWMA.
- 20.6.15 Correspondingly, the Panel recommends amending AM2 so that where an applicant wants to undertake papakāinga development under land which is in General Title, consideration will be given to details showing the history and connection with the land of the Tangata Whenua for which the papakāinga is intended.
- 20.6.16 As the reporting planner recommended, the Panel agrees that these amendments should be supported by, as a consequential amendment, adding a sentence to the introduction to the PKH Chapter to clarify that development of other General Land will be considered where a clear connection to providing for Māori wellbeing can be demonstrated, and where appropriate mechanisms are in place to secure long term Māori administration, ownership and maintenance of the land title.
- 20.6.17 For the above reasons, the Panel recommends the following amendments to the PKH chapter to provide improved direction as to when Council would consider an application to develop papakāinga on General Land.

PKH – Introduction

...

This section of the Plan aims to ensure that papakāinga housing, kaumātua flats and small scale commercial and industrial enterprise based around marae provides for Tangata Whenua who aspire to develop their traditional lands to meet their housing needs and cultural, social and economic goals. **Development of other General Land will be considered where a clear connection to providing for Māori wellbeing can be demonstrated, and where appropriate mechanisms are in place to secure long term Māori administration, ownership and maintenance of the land title.**

...

PKH-R4 Papakāinga and kaumātua housing on land held under General Title not already provided for

All Zones (excluding RPROZ)

1. Activity Status: DIS

Matters of discretion, whilst not limited, will take into account the following assessment matters:

- e. PKH-AM1:
- f. ~~PKH-AM2~~; and
- g. PKH-AM3
- h. ~~Where the following conditions are met:~~
- b. ~~Evidence must be provided showing:~~

~~2. Activity status where compliance not achieved: the provisions of the underlying zone apply~~

	<p>iii. the historical reasons why the land should be considered for papakāinga or kaumātua housing; and</p> <p>iv. why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993.</p>	
RPROZ	<p>1. Activity Status: DIS</p> <p>If meets conditions under NPS HPL for specified Māori land</p>	<p>Activity status where compliance not achieved</p> <p>NC</p>

Assessment Matters

PKH-AM1

PKH-AM2 Tangata Whenua connection and administration of papakāinga

1. Where an applicant wants to undertake papakāinga development under land which is in General Title, ~~the applicant must provide~~ consideration will be given to details showing:
 - ~~a. Explanation as to the historical reasons for the land being given General Title.~~
 - ~~ab. Evidence of the historical reasons as to why the land should be considered for papakāinga development. The history and connection with the land of the tangata whenua for which the papakāinga is intended.~~
 - ~~c. Explanation as to why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993.~~
 - ~~db. The availability of appropriate Mechanisms, including covenants, to which may provide for secure long term Māori administration, ownership and maintenance of the land title.~~

20.6.18 The Panel considers that these amendments will provide greater flexibility to Tangata Whenua as to the situations where Council will consider development of land held in General Title for the purposes set out in this chapter. For the above reasons, the Panel recommends that S120.024 HTST be accepted in part.

Include firefighting water supply in standard PKH-S2

20.6.19 FENZ submitted to the Rural Zone chapters of the PDP on this matter (considered as part of Hearing Steam 3). In preparing the S42A– Rural Environment– Other Activities Report, officers and FENZ reached agreement on a set of provisions for inclusion in the Rural Zones. Corresponding provisions would also be appropriate in the PKH chapter.

20.6.20 For the reasons set out in Panel Report 3D (Section 4), the Panel disagrees with the reporting planner and recommends that no mandatory requirement be introduced for the supply of water for firefighting purposes as part of all new developments in the rural area. The Panel considers that the provision for rural firefighting water supply is more appropriately addressed as part of a national building code rather than an ad hoc standard that some Councils utilise and other do not. Furthermore, rural property owners did not have the opportunity to submit on this proposed requirement, which would introduce significant additional costs. However, the Panel agree that it would be an appropriate assessment matter and therefore recommend a new clause be introduced into PKH-AM1(1) as follows:

i. Provision for firefighting water supplies.

20.6.21 The Panel therefore recommends accepting in part S57.093 FENZ.

Amend standard for drinking water (PKH-S2(1))

- 20.6.22 Mr Cameron Ormsby, Health Protection Officer, presented online on behalf of the HBDHB on this matter at the first hearing in August. Mr Ormsby sought through their evidence to establish a link between these regulations and the District Plan provisions for papakāinga which are often established in rural areas where reticulated water is not available.
- 20.6.23 The Panel agrees with the reporting planner that reference within Policy PKH-S2(1) to acceptable solutions, the Water Services Act 2021 or regulations is not needed. It considers that it would not be appropriate to specify one regulatory option: acceptable solutions over others which may be more appropriate for specific papakainga. The Panel however disagrees with the reporting planner and considers that an advice note is not required as there remains a level of uncertainty with respect to the regulations and their application or not may change. The Panel recommends therefore that S126.001 HBDHB be rejected.

Delete requirement for 'Outdoor Service Space' (Rule PKH-S2(1))

- 20.6.24 Kāinga Ora sought that Standard PKH-S2(1)(b), requiring an 'outdoor service space' for each residential unit, be deleted on the basis that such a requirement is overly prescriptive and inappropriate.
- 20.6.25 'Outdoor service spaces' provide areas for functions or structures such as clotheslines, storage of rubbish bins and wood etc and this standard sets a minimum area for such purposes. The standard under PKH-S2(1)(b) Residential Units requires:

Outdoor Service Space – for each residential unit, there must be a minimum continuous area for outdoor service space, contained in one area within the net area of the site, of 15m² with a minimum dimension of 3m.

- 20.6.26 The Panel notes that the outdoor service space standard for PKH activities is consistent with the standard applied in the PDP residential zones, being a standard that was carried over from the Operative Plan. It is therefore a standard the community is familiar with in residential areas, and there are no specific reasons to remove it. The Panel agrees with the reporting planner that it is appropriate to apply similar provisions for papakāinga multi-unit developments to ensure the amenity and character of the areas within which they locate can be maintained and enhanced. The Panel also agrees with the reporting planner that a lesser requirement is onerous, nor would it be appropriate in rural areas, where maintaining the predominant rural amenity and open space character of these areas is a key objective.
- 20.6.27 For these reasons, the Panel recommends that S129.142 Kāinga Ora be rejected.

PART C – SUMMARY OF RECOMMENDATIONS

21 Summary of recommendations

- 21.1.1 A summary table of recommended decisions against each submission point was included as Appendix B.
- 21.1.2 A tracked changes version of recommended amendments was included as Appendix A.

22 Consequential amendments and minor errors

- 22.1.1 Schedule 1, clause 16(2), allows minor and inconsequential amendments to be made to the Plan. The Panel recommends a cl16(2) amendment to SASM-P3 as addressed in Key Issue 12.

Appendix A – Chapter as Amended

PART 1 – INTRODUCTION AND GENERAL PROVISIONS

INTRODUCTION

Mihi

Tēnei au te tū nei i te tihi o te Atua o Mahuru i Ruahine
Here I stand at the peak, Te Atua o Mahuru, oin the Ruahine ranges

ka titiro whakararo ki ngā waiora o Tukituki,
looking down at the life-giving waters of Tukituki,

e koropiko ana, e haehae ana i te mānia Ruataniwha, e horao rā.
twisting, turning, cutting across the Ruataniwha plains spread out before me.

Ka haere taku tiro ki ngā whare pā o Tamatea,
My focus moves to the settlements of Tamatea,

Tamatea Ariki nui, Tamatea Pōkaiwhenua, Pōkaimoana,
Tamatea the supreme chief, Tamatea who traversed the lands and the oceans,

Ko Pukehou, ko Whatuiapiti, ko Tapairu ko Mataweka ki te raki.
Pukehou, Whatuiapiti, Tapairu and Mataweka are the marae to the North.

Ka titiro atu ū kie te takutaimoana, mai i Kairāakau, ki Whangaehu,
I look along the coastline from Kairāakau ki Whangaehu,

ko Hikatoa, ko Kere, Ko Manuhiri, ko Pīhere e noho tonu rāa.
where Ngāti Hikatoa, Kere, Manuhiri and Pīihere (hapū of the coastal areas) still reside.

Ka hoki taku tiro ki Te Waipukurau-a-Ruakuha,
I look back towards Waipukurau,

ki ngā pā tūwatawata, ki Pukekaihu, ki Kaimananawa, e tū mokemoke anai.
to the fighting pa, Pukekaihu and Kaimanawa, standing solitary and without people.

Ka huri whakateitonga taku tiro ki Rāakautātahi,
My gaze turns south to Rakautātahi,

kei reira Te Poho o Whatuiapiti e tū rangatirawhakahihi anamai.
where Te Poho o Whatuiapiti (the marae) stands proudly.

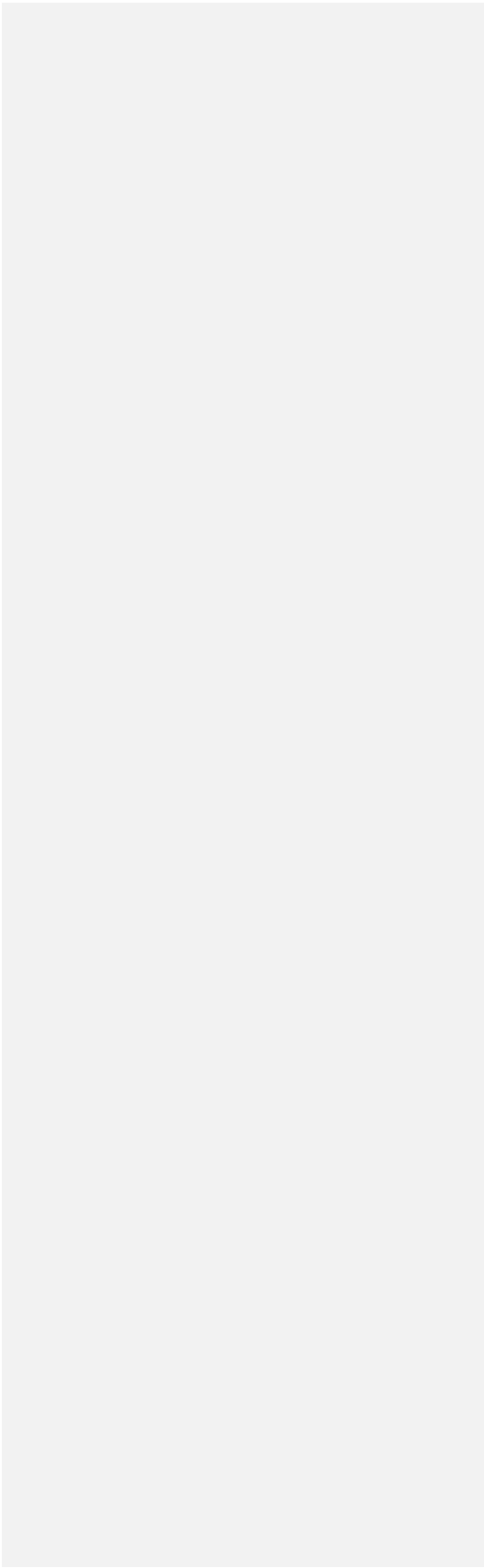
ĀA, ka tae ki te Takapau, ki te Rangitapu-a-Whata,
Finally, I arrive at Takapau to te Rangitapu-a-Whata,
(The hill overlooking Takapau on which the pā Horehore stood),

Ko Puera kei runga, ko Whatumā keai raro.
Puera stands above and Whatumā lies below.
(Lake Hatuma and Puera [the hill to the south of te Rangitapu-a-Whata],
are both important mahinga kai, food gathering sites)

Tihei Tamatea!

Written by Dr Roger Maaka

Foreword



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	COMZTCZ – Commercial Town Centre Zone
	GIZ – General Industrial Zone

Commented [A1]: S129.241 Kāinga Ora – Report 2A Urban Environment Report, Key Issue 8

	Designations CHBDC – Central Hawke's Bay District Council CNZ – Chorus New Zealand Limited FGL – First Gas Limited HBRC – Hawke's Bay Regional Council KRH – KiwiRail Holdings Limited KL – Kordia Ltd MCOU – Minister for Courts MEDU – Minister of Education MPOL – Minister of Police NZTA – New Zealand Transport Agency SPK – Spark New Zealand Trading Limited TPR – Transpower New Zealand Limited
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Purpose

The Central Hawke's Bay District Plan (the District Plan) has been prepared by the Central Hawke's Bay District Council to assist it to achieve its functions as set out in section 31 of the Resource Management Act 1991 (RMA).

The purpose, function and contents of the District Plan are directed towards achieving the purpose of the RMA (defined by Part 2), which is 'to promote the sustainable management of natural and physical resources' (section 5).

The District Plan controls the way land is used, developed, and protected. It seeks to manage natural and physical resources that are important in the district and to ensure that environmental qualities and values are safeguarded for future generations to enjoy. The rules of the District Plan set out the activities you can do as of right (permitted activities) and the activities that you need resource consent for.

The RMA requires every local authority in New Zealand to have a District Plan, and the Council is required to review its District Plan every 10 years.

HOW THE PLAN WORKS

Statutory Context

Statutory Context

The District Plan forms part of a group of inter-related planning and policy documents. The intention of the RMA is that all these plans and documents should work together to achieve the integrated management of natural and physical resources.

District Plans must also give effect to National Policy Statements and Regional Policy Statements and must not be inconsistent with Regional Plans. District Plans are also required to give effect to the National Planning Standards. These planning and policy documents are discussed below.

References to the RMA and other legislation, statutory regulations, National Policy Statements, Regional Policy Statements and Regional Plans were accurate at the time this Plan was approved.

The Treaty of Waitangi (Te Tiriti o Waitangi) and the Resource Management Act

The RMA has a number of statutory provisions to ensure that the relationship between tangata whenua and natural and physical resources are recognised and appropriately addressed. Section 8 of the RMA requires that in achieving its purpose of sustainable management, 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.

The Treaty of Waitangi is a foundational legal document for New Zealand. The Crown is the primary Treaty Partner responsible for the treaty relationship. However, in delegating responsibilities to councils, Parliament acknowledges the need to ensure that councils give appropriate consideration to the principles of the Treaty as part of their statutory obligations to Māori.

Of particular relevance to the relationship between tangata whenua and natural and physical resources, local authorities are required to recognise and provide for, as matters of national importance:

- the relationship of Māori with their ancestral lands, water, sites, wāhi tapu, and other taonga (section 6(e)).
- the protection of historic heritage from inappropriate subdivision, use, and development (section 6(f)), and
- the protection of protected customary rights (section 6(g)).

Local authorities are also required to have particular regard to kaitiakitanga (s7(a)).

Treaty Settlements are an agreement between the Crown and a Māori claimant group to settle historical claims against the Crown. In Central Hawke's Bay, the Heretaunga Tamatea Deed of Settlement sets out:

Commented [A2]: S55.012 HNZPT - Report 4A
Tangata Whenua Provisions, Key Issue 6

- [An agreed historical account, Crown acknowledgements and apology to Heretaunga Tamatea;](#)
- [Cultural redress; and](#)
- [Financial and commercial redress.](#)

[Statutory Acknowledgements recognise the association between Heretaunga Tamatea and a particular site or area and enhances their ability to participate in specified RMA processes. These areas are identified in TW-SCHED1 Schedule of Statutory Acknowledgement Areas in the PDP. The relationship between Heretaunga Tamatea, the Statutory Acknowledgement and the District Plan is outlined further in the Tangata Whenua chapter.](#)

National Level

At the National level the Resource Management Act provides for:

National Policy Statements:	which set out policy on matters of national significance relevant to achieving the purposes of the RMA. A number of National Policy Statements have been promulgated and the District Plan must give effect to these.
National Environmental Standards and Regulations:	technical standards in the form of regulations which relate to the use, development and protection of natural and physical resources. National and Environmental Standards and regulations are regulations issued under sections 43 and 44 of the RMA and apply nationally. They can prescribe technical standards, methods or other requirements for environmental matters. Each Regional, City or District Council must enforce the same standard. City or District Councils can amend their District Plan or Proposed Plan to include the reference to the National Environmental Standard without using the process set down in Schedule 1 of the RMA (which sets out the process for the preparation, change and review of policy statements and plans).
National Planning Standards:	set out requirements or other provisions relating to any aspect of the structure, format, or content of plans prepared under the RMA. The planning standards were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA). Their development is enabled by sections 58B–58J of the RMA.

Regional Level

At the regional level, the Hawke's Bay Regional Council produces policies and plans that the District Plan must 'give effect to' or 'not be inconsistent with'. These include:

Regional Policy Statement:	which provides an overview of the significant resource management issues for the region and policies and
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	methods to achieve the integrated management of the natural and physical resources of the whole region.
<u>Regional Plans:</u>	which are intended to focus on particular issues and areas and to assist the Regional Council in carrying out its functions under the RMA.
<p>The Central Hawke's Bay District Plan must give effect to the Hawke's Bay Regional Policy Statement and must not be inconsistent with the Hawke's Bay Regional Resource Management Plan or Regional Coastal Environment Plan.</p> <p>Hawke's Bay Regional Council has indicated matters of regional significance to which local authorities should have regard. These include managing the built environment, sustainable management of coastal resources, loss and degradation of soil, scarcity of indigenous vegetation and wetlands, effects of conflicting land use activities, agrichemical use, groundwater and surface water quantity and quality, river bed gravel extraction, natural hazards, maintenance and enhancement of physical resources, and recognition of matters of significance to iwi/hapū.</p> <p>The Regional Council is also concerned that development does not compromise the natural values of the coast and waterways. The sustainable use of our coastal environment is promoted by the Hawke's Bay Regional Coastal Environment Plan.</p> <p>Issues identified as being of regional significance also necessitate a level of integration with the District Plans of adjacent territorial authorities. Issues such as landscape features, coastal management and tangata whenua issues impact across boundaries with the Hastings, Tararua, Manawatu and Rangitikei Districts.</p>	
Local Level	
At the local level, the RMA provides for:	
<u>District Plans:</u>	which set out objectives, policies and methods to achieve the integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the Central Hawke's Bay District.
Other Plans	
Section 74 of the RMA also requires the District Plan to take into account a range of other plans, as outlined.	
<u>Long Term Plan and Annual Plans:</u>	The Long-term Plan, required under the Local Government Act 2002, is a visionary document which describes the activities of the Council and outlines the nature and direction for District growth and development, over the next 10 years. It also establishes a vision of the type of community which the people of Central Hawke's Bay wish to see develop.

	<p>Some elements of the Long- term Plan are reflected in this District Plan. However, a great deal of the Long-term Plan's vision is related to longer term development issues including socio-economic development and infrastructure planning. As such it is a complementary document providing policy direction for matters which cannot be dealt with by the District Plan.</p> <p>The Annual Plan, also required under the Local Government Act, is concerned with identifying the nature, scope and financing of the activities that the Council will undertake in the following financial year (July to June). The allocation of Council's financial resources is undertaken within a policy framework of objectives and policies that also form part of the Annual Plan. A number of the District Plan methods recognise the role of the Annual Plan. In addition, a number of the District Plan's financial mechanisms are updated regularly through the Annual Plan.</p>
<u>Iwi Management Plans:</u>	<p>The RMA does not define Iwi Management Plans, but requires that, when preparing or changing a district plan, local authorities must take into account '<i>any relevant planning document recognised by an iwi authority and lodged with the territorial authority</i>', to the extent that its content is relevant to the resource management issues of the district.</p> <p>The development and adoption of Iwi/Hapū Management Plans will, over time, provide guiding principles and policies that Council can refer to when administering activities located within respective areas of iwi and hapū influence within the Central Hawke's Bay District.</p>
<u>District Plans of Adjacent Territorial Authorities:</u>	<p>Central Hawke's Bay shares territorial boundaries with four other local authorities. The most significant of these is with Hastings District. The common movement of people and goods between these two authorities and the proximity of industrial, residential and commercial centres means that the planning undertaken by each authority will have potential implications for the adjoining district. Hastings District and Central Hawke's Bay District have worked together to achieve some consistency of the rules that apply to activities that cross the district boundaries.</p> <p>The role of iwi and hapū also extend into and beyond the boundaries of Central Hawke's Bay District, particularly into the Hastings District. It is important for their rights and aspirations to be mutually respected by the different local</p>

	authorities and for complementary provisions to be in place for the management of papakāinga, wāhi taonga, and marae, where possible.
<u>New Zealand Heritage List/Rārangī Kōrero:</u>	The New Zealand Heritage List/Rārangī Kōrero which is administered by the Heritage New Zealand Pouhere Taonga Act 2014, lists information about New Zealand's significant heritage places including archaeological sites, buildings or memorials that are of special or outstanding historical or cultural significance or value (Category 1) and those of historical or cultural heritage, significance or value (Category 2). It also lists historic areas, wāhi tūpuna, wāhi tapu and <u>wāhi other taonga areas</u> .
<u>Plans for Public Reserves:</u>	<p>Within Central Hawke's Bay, there are a number of reserves administered under the provisions of the Reserves Act 1977 as well as being controlled by the District Plan.</p> <p>The Reserves Act, which is primarily administered by the Department of Conservation, makes provision for the acquisition, control, management, maintenance, preservation, development and use of public reserves, and for public access to the coastline and countryside.</p>
<u>Conservation Management Strategy and Conservation Management Plans:</u>	<p>All natural and historic resources that are managed by the Department of Conservation are subject to Conservation Management Strategies and Conservation Management Plans required by the Conservation Act 1987.</p> <p>Natural and historic resources include protected natural areas and walkways. Conservation Management Strategies are designed to implement general policies and establish objectives for the management of the natural and historic resources managed by the Department of Conservation. Conservation Management Plans implement Conservation Management Strategies and establish detailed objectives for the management of conservation assets.</p>

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Historic Heritage, Key Issue 3

General Approach

District Plan Framework

The District Plan is comprised of the following interrelated parts:

Part 1 – Introduction and General Provisions

These chapters explain the District Plan's context and how it works, and provide definitions that assist to interpret the District Plan. They also provide context and process-related information in relation to tangata whenua.

Part 2 – District-Wide Matters

These relate to:

- a. Strategic Direction: The strategic direction part of the Plan sets out the key and/or significant matters for the District and provides District-wide considerations to guide decision making at a strategic level.
- b. District-Wide Matters: These chapters relate to specific areas or activities that occur throughout the District. The rules in these chapters apply generally across the District and are not separately covered in Part 3 Area Specific Matters.

Refer 'Hierarchy of Part 2 District-Wide Matters'.

Part 3 – Area-Specific Matters

- a. Zones: A zone spatially identifies and manages an area with common qualities and environmental characteristics or where particular environmental outcomes are sought.

The entire district is zoned and all land is identified as part of a 'zone' on the Planning Maps, with rules which specifically address zone-based activities and effects. The zones seek to enable similar, compatible activities or effects to be located in appropriate areas together, while managing those that are incompatible.
- b. Designations: This part contains the designations that have been included in the District Plan under section 168, section 168A or clause 4 of Schedule 1 of the RMA.

Designations authorise the use of land by requiring authorities for a particular project or public work. The District Plan rules do not apply to a public work, project or work undertaken by a requiring authority that is in accordance with the designation. However, if the designated land is used for a purpose other than the designated purpose, then the provisions of the District Plan do apply. Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work, project or work.

Part 4 – Appendices and Maps

- a. Appendices: These contain technical information and data, such as schedules of identified sites, areas, items and features, where these have not been included in relevant chapters in Parts 2 and 3.
- b. Maps: Planning maps spatially define zones, areas, items and features referred to within the District Plan chapters.

