

Tania Sansom-Anderson

From:

Sent:

To:

Subject:

Wufoo <no-reply@wufoo.com>

Friday, 11 August 2023 4:14 PM


Policy Team

HDC - Plan Change 5 Submission Further Opportunity [#25]

Name \*

Bridget Harrison

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Contact

Bridget Harrison

name,

address,

email

address and

phone

number for

service of

person

making the

submission\*

Do you

Yes

want to be

heard in

support of

your

submission?

(Hearings

will take

place later,

and we will

contact you  
to arrange a  
time only if  
you wish to  
be heard.  
Please give  
us your  
contact  
details in  
the top  
section.) \*

If others      Yes  
make a  
similar  
submission,  
would you  
be prepared  
to consider  
presenting  
a joint case  
with them  
at the  
hearing? \*

Could you      No, I could not  
gain an  
advantage  
in trade  
competition  
through this  
submission?  
\*

1. Have you      Yes  
already  
made a  
submission  
on Plan  
Change 5  
(PC5)?

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**2. If you have already made a submission on PC5, do you want to:**

**3. My submission relates to the following proposed elements of plan change 5: (Tick all that apply).**

- The types or range of houses that can be built – townhouses, duplexe, terraced housing and low rise apartments
- The number of houses that can be built on a site
- The 3 storey height limit for houses
- The removal of the need for affected parties' consents or neighbor's approval
- The use of the Hastings Medium Density Design Framework as a key assessment tool

**4. The specific chapter and provisions of the proposed plan change my submission relates to are:**  
(Please reference the specific section or part of the planning provision(s), such as Objective

HRA 04, HRA 06, 07,09,  
Objective RO3, RP9, RO4  
GRP 3  
7.2 1–16

---

MRZ-O1 or

Rule MRZ-

R16)

**5. My submission is that:**

**(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.)**

While the need for more housing cannot be denied it is imperative that current rate payers and home owners do not have the values to their homes decreased because of increased social and larger housing subdivisions.

In Mayfair we have a large increase of infill housing already and have seen properties drop in value and the needs of the Community rise. These needs were discussed in a community meeting with the Council in January 2023. We were then informed that there were no plans currently for the land currently owned by Stead Building in Fenwick Street.

We have chosen to buy our home in a street with no Social housing or large developments and have worked hard to keep it over the last 5 years. It is a concern for us that very soon this will change. There are no 3 story buildings currently in Fenwick and no two story buildings on one side of the street. Allowing 2 and 3 story buildings to be built will change the character of the street and block the light to the established homes and the 8 newly built homes on the corner of Fenwick and Karamu Rd. These homes are already close to the fence line which may cause a reduction in the light, air and warmth they are able to receive particularly in the winter. There are limited public parks, shops, and access to public transport is limited to My Way and school buses or taxi and uber. (GRP 3)

It is important for children to be able to play safely in a yard that is well fenced and clear of traffic. Many of the homes now being built particularly in Mayfair, Hood St and Jellicoe St for example, have small yards a small garden shed and not really enough room to play safely. These homes are also very close to the road. The increased numbers of homes lead to increased traffic. Many families have more than the one car and streets are becoming full with parked cars. These are at times obstructing the view of the footpaths and roads.

**6. I seek the following submission from** That the inclusion of 3 story low rise apartments will be removed from the plan and that current streets, environments and ratepayers and residents will be considered and listened too.  
Homes need to have ample space for outdoor use and living, play and recreation. I ask that the Council consider this in plan change 5.

Hastings

District

Council:

(Give

precise

details)

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Ko Anthony Kane Hodges toku Ingoa  
Ko Wiremu Hodges raua ko Tangi Hodges oku Matua  
Ko Tawhirirangi toku Maunga  
Ko Mohaka toku Awa  
Ko Waipapa a Iwi toku Marae  
Ko Kahu o Te Rangi toku Whare Tupuna  
Ko Rongomaiwahine toku Whare Porotiti  
Ko Hiruharama me te Huki Toku Urupa  
Ko Paikea toku Taniwha Kaitiaki  
Ko Takitimu toku Waka Tapu  
Ko Ngāti Pahauwera toku Hapu  
Ko Ngāti Kahungunu toku Iwi

### **MY SUBMISSION FOR PROPOSED PLAN 5 – ANTHONY HODGES**

I would like to state for the record that my original submission to council for proposed plan change 5 remain active. I would also like to correct for the record in that submission that the typing error of 1992, should read 1991 i.e. (Resource Management Act 1991). I would also like to clarify my reasons for the need to challenge this proposed plan change 5 in more depth.

May it also be formally noted that I object to “the removal of need for affected parties consents or neighbours approval”.

Firstly, I wish to bring to your attention an email I received from Hastings District Council representative and senior environmental policy planner Anna Sanders on 8 February 2023.

