

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further
Submissions on the Proposed Central Hawke's
Bay District Plan Review

**Thirteenth Memorandum and Direction of the Hearings Panel
DIRECTIONS FOLLOWING HEARING STREAM 4 – TANGATA WHENUA & HISTORIC HERITAGE**

Introduction

1. This Memorandum is to inform all parties of the next steps on progressing matters addressed at the fourth Hearing of submissions on the Proposed Central Hawke's Bay District Plan (PDP), held in the Council Chamber of the Central Hawke's Bay District Council on 10 and 11 August 2022.
2. The hearing of tangata whenua provisions of the PDP was held on Wednesday 10 August, which related to the following topics:
 - Tangata Whenua / Mana Whenua, Ngā Tangata Whenua O Tamatea;
 - Sites and Areas of Significance to Māori; and
 - Papakāinga and Kaumātua housing and associated marae-based development.
3. The hearing of the historic heritage provisions of the PDP was held on Thursday 11 August 2022. Hearing Stream 4 adjourned at 12 noon on Thursday 11 August.
4. As indicated in [Minute 11](#), several matters raised by Tangata Whenua are broader than a single section of the PDP, and that their concerns are interrelated, making the hearing of all Tangata Whenua matters across the PDP complex. Further, many of the issues and the relief sought were outside the scope of the District Plan to address.
5. Given this, and following engagement between tangata whenua submitters and representatives of the Council, as outlined in Minute 11, a bespoke three-step process has been agreed to discuss these matters:
 - An initial public hearing where overarching issues and key concerns will be discussed and a clarification of matters to be addressed through a Wānanga of the parties
 - An independently facilitated Wānanga among the submitters to discuss and work through those issues identified during the preliminary hearing, and

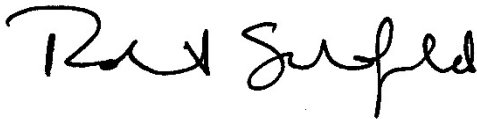
- A second public hearing (in late 2022), where the outcomes of the Wānanga will be presented and any unresolved issues relating to the PDP will be addressed through a S42A report, evidence and presentations to the Panel.
6. The hearing on 10 August represented the first step in this process, and the Panel wish to acknowledge the time and mahi of the submitters who presented and responded to questions from the Panel.
 7. The Panel also acknowledge the value of the section 42A report which focused on outlining the background to the development of the tangata whenua provisions in the PDP, and the nature of the submissions on these provisions, but did not include any recommendations at this time.
 8. Following the initial hearing, a Wānanga is to be held on 5 and 6 September 2022 to which all submitters on the tangata whenua provisions of the PDP are invited to participate. The Wānanga is to be facilitated by an independent person, Dave Milner, a Kaupapa Taiao specialist with Kāhu Environmental.
 9. The Wānanga is to address the following topics:
 - Tangata whenua matters
 - The appropriate identification and protection of wāhi tapu sites
 - Development by Māori of their land and housing, and
 - Structure of the Plan.
 10. A more detailed outline of the topics to be discussed at the Wānanga is attached as an annexure to this Minute.
 11. The discussion is to focus on what changes to the PDP could be made to address the issues, and submitters' positions in relation to these matters will be recorded.
 12. Non-PDP matters will be recorded separately for submitters and Council's information.
 13. A report from the facilitator on the outcomes of the Wānanga will be completed by 19th September. The report should include a record of any areas of agreement between the Wānanga participants, as well as any areas of disagreement and the reasons for that disagreement. This report will inform, and be appended to, the section 42A officer's report that will be prepared for the final hearing on tangata whenua provisions, scheduled for 16-18 November 2022.
 14. The reporting officer will provide her independent planning opinion in her section 42A report to the November Hearing, taking into account the outcomes of the Wānanga. Any areas of disagreement and reason for that disagreement will be recorded and provided to the Hearings Panel as part of that report.
 15. The section 42A report shall include recommendations in response to submission points. All submitters will have the opportunity to talk to their submissions and to respond to the section 42A report's recommendations at that Hearing.

16. For the avoidance of doubt, any PDP amendments agreed to at the Wānanga remain subject to consideration by the Hearings Panel, who will make its own recommended decisions to the Council.

Communications

17. As a reminder, the primary point of contact for all matters relating to the hearings is Jessie Williams, who can be contacted at districtplan@chbdc.govt.nz, or phone (06) 857 8060.
18. The key location for up-to-date information on the hearings is the PDP Hearings Page currently located at <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/>.