Application of Part 2 District-Wide Matters

Central Hawke's Bay District Plan has provisions contained in Part 2 District-Wide Matters, that apply across the District in different ways:

1. Strategic Direction chapters

The following chapters provide a framework of objectives and policies that set the overarching direction for the District Plan:

- RLR – Rural Land Resource
- SSB – Sustainable Subdivision and Building
- TW – Tangata Whenua
- UFD – Urban Form and Development

These objectives and policies may also be relevant when considering resource consent applications for Discretionary and Non-Complying Activities.

2. Overriding District-Wide chapters

The following chapters contain provisions and rules relating to specific types of activities that take precedence over the Zone provisions and rules (unless otherwise specified within the chapters):

- NU – Network Utilities
- RE – Renewable Energy
- ASW – Activities on the Surface of Water
- PKH – Papakāinga and Kaumātua Housing, and Associated Marae-based Development
- TEMP – Temporary Activities (temporary buildings, temporary events, and temporary military training activities)

Note: the provisions and rules in other Part 2 District-Wide chapters (refer below) may also apply.

3. All Other District-Wide chapters

The following remaining chapters contain provisions and rules that may apply alongside/in addition to the Zone provisions and rules (some of which respond directly to features and areas shown on the Planning Maps):

- TRAN – Transport
- CL – Contaminated Land
- HAZS – Hazardous Substances
- NH – Natural Hazards
- HH – Historic Heritage
- SASM – Sites and Areas of Significance to Māori
- TREE – Notable Trees
- ECO – Ecosystems and Indigenous Biodiversity
- NFL – Natural Features and Landscapes
- OSR – Open Space and Recreation
- PA – Public Access
- SUB – Subdivision
- CE – Coastal Environment
- EW – Earthworks (including mining, quarrying, and hydrocarbon extraction activities)
- LIGHT – Light

- NOISE – Noise
- SIGNS – Signs

Format

Within Part 2 District-Wide Matters and Part 3 Area-Specific Matters of the Plan, each chapter generally follows the format and order of provisions as set out below:

1. Introduction
2. Issues (if stated)
3. Objectives
4. Policies
5. Rules (if any)
6. Standards (if any)
7. Assessment Matters (if any)
8. Methods (if stated)
9. Principal Reasons (if stated)
10. Anticipated Environment Results (if stated)

Each chapter has a unique acronym which identifies the topic being covered. For example, the General Residential Zone is identified as GRZ and the Earthworks chapter is identified as EW.

The introduction provides an overview of the topic covered by the chapter.

The issues (if stated) identify existing or potential problems that the District Plan is trying to resolve. Each issue has a specific number; for example EW-I1.

The objectives set out the outcome to be achieved for the topic. There may be a number of objectives that apply. Each objective has a specific number; for example EW-O1 or GRZ-O2.

The policies set out the direction to be taken to achieve the objective. There may be a number of policies that apply. Each policy has a specific number; for example EW-P3.

The rules (if any) have the effect of regulations and set out the activity status for different activities that may be proposed (refer Table 1 – Classes of Activities below). There may be a number of rules that apply (or none at all). Each rule has a specific number; for example GRZ-R4.

Rules may refer to standards that need to be complied with. Again, there may be a number of standards that apply. Each standard has a specific number; for example GRZ-S4.

Rules may also refer to assessment matters that may be considered when assessing an application for resource consent. There may be a number of assessment matters that apply. Each assessment matter has a specific number; for example GRZ-AM4.

Methods (if stated) outline other means of achieving the objectives and policies, other than District Plan rules, where relevant. Each method has a specific number; for example EW-M2.

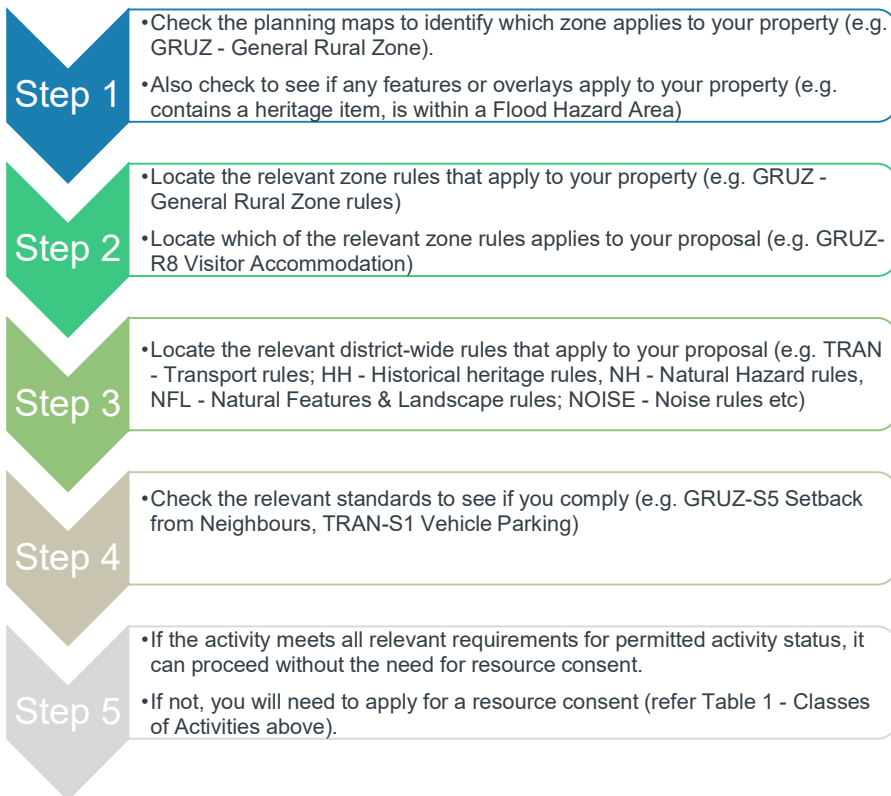
Principal reasons (if stated) provide an overview of the reasoning behind adoption of the objectives, policies and methods in the Plan.

Anticipated environmental results (if stated) outline what environmental results are expected from implementing the stated policies and methods. Each anticipated environmental results has a specific number; for example EW-ER3.

Classes of Activities

Activity Status		Requires a Resource Consent	Explanation
PER	Permitted	No	Permitted activities do not require resource consent, provided standards and all other relevant rules are met. A Certificate of Compliance can be applied for stating that an activity can be done lawfully in a particular location without resource consent.
CON	Controlled	Yes Consent must be granted	Council must grant consent for a controlled activity, except for in specific circumstances under sections 104 and 106 of the RMA, and can only consider matters, or impose conditions, over which the District Plan or a national environmental standard has specifically reserved control. The activity may need to meet specified standards.
RDIS	Restricted Discretionary	Yes Consent may be granted or declined	Council may or may not grant consent or impose conditions for a restricted discretionary activity but only on the matters over which the District Plan has restricted its discretion. These matters of discretion will be listed in the relevant rule or standard. The activity may need to meet specified standards.
DIS	Discretionary	Yes Consent may be granted or declined	Council may or may not grant consent or impose conditions for a discretionary activity and may consider any relevant matter. The activity may need to meet specified standards.
NC	Non-Complying	Yes Consent may be granted or declined	Council may or may not grant consent or impose conditions for a non-complying activity and may consider any relevant matter. Council must first be satisfied that the effects of a proposal are no more than minor or that the proposal is not contrary to the objectives and policies of the District Plan (and any relevant proposed plan), before determining whether or not to grant consent.
PR	Prohibited	No application possible	No resource consent can be applied for or granted for a prohibited activity. If you are wanting to undertake a prohibited activity, you would need the activity status to be changed through a plan change process.

Step by Step Guide for Using the District Plan



To find out more about applying for a Resource Consent refer to the Ministry for the Environment's 'An everyday guide to the RMA, Applying for a Resource Consent'.

Application forms and detailed guidance on how to make an application and the information that is to be submitted with an application are available on the Council's 'Resource Consents' webpage.

Activities Subject to Multiple Chapters/Rules

The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal. When a proposal involves several activities that are subject to multiple rules with different activity statuses, and/or involves an activity/activities across multiple zones, overlays or features, and it is appropriate to "bundle" the activities, the proposal will be assessed as a whole, on the basis of the most stringent activity status classification.

Cross Boundary Matters

The Act states that the process by which cross boundary matters will be resolved can be stated in the District Plan.

The Central Hawke's Bay District has boundaries with Hastings District, Tararua District, Manawatu District and Rangitikei District.

Cross boundary matters refer to situations where an activity takes place on or near a territorial boundary (e.g. residential subdivision), or where the effects of a particular activity impact on the territory of an adjacent authority (e.g. where an activity will result in traffic effects on a road in another District).

The cross-boundary matters take two forms. The first is ensuring that the overall policies and rules in the District Plan take reasonable account of the effects on adjacent areas (for example, recognising the Ruahine Ranges, which traverse the District's boundaries with Rangitikei District, Manawatu District and Tararua District, as an outstanding natural landscape which is consistent with the Manawatu and Rangitikei District Plans.

The second category of cross boundary matters concern the consideration of the effect of activities in the District, on adjacent Districts.

1. The following procedure will be followed for cross boundary matters:
 - a. By seeking to determine, before a resource consent application is received, whether any resource consents are required from any other consent authorities. If so, section 102 of the Act sets out the circumstances and procedures for joint hearings.
 - b. By encouraging applicants for resource consent for activities which might have effects on an adjoining District to consult with that District's consent authority,
 - c. By including the adjacent consent authority in the requirements for written approvals, where applicable,
 - d. By notifying the adjacent consent authority of proposals for which an application has been received where it is considered that a cross-boundary effect is likely.
2. Where a resource consent application is received by the Council and deemed to fall into the classification of being a cross-boundary matter, the Council will seek to adopt the following process (subject to the particular circumstances, the approach adopted by the other consent authorities concerned, and any relevant matters relating to delegations):
 - a. Where the adjacent authority does not require a resource consent application for the proposed activity, the application will proceed as provided for in this District Plan.
 - b. Where both the Council and the adjacent consent authority require a resource consent application, and that application is provided for as a non-notified application, the consent and any conditions be decided by the authorities with a single decision being issued.

- c. Where at least one authority requires a resource consent to be notified, all authorities will notify the application and the consent and any conditions be decided by the authorities jointly with a single decision being issued. Wherever practicable, any application which requires the consent of two or more local authorities shall be heard jointly by an equal number of elected officials from both organisations and/or agreed commissioners at a mutually agreeable time and location. The Council will encourage practices which enable resource consent applications to be considered in a similar manner.

Relationships Between Spatial Layers

The Central Hawke's Bay District Plan uses a range of spatial layers that are shown on Planning Maps. The spatial layers used are outlined below. The function of each spatial layer is set out in the National Planning Standards, November 2019.

Zones

A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible.

The zones used in the Central Hawke's Bay District Plan and shown on the Planning Maps are:

- LLRZ – Large Lot Residential Zone (Coastal)
- GRZ – General Residential Zone
- GRUZ – General Rural Zone
- RPROZ – Rural Production Zone
- RLZ – Rural Lifestyle Zone
- SETZ – Settlement Zone
- COMZTCZ – Commercial Town Centre Zone
- GIZ – General Industrial Zone

Specific Controls

A specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area.

Site-specific controls apply in addition to zone controls.

Site-specific controls used in the Central Hawke's Bay District Plan and shown on the Planning Maps are:

- NH – Natural Hazards:
 - Fault Avoidance Area
 - Flood Hazard Area
 - Tsunami Hazard Area
- HH – Historic Heritage:
 - Historic Heritage Items
- SASM – Sites and Areas of Significance to Māori:
 - Wāhi Tapu, Wāhi Taonga and Sites and Areas of Significant to Māori
- TREE – Notable Trees:
 - Notable Trees
- ECO – Ecosystems and Indigenous Biodiversity:
 - Significant Natural Areas
- NFL – Natural Features and Landscapes:
 - Outstanding Natural Landscape

- Outstanding Natural Features
 - Significant Amenity Features
- PA – Public Access:
 - Priority Waterbodies for Esplanade Reserves, Esplanade Strips or Access Strips
- CE – Coastal Environment:
 - Coastal Environment
 - High Natural Character Areas
- GOMZTCZ – Commercial Town Centre Zone:
 - Commercial Frontage Area

Designations

Spatially identifies where a designation is included in a plan under section 168 or section 168A or clause 4 of Schedule 1 of the RMA.

Designation overrides all other spatial layers and associated site-specific and zone controls where the activity relates to a public work, project or work undertaken by a requiring authority that is in accordance with the designation.

The Central Hawke's Bay District Plan contains designations from various requiring authorities shown on the Planning Maps, including Central Hawke's Bay District Council, Hawke's Bay Regional Council, various Ministers of the Crown, and network utility providers.

TANGATA WHENUA / MANA WHENUA

Te Whakataki: Introduction

The intent of this chapter is to assist plan users to engage constructively and productively with the iwi collective of this marae, Ngāti Kahungunu mana whenua, who are the Marae, Hapū and their entities ki Heretaunga Tamatea. They also form part of the Ngāti Kahungunu collective in general, and specifically with the marae and hapū of Tamatea.

Commented [A1]: S125.002 Ngā hapū me ngā marae o Tamatea
S120.008, S120.009 Heretaunga Tamatea Settlement Trust - Report 4A Tangata Whenua Provisions, key issue 1

Te Whenua: The Land

The lands of Tamatea stretch from the majestic Ruahine mountain range in the west, across the Ruataniwha and Takapau plains to the wild and picturesque coastline from Kairākau in the north to Whangaehu in the south. Both the Ruataniwha and Takapau Plains are dissected and drained by the Tukituki River and its many tributaries, which in turn interconnect to a network of ephemeral wetlands that stretch from the east of State Highway 2 nNorth of Ōtāne, encompassing Te Roto-a-Tara and Poukawa, south to Lake Whatumā (Hatuma). Collectively they are known as Ngā Puna-a-Tara (the spring waters of Tara). The braided river environment of the Tukituki is the breeding ground for a diverse range of wading birds and various indigenous fish species. Water and the mauri of the water is and always has been of paramount importance to the Tangata Whenua of Tamatea.

The vegetation of the area varied from the tōtara/beech-kāmahi forests of the Ruahine foothills to the podocarp/broadleaf forest of the rolling hill country, to scrub and tussock grasslands of the Takapau and Ruataniwha plains, to the aquatic flora and fauna of the wetlands, and on to the dune lands of the eastern seaboard. These areas are now encompassed by the Hawke's Bay Ecological Districts of: Ruahine, Heretaunga, Puketoi and Eastern Hawke's Bay.

The territorial local authority boundaries of Central Hawke's Bay District approximate the tribal takiwā or taiwhenua (territory) known to tangata whenua as Tamatea (local authority and tribal boundaries are both shown on the Planning Maps). There is some extension beyond the local authority boundaries into the Hastings District and Tararua District, and vice versa for neighbouring hapū.

Tangata Whenua: The People of the Land

Tangata whenua first settled in the Central Hawke's Bay District circa the ninth-mid 13th century, and over the centuries there were successive waves of people, who through warfare, marriage and land gifting established themselves on these lands. From a tangata whenua perspective, the first wave of peoples are understood as Kupe people, the second wave as Kuruhaupōe people and the third wave as Takitimu people.

The founding Tūpuna, ancestors, and their deeds were acknowledged through the embedding of their names in the landscape. Te ~~R~~oto-a-Tara (the lake of Tara), Ngā~~a~~-~~k~~Kai-~~H~~inaki-a-Whata (the hills to the East of Takapau) and the illustrious ancestor Tamatea. Tamatea was known throughout Aotearoa/New Zealand and across the Pacific Ocean. While there are varying accounts of his whakapapa (genealogy) the Ngāti Kahungunu version is:

Tamatea, Ariki-nui, mai-Ta~~a~~whiti (Tamatea the great Lord from across the seas)

/

Rongokako (recalled in the full name of Te Mata Peak, Te Mata o Rongokako)

/

Tamatea P~~ō~~ekai-whenua (Tamatea who encircles the lands i.e. the navigator, the explorer)

/

Kahungunu (the eponymous ancestor of Ngāti Kahungunu)

Tamatea P~~ō~~ekai-whenua has his name immortalised in the renowned and longest place-name in the world: Te Taumata-whakatangihanga-k~~ō~~eauau-o-Tamatea-turi-p~~ū~~waka-piki-maunga-horonuku-p~~ō~~ekai-whenua-ki-tana-tahu (the summit where Tamatea, with large knees, a climber of mountains, explorer and encircler of lands, played his flute to his loved one).

There are many other examples throughout Tamatea, indicating the interrelationship between tangata whenua and the land as they have held and continue to hold ahi-kā-roa (permanent residency) from the original settlement to the present day, and into the future.

From the nineteenth century to today, the predominant overarching tribal name has been Ngāti Kahungunu. In addition to our proudly acclaimed iwi identity, hapū identity is paramount for tangata whenua and there are more than 15 hapū names associated with this district that are still remembered – these are listed alongside the marae with which they affiliate.

The histories and stories of the ~~T~~angata ~~w~~henua of Tamatea very clearly illustrates their relationship with the lands and natural resources of this district. It is because of this relationship that the hapū permanently settled these lands and established themselves as tangata whenua (People of the Land) with Ahi-kā (Fires that burn on the land) or Ahi-kā-roa (Long burning fires) signifying permanent residency. At the birth of a child, the whenua (placenta) and pito (umbilical cord) were buried at a site – a tree or rock of significance to the hapū to link the child to the land and reaffirm Ahi-kā. Not surprisingly Papat~~ū~~ānuku, the earth mother, is personified as the nurturer of her children, encapsulated in the expression ‘ūkaipō’ (feeding by night i.e. breast-feeding) and the expression ‘kua hoki mai ki te ūkaipō’ refers to returning to the place where your pito was buried i.e. the place where you will be nurtured.

From and within this relationship, flow the values that are integral to tangata whenua identity. This environment, and associated lifestyle, has produced a worldview that is centred on interconnectedness, where all things are connected through whakapapa (genealogy).

All living things are connected through their descent from the children of Papatūānuku, the earth mother, and Ranginui, the sky father, specifically: Tāne of people and forests,

Rongomātāne of cultivated foods, Haumiatiketike of the uncultivated foods and Tangaroa of the waters. Tangata whenua, the children of Tāne, have been vested with the responsibility of guardianship and stewardship of the natural world, kaitiakitanga. Of special significance to kaitiaki is the state of well-being of the water, lands vegetation, flora and fauna. The state of well-being is encapsulated in the concept of mauri (often translated as life-force). From this world view where all living things are connected through their genealogical linkages (whakapapa), emerges a set of values that guide the relationship between tangata whenua and the natural world.

Te Tiriti o Waitangi: The Treaty of Waitangi

All features of the natural world – such as flora, fauna, water bodies and ancestral sites – are considered taonga (treasures and treasured possessions) and acknowledgement of tangata whenua status as kaitiaki is guaranteed under Article Two of the Treaty of Waitangi:

Ko te tuarua

Ko Te Kuini o Ingarangi ka waakarite ka wakaee ki nga Ranagatira ki nga hapu - ki nga tangata katoa o Nu Tirani Te Tino Rangatiratanga o ratou whenua o ratou kainga me o ratou taonga katoa...

Article the second

Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand and the respective families and individuals thereof the full and exclusive and undisturbed possession of their Lands and Estates forests and fisheries and other properties...

Despite the promise in Article Two, land alienation in Central Hawke's Bay has been severe. From the Waipukurau Purchase in 1851¹² through to the present day, tangata whenua land holdings have dwindled and, as a result, many sites of cultural, historical and spiritual significance are no longer in tangata whenua ownership. The protection and culturally appropriate care of these sites is an ongoing concern for tangata whenua today.

The RMA also requires that the principles of Te Tiriti o Waitangi / Treaty of Waitangi be taken into account. These principles, including partnership, participation and protection underpin the relationship between tangata whenua/mana whenua and the District Council.

Te Ao Hurihuri: Tangata Whenua / Mana Whenua today

Progressively throughout the twentieth century, hapū representation was vested in the marae. The most public expression of this development was evident with the formation of the treaty settlement group, He Toa Takitini, in 2003, when the people chose to be represented by marae rather than hapū. The marae of the Tangata Whenua of Tamatea are:
The contemporary representation of tangata whenua is more specifically represented by the term 'mana whenua', those who exercise authority on the land which they occupy. While in essence, tangata whenua can 'literally' translate as the same concepts, tangata whenua has connotations to Māori and the homogenous 'Indigenous' people of Aotearoa. Mana whenua,


Commented [A2]: S122.005 Rongomaraeroa Marae Trustees - Report 4A Tangata Whenua Provisions, Key Issue 6

Commented [A3]: S125.007 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 6

therefore, specifies locality and in doing so determines rights to exercise authority in the eyes of the crown.

For the purpose of this Plan and for Central Hawke's Bay District Council, the individual and collective also exercise, as mana whenua, mana motuhake¹. Mana, through self determination and control over ones own destiny, is determined by nine marae representing 20 hapū in the rohe. Their authority is self-described below in their statements of identity.

Commented [A4]: S125.002 Ngā hapū me ngā marae o Tamatea
S120.008, S120.009 Heretaunga Tamatea Settlement Trust - Report 4A Tangata Whenua Provisions - Key Issue 6

MARAE	HAPŪ	PEPEHA
<p>Pukehou</p> <p><u>State Highway 2,</u> <u>Pukehou</u></p>	<p>Ngāi Te Rangī-te- Kkahutia, Ngāti Pukututu, Ngāi Te Hurihanga-i- te-rangi, Ngāi Te Whātuiāpiti</p>	 <p><u>Ko Kauhehei te maunga</u> <u>Ko Te Roto-a-Tara te waiū, ko Roto-a-Kiwa te</u> <u>roto. Ko Te Wai-nui-ā-rapa te wairere, ko te</u> <u>Tukituki te awa.</u> <u>Ko Keke Haunga te whare-tipuna,</u> <u>Ko Kauhehei te whare-kai.</u> <u>Ko Tamaiwa te whare-kāuta,</u> <u>ko Papa-aruhe te papa-kāinga.</u> <u>Ko Ngāi Te Whatu-i-āpiti, Ngāi Te Hurihanga-i-</u> <u>te-rangi, Ngāi Te Rangī-te-kahutia, Ngāti</u> <u>Pukututu ngā hapū.</u> <u>Ko Te Whātuiāpiti te tipuna, ko Renata</u> <u>Pukututu te tangata.</u> <u>Ko Tākitimu te waka.</u> <u>Ko Pukehou te marae</u> <u>Tihei mauri ora!</u></p>

Commented [A5]: S122.001 Rongomaraeroa Marae,
S125.006 Ngā hapū me ngā marae o Tamatea - Report
4A Tangata Whenua Provisions, Key Issue 1

¹ separate identity, autonomy, self government, self determination, independence, sovereignty, self authority.