- “It was noted that you wish to see a Totara on your property recognised and protected by the way of council’s notable tree register included in the district plan. Unfortunately plan change 5 doesn’t propose any changes to section 18.1. Heritage items and notable trees so your submission is considered out of scope.”

This submission will not only cement its “scope” in proposed plan change 5 but expose the lack of transparency, consultation, respect, compassion for inclusion for and of the people most impacted.

Ironically enough this email was received six days before the worst cyclone in Hawke’s Bay history. The communities throughout Hawke’s Bay were left to fend for themselves for the most part and that’s coming from the grass roots, the fabric and soul of this great province of ours.

This submission will also bring to the council's attention binding legislation, legal and moral obligations to the people they are supposed to represent and hold accountability for in regard to their safety, health and well-being.

It is also ironic or rather God's blessing that this submission was given its second coming on 13 July 2023 (my Father's birthday). It was in the form of an email from Hastings district council representative and senior environmental planner Anna Summerfield stating:

- That due to incomplete tables and missing wording and diagrams in the hard copies of the plan change available at the libraries and customer centre and in the pdf documents available online.
- Plan change 5 Right homes, Right place will be open for further opportunity for submission on 15 July 2023.

Without further ado I shall continue in depth to show how relevant my original submission is to proposed plan change 5 and further irregularities that have come to light after further investigations since then.

The main theme of my submission is TIKANGA MAORI "The Māori Conservation Ethic" where I shall detail its origins, ideology, purpose, its importance in Māori culture and custom and its relevance today from legal obligations to policy making protocol.

First and foremost, I would like to pay homage to my father Wiremu Itereama Sylvester Hodges and the legacy and Mana he left behind, to the Iwi and Hapu throughout the North Island and especially the people of Hawkes Bay and our loving whanau.

My Father had an illustrious career of more than 30 years with Māori Affairs in Hamilton, Rotorua and Wellington. He held the position of Director of Māori Affairs Hawkes Bay in his final tenure in the later half of the 1980's. My Father was the founding CEO of Māori Health Services in the early 1990's and introduced Tikanga principles and protocols still relevant today.

My Father saw out his professional career as a private consultant to Iwi and Hapu throughout the Hawkes Bay and the lower North Island in terms of policy statements regarding the principles and obligations under the Treaty of Waitangi for Māori in sue of their lands, water and other protected Taonga.

He achieved another major milestone in his career during his tenure with Te Runanganui o Ngāti Kahungunu. He was the author of the founding Principles of Tikanga Māori and our Responsibilities under Kaitiakitanga. He was an integral part of the Ngāti Kahungunu Resource Management Team that was officially set up in May 1992 to develop a draft Iwi plan that councils had to take into account when dealing with their responsibilities under the Resource Management Act. This involved developing arguments about Treaty obligations and the validity of our cultural ethics. It was approved by Tohara Mohi and accepted by Te Runanganui o Ngāti Kahungunu of the time.

It was the basis for numerous policy purposes within the Iwi and thus on December 1994 addressed a Conference of Māori Land Court Judges with his Ngāti Kahungunu concept of Tikanga Māori. It soon became the Resource Management Policy for Ngāti Kahungunu.

The inclusion of and reference to these Principles became Regional Policy Statement and was duly accepted and adopted by Wellington and Hawkes Bay Regional Councils. Māori Health Hawkes Bay also adopted these Policies of Tikanga Māori.

As established in my father's policies the "Māori Conservation Ethic" was established through the Māori system of environmental management. This encompassed spiritual and temporal concepts of guardianship to ensure sustainable use, preservation, and protection of specific resources. From this understanding of creation springs the Māori notion that man does not "own" the natural and physical world but is part of it at the behest of his creator.

Thus at the very heart of conservation lies the preservation of the gift of life Mauri – the preservation of the life force within the natural and physical world.

### **Tikanga Māori**

Tikanga Māori is at the very core of any conservation ethic. The application of Tikanga Māori through Ritenga and Kawa is made for the expressed purpose of preserving the Mauri of all representative species. The responsibility for preservation of Mauri (and by association the conservation of the Taonga concerned) is that of the accredited Kaitiaki. The first duty of the Kaitiaki is the Taonga then to current resource users and future generations. The management regime is Tapu and Rahui the approach is holistic.

Tikanga can be seen as being comprised of five inter-related concepts that capture the wider concept implicit in Tikanga.

These include Wairuatanga at the very core, along with the complimentary concepts of:

- Rangatiratanga
- Whanaungatanga
- Kotahitanga
- Manaakitanga

Wairuatanga: SPIRITUALITY acknowledgement of cosmogenic origins, our whakapapa, and our place as part of the natural and physical world.