Dated 25 August 2022



Robert Schofield

Chair of the Central Hawke's Bay District Council District Plan Hearings Panel

ANNEXURE 1 – TOPICS FOR DISCUSSION AT WĀNANGA 5-6 SEPTEMBER 2022

Wānanga Topics	Points for Resolution	Plan Section	Key Issue Topic / Submission Cluster
TOPIC 1: TANGATA WHENUA MATTERS	1. Position statement/s and process for amending the following sections: <ul style="list-style-type: none"> • Mihi and process for amending this • Te Whakataaki: Introduction sections • Te Ao Hurihuri: Tangata Whenua Today and Ngā Reo o te Takiwā: Representative Voices / appropriate reflection of the history • Additional Statutory Acknowledgement Areas from other applicable Treaty settlements 	PART 1 – INTRODUCTION AND GENERAL PROVISIONS Introduction/ Mihi Tangata Whenua/ Ngā Tangata Whenua o Tamatea / Te Whakataki: Introduction	Key Issue 1 -PDP Mihi, Tangata Whenua Relationships and Ngā Reo o te Takiwā: Representative Voices.
	2. Position statement and agreed process for amending the mihi for this section of the PDP	PART 2 - DISTRICT WIDE ACTIVITIES / STRATEGIC DIRECTION/ TW-TANGATA WHENUA / Ngā Tangata Whenua o Tamatea	
	3. Position statement/s with respect to co-governance opportunities for the PDP (noting this has been clearly articulated through submissions)	PART 2 - DISTRICT WIDE ACTIVITIES / STRATEGIC DIRECTION/ TW-TANGATA WHENUA	Key Issue 2 - Co-Governance Opportunities and Iwi Involvement in Decision-Making / Cultural Impact Assessment / Cultural expertise and capability
	4. Position statement reflecting tangata whenua's preferred approach to determining how 'te mana o te wai' can be integrated to support any potential provisions in the PDP (refer para 1.25 in written evidence from Liz Munroe (on behalf of Ngā Hapū Me Ngā Marae o Tamatea))	PART 2 - DISTRICT WIDE ACTIVITIES / STRATEGIC DIRECTION/ TW-TANGATA WHENUA PART 2 NATURAL ENVIRONMENT VALUES / ECO-Ecosystems and Indigenous Biodiversity	Key Issue 3 PDP reference to the concept of 'Te Mana o te Wai' and its principles.
	5. Whether the concept of Te Mana o te Wai should remain in the Tangata Whenua Strategic Direction section or be integrated into the PDP (see Daysh Statement of Evidence)		
	6. Position statement/s and process for: <ul style="list-style-type: none"> • incorporating local whakatauki / and the voice of the whenua into the PDP including plan for ensuring how the PDP (process) provides for Mātauranga Māori and restoring of relationships (Noting there have been no specific submission points on this) • use of Specific terms and definitions e.g., use of mana whenua/tangata whenua 	PART 1 Interpretation/ Definitions / Glossary	Key Issue 5 – use of Te Reo in the PDP and specific submission points relating to terms identified in the Glossary and Definitions Key Issues 6 - 10 - remaining Tangata Whenua provisions that have not already been addressed.

Wānanga Topics	Points for Resolution	Plan Section	Key Issue Topic / Submission Cluster
TOPIC 2: APPROPRIATE IDENTIFICATION AND PROTECTION OF WĀHI TAPU SITES /AREAS	7. Position statement/s and process for: <ul style="list-style-type: none"> • amending Sites and Areas of Significance to Māori (SASM) provisions & TW - Principal Reasons to better reflect the appropriate identification and recording of and Issues for protecting wāhi tapu sites and areas. • reference to Accidental Discovery Protocol in the Plan • reviewing the SASM schedule (outside of this current PDP process) 8. Position statement/s regarding the role of landowners in looking after wāhi tapu sites / and the opportunities for developing relationships and access arrangements to those sites	PART 2 – DISTRICT WIDE MATTERS / HISTORICAL AND CULTURAL VALUES /SASM - Sites and Areas of Significance to Māori / SASM-SCHED3 Schedule of Sites and Areas of Significance to Māori	Key Issue 11-15 SASM – Sites and Areas of Significance to Māori chapter.
TOPIC 3: LAND OWNED BY MĀORI DEVELOPMENT AND HOUSING	9. Position statement/s for: <ul style="list-style-type: none"> • Tangata whenua aspirations for housing and development • Constraints and barriers to developing land owned by Māori (including different land status categories) • High level statements and where relevant the practical application (such as rezoning) regarding Tangata Whenua aspirations for Treaty Settlement lands 	PART 2 GENERAL DISTRICT WIDE MATTERS / PKH Papakāinga and Kaumātua Housing, and Associated Marae-based Development chapter	Key Issue 4 - Development of Māori Owned Land / Re-Zoning Requests – Treaty Settlement land Key Issues 16 -18 PKH – Papakāinga and Kaumātua Housing, and Associated Marae-based Development chapter
TOPIC 4: THE STRUCTURE AND PLACEMENT OF TANGATA WHENUA MATTERS IN THE PDP	10. Position statements for: <ul style="list-style-type: none"> • Having considered Topics 1- 3 whether the current Tangata Whenua Chapter(s) should be widened to encompass all relevant matters including Treaty settlement land development. Options may include <ul style="list-style-type: none"> A. a Māori Purpose Zone chapter; or B. retention as per the notified PDP (with or without amendments); or C. an integration in other chapters in the PDP (see Daysh statement) 		Key Issue 1 – Mihi, Tangata Whenua Relationships and Representative Voices and Key Issue 2 – Co-Governance and Iwi Involvement in Decision Making Key Issue 4 - Development of Māori Owned Land / Re-Zoning Requests – Treaty Settlement land Key Issue 6 – General Matters & Te Tiriti o Waitangi