MARAE	HAPŪ	PEPEHA
Whatuiāpiti <u>Te Aute Trust</u> <u>Road, Patangata</u>	Ngāi <u>Te</u> Whatuiapiti	 <p> <u>Ko Kauhehei te maunga</u> <u>Ko Papanui te awa</u> <u>Ko Te Whātuiāpiti te marae</u> <u>Ko Tākitimu te waka</u> <u>Ko Ngāi Te Whātuiāpiti me Ngāti Kahungunu</u> <u>ngā iwi</u> </p>
Kairākau	Ngāi Tamaterā Ngāi Te Oatua Ngāi Hikatoa	 <p> <u>Ko Pōnui rāua ko Tukituki ngā awa</u> <u>Ko Mangatiki te maunga</u> <u>Ko Ngāi Te Oatua, Ngāi Tamaterā, Ngāti</u> <u>Hikatoa ngā hapū</u> <u>Ko Tumāpuhia te tangata</u> <u>Ko Kairākau te whenua tapu</u> <u>Tihei Kairākau!</u> </p>
Te Tapairu Pā <u>Marae Road,</u> <u>Waipawa</u>	<u>Ngāti Marau</u>	 <p> <u>Ko Ruahine te maunga</u> <u>Ko Tukituki me Waipawa ngā awa</u> <u>Ko Tākitimu te waka</u> </p>

Commented [A6]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 1

Commented [A7]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 1

MARAE	HAPŪ	PEPEHA
		<u>Ko Tamatea Arikini te tangata</u> <u>Ko Te Tapairu Pā te marae</u> <u>Ko Amiria te whare kai</u> <u>Ko Te Whaea O Katoa te whare karakia</u> <u>Ko Ngāti Mārau me Ngāti Te Rangitotohu ngā hapū</u> <u>Ko Ngāti Kahungunu te iwi</u>
Mataweka <u>Tapairu Road,</u> <u>Waipawa</u>	Ngāi Toroiwaho	 <u>Ko Ruahine te maunga Ko Tukituki, ko Waipawa nga awa</u> <u>Ko Ngāi Te Whātuiāpiti, ko Ngāi Toroiwaho, Ko Ngāi Te Hauapu ngā hapū</u> <u>Ko Nohomaiterangi te whare tipuna</u> <u>Ko Mataweka te marae</u>
Pourēre	Ngāi Te Ōatua	 <u>Ko Te Atua, ko Pukerangi, o Rangitapu ngā maunga tapu</u> <u>Ko Pourēre to moana</u> <u>Ko Wharepūkākāhu, ko Ouēpoto ngā awa</u> <u>Ko Ngāi Te Ōatua te hapū</u> <u>Ko Tumāpuhia te tangata</u>

Commented [A8]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 1

Commented [A9]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 1

² Photo courtesy of Kahlia Fryer

MARAE	HAPŪ	PEPEHA
		<u>Tihei Mauri Ora!</u>
Rongomaraeroa <u>Pah Road,</u> <u>Porangahau</u>	Ngāti Kere Ngāti Manuhiri Ngāti Hinetewai Ngāti Pihere	 <u>Ko te Awapūtahi te maunga</u> <u>Ko Taurekaitai te awa</u> <u>Ko Rongomaraeroa te marae</u> <u>Ko Ngāti Kere te hapu</u> <u>Ko Ngārangiwhakaūpoko te tangata</u>
Te Rongo a Tahu <u>Polson's (stock route), Takapau</u>	Ngāi Tahu Makakanui Ngāi Toroiwaho Ngāi Kikiri o Te Rangī	 <u>Ko Ruahine te maunga</u> <u>Ko Te Kai-Hinaki-a-Whata ngā pae hiwi</u> <u>Ko Mākaretu te awa</u> <u>Ko Whatumā te waiū</u> <u>Ko Te Rongo-o-Tahu te marae</u> <u>Ko Ngāi Te Kikiri o te Rangī, ko Ngāi Tahu Makakānui, ko Ngāi Toro-i-waho ngā hapū.</u> <u>Ko Tākitimu te waka</u> <u>Ko Ngāti Kahungunu te iwi</u> <u>Hapū</u> <u>Ngāi Tahu Makakānui</u> <u>Ngāi Toroiwaho</u> <u>Ngāi Kikiri o Te Rangī</u>

Commented [A10]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 1

Commented [A11]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 1

Commented [A12]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 1

MARAE	HAPŪ	PEPEHA
<u>Rāakautātahi</u> <u>Snee Road,</u> <u>south of Takapau</u>	Ngāi Rangitotohu Ngāti Marau	 <p> <u>Ko Ruahine te maunga</u> <u>Ko Manawatū, ko Mākaretū ngā awa</u> <u>Ko Ruataniwha te mania</u> <u>Ko Te Poho o Te Whātuiāpiti te whare tipuna</u> <u>Ko Ngāti Mārau, ko Ngāi Te Rangitotohu, ko</u> <u>Ngāi Te Rangitekahutia ngā hapū</u> <u>Ko Rāakautātahi te marae</u> </p>

NOTE: Other hapū historically associated with the lands and district of Tamatea include: Ngāi Pouwharekura, Ngāi Ta Ao, Ngāti Honomōkai, Ngāi Upokoiri, Ngāti Te Ruatōtara, Ngāi Tūrāhui, Ngāi Te Opekai, Ngāi Parakioro.

Many Māori living in and around Waipukurau are not of Tamatea heritage, but they are regarded, locally, as integral to the Māori identity of Tamatea. These people are represented through affiliation to one of the Tamatea marae or through the Waipukurau Community Marae.

MARAE	HAPŪ	LOCATION
Waipukurau Community Marae	Ngā Mata-a-waka	Takapau Road, Waipukurau

Where hapū or marae share whenua, this is not representative of a boundary, rather it highlights these are where whakapapa and shared interests are strongest.

In addition, the collective above, in part, constitutes the Post-Settlement Group Entity (PSGE), Heretaunga Tamatea Settlement Trust (HTST). HTST negotiated a settlement of all historical claims with the crown. The settlement determines HTST to represent the 'Treaty' partner with the defined rohe of HTST.

Therefore the nine marae, 20 hapū and PSGE represent Mana Whenua for the CHB District Council and this District Plan. Associated collective interests are also noted as being parties identified as part of the District Plan.

Commented [A13]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 1

Commented [A14]: S125.002 Ngā hapū me ngā marae o Tamatea
S120, S120.008, S120.009 Heretaunga Tamatea Settlement Trust - TW Topic (response provided as an action from the wānanga) Report 4A

Ngā Reo o te Takiwā: Representative Voices

For the purposes of the District Plan, tangata whenua interests are represented by:

Individual marae: where issues specific to the respective areas of interest occur. Each marae exercises its own rangatiratanga through their role as kaitiaki.

Ngāti Kahungunu Iwi Incorporated (NKII): for issues that extend beyond the boundary of the Tamatea Rohe. Ngāti Kahungunu Iwi Incorporated is recognised as an iwi authority under the RMA for issues across Hawke's Bay. NKII's genesis was as a mandated Iwi Authority to receive the Māori Fisheries allocation in the 1992 Fisheries Settlement. Its mission is to advance the kaupapa of enhancing the mana and wellbeing of Ngāti Kahungunu.

Representatives of Māori land owners and managers: for issues specific to their land holdings.

Aorangi Māori Trust Board (AMTB): in agreement with the Crown, AMTB has co-management rights over the Department of Conservation owned land on the southern shore of Lake Whatumā.

Heretaunga Tamatea Treaty Settlement Trust (HTTST): for issues identified in the Heretaunga Tamatea Claims Settlement Act 2018. The HTTST represents the treaty settlement interests of the Tamatea hapū and marae. to ensure the betterment of the hapū and marae. HTTST is the mandated voice and representative entity which includes considering the extent to which proposed planning policy and development may impact on the historical, cultural and spiritual interests of the various hapū and those areas under statutory acknowledgement and /or the Heretaunga Tamatea Claims Settlement Act 2018.

Te Taiwhenua o Tamatea: as a collective and representative voice for the marae of Tamatea. The Taiwhenua was incorporated in 1990 and its geographic boundaries, which align closely with the local authority boundaries, are registered with the Māori Land Court. Te Taiwhenua O Heretaunga also has some overlap with northern Central Hawke's Bay.

Ngāti Kere Hapū Authority: tangata whenua in the Pōrangahau rohe.

Commented [A15]: S125.002 Ngā hapū me ngā marae o Tamatea
S120, S120.008, S120.009 Heretaunga Tamatea Settlement Trust - TW Topic (response provided as an action from the wānanga) Report 4A

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Commented [A16]: S120.009 Heretaunga Tamatea Settlement Trust - Report 4A Tangata Whenua Provisions, Key Issue 1

Commented [A17]: S134.001 Ngāti Kere Authority - Report 4A Tangata Whenua Provisions, Key Issue 1

Tangata Whenua me te Ture: The Resource Management Act

The RMA includes a number of provisions to provide for consideration of tangata whenua including the requirement to take into account the principles of the Treaty of Waitangi.

Section 5: relates to 'sustainable management', which in turn is linked to the social, economic and cultural well-being of communities

Section 6: all persons shall recognise and provide for the following matters of national importance: (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga, and (f) the protection of historic heritage from

inappropriate subdivision, use and development, and (g) the protection of protected customary rights.

Section 7(a): all persons exercising powers under the RMA in relation to managing the use, development, and protection of natural and physical resources shall have particular regard to kaitiakitanga, which is defined in the RMA as 'the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship'.

Section 7(aa): all persons exercising powers under the RMA in relation to managing the use, development, and protection of natural and physical resources shall have regard to the ethic of stewardship.

Section 8: obliges those exercising authority under the RMA to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi):

- The Principle of Tino Rangitiratanga (full chiefly authority – tribal self-regulation of resources in accordance with their customary preferences)
- The Principle of Partnership
- The Principle of Kawanatanga (the Crown's right to govern)
- The Principle of Active Partnership and Consultation
- The Principle of Active Protection
- The Principle of Hapū/Iwi Resource Development

Section 35A: identifies a duty on local authorities to keep records of iwi and hapū. A local authority must keep and maintain the contact details of iwi and hapū authorities or any groups that represent the hapū within its district or region. The records to be kept include any planning documents that are recognised by the iwi authority and are lodged with the council, as well as records of any area of the region or district over which one or more iwi exercise kaitiakitanga.

Section 36B: sets out provisions for local authorities who want to make a joint management agreement

Section 74(2A): requires a territorial authority when preparing or changing a District Plan to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

Schedule 1 of the Act: includes a requirement when preparing a policy statement or plan for council to consult with the Tangata Whenua of Tamatea.

Section 58L-U Mana Whakahono ā Rohe: this section provides for one or more iwi authorities to invite one or more local authorities to enter into a Mana Whakahono ā Rohe (iwi participation arrangement), which is a mechanism to discuss, agree and record ways in which tangata whenua may, through their iwi authorities, participate in the resource management and decision-making processes under the RMA. Mana Whakahono ā Rohe can

also assist councils to comply with their statutory duties under the RMA, including the implementation of sections 6(e), 7(a) and 8.

Guiding Principles for Mana Whakahono ā Rohe:

Amongst other things, parties must endeavour to:

- enhance the opportunities for collaboration amongst all participating authorities; to work together in good faith and in the spirit of cooperation;
- communicate with each other in an open, transparent and honest manner;
- commit to meeting statutory time frames and minimise delays and costs involved in a process; and
- recognise that Mana Whakahono ā Rohe does not limit iwi participation.

TW – Tangata Whenua

Ngā Tangata Whenua o Tamatea

Tōnei au te tū nei i te tihi o te Atua o Mahuru i Ruahine
Here I stand at the peak, Te Atua Mahuru, in the Ruahine ranges

ka titiro whakararo ki ngā waiora o Tukituki,
looking down at the life-giving waters of Tukituki,

e koropiko ana, e haehae ana i te mānia Ruataniwha, e hore rā.
twisting, turning, cutting across the Ruataniwha plains spread out before me.

Ka haere taku tiro ki ngā whare pā o Tamatea,
My focus moves to the settlements of Tamatea,

Tamatea Ariki nui, Tamatea Pōkaiwhenua, Pōkaimoana,
Tamatea the supreme chief, Tamatea who traversed the lands and the oceans,

Ko Pukehou, ko Whatuiapiti, ko Tapairu ko Mataweka ki te raki.
Pukehou, Whatuiapiti, Tapairu and Mataweka are the marae to the North.

Ka titiro atū ke te takutaimoana, mai Kairakau, ki Whangaehu,
I look along the coastline from Kairakau ki Whangaehu,

ko Hikatoa, ko Kere, ko Manuhiri, ko Pihere e noho tonu ra.
where Ngāti Hikatoa, Kere, Manuhiri and Pihere (hapū of the coastal areas) still reside.

Ka hoki taku tiro ki Waipukurau a Ruakuha,
I look back towards Waipukurau,

ki ngā pā tūwatawata, ki Pukekaihau, ki Kaimananawa, e tū mokemoke ai.
to the fighting pa, Pukekaihau and Kaimanawa, standing solitary and without people.

Ka whakatitonga taku tiro ki Rakautātahi,
My gaze turns south to Rakautātahi,

kei reira Te Poho o Whatuiapiti e tū whakahīhi mai.
where Te Poho o Whatuiapiti (the marae) stands proudly.

A, ka tao ki te Takapau, ki te Rangitapu a Whata,
Finally, I arrive at Takapau to the Rangitapu a Whata,
(The hill overlooking Takapau on which the pā Horehore stood)

Ko Puera kei runga, ko Whatumā kai raro.
Puera stands above and Whatumā lies below.
(Lake Hatuma and Puera [the hill to the south of the Rangitapu a Whata],
are both important mahinga kai, food gathering sites)

Tihei Tamatea!

Written by Dr Roger Maaka

< Mihi to be provided by Tangata Whenua >

Commented [A1]: S125.015 Ngā hapū me ngā marae o Tamatea – Report 4A Tangata Whenua Provisions, Key Issue 1

Ngā Take: Issues

The following provides a summary list of resource management issues currently facing Ngā Tangata Whenua o Tamatea. This is by no means an exhaustive list, but gives an indication of the primary issues to be taken into account and addressed, where appropriate and practicable:

TW-I8X The lack of tangata whenua / mana whenua involvement in resource management decision-making.

Commented [A2]: S125.017 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 2

TW-I1 The loss of mauri and te mana o te wai, particularly in relation to fresh and coastal waters through the modification and degradation of lakes, rivers, springs and wetlands and traditional food gathering places (mahinga kai) that are central to the well-being of the hapū of Heretaunga Tamatea.

Commented [A3]: S120.015, S120.020, S120.021 & S120.022 Heretaunga Tamatea Settlement Trust - Report 4A Tangata Whenua Provisions, Key Issue 3

Commented [A4]: S125.016 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 7

TW-I2 The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use. The modification and degradation of the environment due to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works that have severely damaged traditional food sources and mahinga kai these resources.

Commented [A5]: S125.016 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 7

Commented [A6]: cl16 minor amendment Report 4A Tangata Whenua Provisions - key issue 7

TW-I3 **The loss and alienation of ancestral lands has limited the ability of tangata whenua to access traditional sites and food gathering areas, and to meet their social and economic aspirations.**

Providing for and enabling reasonable ongoing access to remaining sites of cultural significance and mahinga kai is important to tangata whenua – consideration of access to these sites needs to be included in any decisions affecting paper roads, stock routes, culverts and other developments.

With the loss and alienation from ancestral lands, the provision/enabling a range of housing options, including rural and residential housing, of papakāinga housing, kaumātua flats, marae-based development is important to enable tangata whenua to use their land in a way that is consistent with their culture and traditions and their social and economic aspirations.

Commented [A7]: S120.011 HTST - Report 4A Tangata Whenua Provisions, key issue 7

TW-I4 **Sites of cultural significance have been modified and lost due to disturbance – for example through earthworks, vegetation clearance and land disturbance activities e.g. harvesting etc.**

TW-I5 **Some activities in the vicinity of sacred/sensitive places of significance to tangata whenua, e.g. burial sites/urupā can cause significant offence.**

Consideration of the segregation of food production activities, effluent and solid waste storage or disposal activities or outfalls, storage and use of hazardous substances, and earthworks activities from these sacred places is required.

TW-I6 Lack of and misuse of traditional place names has further alienated tangata whenua from their ancestral lands, water and sites of significance.

TW-I7 The barriers to tangata whenua/mana whenua developing papakāinga housing, kaumātua flats and marae-based development on rural Whenua Māori or Māori Land (as defined under Te Ture Whenua Māori Act 1993).

There are many barriers facing tangata whenua/mana whenua in a developing Māori-owned land, including remoteness, lack of services and physical constraints. -These barriers need to be taken into account in providing for the development and use of Whenua Māori and other Māori-owned land within the District.

Commented [A8]: s125.008 - Report 4A Tangata Whenua Provisions - Key Issue 4

Objectives

TW-O1 The role of tTangata whenua are actively involved as kaitiaki in the protection and management of the natural and physical resources of an area_ is acknowledged and provided for.

Commented [A9]: S125.018 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 8

TW-O2 Enable the active participation of tTangata whenua are actively involved_ in all aspects of the implementation of the Central Hawke's Bay District Plan_ that affects their relationship with their culture and traditions, ancestral lands, water, sites, wāhi tapu and other taonga.

Commented [A10]: S121.013 Federated Farmers, S129.011 Kāinga Ora - Report 4A Tangata Whenua Provisions, Key Issue 8

TW-O3 Wāhi taonga and sites of significance to tangata whenua are managed and actively protected and managed in partnership with tangata whenua.

Commented [A11]: S125.020 NHMT and S64.011 DOC - Report 4A Tangata Whenua Provisions, key issue 8

TW-O4 Tangata whenua are able to protect, develop and use Whenua Māori in a way that is consistent with their culture and traditions and their social and economic aspirations.

Policies

TW-P1 To provide_ actively engage tangata whenua by providing for timely, effective and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected.

Commented [A12]: S125.022 Ngā hapū me ngā marae o Tamatea, S120.012 Heretaunga Tamatea Settlement Trust - Report 4A Tangata Whenua Provisions, Key Issue 2

Commented [A13]: S121.014 Federated Farmers - Report 4A Tangata Whenua Provisions, Key Issue 2

TW-P2 To recognise that only tangata whenua can identify their relationship with their culture, traditions, ancestral lands, waterbodies, wāhi tapu and other taonga.

TW-P3 To acknowledge and recognise iwi/hapū management plans as an expression of rangatiratanga to help tangata whenua exercise kaitiaki roles and responsibilities in the district, and as mutually appropriate means of achieving sustainable environmental outcomes.

Commented [A14]: S125.023 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 9

TW-P4 To encourage and support the recognition and use of traditional Māori place names including and the use of interpretive material and the use of dual Māori signage for all official place names.

Commented [A15]: S125.024 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 9

TW-P5 To recognise and provide for development of, and a range of activities on, Māori Land and Whenua Māori to meet the needs and aspirations of tangata whenua, such as papakāinga housing, kaumātua flats and marae-based development while ensuring that actual or potentially adverse effects of activities are avoided, remedied or mitigated.

Commented [A16]: S125.025 Ngā hapū me ngā marae o Tamatea, S120.013 Heretaunga Tamatea Settlement Trust - Report 4A Tangata Whenua Provisions, Key Issue 9

TW-P6 To identify those areas where there was traditional and customary Māori use of lands and waterways within the District and implement procedures for tangata whenua involvement regarding proposals to disturb ground in and around the identified areas where such activities may have significant adverse effects.

TW-P7 Where there is no agreed procedure between tangata whenua and the resource user, to implement procedures in conjunction with the tangata whenua. To encourage discussion between tangata whenua and resource users with respect to appropriate protocols (tikanga) when any burial sites or Māori artefacts are unearthed or disturbed, in addition to statutory requirements.

Commented [A17]: 84.019 Kairakau Lands Trust, S125.029 NHMT, S64.019 DOC - Report 4A Tangata Whenua Provisions, key issue 9

TW-P8 To work with tangata whenua to identify, maintain and enhance public access to the District's public forests and significant waterways, wetlands and coastal areas, having regard to their traditional the importance as of protecting mahinga kai, wāhi tāonga and tangata whenua sites of significance.

Commented [A18]: S125.026 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 9 and S125.067 NHMT – Report 1D Open Space and Recreation, Public Access, Activities on the Surface of Water, Key Issue 3

TW-P9 To control land development, subdivision, earthworks or other disturbance activities so as to avoid, remedy or mitigate any adverse effects on wāhi tapu and other taonga.

Methods

Methods for implementing the policies:

TW-M1 Tūhono mai Tūhono atū

Te Taiwhenua o Tamatea and the Council have an active and ongoing relationship to advance areas of mutual interest. This is evident by the first Māori Engagement Strategy (*Tūhono mai Tūhono atu*), adopted in August 2020 by the Central Hawke's Bay District Council.

Tūhono mai Tūhono atu, developed with the support of Te Taiwhenua o Tamatea, recognizes the special status of Tangata Whenua mana whenua and takes into account the Te Tiriti o Wāitangi in resource management making processes as well as increasing cultural capacity and capability of Council to effectively engage with Tangata Whenua.

Commented [A19]: S122.003 Rongomaraeroa Marae - Report 4A Tangata Whenua Provisions, Key Issue 10

The appointment of the Pou Whatuia, a Māori Engagement Manager, for Council to focus relationship-building between the Council and Tangata Whenua, is another progressive step in consolidating this partnership.

TW-M2 The Heretaunga Tamatea Claims Settlement Act 2018

As a consequence of the settlement, hapū have certain conservation estate rights and responsibilities. These rights and responsibilities managed by the Heretaunga Tamatea Treaty Settlement Trust or its successor, are listed under the following categories:

1. Fee simple sites.
2. Sites administered as Recreation Reserves.
3. Overlay Areas, which recognise the cultural, spiritual and historical association of Tamatea and Heretaunga sites of significance and requires the New Zealand conservation authority to have particular regard to Heretaunga Tamatea values and protection principles.
4. Statutory Acknowledgement Areas, which acknowledge Heretaunga Tamatea cultural, historical and spiritual values under the RMA and Heritage New Zealand *Pouhere Taonga* Act 2014. These statutory acknowledgement areas are scheduled in TW-SCHED1 – Schedule of Statutory Acknowledgement Areas and shown on the Planning Maps.
5. Deed of Recognition Areas, which require the Crown to consult with Heretaunga Tamatea in the management of lands administered by the Department of Conservation or the Commissioner of Crown Lands.

TW-M3 Mana Whakahono ā Rohe

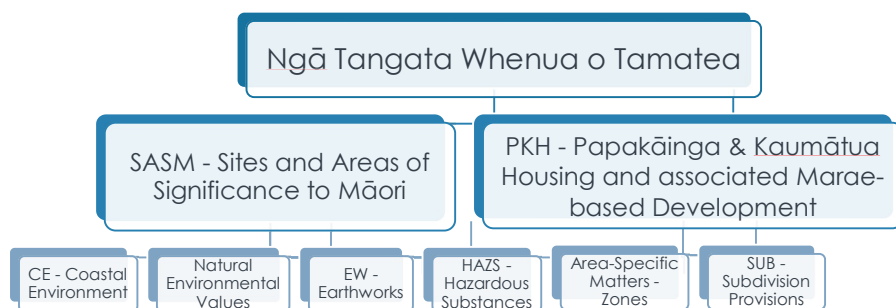
Central Hawke's Bay District Council welcomes the opportunities provided by the Mana Whakahono ā Rohe provisions introduced through the 2017 Amendments to the RMA, and believes that reaching an agreement with iwi relating to consultation required under the Act, including giving effect to relevant Treaty settlements, will mark a significant and important development in the relationship between tangata whenua and the Council.

At the time of the production of this District Plan, the Council has not yet received an application from iwi to develop a Mana Whakahono ā Rohe. It is anticipated during the life of this District Plan (10 years from adoption) that iwi may wish to invite Council to form a Mana Whakahono ā Rohe to provide an agreed approach on the ways tangata whenua can

participate in RMA decision making and assist Council with its statutory obligation to tangata whenua under the RMA.