Rangatiratanga: Is our brand of sovereignty denoting our Mana, Mana Tangata, Mana Moana, Mana Whenua and our right to exercise KAITIAKITANGA.

Whanaungatanga: RELATIONSHIPS Is the recognition of kin-ship ties through whakapapa, both terrestrial and celestial.

Kotahitanga: Denotes unity of purpose thru the process of collective decision making by consensus.

Manaakitanga: The basis for mutual caring and sharing, it is not merely caring for others but being demonstrably able and willing to care for others.

Our key role as KAITIAKI is to preserve the MAURI of our TAONGA. As guardians, kaitiaki must ensure that the mauri - life force of the taonga is good and strong. In order to uphold their mana, the tangata whenua as kaitiaki must do all in their power to restore the mauri of the taonga to its original strength.

Each whanau or hapu is kaitiaki over the area over which they hold mana whenua, their ancestral lands and seas. Should they fail to carry out their kaitiaki duties adequately, not only will mana be removed, but harm will come to the members of the whanau and hapu. Thus a whanau or hapu who still hold mana in a particular area take their kaitiaki responsibilities very seriously. Consequences can be particularly harsh. Apart from depriving the whanau or hapu of life sustaining capabilities of the land and sea, failure to carry out kaitiaki roles adequately also frequently involves the untimely death of members of the whanau or hapu.

Thus an interpretation of kaitiakitanga based on this explanation must of necessity incorporate the spiritual as well as the physical responsibilities of tangata whenua, and relate to the mana not only of the tangata whenua, but also of the gods, the land and the sea.

The Māori conservation ethic encompasses a holistic approach which holds regard for:

- Taha Wairua - Spiritual
- Taha Tinana - Physical
- Taha Hinengaro – Mental

To capture the essence of this philosophy, Māori incorporate the three kits of knowledge:

Te Kete Tuari: MATAURANGA the scientific knowledge or knowledge pertaining to human activities, natural phenomena.

Te Kete Aronui: WHAKAARO Celestial and cosmogonic information designed to benefit human kind i.e anthropogenic mythologies.

Te Kete Tuatea: RITENGA and KAWA all rituals, acts and formula with all things on the earth and the cosmos.

Given that MATAURANGA represents the scientific or HINENGARO and WHAKAARO represents the spiritual or WAIRUA then the joint application of both gives us our TIKANGA.

The TIKANGA when applied to proposed uses of our TAONGA, being our physical assets (TINANA) by reference to our RITENGA and KAWA (rituals, practises, and protocols) tell us whether or not the proposed use is sustainable – therefor permissible or prohibited or requires further adaptation.

These gifts of knowledge, MATAURANGA and WHAKAARO or TIKANGA which combine the scientific knowledge of nature and spiritual knowledge of our origins are God given gifts as such they are regarded as immutable – changeless – because they spring from divine knowledge.

TE KETE TUATEA on the other hand containing RITENGA and KAWA is perceived as that set of processes and protocols by which TIKANGA is applied. They are the dynamic processes which allow us to adapt the application of TIKANGA to our TAONGA in order to



arrive at an ethic for CONSERVATION. Being dynamic, they allow us to take advantage of new technologies for use, development, and conservation of taonga.

Kaupapa Atawhai is the Māori philosophy and practice of Conservation Management. It is a philosophy and practice through which tangata whenua participate in decision making and policy creation processes. The Kaupapa Atawhai Management Plan was a result of reconciling Crown and tangata whenua aspirations with each other. DATE.....

The Management Strategy set out a process through which our Māori conservation ethic could contribute to the bicultural management of the Hawke's Bay Conservancy.

Our Māori Conservation Ethic was formulated by the tangata whenua of the Hawkes Bay Conservancy. It was formulated in a manner that was consistent with and compatible to both tangata whenua and Crown expectations, as determined through the Principles of the Treaty of Waitangi.

### Nga Iwi Tangata Whenua

This component included all the tangata whenua in the Hawke's Bay Conservancy. It was those Iwi who, collectively represented the philosophical value base of Kaupapa Atawhai in the Hawke's Bay Conservancy.

- Ngāti Kahungunu
- Rangitane
- Ngāti Apa
- Tuwharetoa

The regulatory practices and methods for their implementation and observance included:

- Kawa
- Tikanga
- Rahui
- Tapu

These varied between Tangata Whenua groups; however it was possible to establish a set of practices and mechanisms that expressed the peculiarities of each Tangata Whenua group when this was necessary.

This component contained the collective Iwi Conservation Philosophies and Principles of the Tangata Whenua of the Hawke's Bay Conservancy, recognising that these were an iwi owned set of values.

This Management Strategy set out of process through which the coherent expression of our Māori Conservation Ethic within the policies and practices of the Hawke's Bay Conservancy could be realised.

Phase one of the strategy sought out a process for the identification and adoption of our Māori conservation ethic formulated and endorsed by the Tangata Whenua of the Hawke's

Bay Conservancy through the process of consultation and negotiation, facilitated by the Kaupapa Atawhai Manager of the time.

Phase two focused attention on our Māori Conservation ethic, and thus determined the legislative responsibilities of the Department of Conservation.

These two “value systems” were then analysed and a reconciliation process within the Principles of the Treaty of Waitangi was undertaken.

The outcome of this analysis formed the basis of the Hawke’s Bay Conservancy Kaupapa Atawhai Management Plan.

This analysis required the participation of Tangata Whenua representatives, Conservancy staff and members of the Conservation Board.

### **Resource Management Act 1991**

My next concern I would like to raise is in relation to the information contained within the following document prepared by Anna Summerfield, Senior Environmental Policy Planner, Hawkes Bay District Council dated 27 October 2022.

#### **PLAN CHANGE 5 – RESIDENTIAL INTENSIFICATION AND MEDIUM DENSITY RESIDENTIAL ZONE**

##### **SECTION 32 SUMMARY EVALUATION REPORT**

Proposed Plan Change 5 to the Partially Operative Hastings District Plan 2020 (District Plan), in accordance with Section 32 of the Resource Management Act 1991 (RMA)

In this document it states the section 32 evaluation report is required to accompany proposed Plan Change 5 at the time of public notification under Schedule 1 of the RMA 1991.

It also states Schedule 1 RMA 1991

##### **Clause 5**

(1) A local authority that has prepared a proposed policy statement or plan must –

- (a) prepare an evaluation report for the proposed policy statement or plan in accordance of section 32 and have particular regard to that report when deciding whether to proceed with the statement or plan.

It also includes Section 32 RMA 1991

##### **Clause 1**

- (c) an evaluation report required under this act must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

##### **Clause 2**

- (a) an assessment under sub section 1(b)(ii) must identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are

anticipated from the implementation of the provisions, including the opportunities for –

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

Also stated in this evaluation report was –

In this case, proposed Plan Change 5 (the proposal) contains objectives in terms of

- Section 2.4 Urban Strategy
- New Residential Zones Overview Chapter
- Medium Density Residential Zone

One of the residential zone overview objectives

RESZ-O2	Well Functioning Residential Environment
Objective 1 and Policy 1 NPS-UD	Well-functioning residential environments that enable a variety of housing typologies and living arrangements that:  b. enable Māori to express their cultural traditions and norms

However these objectives in the Hastings & Havelock North General Residential Zone contradict earlier objectives and policies in this schedule. This is evident in the phrases that have been taken out:

Objective R01	offering protection to the amenity of neighbouring properties and the local environment
Objective R02	that the amenity of the present character of the... and enhanced
Policy RP4	and enhance... standard of amenity in the
Policy GRP3	high quality public amenities
Policy GRP4	infill housing and comprehensive... avoid adverse effects on the...
Objective HNR06	sympathetic to the existing environment

Removing :

Offering protection to the amenity of neighbouring properties

Enhancing the present character of the amenity

Enhancing the standard of the amenity

High quality public amenities

Avoiding adverse effects on the environment

Being sympathetic to the existing environment

Ironically these policy and objective statements are a complete contradiction to what is presented next:

Resource Management Act 1991

Part 2

Purpose and principles

## 5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life supporting capacity of air, water, soil, and ecosystems; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Further on you made reference to Section 7 of the RMA 1991.

Section 7 identifies other matters requiring particular regard. Of particular relevance are:

- (b) the efficient use and development of natural and physical resources:
- (c) the maintenance and enhancement of amenity values:
- (f) maintenance and enhancement of the quality of the environment:
- (i) the effects of climate change

Below is the full version of Section 7, however you have failed to include the items highlighted.

## 7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to -

- (a) **kaitiakitanga:**
- (aa) **the ethic of stewardship;**

- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of eco systems:
- (e) *[Repealed]*
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

Futher on you make reference

“The particular statutory functions of the District Council in giving effect to the Act as contained in section 31 of the Resource Management Act 1991 also provide a clear mandate for managing the effects of land use activities and ensuring that District Plan provisions provide an effective and efficient tool for managing such effects.”

- “(1) (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District:
- (aa) the establishment, implementation and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district;
- (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –
  - (i) the avoidance or mitigation of natural hazards; and
  - ...
- (2) the methods used to carry out any functions under subsection (1) may include the control of subdivision.”

In its entirety Section 31 Resource Management Act 1991

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

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District:
  - (aa) the establishment, implementation and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district;
  - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –
    - (i) the avoidance or mitigation of natural hazards; and
    - (ii) *[Repealed]*
    - (ia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;
    - (iii) the maintenance of indigenous biological diversity;
  - (c) *[Repealed]*
  - (d) the control of the emission of noise and the mitigation of the effects of noise;
  - (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes;
  - (f) any other functions specified in this Act.
- (2) the methods used to carry out any functions under subsection (1) may include the control of subdivision.