TW-M4 District Plan

Tangata whenua matters are addressed throughout the chapters of the Plan, as summarised below.



1. Wāhi Tapu, Wāhi Taonga and Sites of Significance: All matters concerning sites of cultural, historical and spiritual significance to Ngā Tangata Whenua o Tamatea are addressed in the SASM – Sites and Areas of Significance to Māori and HH – Historical Heritage sections of this District Plan. Sites are contained in SASM-SCHED3 – Schedule of Sites and Areas of Significance to Māori and HH-SCHED2 – Schedule of Heritage Items, and are mapped on the Planning Maps. In addition, the Heritage New Zealand *Pouhere Taonga* Act 2014 specifically deals with archaeological sites. Recorded archaeological sites in the District as at the date of notification of this District Plan are mapped on the Planning Maps (current up-to-date records can be found on the New Zealand Archaeological Association's Archaeological Site Recording Scheme website (www.archsite.org.nz). Under that Act, it is an offence to modify or destroy an any archaeological site without an Authority from Heritage New Zealand Pouhere Taonga.
2. Papakāinga and Kaumātua Housing, and associated Marae-based Development: All matters concerning provision for papakāinga & kaumātua housing and marae-based development are addressed in the PKH - Papakāinga and Kaumātua Housing and Associated Marae-Based Development section of this District Plan.
3. Other District Plan Rules and Standards: Earthworks, land-use activities and setback standards, outstanding natural features and landscapes provisions, significant natural area provisions, coastal environment provisions and general zone provisions, all collectively assist in addressing issues of concern for Ngā Tangata Whenua o Tamatea.
4. District Plan Assessment Matters and Conditions on Resource Consents: To ensure the adverse effects of land use, subdivision or development on sites and areas of cultural and spiritual significance are avoided, remedied or mitigated, as well as in recognising and providing for the relationship of tangata whenua with their culture and traditions (including mauri), ancestral lands, water, sites and

Commented [A20]: S84.020 Kairakau Lands Trust - Report 4A Tangata Whenua Provisions, Key Issue 10

areas of cultural and spiritual significance, wāhi tapu and other taonga in all decision-making.

TW-M5 Hawke's Bay Regional Council Functions

Hawke's Bay Regional Council has various statutory functions and responsibilities including for regional pest management purposes (Hawke's Bay Regional Pest Management Plan), and management of activities affecting the quality of air and water (Hawke's Bay Regional Resource Management Plan and Regional Coastal Environment Plan), which specifically address (or will be amended to address) issues such as freshwater management (including Te Mana O Te Wai), introduction of weeds and pests, farm run-off, industrial pollution, and drainage works.

Commented [A21]: S120.015, S120.020, S120.021 & S120.022 Heretaunga Tamatea Settlement Trust - Report 4A Tangata Whenua Provisions, Key Issue 3

TW-M6 Engagement with Neighbouring Hapū and Local Authorities

The Council will liaise with neighbouring hapū and councils in ensuring hapū in the neighbouring Hastings and Tararua Districts are considered, where their interests overlap.

TW-M7 Iwi/Hapū Management Plans

The Council will encourage the preparation and lodgement of Iwi/Hapū Management Plans. Where the plans have been lodged with the Council, Council will be guided by their contents to the extent that they are relevant to the resource management issues of the District.

TW-M8 Information

The following are sources of further information:

1. Ngāti Kahungunu Iwi Inc. website (www.kahungunu.iwi.nz): This website provides information relating to the various hapū comprising Ngāti Kahungunu, including those in the Tamatea rohe;
2. Māori Land Online (www.maorilandonline.govt.nz): This website provides a snapshot of current ownership, trustee, memorial and block information for land that falls within the jurisdiction of the Māori Land Court under Te Ture Whenua Māori Act 1993 and other legislation. This is primarily Māori Customary and Māori Freehold Land, but also includes General Land Owned by Māori, Crown Land Reserved for Māori and some Treaty settlement reserves, mahinga kai and fishing rights areas.
3. Pātaka (Māori Resource Management Mapping Tool): This tool uses digital mapping to show the location and extent of iwi and hapū resources in Hawke's Bay developed by Hawke's Bay Local Authority Shared Services Ltd (HBLASS) and accessed from the Hawke's Bay Regional Council website (www.hbrc.govt.nz). Pātaka brings together information held by local and regional councils and gives tangata whenua a resource to assist with their roles as this region's kaitiaki. It includes the location and contact information for each local marae, customary marine titles, protected customary rights and any iwi/hapū management plans that are available.

Principal Reasons

The principal reasons for adopting the policies and methods:

An effective partnership between the Council and tangata whenua relating to resource management is now in place and continues to grow and develop with strong communication and commitment. Māori cultural development is a priority for Council and Tūhono mai Tūhono atū ensures that Council continues to consider and promote current and future opportunities for Māori wellbeing.

There is a desire by tangata whenua to maintain and enhance their traditional relationship with their ancestral lands, water, sites, wāhi tapu and other taonga, both in terms of the current economic and social context and the traditional setting. Only tangata whenua can identify those relationships.

Proposals may be of interest or concern to tangata whenua where their relationship, culture and traditions with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga, may be adversely affected. The specific issues that may be of interest or concern to tangata whenua have been outlined above.

The protection of the values of sites and areas of cultural and spiritual significance to tangata whenua requires both identification and an understanding of the sites and areas. If the community is not aware of the sites, or values associated with these sites and areas, then it can become difficult for the impact that any proposed development may have on these sites and areas to be included in the assessment process.

Further research, evaluation and engagement between Council and tangata whenua is necessary to accurately identify, understand, document and map sites of significance to tangata whenua. It is also recognised that information about some sites and areas will be sensitive and tangata whenua may choose to limit the amount of information made publicly available. SASM-SCHED3 is not currently representative of the sites of significance to tangata whenua, therefore effective engagement with tangata whenua is necessary to ensure the ongoing protection and security of sites of significance that are not listed in the District Plan. A plan change or variation may be required in future to include additional sites and areas to the District Plan.

Where sites or areas of significance are not formally included in the District Plan it is recognised that the role that tangata whenua can play within the planning process is more limited and is likely to be as an affected party for certain activities or activities in the coastal environment, near waterbodies, near marae or urupā, or as a submitter when a resource consent application is notified. It is also noted that sites where archaeological evidence is uncovered will be protected by the Heritage New Zealand *Pouhere Taonga* Act 2014 which makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority from Heritage New Zealand *Pouhere Taonga*.

Furthermore, the Council is obliged to include statutory acknowledgements arising from Treaty of Waitangi settlements in its District Plan. In Central Hawke's Bay, the Heretaunga Tamatea Treaty Settlement Act 2018 identifies sites and areas within the District. These are scheduled in the District Plan and shown on the Planning Maps and will further inform identification of persons who may be affected by proposals to protect, use and/or develop land in these areas.

Iwi and hapū seek to provide for and maintain their traditional political structures, such as marae and papakāinga housing, which foster retention of the customs and traditions of Māori. The District Plan provides for these facilities while ensuring the effects arising from this type of development do not adversely impact on the surrounding environment.

Access to mahinga kai (traditional food sources) is also of importance to tangata whenua. Over time, these resources have been increasingly degraded, or access has become more restricted.

The acknowledgement and retention of traditional place names recognises the District's heritage and the relationship of tangata whenua with the resources, lands and places of the District. Failure to recognise traditional place names can cause offense, in light of the values and importance of these places for tangata whenua.

The use and management of land has a direct influence on water quantity and quality in the District. The management of riparian margins and catchments will require the maintenance and enhancement of undisturbed vegetation to act as filters of the water resource. The avoidance of direct discharges of effluent into waterbodies is central to the culture of the tangata whenua and the concept of '*manaaki whenua, manaaki tangata*' – '*care for the land ensures the well-being of the person*'. Land management and water quality are managed primarily by the Hawke's Bay Regional Council.

Earthworks will be controlled in order to facilitate the protection of wāhi tapu and other taonga in the District. These controls apply to sites and areas of significance to Māori listed in SASM-SCHED3 – Schedule of Sites and Areas of Significance to Māori in the District Plan.

SASM – Sites and Areas of Significance to Māori

Introduction

The RMA contains specific obligations in relation to tangata whenua. It identifies as a matter of national importance the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

Traditional Māori culture and values are closely linked to the environment. Land confers dignity and rank, is the resting place for the dead, a spiritual base for traditional beliefs and a heritage for future generations.

Tangata whenua have expressed concern for the quality and condition of resources of significance to them and the need to be notified and consulted when development or land use impacts on this resource.

A small number of sites have historically been identified in the schedules of former District Plans. However, Council acknowledges that there are a great number of sites that have not been identified. Further research, evaluation and engagement between Council and tangata whenua is necessary to accurately identify, understand, document and map this resource. SASM-SCHED3 is not currently representative of these sites, therefore effective engagement with tangata whenua is necessary to ensure the ongoing protection and security of sites of significance that are not listed in the District Plan. In some cases there is a reluctance by tangata whenua to identify the exact location of some Wāhi Tapu sites because of the need to protect their sacredness. Accordingly, it is only those sites that have been identified which are protected by the provisions of the District Plan.

Sites include:

- Old pa sites, excavations and middens (pā tawhito)
- Old burial grounds and caves (ana tūpāpaku)
- Current cemeteries (urupā)
- Battlefields (wāhi pakanga)
- Sacred rocks, trees or springs (ngā toka, rākau tapu)
- Watercourses, swamps, lakes and their edges (waipuna, awa, roto)

The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua. Accordingly, the District Plan seeks to facilitate the opportunity for this to occur as part of the subdivision, development and land-use process.

There are also legal responsibilities that relate to archaeological sites, whether they are identified, unknown, listed or recorded. Section 42 of the Heritage New Zealand Pouhere Taonga Act 2014 makes it an offence for anyone to modify or destroy, or cause to be modified or destroyed, the whole, or any part of any site, if it is known or suspected to be an archaeological site. Section 44 of the Act, requires applications for an authority to modify or

[destroy, or cause to be modified or destroyed, an archaeological site to be made to Heritage New Zealand Pouhere Taonga. The location of recorded archaeological sites in Central Hawke's Bay as at the date of notification of the District Plan are shown on the Planning Maps. This is for information purposes only, as an alert to Council and landowners. Landowners are encouraged to search the New Zealand Archaeological Association's database for the latest recorded site information prior to commencing any land disturbance activities. It should be noted that there are many unrecorded archaeological sites, and developers also have a responsibility to avoid damage to these.](#)

Commented [A1]: S84.003 Kairakau Lands Trust – Report 4A Tangata Whenua Provisions, Key Issue 12

Issues

SASM-I1 Loss of Sites and Areas of Significance to Māori

The degradation or loss of wāhi tapu, wāhi taonga and sites of significance over time, and implications of this for the relationship of tangata whenua with their ancestral lands.

Explanation

[Protection of site values and areas of cultural and spiritual significance to tangata whenua requires working with tangata whenua who hold this information and knowledge. It will involve establishing meaningful relationships, information sharing and education about the Māori history of Tamatea/Central Hawke's Bay to understand the value tangata whenua place on their sites, together with a shared objective of achieving site protection.](#)

[Sites that are significant to tangata whenua](#) Such sites can be vulnerable to inappropriate land use and development when their location and values are not known or understood. Particular types of works that pose a threat to these site and areas are those that involve excavation or construction. Over time this has resulted in the loss of, or damage to, sites that are important to tangata whenua, and their protection is of ongoing concern. In addition, some land use practices can be offensive to cultural sites, such as the burial of offal or dead stock in close proximity to urupā.

Protection of site values and areas of cultural and spiritual significance to tangata whenua requires identifying and mapping these sites and areas and understanding their values. This process is led by [the Council, working closely with](#) tangata whenua who hold this information and knowledge.

[Working with tangata whenua, there is a role for Council to assist and support landowners, developers and the community in general to improve the understanding of the cultural heritage of the District, to ensure these sites are better identified and protected.](#)

Commented [A2]: Kairakau Lands Trust S84.004 - Report 4A Tangata Whenua Provisions, key issue 12

Objectives

SASM-O1 Recognise and provide for wāhi tapu, wāhi taonga, and sites of significance in the District as being of cultural significance to tangata

whenua through whakapapa, and ensure their protection from damage, modification or destruction from land use or other activities.

SASM-O2 Recognise the customary practices of tangata whenua in support of the protection of wāhi tapu, wāhi taonga, and sites of significance.

SASM-O3 Develop partnership between the Council, landowners and tangata whenua in the management of wāhi tapu, wāhi taonga, and sites of significance.

Policies

SASM-P1 To continue to identify, in partnership with tangata whenua and landowners, land within the District which contains wāhi tapu, wāhi taonga, and sites of significance .

Commented [A3]: 121.158, S121.160 and S121.161 Federated Farmers - Report 4A Tangata Whenua Provisions, key issue 12

SASM-P2 To avoid, remedy or mitigate any adverse effects of activities on the values of wāhi tapu, wāhi taonga, and sites of significance.

SASM-P3 To promote a greater awareness and understanding of wāhi tapu, wāhi taonga, and sites of significance of importance to tangata whenua.

Commented [A4]: Clause 16 clarification - Report 4A Tangata Whenua Provisions, key issue 12

SASM-P4 To consult actively involve with tangata whenua on applications received by the Council for subdivision consents and resource consents relating to proposals affecting or potentially affecting a wāhi tapu, wāhi taonga or site(s) of significance, including but not limited to sites identified in SASM-SCHED3 and shown on the Planning Maps.

Commented [A5]: S125.046 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 12

SASM-P5 To establish a schedule of key hapū / tangata whenua representatives who will be notified of, or consulted on, applications received for subdivision consents or resource consents relating to proposals affecting or potentially affecting wāhi tapu, wāhi taonga, or site(s) of significance.

Rule Overview Table

Use/activity	Rule Number
Maintenance and enhancement of wāhi tapu, wāhi taonga or sites or areas of significance identified in SASM-SCHED3	SASM-R1
Earthworks associated with burials within an existing urupā identified in SASM-SCHED3	SASM-R2

Any maintenance, replacement, or repair of existing network utilities within a site identified in SASM-SCHED3	SASM-R3
Maintenance of existing farm fence lines and farm tracks within a site identified in SASM-SCHED3	SASM-R4
Any other activity within a site identified in SASM-SCHED3 not otherwise provided for	SASM-R5
Activities within 100m of a site identified in SASM-SCHED3	SASM-R6

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities on land within or containing wāhi tapu, wāhi taonga or sites of significance to Māori.

SASM-R1 Maintenance and enhancement of wāhi tapu, wāhi taonga or sites or areas of significance identified in SASM-SCHED3

All Zones	1. Activity Status: PER Where the following condition is met: <ol style="list-style-type: none"> No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance. 	2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: <ol style="list-style-type: none"> SASM-AM1.
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SASM-R2 Earthworks associated with burials within an existing urupā identified in SASM-SCHED3

All Zones	1. Activity Status: PER Where the following conditions are met: N/A	2. Activity status where compliance not achieved: N/A
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SASM-R3 Any maintenance, replacement, or repair of existing network utilities within a site identified in SASM-SCHED3

All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SASM-AM1.</p>
SASM-R4 Maintenance of existing farm fence lines and farm tracks within a site identified in SASM-SCHED3		
All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SASM-AM1.</p>
SASM-R5 Any other activity within a site identified in SASM-SCHED3 not otherwise provided for		
All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</p> <p>b. The activity does not involve offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SASM-AM1.</p>
SASM-R6 Activities within 100m of a site identified in SASM-SCHED3		

All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The activity does not involve offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SASM-AM1.</p>
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Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

SASM-AM1 General Assessment Matters for Wāhi Tapu, Wāhi Taonga or Sites of Significance

1. The values of the wāhi tapu, wāhi taonga, or site of significance including its value to tangata whenua.
2. Whether the proposed activity may destroy, damage, modify or adversely affect the wāhi tapu, wāhi taonga, or site of significance, particularly in relation to:
 - a. the nature and scale of the proposed activity;
 - b. the design, layout or location of the activity on the site, including associated building platforms, vehicle access and services on the site;
 - c. whether there are alternatives that do not involve destruction, damage, modification or adverse effects.
3. Methods to protect the wāhi tapu, wāhi taonga, or site of significance, including any recommendations from consultation with tangata whenua and (where appropriate) Heritage New Zealand Pouhere Taonga.
4. Whether the proposed activity respects the significant values of the wāhi tapu, wāhi taonga, or site of significance and will not dominate or detract from the wāhi tapu, wāhi taonga, or site of significance.
5. Whether the contents of a site contribute towards its significance as wāhi tapu, wāhi taonga, or site of significance and whether regard should be had to conserving those contents.
6. The outcomes and recommendations from any impact assessment undertaken on the effects of the activity on the wāhi tapu, wāhi taonga, or site of significance.
7. When assessing applications Council will have regard to a Māori values assessment or cultural impact assessment prepared for the site of significance.

Note: An archaeological authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, may also be required for activities within Sites and Areas of Significance to Māori. Such an authority is not automatically granted, and can be declined under certain circumstances, even when an activity is permitted in the District Plan or by resource consent. Heritage New Zealand Pouhere Taonga should be contacted for

Commented [A6]: S125.049 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 13

[guidance if any activity such as earthworks, fencing or landscaping may modify or destroy any archaeological site.](#)

Commented [A7]: S84.011 Kairakau Lands Trust - Report 4A Tangata Whenua Provisions, Key Issue 14

Methods

Methods for implementing the policies:

SASM-M1 Identification and Mapping of Wāhi Tapu, Wāhi Taonga and Sites of Significance

Identifying sites and areas of significance to Māori in SASM-SCHED3 in the District Plan and showing them on the relevant Planning Maps.

SASM-M2 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to applying to wāhi tapu, wāhi taonga and sites of significance:

1. ECO – Ecosystems and Indigenous Biodiversity - identifies those areas of the Central Hawke's Bay District that have special natural heritage values (indigenous vegetation, habitats of indigenous fauna, riparian values). Many of these areas are also of special spiritual, historic or cultural significance to tangata whenua and assessment matters are provided to ensure these values are taken into account when considering resource consent applications in relation to these areas.
2. NFL – Natural Features and Landscapes – identifies those areas of the Central Hawke's Bay District that have outstanding or significant landscape values. Many of these landscapes and features are also of special spiritual, historic or cultural significance to tangata whenua and assessment matters are provided to ensure these values are taken into account when considering resource consent applications in relation to these natural landscapes and features.
3. SUB – Subdivision – includes rules relating to subdivisions containing wāhi tapu and wāhi taonga, and ensuring building platforms, servicing infrastructure and any development recognises and ensures that wāhi tapu and wāhi taonga are protected from modification or any further disturbance.
4. EW – Earthworks – assessment matters are provided to ensure these spiritual, historic and cultural values are taken into account when considering resource consent applications affecting wāhi tapu, wāhi taonga and sites of significance.
5. HH – Historical Heritage – in addition to the wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3, there are also wāhi tapu registered under the Heritage New Zealand *Pouhere Taonga* Act 2014. These are listed in the District Plan in HH-SCHED2 and shown on the Planning Maps. Recorded archaeological sites (as at the date of notification of this District Plan) are also shown on the Planning Maps. Contact with Heritage New Zealand *Pouhere Taonga* is advised in such instances.

SASM-M3 Partnership

Working with tangata whenua to develop a cultural landscape overlay identifying areas where there is a high likelihood of wāhi tapu, wāhi taonga and sites of significance being located and to record this information on Council GIS as an alert layer to consult with tangata whenua prior to development in time. [Where sites are on private land, landowners are also consulted as part of the identification process.](#)

Commented [A8]: S121.169 Federated Farmers - Report 4A Tangata Whenua Provisions, Key Issue 14

The Council will work with iwi and hapū to establish contact persons for each hapū, through which consultation will take place. Council will notify the relevant iwi / hapū contact person (as known to the Council) of any subdivision consent, or resource consent application it receives which affects or has the potential to affect any wāhi tapu or wāhi taonga site(s) identified in SASM-SCHED3 and shown on the Planning Maps, within 5 working days of receiving the application.

SASM-M4 Heritage New Zealand Pouhere Taonga

Consultation with Heritage New Zealand *Pouhere Taonga* on applications received by the Council for subdivision consents and land-use consents relating to proposals affecting a wāhi tapu or wāhi taonga or site of significance identified in SASM-SCHED3 and/or a wāhi tapu or wāhi taonga area identified in the New Zealand Heritage List / Rārangi Kōrero (HH-SCHED2).

In addition to the wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3, the provisions of the Heritage New Zealand *Pouhere Taonga* Act 2014 apply with respect to archaeological sites (which can also include wāhi tapu and wāhi taonga etc). This Act makes it an offence to destroy or modify an archaeological site without first obtaining an Archaeological Authority. This applies to both recorded and unrecorded archaeological sites.

It is important that the planning for any building or development takes this requirement into account and undertakes an archaeological assessment if necessary. [Developers are encouraged to search the New Zealand Archaeological Association's database for the latest recorded site information, and it is advised to contact Heritage New Zealand Pouhere Taonga](#) if any activity such as earthworks, fencing or landscaping may modify, damage or destroy any archaeological site.

Commented [A9]: S84.013 Kairakau Lands Trust - Report 4A Tangata Whenua Provisions, Key Issue 14

SASM-M5 Land Information Memorandum (LIM) / Project Information Memorandum (PIM)

Under the Building Act 2004, Council is obliged to advise Heritage New Zealand *Pouhere Taonga* of any application for a PIM within 5 days of receipt of the application, where the application affects any registered historic place, historic area, wāhi tapu or wāhi taonga area. The Council is required to include in every PIM any information made available to it by Heritage New Zealand *Pouhere Taonga*.

Where a wāhi tapu, wāhi taonga or site of significance is identified within the boundaries of a property, the Land Information Memorandum (LIM) and PIMs that are issued will identify the wāhi tapu, wāhi taonga or site of significance to Māori, to ensure that the property owner takes this into account when considering future development on the site.

SASM-M6 Information Exchange

Integrated management and information exchange should be facilitated between all parties involved in the management and protection of wāhi tapu and wāhi taonga within the Region and particularly where the protection of wāhi tapu and wāhi taonga is a cross boundary issue.

SASM-M7 **Education, Advocacy, Facilitation**

1. Council will increase awareness, understanding and appreciation within the local community of the presence of and importance of identified sites and areas of significance to Māori;
2. Council will encourage landowners to engage with local tangata whenua and/or marae and develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori;
3. Council will encourage and support the visual acknowledgement of wāhi tapu and other places of significance for example, through signage, information boards, poupou (traditional carved motifs) and other mahi toi

Commented [A10]: S121.170 Federated Farmers - Report 4A Tangata Whenua Provisions, key issue 14

Commented [A11]: S125.047 Ngā hapū me ngā marae o Tamatea - Report 4A Tangata Whenua Provisions, Key Issue 12

Principal Reasons

The principal reasons for adopting the policies and methods:

Wāhi tapu, wāhi taonga or sites of significance that have been notified to the Council, are identified in SASM-SCHED3 and shown on the Planning Maps. This enables the Council to quickly and easily identify where there are wāhi tapu, wāhi taonga and sites of significance on land which may be affected by proposed activities, and when there is a need to notify tangata whenua. It is acknowledged that additional work by Council in partnership with tangata whenua is required to further develop this list and further that tangata whenua will not always identify all sites for cultural reasons. When considering the protection of sites of cultural significance many factors need to be considered, such as cultural values, intellectual property and capacity, and a range of options for protection needs to be considered. To achieve this a strong partnership underpinned by strong communication and commitment between Council and tangata whenua is essential.