Further on you state “Existing zone and district wide rules and standards in the District Plan (and any proposed amendments to provisions that are part of this proposal) provide the mechanism for controlling any actual or potential effects of the subdivision, use and development within the District.”

However as previously stated your policies and objectives are misleading and in some cases in complete contrast to the duties and obligations of the Resource Management Acts 1991 that you are referencing.

Your lack of transparency is blinding as are the sections of the Resource Management Act 1991 that you fail to include and adhere to.

### **National Policy Statement on Urban Development 2020**

Further on you make reference to Section 55(2) of the Resource Management Act 1991 which states:

55 Local authority recognition of national policy statements

- (2) A local authority must amend a document, if a national policy statement directs so, -
  - (a) to include specific objectives and policies set out in the statement; or

- (b) so that objectives and policies specified in the document give effect to objectives and policies specified in the statement; or
  - (c) if it is necessary to make the document consistent with any constraint or limit set out in the statement.
- (2B) The local authority must also make all other amendments to a document that are required to give effect any provision in a national policy statement that affects the document.

In reference to the statement “The following evaluation fulfils Council’s statutory obligations under Clause 5(1) of Schedule 1 of the RMA, in accordance with section 32, for Proposed Plan Change 5 to the District Plan.”

“Clause 5(1) of Schedule 1 of the RMA, requires preparation of an evaluation report for any proposed plan change in accordance with section 32, and for the Councils to have particular regard to that report when deciding whether to proceed with the statement or plan.”

In reference to Section 55 of the Resource Management Act 1991

- 2(C) The local authority must make the amendments referred to in subsection (2B) using the process in Schedule 1.

The Councils statutory obligations under schedule 1 Resource Management Act 1991 do not end at clause 5(1)(a). Below are more statutory obligations under Schedule 1, in accordance with Proposed Plan Change 5 to the District Plan.

## **The Resource Management Act 1991 - Schedule 1**

### **Part 1**

- Section 1A Mana Whakahono a Rohe to be compiled with
- Section 1B Relationship with iwi participation legislation
- Section 3 Consultation
  - (1d) during the preparation of a proposed policy statement or plan, the local authority concerned shall consult the tangata whenua of the area who maybe so affected, through iwi authorities.
- Section 3B Consultation with iwi authorities
- Section 4A Further pre notification requirements concerning iwi authorities
- Section 5 Public notice and provision of document to public bodies
  - (1b) not with standing sub clause
  - (1a) a territorial authority shall ensure that notice is given of any requirement or modification of a designation or heritage order under clause 4 to land owners and occupiers who, in the territorial authorities opinion, are likely to be affected.

- (4f) a local authority shall provide one copy of its proposed policy statement or plan without charge to the tangata whenua of the area through Iwi authorities.

## **Part 2**

### **Section 26A Mana Whakahono a Rohe**

The evaluation report then brings reference to Section 55(3) of the Resource Management Act 1991 also states that “A local authority must also take any other action that is directed by the national policy statement”.

It is stated The National Policy Statement on Urban Development (NPS-UD) applies to Hastings District Council as it is a ‘Tier 2 local authority’ with urban environments within the District.

It is further stated that the proposal seeks to give effect to Objectives 1-4, 8 and Policies 1, 2, 5 and 6 of the NPS-UD.

Clearly omitted are:

**Objective 5:** Planning decisions relating to urban environments and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

**Policy 9:** Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- a) involve hapu and iwi in the preparation of Resource Management Act (RMA) planning documents and any FDSs by undertaking effective consultation what is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
- b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapu and iwi for urban development; and
- c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and
- d) operate in a way that is consistent with iwi participation legislation.

### **Hawke’s Bay Regional Policy Statement**

Section 75 of the Resource Management Act (RMA) 1991 states that a district plan ‘must give effect to’ any regional policy statement (RPS).

We are referenced to section 3.1B of ‘Managing the Built Environment’

This includes planned provision for urban development and integration of land use with significant infrastructure. Of particular relevance, the RPS places priority on:



- (a) iii Retain heritage values and values important to tangta whenua.

May I now bring attention to:

## **Hawke's Bay Regional Resource Management Plan**

### **1.5 The Māori Dimension**

#### **1.5.1 OVERVIEW OF RMA REQUIREMENTS**

1.5.1.1 The RMA requires that the HBRC recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and when exercising functions and powers in relation to managing the use, development and protection of natural and physical resources that it:

- shall have particular regard to kaitiakitanga, and
- takes into account the principles of the Treaty of Waitangi.

1.5.1.2 The RMA includes the following requirements:

“...Promote the sustainable management of natural and physical resources” where ‘sustainable management’ means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities [including Māori] to provide for their social, economic, and cultural wellbeing and for their health and safety....” (Section 5);

“...Provide for the following matters of natural importance: ...  
....the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.” (Section 6 (e))

“....All persons exercising functions and powers under [the Act] shall have particular regard to....Kaitiakitanga.” (Section 7(a))

“.... All persons exercising functions and powers under [the Act] shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).” (Section 8)

“.... When preparing or changing a regional policy statement, the Regional Council shall have regard to:

- (a) (ii) any relevant planning document recognised by an iwi authority affected by the regional policy statement; and

[any]...

....regulations relating to the conservation or management of taiapure or fisheries.” (Section 61 (2) (a) (ii) and (iii))

“A regional policy statement shall state - ... matters of resource management significance to iwi authorities.” (Section 62 (1) (b))

- 1.5.1.3 The Regional Policy Statement therefore must identify issues of significance to Māori to ensure that they are treated in accordance with the above provisions in achieving integrated management of the natural and physical resources of Hawke's Bay.

## **1.6 Iwi Environmental Management Principles**

### **1.6.1 IWI CONCEPTS OF RESOURCE MANAGEMENT**

- 1.6.1.1 Seven consultative hui were held in 1998 to update tangata whenua issues contained in Chapter 5 of the Regional Policy Statement (operative 7 October 1995). The set of issues below has been developed from iwi plans and from the consultative hui, and grouped according to the tikanga value most appropriately affected (see section 1.6.2).

#### **1.6.1.2 WAIRUATANGA**

- (a) The need to protect the Mauri, the life sustaining force of natural and physical resources, including waterways and water bodies
- (b) Protection of waahi tapu
- (c) The need for resource managers to take account of Maori spiritual values such as concepts of mauri, tapu, mana, wehi and ihi.

- 1.6.1.3 A paramount consideration for tangata whenua is the way in which the value concept of 'wairuatanga' (spirituality) can be incorporated into the management ethos of Council as to enhance the sustainable management process.

- 1.6.1.4 Wairuatanga is not only the foundation for Maori values but also the bond that ties together the other value concepts of rangatiratanga, whanaungatanga, kotahitanga and manaakitanga.

#### **1.6.1.5 RANGATIRATANGA**

- (a) Provide clear lines of accountability in this Plan to provide links between policies, objectives and methods.
- (b) Recognition of the guarantees of "tino rangatiratanga" and its relationship with 'kawanatanga' in resource management planning and decision making; call for a wider application of the Treaty partnership principle.
- (c) Recognition of the right to exercise kaitiakitanga through whanau, hapu and iwi.
- (d) Active participation of tangata whenua in policy and decision-making processes of councils.
- (e) Recognition of and provision for traditional and contemporary Maori knowledge in the sustainable management of the region's natural and physical resources.

- (f) Protection of flora used for rongoaa (medicinal) and other cultural purposes from absorption of contaminated water, caused by the application of pesticides and/or chemical sprays.
  - (g) Protection of aquatic ecosystems, flora, fauna and fisheries habitat.
  - (h) Maintenance of water quality standards in keeping with kaitiakitanga principles: the preservation of mauri and the conservation of species.
- 1.6.1.6 Rangatiratanga devolves from whakapapa in the first instance and continues to be addressed through the Treaty of Waitangi and thence to the Resource Management Act. This results in the kaitiakitanga that Maori practise through their mana whenua and mana moana over the natural and physical resources of land, air and water.
- 1.6.1.7 The partnership base of the Treaty of Waitangi establishes the relationship between Maori and the Crown. Rangatiratanga was guaranteed to tangata whenua through this partnership, in terms of the continued access to their taonga and tribal self regulation. The Crown's role has been passed on in specific matters through the RMA to local and territorial authorities, these are addressed through plans and policy statements. The individual roles of tangata whenua and the Council, and their partnership towards achieving sustainable management of the environment, are recognised within these documents.
- 1.6.1.8 The environment and the community can benefit from incorporating the Maori resource management principle of guardianship, or kaitiakitanga, that adds to the sustainable management of natural and physical resources and without imposing unnecessary cost to prospective or current resource users or the development process.
- 1.6.1.9 **WHANAUNGATANGA**
- (a) The need to re-affirm the Maori social fabric of whanau/hapu/iwi and other models of Maori representation, statutory or otherwise, as a means to better consultation and on-going good relationships.
  - (b) Recognition of marae as the physical manifestation of tino rangatiratanga and the most appropriate place for consultation with Treaty partners and with councils.
  - (c) The need for the development of relationships between tangata whenua and councils that transcends statutory and Treaty obligations to find joint solutions for and joint inputs into enforcement and compliance procedures.
- 1.6.1.10 Whanaungatanga is the concept that embraces relationships based on both spiritual and physical origins of Maori. It embraces common interests between people usually evidenced through whakapapa. Whanaungatanga is also the concept that recognises the position and intertwined relationship of Maori in respect of the natural and physical world.
- 1.6.1.11 Recognition of the key linkages of whanau, hapu and iwi, along with other forms of Maori representation, gives a clearer understanding of the process for consultation on Maori issues. This is important to resource consent seekers, in terms of providing

certainty in the preparation of resource consent applications, without necessarily adding to costs.