Commented [A12]: S84.021 Kairakau Lands Trust - Report 4A Tangata Whenua Provisions, Key Issue 10

The mapping of archaeological sites further provides an alert to Council officers and landowners of a potential cultural landscape and the need to consult and engage with hapū and to contact Heritage New Zealand *Pouhere Taonga* early in the planning process.

Where Council receives applications for Discretionary Activity subdivision consents, which separate an identified wāhi tapu into two or more separate titles, or resource consents for activities located on actual wāhi tapu sites, the Council will notify the hapū of these resource consent applications.

A schedule containing the names and addresses of authorised contact persons who will be notified or consulted about applications for subdivisions or land use activities on land containing wāhi tapu or wāhi taonga, is available from the District Council. This will ensure that the relevant hapū / tangata whenua representatives are contacted.

Section 74 of the Heritage New Zealand *Pouhere Taonga* Act 2014 also requires that councils must have particular regard to any recommendations given by Heritage New Zealand *Pouhere Taonga* for measures the Council should take to assist in the conservation and protection of wāhi tapu listed in the New Zealand Heritage List / Rārangi Kōrero. The District Council will therefore notify and consult with Heritage New Zealand *Pouhere Taonga* for guidance on the appropriate measures to assist in the conservation and protection of wāhi tapu identified in the List in situations where such wāhi tapu / wāhi taonga areas are potentially affected by resource consents.

For Project Information Methods (PIMs), tangata whenua will be invited to provide to the Council any relevant information it wishes to have included about the sites on the PIMs. For subdivision consents and resource consents, Council will invite tangata whenua to work with them and individual developers, to advise on methods that could be used to ensure that the proposed subdivision, structures or activities will not damage, modify or destroy the affected wāhi tapu or wāhi taonga sites. The Council may then, as a result of this consultation, place certain conditions on the subdivision or land use consent, with regard to the nature, location, design or scale of the proposed subdivision or land use activity, including access or structures on the land.

Rohe and local authority boundaries do not neatly match, and in some cases where cultural sites straddle a local authority boundary it will be important to engage with both the appropriate hapū and local authority in the adjacent rohe / district. This is particularly relevant in relation to sites located in the northern coastal areas (Central Hawke's Bay / Hastings District boundary) and in the south (Central Hawke's Bay / Taranaki District boundary).

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

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|------------------|---|
| SASM-AER1 | Recognition of and provision for tangata whenua cultural relationships associated with wāhi tapu, wāhi taonga and sites of significance. |
| SASM-AER2 | Protection of wāhi tapu and wāhi taonga sites listed in SASM-SCHED3 from the effects of land use activities. |
| SASM-AER3 | Active participation of tangata whenua in the management of their ancestral land and resources. |

SASM-SCHED3 – Schedule of Wāhi Tapu, Wāhi Taonga, and Sites and Areas of Significance to Māori

Schedule of Wāhi Tapu, Wāhi Taonga, and Sites and Areas of Significance to Māori

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
SASM-1	Hakiuru	– pā with pits, posts/post holes and midden, located on a promontory with steep sides	U22/2	5
SASM-2	Kihiao	– pā consisting of two large platforms levelled on the steep sided promontory located in the junction of the Taumahapu and Upokororo Streams.	U22/1	5
SASM-3		– five pits near the two pa on Matheson Road (U22/1 & U22/2).	U22/4	5
SASM-4	Ngawhakatara (Ngawhakatatara)	– island pā - raised limestone, 100m long by 20m wide.	V22/270	13
SASM-5	Te Whiti o Tu	– terraced pā relying on steep slope for defence with a tihi and a series of terraces descending to east.	U22/3	10
SASM-6	Awarua o Porirua Roto o Tara. Te Roto a Tara Te Motu o Te Awarua Porirua Wāhi Tapu”	– island pā, much slumped. Island pa in a drained lake. Terracing slumped and midden exposures reveal numerous artefacts.	V22/46	12
SASM-7		– pā on long narrow ridge north-south, double ditch and bank at north end on narrowest part of ridge. Three pits have limestone rock forming part of the walls. Steep drop to gully on west side. Long terraces.	V22/423	12

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
SASM-8		– pā with two high banks and one ditch partly filled in, on easier sloping north side.	V22/300	12
SASM-9	Ngati Tuwharetoa Old Pā	– one of three pā associated with Kahotea. Pā with transverse ditch and bank. Interior, lateral terracing with pits and house sites on northwest and southwest sides. Small tihi 8x10paces. A flat 'marae' 25x19 paces near the entrance.	V22/89	12
SASM-10	Kahotea (North)	– terraced pā, with palisades.	V22/119	12
SASM-11	Kahotea (South)	– two lines of transverse scarps across saddle facing north. Steep slopes on south and east sides, easy to lake. Interior: 144 x 65p with extension to southwest down to lake. Lateral terrace on east side with several house sites. Four pits seen.	V22/90	12
SASM-12		– pā on flat hill above former Lake Rotoatara. Ditch and bank only definable feature left, 30m long, 3m wide, shallow filled in.	V22/368	12
SASM-13		– pits, etc. on small ridge. Ditch, 20m long, 5m wide and 3m deep. No bank.	V22/365	12
SASM-14	Ohinewhango	– pā with pits, eroded on one side.	V22/465	19
SASM-15		– pā with two ditches and house platform.	V22/269	17
SASM-16		– pā numerous terraces and pits.	V22/60	16
SASM-17	Pariokoro Pā	– small pā above Waipawa River. Probable line of post holes along southern side. Along the inner bank are a line of pits that may be musket or rifle pits. The western side is covered with blackberries. Inside pā are a house platform, a rectangular raised rim pit, possible rifle pits, a few low ditches and at least one terrace.	V22/273	17

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
SASM-18	Manawarakau Pā	– pā site c. 330m long, defended by three ditches. Interior: raised-rim pits, pits, terraces and house sites. Not all features lie within the defences.	V22/268	18
SASM-19		– pā site. Main area consists of a number of house platforms running along the southeast side of the ridge above the river. At the south end are two defensive ditches, with a further ditch & scarp 120m to the south. Small pā associated with larger Manawarakau Pā.	V22/267	57
SASM-20		– no defensive works, but steepness and defensive position and a few terraces in defendable (weak) areas. Main feature is a large banked flat platform 30m x 20m.	V22/271	18
SASM-21		– small pā on a spur above Mangakuri stream defended by a transverse ditch on south side, steep slopes to the east and north and a gully to the west.	V22/274	24
SASM-22		– a pā defended by steep slopes to the north, east and west, as well as scarps on the north and south/southeast. Lateral terraces with piles of rocks also present on the west slope. Internally it has a number of house sites, pits and a levelled tihi or house platform on the highest point. Many of these features are nestled among limestone outcrops Quite a bit of midden is present, especially on the west slope.	V22/272	58
SASM-23		– small pā on defendable spur above river over 40m river flat with very steep sides. No defences other than about 10m length of 2m scarping along eastern side, near top. Five flat terraces on summit	U23/10	20

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
		and one lateral terrace. Two terraces just below spur on river terrace		
SASM-24	Moana-Irokia Pā	– pā on north-south aligned hill with steep east and west sides. Stream to south and about 100m to northeast Pukekaihou Pā and 1.5km to Lake Hatuma – both clearly visible. Two middens noted; Two umu in adjoining paddock (appear as pits); 25 terraces on pā.	U23/3	22
SASM-25	Hore Hore Pā	– excavated post holes and found two koiwi in one.	U23/11	21
SASM-26	Rangitoto Pā	– no deep pits only depressions – semi-square. Hoanga 3ft diameter on western side. Hill 110m long NE-SW covered with terraces for 87m. Series of terraces down northern end 23m two shallow pits 45m down from top on east. Pits noted on the hill to the west. – Department of Conservation Covenant.	V23/4	36
SASM-27		– pā. Pits and terraces and midden by stream site. Remnant terraces pits and transverse ditch on north facing spur which runs down to the small stream. The ditch is approximately 8m by 1m deep.	V24/16	46
SASM-28		– “rock” pā.	V24/37	45
SASM-29		– island pā	V22/427	12
SASM-30	Te Kupenga	– three pits on a mound with terraces running down ridge to the southwest. There is a small scatter of midden in a cut face at the rear of the house below the intact top.	V23/41	29

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
SASM-31	Pourerere Pā	– pā and cemetery, that is surrounded on north and west by Pourerere stream. Defended by three defensive banks and ditches on eastern end.	V23/42	72
SASM-32		– burials /kainga.	V23/6	33
SASM-33		– terraced hilltop pā, on the northern end of a steep sided ridge.	V23/43	33
SASM-34		– urupā.	V23/44	37
SASM-35		– pā. Appears to be compact terraced site on a high point on a ridge above the sea.	V23/38	37
SASM-36		– pā Appears to be compact with terraces along a low knoll	V23/39	36
SASM-37	<u>Mataweka urupā</u>	– wāhi tapu – <u>urupa associated with Mataweka Marae, Ngāi Toroīwahoū hapū</u>		23
SASM-38	<u>Old Mataweka pā site urupā</u>	– wāhi tapu – <u>pa -kei te nih ke tēnei awa Tukituki e rere i raro no te maru nō te maru o te Maunga Ruahine e tū iho nei</u> – <u>Wāhi tapu – ancestral urupā associated with Old Mataweka Pā. associated with of Ngāi Toroīwahoū hapū</u>		23
SASM-39	Kahotea	– Wāhi tapu		12
SASM-40		– cemetery		12
SASM-41	Te Pohue	– Wāhi tapu		12
SASM-42	Waipukurau Pā	– pā		62
SASM-43	Kaikoura Stream waterfall	– waterfall		12

Commented [A1]: S30.001, Mataweka Marae - Report 4A Tangata Whenua ProvisionsKey Issue 15

Commented [A2]: S30.001, Mataweka Marae -Report 4A Tangata Whenua Provisions, Key Issue 15

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
SASM-44	Pohatunaiatoru Pā	– pā		20
SASM-45		– urupā		11
SASM-46		– urupā		10
SASM-47		– urupā		10
SASM-48		– urupā		20
SASM-49		– urupā		20
SASM-50		– urupā		20
SASM-51		– urupā		20
SASM-52		– urupā		20
SASM-53		– urupā		20
SASM-54		– urupā		21
SASM-55		– urupā		71
SASM-56		– urupā		17
SASM-57		– urupā		31
SASM-58	Eparaima	– Urupā, (Wāhi Tapu HNZPT Register No. 7676)		35
SASM-59		– urupā		76
SASM-60	Tokatea	– Urupā, (Wāhi Tapu HNZPT Register No. 7672)	V23/44	42
SASM-61		– urupā		43
SASM-62	Tumatauenga Pā	– Wāhi tapu		46

Commented [A3]: S55.050 HNZPT -Report 4A
Tangata Whenua Provisions, Key Issue 15

Commented [A4]: S55.051 HNZPT -Report 4A
Tangata Whenua Provisions, Key Issue 15

Unique Identifier	Site Identifier	Site Type (Summary Description)	NZAA No.	Map Reference
SASM-63	Kaiwhitikitiki Urupā and Henare Matua Tohu Whakamaumarahara"	– urupā and memorial (Wāhi Tapu HNZPT Register No. 9653)		75
SASM-64	Hutuna Memorial Trees	– Memorial trees planted by Ihaia Hutana in 1856 to mark the burial site of his parent Te Hutana Ragipuawhe and Te Ahiahi		23
SASM-64	Te Hauapu fortified Pā	– pā		17

Commented [A5]: S30.001 Mataweka Marae -Report 4A Tangata Whenua Provisions, Key Issue 15

Commented [A6]: 30.001 Mataweka Marae - TW topic 4A, key issue 15

PKH – PAKAKĀINGA AND KAUMĀTUA HOUSING, AND ASSOCIATED MARAE-BASED DEVELOPMENT

The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.

Introduction

This section of the District Plan provides for papakāinga and kaumātua housing, and associated marae-based development across the District, on whenua Māori.

Traditional Māori culture is closely linked with the environment. When settlement originally occurred in Central Hawke's Bay it was located in close proximity to the abundant food resources of Tamatea based around the waterways, salt and fresh water fishing areas and shellfish gathering areas. These settlements traditionally included a marae which served as a focal point for daily life. It is important to Māori, therefore, that this tradition is able to continue in order to meet spiritual, cultural, social and economic aspirations. Papakāinga is the development of housing on Māori land, while kaumātua flats specifically provide for kaumātua (elders) on Māori land. The ability to live and prosper on traditional lands is important to tangata whenua in maintaining and enhancing their culture and traditions.

Papakāinga housing, kaumātua flats and small scale commercial and industrial enterprise based around marae will be considered on land identified as Māori Land under the Te Ture Whenua Māori Act 1993.

A number of land titles were taken by the Registrar as a Status Declaration under Part 1 of the Māori Affairs Amendment Act 1967. This Act allowed for the Crown to change the status of Māori owned land if it was not deemed to be 'suitable for effective use and occupation'. A number of these sites were declared General Land by the Crown between 1967 and 1973, often without the knowledge of the owners of the land. A number of these titles have remained in the ownership of the descendants ever since, and the owners/hapū/whānau still have aspirations to live on their land. For these sites to be utilised according to the provisions of this chapter, they would need to revert to the status of Māori land under the Te Ture Whenua Māori Act 1993.

This section of the Plan aims to ensure that papakāinga housing, kaumātua flats and small scale commercial and industrial enterprise based around marae provides for tangata whenua who aspire to develop their traditional lands to meet their housing needs and cultural, social and economic goals. Development of other General Land will be considered where a clear connection to providing for Māori wellbeing can be demonstrated, and where appropriate mechanisms are in place to secure long term Māori administration, ownership and maintenance of the land title.

The preparation of Master Plans can be a means to guide the development of papakāinga housing, kaumātua flats and associated marae-based development. Master Plans reflect the

Commented [A1]: S120.024 Heretaunga Tamatea Settlement Trust - Report 4A Tangata Whenua Provisions, Key Issue 18

aspirations of the hapū and serve as a guide for development in the future and Council encourages the development of these plans. Master Plans will not be included as part of the District Plan, enabling them to remain flexible and recognise the potential of the land and resources and the needs of future generations at all times.

Issues

PKH-I1 Obstacles to Developing Māori Land

Enabling Māori land to be used in a way that is consistent with cultural values, aspirations and customs in relation to traditional lands, water, sites, wāhi tapu and other taonga.

Explanation

The process of developing Māori land for papakāinga and kaumātua housing and marae-based development is a difficult and complex process for whanau. Land ownership is complex and traditional land zoning provisions have not enabled this process. Recognising this issue, the District Plan seeks to remove planning obstacles and enable development that is sustainable, and in accordance with kaupapa Māori practices and tikanga.

Objectives

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|--------|---|
| PKH-O1 | To recognise the desire of Māori to maintain and enhance their traditional relationship with their land. |
| PKH-O2 | To provide for papakāinga development, kaumātua housing and associated Māori economic development on Māori Land. |
| PKH-O3 | To allow for hapū to develop papakāinga, kaumātua housing and engage in associated economic activity, while ensuring appropriate health, safety and amenity standards are met. |

Policies

- | | |
|--------|--|
| PKH-P1 | Encourage hapū, whānau and marae to establish Master Plans as a guide to development on Māori Land in accordance with the provisions of the RMA and the District Plan. |
| PKH-P2 | Allow for papakāinga development and kaumātua housing on general title where there is a historical ancestral connection to the land and an expectation that the land will remain in Māori ownership in the long term. |
| PKH-P3 | Provide for papakāinga development and kaumātua housing on Māori Land subject to adverse effects being avoided, remedied or mitigated. |

PKH-P4	Encourage papakāinga developments and kaumātua housing, to adopt whichever servicing methods are suitable for individual site conditions and, where possible, the use of communal infrastructure.
PKH-P5	Allow for the establishment and development of home businesses and commercial activities provided they relate to papakāinga development and kaumātua housing, in a manner that complements the principles of tikanga and kaitiakitanga.
PKH-P6	To allow for hapū to develop papakāinga and kaumātua housing, while ensuring appropriate health, safety and amenity standards are met.
PKH-P7	Control the impact of papakāinga developments and kaumātua housing on adjoining activities, the community and the environment, in a manner that complements the principles of tikanga and kaitiakitanga.
PKH-P8	Control papakāinga developments and kaumātua housing to protect residential amenity within the site, in a manner that complements the principles of tikanga and kaitiakitanga.
PKH-P9	Ensure that adequate sunlight and daylight is available to papakāinga developments and kaumātua housing.
PKH-P10	Ensure that open space, service areas, access and parking are provided for papakāinga developments and kaumātua housing.
PKH-P11	Ensure that the privacy of residential units is maintained.

Rule Overview Table

Use/activity	Rule Number
Accessory buildings to existing residential units	PKH-R1
Papakāinga and kaumātua housing, on the following land: <ul style="list-style-type: none"> Land declared Māori Land pursuant to the Te Ture Whenua Māori Act 1993. Land which was given a declaration of status to General Land under the Māori Affairs Amendment Act 1967. 	PKH-R2
Industrial activities and commercial activities ancillary to papakāinga and kaumātua housing and marae-based activities on the site	PKH-R3

Papakāinga and kaumātua housing on land held under General Title	PKH-R4
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Rules

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to papakāinga and kaumātua housing activities and associated marae-based development.

Also, check to see if consents are required from Hawke's Bay Regional Council in relation to:

- discharges of contaminants to land or water (e.g. on-site disposal of effluent, stormwater from industrial or trade premises).
- taking of water (e.g. from water courses or underground wells).
- discharge of contaminants to air (e.g. spray drift, odour).

PKH-R1 Accessory buildings to existing residential units

All Zones	1. Activity Status: PER Where the following conditions are met: a. Compliance with: <ul style="list-style-type: none"> i. PKH-S2; ii. PKH-S3; iii. PKH-S4; iv. PKH-S5; v. PKH-S6; vi. PKH-S7; vii. PKH-S8; viii. PKH-S9; ix. PKH-S10; x. PKH-S11; xi. PKH-S12; and xii. PKH-S13. 	2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: <ul style="list-style-type: none"> a. PKH-AM1. b. PKH-AM2. c. PKH-AM3.
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PKH-R2 Papakāinga and kaumātua housing, on the following land:

- Land declared Māori Land pursuant to the Te Ture Whenua Māori Act 1993.
- Land which was given a declaration of status to General Land under the Māori Affairs Amendment Act 1967.

All Zones	1. Activity Status: CON Where the following conditions are met: a. Compliance with:	2. Activity status where compliance with condition PKH-R2(1)(a) is not achieved: RDIS
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	<ul style="list-style-type: none"> i. PKH-S2; ii. PKH-S3; iii. PKH-S4; iv. PKH-S5; v. PKH-S6; vi. PKH-S7; vii. PKH-S8; viii. PKH-S9; ix. PKH-S10; x. PKH-S11; xi. PKH-S12; and xii. PKH-S13. <p>b. For land given a declaration of status to General Land, evidence must be provided showing:</p> <ul style="list-style-type: none"> i. that the Title was given a Declaration of Status under the Māori Affairs Amendment Act 1967, and ii. that the land has remained in ancestral ownership continuously from the date the status declaration was given. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> c. PKH-AM1. d. PKH-AM2. e. PKH-AM3. 	<p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> 1. PKH-AM1. 2. PKH-AM2. 3. PKH-AM3. <p>3. Activity status where compliance with condition PKH-R2(1)(b) is not achieved: PKH-R4 applies</p>
PKH-R3 Industrial activities and commercial activities ancillary to papakāinga and kaumātua housing and marae-based activities on the site		
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> i. PKH-S3; ii. PKH-S4; iii. PKH-S5; iv. PKH-S6; v. PKH-S7; vi. PKH-S8; vii. PKH-S9; viii. PKH-S10; ix. PKH-S11; 	<p>2. Activity status where compliance with condition PKH-R3(1)(a) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. PKH-AM1. b. PKH-AM2. c. PKH-AM3. <p>3. Activity status where compliance with condition PKH-R3(1)(b) is not</p>

	<p>x. PKH-S12; and</p> <p>xi. PKH-S13.</p> <p>b. Compliance with PKH-S1.</p> <p>Matters over which control is reserved:</p> <p>c. PKH-AM1.</p> <p>d. PKH-AM2.</p> <p>e. PKH-AM3.</p>	<p>achieved: the provisions of the underlying zone apply</p> <p><i>Note: in addition, where the industrial or commercial activity is <u>not</u> ancillary to papakāinga and kaumātua housing and marae-based activities on the site, the provisions of the underlying zone apply.</i></p>
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PKH-R4 Papakāinga and kaumātua housing on land held under General Title not already provided for

<p>All Zones (excluding Rural Production ZonePROZ)</p>	<p>1. Activity Status: DIS</p> <p><u>Matters of discretion, whilst not limited, will take into account the following assessment matters:</u></p> <p>a. <u>PKH-AM1; and</u></p> <p>b. <u>PKH-AM2; and</u></p> <p>b. <u>PKH-AM3</u></p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>Evidence must be provided showing:</u></p> <p>i. <u>the historical reasons why the land should be considered for papakāinga or kaumātua housing; and</u></p> <p>i. <u>why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993.</u></p>	<p>2. Activity status where compliance not achieved: <u>N/A</u>the provisions of the underlying zone apply</p>
<p>Rural Production ZonePROZ</p>	<p>23. Activity Status: DIS</p> <p><u>If meets the definition of specified Māori landconditions under the National Policy Statement for Highly Productive Land for specified Māori Land</u></p>	<p>34. Activity status where compliance not achieved: <u>NC</u></p>

Commented [A2]: S120.024 Heretaunga Tamatea Settlement Trust - Report 4A Tangata Whenua Provisions, Key Issue 18

Standards

PKH-S1 Activity Threshold	
Commercial Activities	<ol style="list-style-type: none"> 1. Maximum gross floor area is 100m² per residential unit located on the same site, up to a maximum of 500m² per site (cumulative limit). 2. Personnel limited to: <ol style="list-style-type: none"> a. At least one person resident on the site must carry out the activity. b. A maximum of three additional employees (in addition to those resident on the site).
Industrial Activities	<ol style="list-style-type: none"> 3. Maximum gross floor area is 100m² per residential unit located on the same site, up to a cumulative maximum of 500m² per site (cumulative limit). 4. Personnel limited to: <ol style="list-style-type: none"> a. At least one person resident on the site must carry out the activity. b. A maximum of three additional employees (in addition to those resident on the site).
PKH-S2 Residential Units	
Amenities and Servicing	<ol style="list-style-type: none"> 1. Each residential unit within the papakāinga and kaumātua housing development must provide the following: <ol style="list-style-type: none"> a. Outdoor Living Space – for each residential unit, there must be a minimum continuous area for outdoor living space, contained in one area within the net area of the site, of 80m² with a minimum dimension of 5m; except that: <ol style="list-style-type: none"> i. For any residential unit with a gross floor area less than 65m², the minimum area must be reduced to 30m² with a minimum dimension of 3.5m; ii. The required minimum area of outdoor living space must be readily accessible from a living area of the residential unit, and may take the form of a deck, terrace, or verandah, but must be kept free of buildings (other than cantilevered decks), access areas (including driveways and manoeuvring areas), parking spaces and dedicated utility spaces. iii. Where the main areas of residential buildings front onto a landscaped communal open space of not less than 400m² with no dimension less than 15m, the outdoor living

	<p>space of those residential units may be reduced to 25m² with a minimum dimension of 3.5m.</p> <ul style="list-style-type: none"> b. Outdoor Service Space – for each residential unit, there must be a minimum continuous area for outdoor service space, contained in one area within the net area of the site, of 15m² with a minimum dimension of 3m. c. Parking Space – for each residential unit, there must be 2 parks provided with a minimum internal dimension of 3m width by 5m length for each park (can include parks within garages or carports). d. Domestic Sewage Treatment System (where public sewage reticulation is not available) – an area of land is required to be allocated for a domestic sewage treatment system. <p><i>Note: Details of the proposed system should be discussed with the Hawke's Bay Regional Council before deciding upon the area required so that any necessary discharge consent requirements can be identified.</i></p> <ul style="list-style-type: none"> e. Domestic Water Storage Tank (where public water reticulation is not available).
Location of Buildings	<p>2. Between each residential unit there must be a minimum separation distance of 5m; or 10m where the main glazing of the principal living area of one residential unit faces another.</p> <p><i>Note: this Standard does not apply to semi-detached or adjoining residential units.</i></p>

PKH-S3 Total Building Coverage

All (except General Rural Zone)

1. Total building coverage standards in the underlying zone apply, except that in GRUZ there is no building coverage for sites less than 5000m² and 35% for sites 5000m² or greater.
- Maximum building coverage (including hardstand and sealed areas) must not exceed 20% of the net site area.

General Rural Zone

2. For sites less than 5,000m² – no maximum building coverage applies.
3. For site 5,000m² or greater – maximum building coverage (including hardstand and sealed areas) must not exceed 35% of the net site area.

PKH-S4 Height of Buildings and Structures

Commented [A3]: S59.003 K Tipene - Report 4A
Tangata Whenua Provisions, Key Issue 16

Industrial and Commercial Buildings	1. Maximum height of any building(s) or structure(s) is 15m.
All Other Buildings or Structures	2. Maximum height of any building(s) or structure(s) is 10m.

PKH-S5 Height in Relation to Boundary

All	<ol style="list-style-type: none"> No part of a building must exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary, except for the following: <ol style="list-style-type: none"> chimneys, ventilation shafts, lift and stair shafts and spires, poles and masts that meet the maximum height standard for the relevant zone, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; domestic water storage tanks, provided the maximum dimension of these structures measured parallel to the boundary under consideration must not exceed 3m; solar panels or solar hot water systems (and associated hardware), provided that the panels do not protrude more than 500mm from the surface of the roof. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.
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PKH-S6 Setback from Roads and Rail Network

Residential Units and Accessory Buildings	<ol style="list-style-type: none"> Minimum setback of any building(s) from road boundaries is: 7.5m. <ol style="list-style-type: none"> Residential zones, 3m Rural zones, 5m Minimum setback of any building(s) from the Rail Network Boundary is 5m.
Industrial and Commercial Buildings	<ol style="list-style-type: none"> Minimum setback of any building(s) from road boundaries is 15.0m. Minimum setback of any building(s) from the Rail Network Boundary is 5m.

Commented [A4]: S59.003 K Tipene - Report 4A
Tangata Whenua Provisions, Key Issue 14 and 16

PKH-S7 Setback from Neighbours

All	<ol style="list-style-type: none"> Minimum setback of buildings from internal boundaries is: <ol style="list-style-type: none"> Residential zones, 1m Rural zones, 5m. <p>Domestic water storage tanks up to 2m in height are exempt from this standard.</p> Setbacks for residential units may be reduced to 1m where the site abuts the GRZ – General Residential Zone.
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Commented [A5]: S59.003 K Tipene - Report 4A
Tangata Whenua Provisions, Key Issue 14

PKH-S8 Setback from Existing Intensive Primary Production Activities

Residential Units	<ol style="list-style-type: none"> Minimum setback of buildings from any buildings or enclosure housing animals reared intensively, or from organic matter and effluent storage, treatment and utilisation associated with intensive primary production activities, is 200 metres.
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PKH-S9 Electricity Safety Distances

All	<ol style="list-style-type: none"> Any activity, including the establishment of buildings and structures within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZCEP 34:2001).
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PKH-S10 Transport (Access, Parking, Loading)

All	<ol style="list-style-type: none"> Activities must comply with the provisions of the TRAN – Transport chapter. A vehicle crossing must be provided from the edge of an existing public road to the boundary of every papakāinga or kaumātua housing development in compliance with the standards in the TRAN – Transport chapter.
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PKH-S11 Light

All	<ol style="list-style-type: none"> Activities must comply with the provisions of the LIGHT – Light chapter.
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PKH-S12 Noise

All	<ol style="list-style-type: none"> Activities must comply with the provisions of the NOISE – Noise chapter.
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PKH-S13 Relocated Buildings

All	<ol style="list-style-type: none"> Any relocated building intended for use as papakāinga or kaumātua housing or associated visitor accommodation must have previously been designed, built, and used as a dwelling or for visitor accommodation.
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2. A Building Pre-Inspection Report must be submitted to the Council with each application to relocate a building. The report must:
 - a. state whether the building is structurally sound;
 - b. describe the condition of the building and identify all reinstatement works needed to bring the exterior of the building up to an external visual appearance that is tidy, workmanlike and compatible with other buildings in the vicinity;
 - c. state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site;
 - d. provide clear photographs of the building in its current state; and
 - e. provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of the reinstatement work.
3. The Building Pre-Inspection Report must be prepared by:
 - a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or
 - b. A member of the New Zealand Institute of Building Surveyors; or
 - c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or
 - d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District; or
 - e. A Licensed Building Practitioner.
4. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.
5. The building must be placed on permanent foundations no later than two-four weeks from the date the building is moved to the site.
6. All external reinstatement works identified in the Building Pre-Inspection Report, including connections to all infrastructure services and closing in and ventilation to the foundations, must be completed within 12 months from the date the building is moved to the site.

Commented [A6]: S106 Heavy Haulage Assoc - Miscellaneous Report 6C, Key Issue 4

Commented [A7]: S106 Heavy Haulage Assoc, Miscellaneous Report 6C, Key Issue 4

	<p>7. The owner(s) of the site on which the relocated building is placed must certify to the Council that the reinstatement work identified in the Building Pre-Inspection Report will be completed within the 12-month period. The site owner(s) will be responsible for ensuring this work is completed.</p> <p><i>Note: All necessary building consents under the Building Act 2004 (including consent to place the building on permanent foundations) must be obtained prior to the relocated building being placed on the destination site, unless otherwise agreed in writing by the Council.</i></p>
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Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

PKH-AM1 General Assessment Matters

1. Master Plans – when assessing applications, Council will have regard to the 'Master Plan' prepared for the site including, but not limited to, the following:
 - a. Location of house sites and availability of land for future house sites with consideration given to retaining the potential of any residual land;
 - b. Location of structures other than dwellings;
 - c. Compatibility of the layout and design of proposed buildings with any other buildings or services that are present or planned on the site;
 - d. Areas of the site proposed to be devoted to rural productive activities or other employment generating activities;
 - e. Location of any community facilities, industrial or commercial buildings;
 - f. Location of utility servicing requirements; and
 - g. Location of access ways and internal roading network.
 - h. Identification, avoidance, or mitigation of the locational constraints of natural hazards, such as erosion, falling debris, subsidence, slippage, or inundation from any source.
 - i. How the principles of tikanga and kaitiakitanga have been incorporated into the development.
 - i,j. Provision for firefighting water supplies.
2. For papakāinga developments of more than 5 dwellings, Council will also have regard to the following:
 - a. Location of communal open spaces;
 - b. Elevations and detailed description of the character, scale and intensity of community facilities, industrial and commercial activities proposed to be undertaken in any building or buildings;
 - c. How the development will be adequately landscaped to mitigate the visual effects of clustered housing development in a rural area;

Commented [A8]: S57.093 FENZ - TW Report 4A, key issue 18

- d. How the development can meet servicing requirements including the incorporation of Low Impact Urban Design principles as promoted in the SSB – Sustainable Subdivision and Buildings chapter and the Engineering Code of Practice.

PKH-AM2 Long Term Ownership of Papakāinga on Land Given a Declaration of Status under the Māori Affairs Amendment Act 1967 and Papakāinga on General Title.

1. Where an applicant wants to undertake papakāinga development under land which is in General Title, the applicant must provide consideration will be given to details showing:
 - a. Explanation as to the historical reasons for the land being given General Title.
 - a. Evidence of the historical reasons as to why the land should be considered for papakāinga development. The history and connection with the land of the tangata whenua for which the papakāinga is intended.
 - b. Explanation as to why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993.
 - e.b. The availability of appropriate mechanisms, including covenants, to secure long term Māori administration, ownership and maintenance of the land title.

Commented [A9]: S120.024 Heretaunga Tamatea Settlement Trust - TW Report 4A, Key Issue 18

PKH-AM3 Relocated Buildings

1. Where a relocated building(s) is proposed within the development, Council will have regard to the following:
 - a. Whether the building is structurally sound, the condition of the building and the works needed to bring the exterior of the building up to an external visual appearance that is tidy, of appropriate standard, and compatible with other buildings in the vicinity.
 - b. The need for structural repairs and reinstatement of the building and the length of time for completion of that work.
 - c. The imposition of a performance bond to ensure compliance with the consent conditions.

Methods

Methods, other than the above rules, for implementing the policies:

PKH-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to activities in the respective zones:

1. TW – Ngā Tangata Whenua o Tamatea – this chapter recognises the important role of tangata whenua when considering decisions under the District Plan.
2. HH – Historic Heritage – includes rules applying specifically to identified heritage buildings and some listed wāhi tapu sites.

3. SASM – Sites and Areas of Significance to Māori – includes rules applying specifically to identified wāhi tapu, wāhi taonga and sites of significance to tangata whenua.
4. ECO – Ecosystems and Indigenous Biodiversity – includes rules applying specifically to significant indigenous vegetation and significant habitats of indigenous fauna.
5. NFL – Natural Features and Landscapes – includes rules applying specifically to outstanding natural landscapes and features, which also have strong associational values for tangata whenua.
6. CE – Coastal Environment – includes provisions applying specifically to the coastal environment and areas of high natural character, which also have strong associational values for tangata whenua.
7. EW – Earthworks – includes rules and standards relating to earthworks and land disturbance, mining, quarrying and mineral prospecting and exploration.
8. SIGN – Signs – includes rules and standards relating to the design and installation of signs.
9. TEMP – Temporary Activities – includes rules and standards relating to temporary activities, temporary buildings, and temporary events.
10. PART 3 – Area Specific Matters – includes rules and standards applying to the various zones in certain instances e.g. non-compliance with the conditions in Rule PKH-R4.

PKH-M2 Regional Policy Statement

1. The Hawke's Bay Regional Policy Statement includes objectives and policies guiding the locational constraints and servicing requirements for papakāinga housing, kaumātua flats and associated marae-based development within the District.

PKH-M3 Assistance with Master Plans

1. Council assistance to marae through the establishment of Master Plans. The establishment of Master Plans is useful to the Council's decision-making process; Council staff expertise and relevant information will be made available to facilitate the creation of these Plans in line with the expectations outlined in PKH-AM1 above.

PKH-M4 Te Ture Whenua Māori Act 1993

1. This Act provides for the classification of land as Māori Land. The District Plan recognises Māori Land for the purpose of papakāinga and kaumātua housing, and associated marae-based development.

PKH-M5 Non-Statutory Guides

1. Reference to papakāinga development guides such as Te Puni Kōkiri's 'A Guide to Papakāinga Housing' (2017) <https://www.tpk.govt.nz/en/a-matou-mohiotanga/housing/a-guide-to-papakāinga-housing> and Hastings District Council's 'Papakāinga Development Guide' (2008)

<https://www.hastingsdc.govt.nz/assets/Document-Library/Policies/Papakainga-Guide/papakainga-guide.pdf>

PKH-M6 Engineering Code of Practice

1. Central Hawke's Bay District Council uses the Hastings District Council Engineering Code of Practice. The Engineering Code establishes standards and guidelines for land development and the provision of roading and service infrastructure which can be used as a means of compliance with the objectives, policies, and rules of the District Plan.

PKH- M7 Central Hawke's Bay District Council's Housing Strategic Framework 2019-2029

1. Central Hawke's Bay District Council's Housing Strategic Framework supports the community to Thrive through access to a home – 'He āhuru mōwai, e taurikura ai te hāpori', –through five key goal areas:
 - a. Social housing leadership
 - b. Working together to improve housing
 - c. Provide access to suitable housing
 - d. Retirement housing is provided in the most efficient and effective way
 - e. Advocacy and Support for Housing for Māori
2. Central Hawke's Bay District Council through its Tūhono mai Tuhono atū, Māori Engagement Strategy (2020-2023) is committed tin its support for mana whenua to promote opportunities that enhance the prosperity and well-being of Māori, including working on the implementation of the Strategic Housing Framework, and seeking opportunities to increase the provision of affordable housing in Central Hawke's Bay for Māori.

Commented [A10]: S134.006 Ngāti Kere Hapū
Authority - Report 4A Tangata Whenua Provisions, Key
Issue 16

Principal Reasons

The principal reasons for adopting the policies and methods:

The District Plan recognises that papakāinga and kaumātua housing and associated marae-based development is an essential means for Māori to pursue their traditional relationship with the land. Enabling development of whenua Māori in this way aims to maintain and strengthen this traditional relationship provided potential adverse effects are avoided, remedied, or mitigated.

It is understood that there are some sites within the District that landowners have a historical desire to develop for papakāinga and kaumātua housing and associated marae-based development, but for various reasons are unable to be converted to Māori freehold title. It is considered that opportunities should be created to facilitate development of these lands, provided criteria can be met relating to the historical importance of the land, why it cannot be converted to Māori Freehold Title, and that long-term Māori ownership of the land can be assured.

Council will encourage papakāinga and kaumātua housing and associated marae-based developments to adopt alternative methods of servicing sites if these can adequately achieve safe and effective waste disposal. These methods will not always be the conventional methods used in the past and may be recently developed and approved systems. The Regional Policy Statement provides further guidance to the servicing of papakāinga developments under Policy UD6.2.

For Māori to achieve aspirations on their ancestral land, they should not only have the opportunity to live on the land, but also to establish a means of income. By providing opportunity to work on their land, occupants may have fewer requirements to travel to employment, and there will be a greater ability to cater for future generations on-site. The scale of such development will be controlled to ensure any adverse effects on the environment, and on the sustainability of the District's **Commercial Town Centre** and General Industrial Zones, can be avoided, remedied, or mitigated.

Commented [A11]: Kāinga Ora (S129.241) - Urban Environment Report 2A- key issue 8

Māori Land eligible for papakāinga and kaumātua housing and marae-based development is located in scattered pockets throughout the District. Such development should not adversely impact upon the use of adjoining land. Setback distances at the boundary of Māori land have been established to control the effects of conflicts with adjoining land uses and assessment criteria are designed to ensure sustainable developments that respect the environment.

For the benefit of existing and future residents, papakāinga and kaumātua housing and associated marae-based development will be required to achieve amenity standards comparable to Residential Zones. This will be achieved within the site through design requirements for outdoor living spaces and service areas to ensure that there are no adverse effects on neighbouring dwellings.

Papakāinga and kaumātua housing and associated Marae-based development will be designed in a manner to ensure that adequate sunlight and daylight is available to residential buildings. Standards are provided to ensure that buildings do not overshadow each other.

The development of papakāinga and kaumātua housing and associated marae-based development comprise not only buildings, but all additional site requirements to ensure that a suitable environment is provided. Rather than rely on a minimum site size, Council will assess the combination of all these essential services to determine the amount of land that will be required for the development.

It is recognised that by its nature, papakāinga and kaumātua housing and associated marae-based development may be developed on a communal-type basis. It will be necessary to ensure that a minimum standard of privacy between residential units is maintained for the health and wellbeing of those who will live in the development.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|-----------------|--|
| PKH-AER1 | Vibrant prosperous marae that provide for Māori spiritual, cultural, social and economic aspirations and customs. |
| PKH-AER2 | Papakāinga and kaumātua housing, and associated marae-based development is undertaken in a sustainable manner. |
| PKH-AER3 | Adverse environmental effects on adjoining activities or land users will be avoided, remedied or mitigated. |

Appendix B – Summary of recommendations on submissions

Table: Summary of recommended decisions on submissions and further submissions

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S11.003	Hawke's Bay Regional Council	TW - Ngā Tangata Whenua o Tamatea	No changes	Key Issue 6	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
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S31.001	Peggy Scott	District Plan Framework	Fix what you have broken	Key Issue 6	Reject	Reject	No
.							
S55.011	Heritage New Zealand Pouhere Taonga	Glossary	Amend glossary term for 'Wāhi Tapu' as follows: 'a treasured place has the same meaning as in section 6 of the HNZPTA 2014 (as set out below) means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.'	Key Issue 5	Accept	Accept	Yes
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S55.012	Heritage New Zealand Pouhere Taonga	[General]	Add a new section or subsection in the Proposed Plan to refer to Te Tiriti.	Key Issue 6	Accept	Accept in part	Yes
FS5.022	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 6	Accept	Accept in part	
FS13.005	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 6	Accept	Accept in part	
S55.014	Heritage New Zealand Pouhere Taonga	TW - Ngā Tangata Whenua o Tamatea	Retain 'TW - Ngā Tangata Whenua o Tamatea' chapter as notified.	Key Issue 6	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
.							

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S64.002	Department of Conservation	TW-I1	Retain TW-I1.	Key Issue 7	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.285	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S64.003	Department of Conservation	TW-I2	Retain TW-I2.	Key Issue 7	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.286	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S64.004	Department of Conservation	TW-I3	Retain TW-I3.	Key Issue 7	Accept	Accept	No
FS9.287	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept	Accept	
S64.005	Department of Conservation	TW-I4	Retain TW-I4.	Key Issue 7	Accept	Accept	No
FS9.288	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept	Accept	
S64.006	Department of Conservation	TW-I5	Retain TW-I5.	Key Issue 7	Accept	Accept	No
FS9.289	Royal Forest and Bird		Allow	Key Issue 7	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Protection Society of New Zealand Incorporated						
S64.007	Department of Conservation	TW-I6	Retain TW-I6.	Key Issue 7	Accept	Accept	No
FS9.290	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept	Accept	
S64.008	Department of Conservation	TW - Issues	Ensure 'Issues' is appropriately consulted on, recognised as not always complete and a living document as circumstances change.	Key Issue 7	Accept	Accept	No
FS9.291	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 7	Accept	Accept	
S64.009	Department of Conservation	TW-O1	Retain TW-O1.	Key Issue 8	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.292	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S64.010	Department of Conservation	TW-O2	Retain TW-O2.	Key Issue 8	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.293	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8v	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS23.27	Kāinga Ora - Homes and Communities		Disallow	Key Issue 8	Reject	Reject	
S64.011	Department of Conservation	TW-O3	Retain TW-O3.	Key Issue 8	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.294	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S64.012	Department of Conservation	TW-O4	Retain TW-O4.	Key Issue 8	Accept	Accept	No
FS9.295	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 8	Accept	Accept	
S64.013	Department of Conservation	TW-P1	Retain TW-P1.	Key Issue 2	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.296	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
FS23.28	Kāinga Ora - Homes and Communities		Disallow	Key Issue 2	Reject	Reject	
S64.014	Department of Conservation	TW-P2	Retain TW-P2.	Key Issue 9	Accept	Accept	No
FS9.297	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Key Issue 9t	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S64.015	Department of Conservation	TW-P3	Retain TW-P3.	Key Issue 9	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.298	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S64.016	Department of Conservation	TW-P4	Retain TW-P4.	Key Issue 9	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.299	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S64.017	Department of Conservation	TW-P5	Retain TW-P5.	Key Issue 9	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.300	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S64.018	Department of Conservation	TW-P6	Retain TW-P6.	Key Issue 9	Accept	Accept	No
FS9.301	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept	Accept	
S64.019	Department of Conservation	TW-P7	Retain TW-P7.	Key Issue 9	Accept	Accept	No
FS9.302	Royal Forest and Bird		Allow	Key Issue 9	Accept		