#### 1.6.1.12 KOTAHITANGA

- (a) Recognition of and provision for traditional Maori knowledge in the sustainable management of the region's natural and physical resources.
- (b) The need for tangata whenua and councils to act jointly to protect those characteristics of the natural and physical resources of special value to Maori, including waahi tapu, tauranga waka, mahinga kai, mahinga mataitai and taonga raranga.
- (c) Recognition of the various models of Maori representation and their positive contribution arising out of their dual roles of kaitiaki in the sense of protection and that of a significant resource user.

1.6.1.13 Kotahitanga denotes unity. It is the concept upon which diplomacy and understanding is based and implies conciliation and bridge-building. It is a process through which communities can strike a balance of values and a means to mutual advantage.

1.6.1.14 The issues themselves assert that tangata whenua tikanga, cultural knowledge and practices should be incorporated into Council's management and planning for enhancement, not just for the benefit of Maori but also the community at large. Where tangata whenua join in partnership with Council on common issues the outcomes are more likely to be positive and of economic benefit.

#### 1.6.1.15 MANAAKITANGA

- (a) Adequate resourcing of the iwi and constituent hapu to enable participation in all aspects of resource management in the region.
- (b) Councils seeking consultation with tangata whenua, irrespective of which model(s) of representation is/are involved, provide relevant information in an understandable form and timely fashion.
- (c) Tangata whenua and councils jointly promote an attitude of education as a preference to regulations for the achievement of sustainable resource management.

1.6.1.16 These are linked to, and are a consequence of, the four concepts listed above. In philosophical terms they represent the bestowal or grant of benefits through the exercise of rangatiratanga rights/responsibilities.

1.6.1.17 The resourcing within a management planning process provides an analogy for manaakitanga issues in that the first four concepts of issues herein define the philosophical considerations, culture, relationships and desired practices from which objectives and policies arise, whereas the budget is the cost to achieve those objectives.

Throughout this evaluation report there appears to be a common denominator

Failure to recognise obligations, principles or pay reference to the Treaty of Waitangi (Te Tiriti O Waitangi)

Failure to recognise the guarantees of “Tino Rangatiratanga” and its relationship

With “Kawaanatanga” in Resource management planning and decision making

Failure to take into account the Maori spiritual values such as concepts of Mauri, Tapu, Mana, Tikanga and Wairua.

Failure to recognise the right of Maori to exercise “Kaitiakitanga” through Whanau, Hapu and Iwi

Failure to encourage the active participation of “TangataWhenua” in policy and decision making processes of councils.

May I now bring your attention to Regional Policy Statement my Father wrote during his tenure with Te Runganui O Ngati Kahungunu. (I have attached a copy in full to this submission).

## 2 PRINCIPLES OF THE TREATY OF WAITANGI

2.1 Section 8 of the Resource Management Act requires all persons exercising functions and powers under it to take into account the principles of the Treaty of Waitangi. To tangata whenua those principles, based on interpretations by the Courts and the Waitangi Tribunal and as applied in the context of sustainable management of natural and physical resources under the Act, mean as follows:

The Principle of Te Tino Rangatiratanga

2.2 Te tino rangatiratanga (full chiefly authority) over resources including lands, forests, fisheries and other taonga were guaranteed to Maori under Article II of the Treaty. Tino rangatiratanga includes tribal self-regulation of resources in accordance with their own customary preferences. Tino rangatiratanga was not, nor was it ever intended to be, relinquished or given away by Maori to the Crown.

The Principle of Partnership

2.3 The Treaty signified a partnership between Maori tribes and the Crown. The exchange of promises under Articles I and II of the Treaty is seen as an exchange of gifts. The gift of the right to make laws and the promise to do so as to accord the Maori interest in appropriate priority. Utmost good faith, reasonable co-operation and compromise are fundamental to this concept of a partnership.

The Principle of Kawanatanga

2.4 Kawanatanga, as ceded by Maori under Article I of the Treaty, gave the Crown the right to govern and to make laws applying to everyone. The delegation of resource management powers by the Crown to local authorities under the Act means that

those authorities can make policies, set objectives and make rules affecting the management of natural and physical resources, subject to the guarantee of tino rangatiratanga to Maori and recognition of the partnership between Maori and the Crown.