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Protection Society of New Zealand Incorporated						
S64.020	Department of Conservation	TW-P8	Retain TW-P8.	Key Issue 9	Accept	Accept	No
FS9.303	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept	Accept	
S64.021	Department of Conservation	TW-P9	Retain TW-P9.	Key Issue 9	Accept	Accept	No
FS9.304	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 9	Accept	Accept	
S84.017	Kairakau Lands Trust	Mihi	No relief sought. [Amend 'Mihi' to correct spelling and capitalisation errors?]	Key Issue 1	Accept	Accept	Yes (pending advice from Tangata Whenua)
FS5.001	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 1	Accept	Accept	
S84.018	Kairakau Lands Trust	TW - Ngā Tangata Whenua o Tamatea	No relief sought. [Amend 'Mihi' to correct spelling and capitalisation errors?]	Key Issue 1	Accept in part	Accept in part	Yes (pending advice from Tangata Whenua)
S84.019	Kairakau Lands Trust	TW-P7	No relief sought. [Review and amend TW-P7 to ensure intent is being accurately portrayed?]	Key Issue 9	Reject	Accept in part	
S84.020	Kairakau Lands Trust	TW-M4	Amend TW-M4 as follows: 'Wāhi Tapu, Wāhi Taonga and Sites of Significance... Under that Act, it is	Key Issue 10	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			an offence to modify or destroy an any archaeological site without an Authority from Heritage New Zealand Pouhere Taonga.'				
S84.021	Kairakau Lands Trust	TW - Principal Reasons	Amend 'TW - Principal Reasons' to include consideration of other options and processes to ensure the protection of sites of significance to Māori, beyond just identifying sites in the Plan.	Key Issue 10	Accept	Accept	Yes
FS5.029	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 10	Accept	Accept	
S120.006	Heretaunga Tamatea Settlement Trust	Foreword	Amend paragraph 7 of the 'Foreword' as follows: '... It will also provide for a range of different housing opportunities including papakāinga and kaumātua and other housing opportunities to meet the social and housing needs of tangata whenua in our community to ensure that tangata whenua have the opportunity to return to their land. '	Key Issue 6	Accept in part	Accept in part	No
FS5.003	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 6	Accept in part	Accept in part	
S120.008	Heretaunga Tamatea Settlement Trust	[General]	Amend the wording throughout the Proposed Plan to reflect the statutory requirement to engage tangata whenua as a cultural expert to inform any development and decision-making process.	Key Issue 2	Reject	Reject	No
FS23.48	Kāinga Ora - Homes and Communities		Allow in part	Key Issue 2	Reject	Reject	
S120.009	Heretaunga Tamatea Settlement Trust	Ngā Reo o te Takiwa: Representative Voices	Amend 'Ngā Reo o te Takiwa: Representative Voices' in relation to 'Heretaunga Tamatea Treaty Settlement Trust' as follows: 'For the purposes of the District Plan, tangata whenua interests are represented by: ... Heretaunga Tamatea Treaty Settlement Trust (HTTST): for issues identified in the Heretaunga Tamatea Claims Settlement Act 2018. The HTTST represents the treaty settlement interests of the Tamatea hapū and marae to ensure the betterment of the hapū and marae. HTTST is the mandated voice and representative entity which includes considering the extent to which proposed planning policy and development may impact on the historical, cultural and spiritual interests of the various hapū and those areas under statutory acknowledgement and /or the Heretaunga Tamatea Claims Settlement Act 2018.	Key Issue 1	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
			...				
FS5.025	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 1	Accept	Accept	
S120.011	Heretaunga Tamatea Settlement Trust	TW-I3	Amend paragraph 3 of TW-I3 as follows: 'With the loss and alienation from ancestral lands, the provision/enabling of a range of housing options including rural and residential housing, papakāinga housing, kaumātua flats, marae-based development is important to enable tangata whenua to use their land in a way that is consistent with their culture and traditions and their social and economic aspirations.'	Key Issue 7	Reject	Accept	Yes
S120.012	Heretaunga Tamatea Settlement Trust	TW-P1	Amend TW-P1 as follows: 'To provide for opportunities for tangata whenua to actively engage in a timely, effective and meaningful way engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected which recognises:'	Key Issue 2	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	Yes
FS23.49	Kāinga Ora - Homes and Communities		Allow in part	Key Issue 2	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S120.013	Heretaunga Tamatea Settlement Trust	TW-P5	Amend TW- P5 as follows: 'To recognise actively promote, enhance and provide for development of, and a range of activities on, Māori Land to meet the needs and aspirations of tangata whenua, while ensuring that actual or potentially adverse effects of activities are avoided, remedied or mitigated.'	Key Issue 9	Accept in part	Accept in part	Yes
FS23.50	Kāinga Ora - Homes and Communities		Allow in part	Key Issue 9	Accept in part	Accept in part	
S120.015	Heretaunga Tamatea Settlement Trust	TW - Ngā Tangata Whenua o Tamatea	Add a new objective in the 'TW - Tangata Whenua' chapter in the Proposed Plan as follows: 'Te Mana o te Wai, intrinsic values of ecosystems and the life supporting capacity of the district's natural resources are recognised and provided for.' And add such consequential changes throughout the Proposed Plan to implement 'te mana o te wai' through the relevant objectives, policies, rules and methods.	Key Issue 3	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S120.020	Heretaunga Tamatea Settlement Trust	ECO-OXX (new objective)	Include two new objectives in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'ECO-03 The relationship of tangata whenua and their culture and traditions, values, interests and associations associated with waterbodies are recognised and provided for. ECO-04 Subdivision, use and development within the District is undertaken in an integrated manner that recognises Te Mana o te Wai for all receiving waters and minimises changes in the hydrological regime of those waters.'	Key Issue 3	Reject	Reject	No
FS25.50	Federated Farmers of New Zealand		Disallow	Key Issue 3	Accept	Accept	
FS5.077	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 3	Reject	Reject	
S120.021	Heretaunga Tamatea Settlement Trust	ECO-PXX (new policy)	Add a new policy in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'ECO-P10 Recognise, protect and enhance significant indigenous biodiversity and natural wetlands, while recognising and providing for Te Mana o te Wai.'	Key Issue 3	Reject	Reject	No
FS25.51	Federated Farmers of New Zealand		Disallow	Key Issue 3	Accept		
FS5.078	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 3	Reject	Reject	
S120.022	Heretaunga Tamatea Settlement Trust	ECO-MXX (new method)	Add a new method in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'Methods to recognise and provide for Te Mana o te Wai in receiving waters.'	Key Issue 3	Accept in part	Accept in part	Yes
S120.028	Heretaunga Tamatea Settlement Trust	Glossary	No relief sought.	Key Issue 5	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
S121.011	Federated Farmers of	TW-I1	Delete TW-I1.	Key Issue 7	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	New Zealand						
FS9.11	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 7	Accept	Accept	
S121.012	Federated Farmers of New Zealand	TW-I2	Delete TW-I2.	Key Issue 7	Reject	Reject	No
FS9.12	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 7	Accept	Accept	
S121.013	Federated Farmers of New Zealand	TW-O2	Amend TW-O2 as follows: 'Enable the active participation of tangata whenua in all aspects of the implementation of the Central Hawke's Bay District Plan where appropriate. '	Key Issue 8	Accept in part	Accept in part	Yes
FS9.13	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 8	Reject	Reject	
S121.014	Federated Farmers of New Zealand	TW-P1	Amend TW-P1 as follows: 'To provide for timely, effective and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected.'	Key Issue 2	Accept	Accept	Yes
FS9.14	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S122.001	Rongomaraeroa Marae Trustees	Mihi	Amend 'Mihi' at the start of the Proposed Plan to correct errors and acknowledge all hapu and marae. Remove bias towards Takapau. [refer full submission for specific detail]	Key Issue 1	Accept in part	Accept in part	Yes (pending advice from Tangata Whenua)
FS5.002	Ngā hapū me ngā		Allow	Key Issue 1	Accept in part	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	marae o Tamatea						
FS13.001	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 1	Accept in part	Accept in part	
S122.002	Rongomaraeroa Marae Trustees	Glossary	Correct use of Māori terms, including 'tapu' [refer full submission].	Key Issue 5	Accept in part	Accept in part	Yes
S122.003	Rongomaraeroa Marae Trustees	TW-M1	Clarify use of terms 'mana whenua' and 'tangata whenua' [refer full submission].	Key Issue 10	Accept	Accept	Yes (pending advice from Tangata Whenua)
FS5.028	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 10	Accept	Accept	
S122.004	Rongomaraeroa Marae Trustees	[General]	Specific relief sought is unclear - refer full submission.	Key Issue 6	Accept	Accept	No
S122.005	Rongomaraeroa Marae Trustees	[General]	The Treaty of Waitangi should be moved to its own section.	Key Issue 6	Accept	Accept	Yes
FS5.023	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 6	Accept	Accept	
FS13.006	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 6	Accept	Accept	
S122.006	Rongomaraeroa Marae Trustees	[General]	Define the terms 'Cultural Values', 'Māori Values', and 'Archaeological Values'. Include these matters in the 'Part 2 - District-Wide Matters' section of the Proposed Plan. [refer full submission]	Key Issue 5	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S125.001	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Mihi	Retain the 'mihi' as notified.	Key Issue 1	Accept	Accept	No
S125.002	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Foreword	Reword the 'Foreword' so that it accurately reflects the various historical and contemporary connections to the area. The redrafting of this section should be undertaken through collaboration with mana whenua to accurately record their respective history and knowledge. This section should be written in both English and te reo.	Key Issue 6	Accept in part	Accept in part	No
FS13.002	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 6	Accept in part	Accept in part	
S125.003	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Glossary	Add a new definition for 'Māori Land' in the 'Glossary'. The definition should be that used in Te Ture Whenua Māori Act 1993 or such other definition that accurately describes Māori land.	Key Issue 5	Accept	Accept	Yes
FS13.003	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 5	Accept	Accept	
S125.005	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Glossary	Amend the definition of 'Mahinga Kai' in the 'Glossary' so that it meets mana whenua's understanding of mahinga kai. This should include the following wording, or such other wording that gives effect to this submission: 'The customary gathering of food and natural materials, the food and resources themselves and the places where those resources are gathered.'	Key Issue 5	Accept	Accept	Yes
FS13.004	Heretaunga Tamatea		Allow	Key Issue 5	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	Settlement Trust						
S125.006	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Te Whakataki: Introduction	Reword the 'Te Whakataki: Introduction' so that it meets mana whenua aspirations including the use of te reo. This section should be redrafted to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. The amended wording should be drafted collaboratively with the mana whenua of the District. This section should be written in both English and te reo.	Key Issue 1	Accept in part (in so far as this section has been redrafted with tangata whenua submitters. Full translation in both reo and English may or may not occur depending on resourcing and timing)	Accept in part	Yes
FS13.008	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 1	Accept (as per right-of-reply)	Accept	
S125.007	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Te Whakataki: Introduction	Amend the 'Te Whakataki: Introduction' to include the following (or alternative wording to similar effect): 'Te Tiriti o Waitangi/Treaty of Waitangi also includes the principles of partnership, participation and protection that underpin the relationship between tangata whenua/mana whenua and the District Council.'	Key Issue 6	Accept	Accept	Yes
FS13.009	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 6	Key Issue 6	Accept	
S125.008	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	RLR - Rural Land Resource	Amend the 'RLR - Rural Land Resource' chapter to include the following text (or alternative wording to similar effect): 'Tangata whenua/mana whenua are able to develop papakainga housing, kaumātua flats and marae-based development on rural Whenua Māori or Māori Land.'	Key Issue 4	Reject	Accept in part	No
FS13.012	Heretaunga Tamatea Settlement Trust		Allow Amend the 'RLR - Rural Land Resource' chapter to include the following text (or alternative wording to similar effect): 'Tangata whenua/mana whenua are able to develop papakainga housing, kaumātua flats and marae-based development on rural Whenua Māori or Māori Land.'	Key Issue 4	Reject	Accept in part	
S125.016	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW - Ngā Tangata Whenua o Tamatea	Redraft the 'Mihi' at the beginning of the 'TW - Ngā Tangata Whenua o Tamatea' chapter in the Proposed Plan to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe including an appropriate mihi whakataui. The amended wording should be drafted collaboratively with the mana whenua of the District.	Key Issue 1	Accept in part	Accept in part	Yes (pending advice from Tangata Whenua)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	marae o Tamatea)		This section should be written in both English and te reo.				
FS13.013	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 1	Accept in part	Accept in part	
S125.017	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW - Issues	Amend 'Ngā Take: Issues' to include the following text (or alternative wording to similar effect): 'The lack of mana whenua involvement in resource management decision-making. The loss of mauri particularly in relation to fresh and coastal waters. The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use.'	Key Issue 2 and 7	Accept	Accept	Yes
FS23.85	Kāinga Ora - Homes and Communities		Allow in part	Key Issue 2	Accept in part	Accept in part	
S125.018	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-01	Retain TW-01, but with the following amendments (or words to similar effect): 'The role of Tangata whenua/mana whenua are actively involved as kaitiaki in the protection and management of the natural and physical resources of an area is acknowledged and provided for.'	Key Issue 8	Accept in part	Accept in part	Yes
S125.019	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-02	Retain TW-02, but with the following amendments (or words to similar effect): 'Enable the active participation of Tangata whenua/mana whenua are actively involved in all aspects of the implementation of the Central Hawke's Bay District Plan including decision-making processes.'	Key Issue 8	Accept in part	Accept in part	Yes
S125.020	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-03	Amend TW-03 as follows (or words to similar effect): 'Wāhi taonga and sites of significance to tangata whenua are managed and actively protected and managed in partnership with mana whenua.'	Key Issue 8	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	marae o Tamatea)						
FS23.86	Kāinga Ora - Homes and Communities		Allow in part	Key Issue 8	Accept in part	Accept in part	
S125.021	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-O4	Retain TW-O4 as notified.	Key Issue 8	Key Issue 8	Key Issue 8	No
S125.022	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P1	Retain TW-P1, but with the following amendments (or words to similar effect): 'To provide for timely, effective and meaningful engagement with to actively involve tangata whenua, including by providing for timely, effective and meaningful engagement, in resource management decision-making and implementation where tangata whenua are interested and/or affected.'	Key Issue 2	Accept in part	Accept in part	Yes
S125.023	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P3	Retain TW-P3, but with the following amendments (or words to similar effect): 'To acknowledge and recognise iwi/hapū management plans as an expression of rangatiratanga to help tangata whenua/mana whenua exercise kaitiaki roles and responsibilities in the district , and as mutually appropriate means of achieving sustainable environmental outcomes.'	Key Issue 9	Accept	Accept	Yes
S125.024	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga	TW-P4	Retain TW-P4, but with the following amendments (or words to similar effect): 'To encourage and support the recognition and use of traditional Māori place names including and the use of interpretive material and the use of dual Māori signage for all official place names. '	Key Issue 9	Key Issue 9	Key Issue 9	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
	marae o Tamatea)						
S125.025	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P5	Retain TW-P5, but with the following amendments (or words to similar effect): 'To recognise and provide for development of, and a range of activities on, Māori Land and Whenua Māori to meet the needs and aspirations of tangata whenua like papakāinga housing, kaumātua flats and marae-based development , while ensuring that actual or potentially adverse effects of activities are avoided, remedied or mitigated.'	Key Issue 9	Accept in part		Yes
S125.026	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P8	Retain TW-P8, but with the following amendments (or words to similar effect): 'To work with tangata whenua/manā whenua to identify , maintain and enhance appropriate public access to the District's public forests and significant waterways, wetlands and coastal areas, having regard to their traditional the importance as-of protecting mahinga kai, wahi tāonga and tangata whenua sites of significance. '	Key Issue 9	Accept	Accept	Yea
FS23.87	Kāinga Ora - Homes and Communities		Allow in part	Key Issue 9	Accept in part	Accept in part	
S125.027	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P2	Retain TW-P2 as notified.	Key Issue 9	Accept	Accept	No
S125.028	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P6	Retain TW-P6 as notified.	Key Issue 9	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S125.029	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P7	Retain TW-P7 as proposed.	Key Issue 9	Accept	Accept	No
S125.030	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P9	Retain TW-P9 as notified.	Key Issue 9	Accept	Accept	No
S125.031	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-PXX (new policy)	Add a new policy in the 'TW - Nga Tangata Whenua o Tamatea' chapter in the Proposed Plan as follows (or alternative wording to similar effect): 'To formalise power sharing with tangata whenua/mana whenua through the use of tools in the Resource Management Act (RMA) such as joint management arrangements, mana whakahono ā rohe, and transfer and delegations of power.'	Key Issue 2	Reject	Reject	No
S125.032	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-MXX (new method)	Retain the methods in 'TW - Methods' as notified, but add the following: 'Include an Accidental Discovery Protocol to address Māori artefacts or koiwi (human remains) disturbed by earthworks.'	Key Issue 10	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS23.88	Kāinga Ora - Homes and Communities		Allow in part	Key Issue 10	Reject	Reject	
S125.033	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-M1	Retain TW-M1 as notified.	Key Issue 10	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
S125.034	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-M2	Retain TW-M2 as notified, and include overlay areas and statutory acknowledgements from other applicable Treaty settlements.	Key Issue 10	Accept in part	Reject	No
S125.035	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-M3	Amend TW-M3 to include the following (or alternative wording to similar effect): 'CHBDC enter into a partnered management agreement with mana whenua so that they are actively involved in resource management decision-making processes in Tamatea. CHBDC delegates its powers under section 33 of the RMA to mana whenua to make decisions around resource management that includes (but is not limited to) monitoring and enforcement of resource consent conditions. CHBDC develops and resources mana whakahono ā rohe participation arrangement with mana whenua.'	Key Issue 2	Reject	Reject	No
S125.036	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-M4	Retain TW-M4 as notified.	Key Issue 10	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S125.071	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	[General]	Amend the provisions of the Plan, including policies and rules, that prevent the development of Māori-owned land. In particular, the Plan should include provisions that enable access to Māori-owned land from state highways and arterial roads where that is the only practicable access option.	Key Issue 4	Accept in part	Accept in part	No
FS13.042	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 4	Accept in part	Accept in part	
S125.072	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	[General]	No relief sought.	Key Issue 2	Accept	Accept	
S125.073	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	[General]	We support the provisions of the Plan that already recognise and provide for this relationship, and ask that any provisions that do not do this are amended to achieve that outcome.	Key Issue 6	Accept	Accept	
S129.010	Kāinga Ora - Homes and Communities (Kāinga Ora)	TW - Ngā Tangata Whenua o Tamatea	Kāinga Ora sought minor amendments to specific provisions as set out in subsequent submission points to reduce ambiguity as to when and how tangata whenua are to be involved in resource consent applications.	Key Issue 6	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
S129.011	Kāinga Ora - Homes and Communities (Kāinga Ora)	TW-O2	Amend TW-O2 as follows: 'Enable the active participation of tangata whenua in all aspects of the implementation of the Central Hawke's Bay District Plan, particularly in relation to matters potentially impacting Wāhi Tapu, Wāhi Taonga and Sites of Significance. ' And amendments are required in the Proposed Plan to provide clarity in policy direction for when and how to involve tangata whenua in the implementation of the Central Hawke's Bay District Plan. They may be consequential amendments in other parts of the Proposed Plan as a result of a change in this section.	Key Issue 8	Accept in part	Accept in part	Yes
FS17.20	Horticulture New Zealand		Allow	Key Issue 8	Accept in part	Accept in part	
FS5.030	Ngā hapū me ngā marae o Tamatea		Disallow	Key Issue 8	Reject	Reject	
S129.012	Kāinga Ora - Homes and Communities (Kāinga Ora)	TW-P1	Amend TW-P1 as follows: 'To provide for timely, effective and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected.'	Key Issue 2	Accept	Accept	Yes
FS17.21	Horticulture New Zealand		Allow	Key Issue 2	Accept	Accept	
S134.001	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	Ngā Reo o te Takiwā: Representative Voices	Amend the listing of 'Ngā Reo o te Takiwā: Representative Voices' to include 'Ngāti Kere Hapū Authority'.	Key Issue 1	Accept	Accept	Yes
FS5.026	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 1	Accept	Accept	
FS13.0010	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 1	Accept	Accept	
S134.002	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	[General]	Amend the Tangata Whenua section to reflect the active development of a co-governance capability at CHBDC and co-governance capacity for mana whenua.	Key Issue 2	Accept	Accept i	Yes (but in response to specific submission points)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise specified)	Panel Recommendations	Amendments to Proposed Plan?
FS5.024	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 2	Accept	Accept	
FS13.007	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 2	Accept	Accept	
S134.004	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	TW - Ngā Tangata Whenua o Tamatea	We recommend that the planning regulations should require that resource consents automatically include a formal cultural impact assessment. We recommend that the CHBDC should actively develop training for tangata whenua around capability in assessment of resource consents and to develop capacity for the same.	Key Issue 2	Accept in part	Accept in part	No
FS17.19	Horticulture New Zealand		Disallow	Key Issue 2	reject	Reject	
FS.23.90	Kāinga Ora - Homes and Communities		Disallow	Key Issue 2	Reject	Reject	
S134.005	Ngāti Kere Hapū Authority	Strategic Direction TW- Ngā Tangata Whenua o Tamatea	We recommend that the Proposed Plan recognises in the 'Tangata Whenua' chapter, the likely population increase of mana whenua returning to their homes areas and states a commitment to planning for the promotion of land development and housing opportunities for this eventually.	Key Issue 4	Accept in part	Accept in part	No
FS13.014	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 4	Accept in part	Accept in part	
FS.23.91	Kāinga Ora - Homes and Communities		Allow	Key Issue 4	Accept in part	Accept in part	

SASM – Sites and Areas of Significance to Māori

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
S30.001	Mataweka Marae Waipawa	SASM-SCHED3	Add the following significant Mana Whenua Wahi Tapu sites to the SASM Schedule: 1. Mataweka Urupa - We are unsure if our current urupa is listed, therefore we	Key Issue 15	Accept in part	Accept	Yes

Submission on Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
			would like to ensure that it is. Situation at approximately 233 Tapairu Rd, which is situated a few hundred metres from the current Mataweka marae. 2. Old Mataweka Pa site - early 1800s. Was situated down by the riverside of the Waipawa river at the end of Tapairu Road. Flooding forced the relocation of the Mataweka marae to its current site. Oil painting attached. 3. Old Mataweka urupa - the urupa that serviced the old Mataweka Pa site was also down beside the Waipawa River. Map attached. 4. Te Hauapu fortified pa - along the Waipawa river. Map attached. 5. Hutana Memorial Trees and wahi tapu site - Trees currently stand on banks of Waipawa River at the end of Tapairu Road Waipawa - photos attached.				
FS5.054	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 15	Accept in part	Accept	
FS7.026	Heritage New Zealand Pouhere Taonga		Allow	Key Issue 15	Accept in part	Accept	
FS13.025	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 15	Accept in part	Accept	
S55.041	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Clarify which schedule (HH-SCHED2 or SASM-SCHED3) is most appropriate for the following items: 'HH-64 - Te Pā o Tuanui ' / SASM-34 - clarify the relationship and, if retained in SASM-SCHED3, add identifiers (name etc). 'HH-65 - Te Pā Horehore ' / 'SASM-25 Hore Hore Pā ' - clarify the relationship and, if retaining in both schedules, align the map markers. 'HH-66 - Rangitoto ' / 'SASM-26 Rangitoto Pā ' - clarify the relationship and which schedule is most appropriate, and align the map markers. 'HH-67 - Kaiwhitikitiki Urupā and Henare Matua Tahu Whakamaumarahara ' / 'SASM-63 Kaiwhitikitiki Urupā and Henare Matua Tohu Whakamaumarahara' - clarify the relationship and which schedule is most appropriate. 'HH-68 - Kahotea' / HH-10 ['SASM-10 Kahotea (North)'] / 'SASM-11 Kahotea (South)' - clarify the relationship and which schedule is most appropriate. Also, clarify whether 'SASM-39 Kahotea' (also called Kahotea and located nearby on the map) is a duplicate or not and, if not, consider adding more identifiers to clarify that these are different places. Also, consider whether it is appropriate to split the item into North and South as is currently in SASM-SCHED3, or a single item to match the NZ Heritage List listing.	Key Issue 15	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
S55.046	Heritage New Zealand Pouhere Taonga	SASM - Sites and Areas of Significance to Māori	Retain the 'SASM - Sites and Areas of Significance to Māori' chapter, apart from the minor amendments requested elsewhere in this submission.	Key Issue 11	Accept	Accept	No
FS5.061	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 11	Accept	Accept	
S55.047	Heritage New Zealand Pouhere Taonga	MAPS	Either define the extent of SASM sites, or include a buffer area managed by the rules (radius distance from the SASM marker).	Key Issue 15	Reject	Reject	No
S55.048	Heritage New Zealand Pouhere Taonga	SASM-SCHED3	Consider adding more information to SASM-SCHED3, including: <ul style="list-style-type: none"> • Location information, including address and legal description. • Name of the place, where this is known. • More detail on site type (summary description) where this is available. • Site values. 	Key Issue 15	Reject	Reject	No
FS23.70	Kāinga Ora - Homes and Communities		Allow	Key Issue 15	Reject	Reject	
FS5.058	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 15	Reject	Reject	
S55.050	Heritage New Zealand Pouhere Taonga	SASM-SCHED3	Amend SASM-58 in SASM-SCHED3 to add the name ' Eparaima ' and ' HNZPT List number 7676 ' in the Site Identifier column.	Key Issue 15	Accept	Accept	Yes
FS5.057	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 15	Accept	Accept	Yes
FS13.026	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 15	Accept	Accept	Yes
S55.051	Heritage New Zealand Pouhere Taonga	SASM-SCHED3	Amend SASM-60 in SASM-SCHED3 to add the name ' Tokatea ' and identifying information including ' HNZPT List number 7672 ' to the Site Identifier column.	Key Issue 15	Accept	Accept	Yes
FS13.027	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 15	Accept	Accept	Yes
FS5.056	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 15	Accept	Accept	Yes
S55.052	Heritage New Zealand Pouhere Taonga	SASM-SCHED3	Add new site, being HNZPT List number 7717 'Te Awakari a Tamanui', in either HH-SCHED2 or SASM-SCHED3.	Key Issue 15	Reject	Reject	No

Proposed Central Hawke's Bay District Plan

Panel Report: Tangata Whenua

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
FS5.055	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 15	Reject	Reject	
FS13.028	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 15	Reject	Reject	
S55.081	Heritage New Zealand Pouhere Taonga	MAPS	Map the extent of the 'SASM - Sites and Areas of Significance to Māori' items on the planning maps.	Key Issue 15	Reject	Reject	No
FS5.098	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 15	Reject	Reject	
S70.001	Peggy Scott	SASM - Sites and Areas of Significance to Māori	To leave it in the hands of the hapu, whanau, kaitiaki.	Key Issue 11	Accept in part	Accept in part	No
S81.070	Horticulture New Zealand	SASM-R4	Retain SASM-R4.	Key Issue 13	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS5.046	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 13	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S81.071	Horticulture New Zealand	SASM-R5	Retain SASM-R5.	Key Issue 13	Accept	Accept	No
FS5.049	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 13	Accept	Accept	
S84.003	Kairakau Lands Trust	SASM - Introduction	Amend 'SASM - Introduction' to include reference to both the Heritage New Zealand Pouhere Taonga (HNZPT) Act and the New Zealand Archaeological Association (NZAA) database.	Key Issue 12	Accept	Accept	Yes (pending advice from Tangata Whenua)
FS23.80	Kāinga Ora - Homes and Communities		Disallow	Key Issue 12	Reject	Reject	
FS5.031	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 12	Accept	Accept	
FS7.017	Heritage New Zealand Pouhere Taonga		Allow	Key Issue 12	Accept	Accept	
FS13.016	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 12	Accept	Accept	
S84.004	Kairakau Lands Trust	SASM-I1	Amend SASM-I1 to reflect that engagement should be led by Council, as Tangata Whenua hold this information and knowledge and values cannot be fully expressed	Key Issue 12	Accept	Accept	

Submissi on Point	Submitter/Furthe r Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
			on a map.				
FS5.062	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 12	Accept	Accept	
S84.005	Kairakau Lands Trust	SASM-R1	Remove 'Permitted Activity' status for any activity affecting a wāhi tapu, wāhi taonga or site or area of significance.	Key Issue 13	Accept in part	Accept in part	No
FS5.043	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 13	Accept in part	Accept in part	
FS7.021	Heritage New Zealand Pouhere Taonga		Disallow	Key Issue 13	Accept in part	Accept in part	
S84.006	Kairakau Lands Trust	SASM-R2	Clarify whether SASM-R2 is lawful.	Key Issue 13	Accept	Accept	No
FS5.044	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 13	Accept	Accept	
S84.007	Kairakau Lands Trust	SASM-R3	Clarify whether SASM-R3 is lawful.	Key Issue 13	Accept	Accept	No
FS5.045	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 13	Accept	Accept	
S84.008	Kairakau Lands Trust	SASM-R4	Clarify whether SASM-R4 is lawful.	Key Issue 13	Accept	Accept	No
FS5.047	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 13	Accept	Accept	
S84.009	Kairakau Lands Trust	SASM-R5	Clarify whether SASM-R5 is lawful.	Key Issue 13	Accept	Accept	No
FS5.050	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 13	Accept in part	Accept in part	
FS7.023	Heritage New Zealand Pouhere Taonga		Allow in part	Key Issue 13	Accept in part	Accept in part	
S84.010	Kairakau Lands Trust	SASM-R6	Clarify whether SASM-R6 is lawful.		Accept		No
FS5.052	Ngā hapū me ngā marae o Tamatea		Allow in part		Accept in part		
S84.011	Kairakau Lands Trust	SASM-AM1	Amend SASM-AM1(2) to refer to the Heritage New Zealand Pouhere Taonga Act.	Key Issue 13 and 14	Accept	Accept	Yes

Proposed Central Hawke's Bay District Plan

Panel Report: Tangata Whenua

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
FS7.024	Heritage New Zealand Pouhere Taonga		Disallow	Key Issue 13 and 14	Reject	Reject	
S84.012	Kairakau Lands Trust	SASM-M3	Retain SASM-M3.	Key Issue 14	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS5.039	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 14	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	
S84.013	Kairakau Lands Trust	SASM-M4	Amend SASM-M4 to refer to the New Zealand Archaeological Association database.	Key Issue 14	Accept	Accept	Yes
FS5.038	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 14	Accept	Accept	
S84.024	Kairakau Lands Trust	SASM - Objectives	No relief sought. [Retain 'SASM - Objectives']	Key Issue 12	Accept	Accept	No
.							
S84.025	Kairakau Lands Trust	SASM - Policies	No relief sought. [Retain 'SASM - Policies']	Key Issue 12	Accept in part (subject to decision on other submissions)	Accept in part (subject to decision on other submissions)	No
.							
S120.016	Heretaunga Tamatea Settlement Trust	SASM-SCHED3	It is important for Central Hawke's Bay District Council to continue to work alongside tangata whenua to identify wāhi tapu, wāhi taonga and sites and areas of significance to Māori to add to Schedule 43[SASM-SCHED3] and the Planning Maps.	Key Issue 15	Accept in part	Accept in part	No
FS5.060	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 15	Accept in part	Accept in part	
S121.158	Federated Farmers of New Zealand	SASM - Introduction	Amend the final paragraph in 'SASM - Introduction' as follows: '... The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua. Accordingly, the District Plan sought to facilitate the opportunity for this to occur by adopting a partnership approach which recognises the importance of all parties. as part of the subdivision, development and land-use process. '	Key Issue 12	Reject	Reject	No
FS9.158	Royal Forest and Bird Protection		Disallow	Key Issue 12	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
	Society of New Zealand Incorporated						
FS5.032	Ngā hapū me ngā marae o Tamatea		Disallow	Key Issue 12	Accept	Accept	
FS13.017	Heretaunga Tamatea Settlement Trust		Disallow	Key Issue 12	Accept	Accept	
S121.159	Federated Farmers of New Zealand	SASM-O3	Retain SASM-O3 as proposed. And include a new 'SASM - Method' as per submission.	Key Issue 12	Accept	Accept	No
FS9.159	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 12	Reject	Reject	
FS5.033	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 12	Accept in part	Accept in part	
S121.160	Federated Farmers of New Zealand	SASM-P1	Amend SASM-P1 as follows: 'To continue to identify, in partnership with tangata whenua and landowners , land within the District which contains wāhi tapu, wāhi taonga, and sites of significance.'	Key Issue 12	Reject	Reject	No
FS9.160	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 12	Accept	Accept	
FS5.034	Ngā hapū me ngā marae o Tamatea		Disallow	Key Issue 12	Accept	Accept	
FS13.022	Heretaunga Tamatea Settlement Trust		Disallow	Key Issue 12	Accept	Accept	
S121.161	Federated Farmers of New Zealand	SASM-P3	Amend SASM-P3 as follows: 'To promote a greater awareness and understanding of wāhi tapu, wāhi taonga, and sites of significance of importance to tangata whenua, and assist resource users conducting activities near recorded sites and in the event of a discovery of unrecorded sites. ' And include a new 'SASM - Method' as per submission.	Key Issue 12	Reject	Accept	Yes
FS7.018	Heritage New Zealand Pouhere Taonga		Disallow	Key Issue 12	Accept	Reject	
FS5.035	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 12	Reject	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
FS9.161	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 12	Accept	Reject	
S121.162	Federated Farmers of New Zealand	SASM-P4	Retain SASM-P4 as proposed.	Key Issue 12	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
FS9.162	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 12	Reject	Reject	
S121.163	Federated Farmers of New Zealand	SASM-P5	Retain SASM-P5 as proposed.	Key Issue 12	Accept	Accept	No
FS9.163	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 12	Reject	Reject	
FS5.036	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 12	Accept	Accept	
S121.164	Federated Farmers of New Zealand	SASM-R1	Retain SASM-R1 as proposed.	Key Issue 13	Accept	Accept	No
FS9.164	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 13	Reject	Reject	
FS5.042	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 13	Accept	Accept	
S121.165	Federated Farmers of New Zealand	SASM-R4	Amend SASM-R4 as follows: 'Maintenance of existing farm fence lines and farm tracks Primary production activities within a site identified in SASM-SCHED3 1. Activity Status: PER Where the following conditions are met: a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance. ...'	Key Issue 13	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
FS9.165	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 13	Accept	Accept	
FS5.048	Ngā hapū me ngā marae o Tamatea		Disallow	Key Issue 13	Accept	Accept	
FS7.022	Heritage New Zealand Pouhere Taonga		Allow in part	Key Issue 13	Reject	Reject	
FS13.023	Heretaunga Tamatea Settlement Trust		Disallow	Key Issue 13	Accept	Accept	
S121.166	Federated Farmers of New Zealand	SASM-R5	Retain SASM-R5 (provided relief sought for SASM-R4 is accepted).	Key Issue 13	Reject	Reject	No
FS13.024	Heretaunga Tamatea Settlement Trust		Disallow	Key Issue 13	Accept	Accept	
FS9.166	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 13	Accept	Accept	
FS5.051	Ngā hapū me ngā marae o Tamatea		Disallow	Key Issue 13	Accept	Accept	
S121.167	Federated Farmers of New Zealand	SASM-R6	Retain SASM-R6 as proposed.	Key Issue 13	Accept	Accept	No
FS9.167	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 13	Reject	Reject	
FS5.053	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 13	Accept	Accept	
S121.168	Federated Farmers of New Zealand	SASM-M1	Amend SASM-M1 as follows: 'Identifying sites and areas of significance to Māori in SASM-SCHED3 in the District Plan and showing them on the relevant Planning Maps. Any new sites and areas will be incorporated using a Schedule 1 process. '	Key Issue 14	Reject	Reject	No
FS9.168	Royal Forest and Bird Protection Society of New		Disallow	Key Issue 14	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
	Zealand Incorporated						
FS23.35	Kāinga Ora - Homes and Communities		Allow	Key Issue 14	Reject	Reject	
FS5.037	Ngā hapū me ngā marae o Tamatea		Disallow	Key Issue 14	Accept	Accept	
S121.169	Federated Farmers of New Zealand	SASM-M3	Amend SASM-M3 as follows: 'Partnership Working with tangata whenua to develop a cultural landscape overlay identifying areas where there is a high likelihood of wāhi tapu, wāhi taonga and sites of significance being located and to record this information on Council GIS as an alert layer to consult with tangata whenua prior to development in time. Where sites are on private land, landowners are included and involved early in this process. ...'	Key Issue 14	Accept in part	Accept in part	Yes
FS9.169	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 14	Reject	Reject	
FS5.040	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 14	Accept	Accept	
S121.170	Federated Farmers of New Zealand	SASM-MXX (new method)	Add a new method in the 'SASM - Sites and Areas of Significance to Māori' chapter in the Proposed Plan as follows: 'Support landowners to manage, maintain and preserve sites and areas of significance to Māori, including by:1. increasing awareness, understanding and appreciation within the local community of the presence of and importance of identified sites and areas of significance to Māori;2. encouraging landowners to engage with local tangata whenua and/or marae and develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori;3. providing assistance to landowners to preserve, maintain and enhance sites and areas of significance to Māori;4. Waiving consent and processing fees.'	Key Issue 14	Accept in part		Yes
FS7.025	Heritage New Zealand Pouhere Taonga		Allow	Key Issue 14	Accept in part	Accept in part	
FS5.041	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 14	Accept	Accept	
FS17.42	Horticulture New Zealand		Allow	Key Issue 14	Accept in part	Accept in part	
FS9.170	Royal Forest and Bird Protection		Disallow	Key Issue 14	Reject	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
	Society of New Zealand Incorporated						
S121.171	Federated Farmers of New Zealand	SASM-SCHED3	Adjust the location and extent of 'Sites and Areas of Significance to Māori' in SASM-SCHED3 according to landowner submissions. And ensure landowners are aware of non-regulatory methods and assistance available to them.	Key Issue 15	Reject	Reject	No
FS9.171	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 15	Accept	Accept	
FS5.059	Ngā hapū me ngā marae o Tamatea		Disallow	Key Issue 15	Accept	Accept	
FS13.029	Heretaunga Tamatea Settlement Trust		Disallow	Key Issue 15	Accept	Accept	
S125.039	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-O1	Retain SASM-O1 as notified.	Key Issue 12	Accept	Accept	No
FS13.018	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 12	Accept	Accept	
S125.040	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-O2	Retain SASM-O2 as notified.	Key Issue 12	Accept	Accept	No
FS13.019	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 12	Accept	Accept	
S125.041	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-O3	Retain SASM-O3 as notified.	Key Issue 12	Accept	Accept	No
FS13.020	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 12	Accept	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
S125.042	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P1	Retain SASM-P1 as notified.	Key Issue 12	Accept	Accept	No
.							
S125.043	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P2	Retain SASM-P2 as notified.	Key Issue 12	Accept	Accept	No
.							
S125.044	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P3	Retain SASM-P3 as notified.	Key Issue 12	Accept	Accept	No
.							
S125.045	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P5	Retain SASM-P5 as notified.	Key Issue 12	Accept	Accept	No
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S125.046	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P4	Retain SASM-P4 but with the following amendments: 'To consult actively involve with tangata whenua on applications received by the Council for subdivision consents and resource consents relating to proposals affecting or potentially affecting a wāhi tapu, wāhi taonga or site(s) of significance, including but not limited to those identified in SASM-SCHED3 and shown on the Planning Maps.'	Key Issue 12	Accept	Accept	Yes
FS25.32	Federated Farmers of New Zealand		Disallow	Key Issue 12	Reject	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
FS7.019	Heritage New Zealand Pouhere Taonga		Allow	Key Issue 12	Accept	Accept	
S125.047	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-PXX (new policy)	Add [a new policy?] to the 'SASM - Sites and Areas of Significance to Māori' chapter in the Proposed Plan as follows (or alternative wording to similar effect): 'To encourage and support the visual acknowledgement of wāhi tapu and other places of significance through signage, information boards, poupou (traditional carved motifs) and other mahi toi.'	Key Issue 12	Accept in part	Accept in part	Yes
FS13.021	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 12	Accept in part	Accept in part	
S125.048	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-M3	Redraft SASM-M3 to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe, including the principle of partnership. The amended wording should be drafted collaboratively with the mana whenua of the District.	Key Issue 14	Reject	Reject	No
S125.049	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM - Rules	Redraft 'SASM - Rules' to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe so that these sites are given the highest level of protection which may include a more stringent activity status in the District Plan. The amended wording should be drafted collaboratively with the mana whenua of the District. And amend this section to include the following (or alternative wording to similar effect): 'The proposed activity should be designed in partnership and consultation with mana whenua. The proposed activity should be designed to avoid all known places and areas of significance to Māori where possible by encouraging consideration of alternative development locations and including the provision of protective buffer areas. The proposed activity should be subject to a Māori values assessment or cultural impact assessment. The proposed activity should mitigate or remedy any damage to any significant sites that have been damaged from past earthworks, construction of structures and buildings or erosion. The proposed activity should achieve positive heritage outcomes and provisions including the use of a covenant to protect significant places and areas.'	Key Issue 13	Accept in part	Accept in part	Yes
FS7.020	Heritage New Zealand Pouhere Taonga		Allow in part	Key Issue 13	Accept in part	Accept in part	
S125.050	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-SCHED3	Update 'SASM-SCHED3' with additional sites, to be identified collaboratively with the mana whenua of the District.	Key Issue 15	Accept in part	Accept in part	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
	marae o Tamatea)						
S129.061	Kāinga Ora - Homes and Communities (Kāinga Ora)	SASM - Sites and Areas of Significance to Māori	Kāinga Ora considers that the following amendments are necessary to ensure that 'sites and areas of significance to Māori' are sufficiently protected: 1. Kāinga Ora considers that in its current form, SASM-I1 does not clearly articulate the implications and potential adverse effects resulting from degradation and/or loss of wāhi tapu, wāhi taonga and sites of significance over time to tangata whenua. This needs to be properly stated and documented in SASM-I1, as the potential adverse effects will determine the type of response and degree of management required through subsequent provisions. 2. Where locations are known, 'silent file' features and sites should be mapped in consultation with iwi to ensure that they are appropriately protected and to provide greater clarity to all parties on when tangata whenua may be directly impacted by a resource consent application. 3. Greater clarity regarding the spatial extents of archaeological sites and sites of significance is needed to confirm whether an activity will trigger resource consenting requirements under HH and/or SASM provisions.	Key Issue 11	Reject	Reject	No
FS5.064	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 11	Reject	Reject	
FS7.016	Heritage New Zealand Pouhere Taonga		Allow	Key Issue 11	Reject	Reject	
S134.003	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	SASM - Sites and Areas of Significance to Māori	We recommend that the Council works with tangata whenua to develop a more effective method for identifying wāhi tapu and updates the list of wāhi tapu sites in the Plan using that method. We recommend that the planning regulations should require that resource consents automatically include a formal cultural impact assessment. We recommend that the CHBDC should actively develop training for tangata whenua around capability in assessment of resource consents and to develop capacity for the same.	Key Issue 12	Accept in part	Accept in part	No
FS17.40	Horticulture New Zealand		Disallow Reject submission for all resource consents to require a formal cultural impact assessment.	Key Issue 12	Accept	Accept	
FS23.92	Kāinga Ora - Homes and Communities		Disallow	Key Issue 12	Reject	Reject	
FS5.063	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 12	Accept in part	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A unless stated otherwise)	Panel Recommendation	Amendments to Proposed Plan?
FS13.015	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 12	Accept in part	Accept in part	

PKH – PAKAKĀINGA AND KAUMĀTUA HOUSING, AND ASSOCIATED MARAE-BASED DEVELOPMENT

Table: Summary of Recommended Responses to Submissions and Further Submissions

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S11.032	Hawke's Bay Regional Council	PKH - Papakāinga and Kaumātua Housing, and Associated Marae-Based Development	No changes	Key Issue 16	Accept in part (subject to decision on other submissions)	Accept in part (subject to decision on other submissions)	No
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S57.086	Fire and Emergency New Zealand	PKH-O3	Retain PKH-O3 as notified.	Key Issue 17	Accept	Accept	No
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S57.087	Fire and Emergency New Zealand	PKH-P4	Retain PKH-P4 as notified.	Key Issue 17	Accept	Accept	No
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S57.088	Fire and Emergency New Zealand	PKH-P6	Retain PKH-P6 as notified.	Key Issue 17	Accept	Accept	No
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S57.089	Fire and Emergency New Zealand	PKH-P10	Retain PKH-P10 as notified.	Key Issue 17	Accept	Accept	No
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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S57.090	Fire and Emergency New Zealand	PKH-R1	Retain PKH-R1 as notified.	Key Issue 18	Accept	Accept	No
S57.091	Fire and Emergency New Zealand	PKH-R2	Retain PKH-R2 as notified (subject to amendment sought to PKH-S2).	Key Issue 18	Accept	Accept	No
S57.092	Fire and Emergency New Zealand	PKH-R4	Retain PKH-R4 as notified.	Key Issue 18	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
S57.093	Fire and Emergency New Zealand	PKH-S2	Add the following to 'Amenities and Servicing' in PKH-S2: '1. ... 2. Any papakāinga and kaumātua housing development must provide the following: a. Firefighting water supply in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 Note: Further advice and information about how an alternative and satisfactory communal firefighting water supply can be provided to papakāinga and kaumātua housing can be obtained from Fire and Emergency New Zealand.'	Key Issue 18	Accept	Accept in part	Yes
FS5.093	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 18	Accept in part	Accept in part	
S57.094	Fire and Emergency New Zealand	PKH-S10	Retain PKH-S10 as notified.	Key Issue 18	Accept	Accept	No
S59.003	Karl Tipene	PKH - Papakāinga and Kaumātua Housing, and Associated Marae-Based Development	No relief sought. Implicit request to amend standards and/or clarify the relationship between the 'Papakāinga' chapter and the underlying zone.	Key Issue 16	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S77.001	Sheeran Associates Ltd	PLH-I1	Retain PKH-I1.	Key Issue 17	Accept	Accept	No
S77.002	Sheeran Associates Ltd	PKH-O1	Retain PKH-O1.	Key Issue 17	Accept	Accept	No
S77.003	Sheeran Associates Ltd	PKH-O2	Retain PKH-O2.	Key Issue 17	Accept	Accept	No
S77.004	Sheeran Associates Ltd	PKH-O3	Retain PKH-O3.	Key Issue 17	Accept	Accept	No
S77.005	Sheeran Associates Ltd	PKH - Policies	Retail 'PKH - Policies'.	Key Issue 17	Accept	Accept	No
S77.006	Sheeran Associates Ltd	PKH - Rules	Retain 'PKH - Rules'.	Key Issue 18	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
S77.007	Sheeran Associates Ltd	PKH-R4	Retain PKH-R4.	Key Issue 18	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
S77.008	Sheeran Associates Ltd	PKH - Assessment Matters	Retain 'PKH - Assessment Matters'.	Key Issue 17	Accept	Accept	No
S77.009	Sheeran Associates Ltd	PKH - Methods	Retain 'PKH - Methods'.	Key Issue 17	Accept	Key Issue 17	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S84.022	Kairakau Lands Trust	PKH-P2	Retain PKH-P2.	Key Issue 17	Accept	Accept	No
S120.024	Heretaunga Tamatea Settlement Trust	PKH-R4	Amend PKH-R4 to provide for 'Papakāinga and kaumatua housing on land held under General Title not already provided for' as a Controlled Activity (in line with PKH-R2).	Key Issue 18	Reject	Reject	Yes
FS5.095	Ngā hapū me ngā marae o Tamatea		Allow	Key Issue 18	Reject	Reject	
S125.070	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	PKH - Papakāinga and Kaumātua Housing, and Associated Marae-Based Development	Retain the provisions in the 'PKH - Papakāinga and Kaumātua Housing, and Marae-Based Development' chapter as notified.	Key Issue 16	Accept in part (subject to decisions on other submissions)	Accept in part (subject to decisions on other submissions)	No
S126.001	Hawke's Bay District Health Board	PKH-S2	Amend PKH-S2(1) as follows: 'Residential Units Amenities and Servicing 1. Each residential unit within the papakāinga and kaumātua housing development must provide the following: a. e. Domestic Water Storage Tank (where public water reticulation is not available), and if drinking water is supplied to more than 1 dwelling then includes installation of a water treatment device that meets the 'Acceptable Solution and verification methods for drinking water' as advised by the Drinking Water regulator Taumata Arowai.	Key Issue 18	Accept in part	Reject	No
FS5.094	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 18	Accept in part	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue Reference	Officer Recommendation (as per s42A report unless otherwise stated)	Panel Recommendation	Amendments to Proposed Plan?
S129.142	Kāinga Ora - Homes and Communities (Kainga Ora)	PKH-S2	Amend PKH-S2(1) as follows: 'Residential Units Amenities and Servicing: 1. Each residential unit within the papakāinga and kaumātua housing development must provide the following: a. ... b. Outdoor Service Space – for each residential unit, there must be a minimum continuous area for outdoor service space, contained in one area within the net area of the site, of 15m² with a minimum dimension of 3m. ...'	Key Issue 18	Reject	Reject	No
FS5.092	Ngā hapū me ngā marae o Tamatea		Allow in part	Key Issue 18	Reject	Reject	
S129.238	Kāinga Ora - Homes and Communities (Kainga Ora)	PKH - Papakāinga and Kaumātua Housing, and Associated Marae-Based Development	Amendments and/or deletion of several standards sought for the 'PKH - Papakainga and Kaumatua Housing, and associated Marae-Based Development' chapter [refer submission points S129.142 and S129.143].	Key Issue 18	Reject	Reject	No
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S134.006	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	PKH - Papakāinga and Kaumātua Housing, and Associated Marae-Based Development	We recommend that the Proposed Plan states a commitment to promoting housing opportunities for hapū members across all classes of land.	Key Issue 16	Accept in part	Accept in part	Yes
FS23.93	Kāinga Ora - Homes and Communities		Allow	Key Issue 16	Accept in part	Accept in part	
FS13.043	Heretaunga Tamatea Settlement Trust		Allow	Key Issue 16	Accept in part	Accept in part	