#### The Principle of Active Partnership and Consultation

- 2.5 The spirit of the Treaty calls for Maori to have a much greater say in the management of the environment. Effective, early and meaningful consultation is an integral and necessary component and forerunner to greater participation by Maori in resource management decision-making.

#### The Principle of Active Protection

- 2.6 The guarantee of te tino rangatiratanga given in Article II is consistent with an obligation to actively protect Maori people in the use of their lands, water and other protected taonga, to the fullest extent practicable. In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment (including mauri, tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Maori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Maori.

#### The Principle of Hapu/Iwi Resource Development

- 2.7 Article III of the Treaty gave to Maori the same rights and duties as other New Zealand citizens. The Treaty guaranteed to Maori retention of their property rights under Article II, and the choice of developing those rights under Article III. To Maori, the efficient use and development of what are in many ways currently under utilised hapu/iwi resources is a very important principle of the Treaty in the context of resource management under the Act. Ngati Kahungunu seek restoration of their tribal resources in accordance with their own needs and aspirations. In pursuing development, Maori may choose to pursue non-traditional uses of their resources instead of or as complementary to, their traditional practices. Recognition of the ability and need for hapu/iwi to develop their resources in a manner which achieve the purposes of the Act is a fundamental principle embodied in the Treaty.

### 3 THE MAORI CONSERVATION ETHIC

- 3.1 In essence, this ethic involves the preservation of mauri – simplistically translated as the ‘life-force’ – and the conservation of the species. Where the habitat remains healthy a species will flourish allowing usage that is mindful of conservation.

- 3.2 The notions of kaitiakitanga:

- stewardship that respects the heritage of future generations
- mana and rangatiratanga depicting the power and leadership to exercise kaitiakitanga
- tapu/rahui as the management system for the conduct of kaitiakitanga all contribute to the application of the ethic.

*(3.3 – 3.7 not referred to, included in the attachment for reference).*

- 3.8 The Maori was born into this physical world and became part of it. Whakapapa, or genealogy, is sacred to Maori because it not only establishes whanaungatanga links within society but also within the physical environment and more especially the wairua or spiritual links back to Io-Matuakore.
- 3.9 Genealogical links are readily understood. The relationship links to the environment are typified by the notion that the trees of the forest, for example, like Maori, are “Children of Tane”. The spiritual links recognise that Maori comes only from Io and represents the paramount gift of all taonga tuku iho, or god-given gifts.
- 3.10 While the ultimate homage is given to Io, the values system that emanates from these cosmogenic origins recognises the role that the lesser deities served in the creation process that gave rise to an evolutionary physical environment. No taonga or resource is used without prior propitiation to the creator-deity. They were the first kaitiaki from whom Maori inherited the whakapapa right to exercise kaitiakitanga or perpetual stewardship.
- 4 TIKANGA AND TAONGA
- 4.1 The predominant view of Maori in Hawke's Bay is that the identification of their values and interests must start from an understanding of the philosophical basis for Maori beliefs and customs. The essence of that philosophy arises from the significant differences, in traditional Maori society, between the concepts of tikanga and taonga.
- 4.2 TIKANGA
- 4.2.1 Tikanga comprises the values, norms and practices of Maoridom. This is represented by both the notions of whakaaro and matauranga, which when brought together represented wisdom. Tikanga, in a traditional context, comprised “the three kits of knowledge” representing all the knowledge and the values, norms, rituals and protocols.
- 4.2.2 The three kits of knowledge are:
- (a) Te kete Tuwari - This kit contains the scientific knowledge or that knowledge pertaining to human activities or to natural phenomena relating to the kingdom of nature (matauranga).
  - (b) Te kete Arounui - This kit consists of celestial and cosmogenic information designed to benefit humankind (that is, the anthropogenic mythologies), or whakaaro.
  - (c) Te kete Tuatea - This kit comprises all the rituals, acts and formulae with all things on earth in the cosmos (that is, retinga and kawa).
- 4.2.3 The matauranga based values are reflected within the need to protect resources and their mauri through the use of institutions such as rahui and tapu.

- 4.2.4 Together the notions of whakaro and matauranga combine to form the notion of tikanga which may be explained as being Nga Tikanga Maori – their own ways, rules, conditions of proper conduct or lifestyle, exercised through the binding concepts of wairuatanga, whanaungatanga, rangatiratanga, kotahitanga, and manaakitanga.
- 4.2.5 From a Ngati Kahungunu standpoint these tikanga value concepts are god-given and therefore immutable or changeless – fixed as in the case of the upper jaw (Kauae runga). Kawa, on the other hand, is one of the dynamic processes, protocols and practises deriving from the value concepts to provide a living evolutionary culture – flexible as is the case of the lower jaw (Kauae raro). While tikanga has iwi-wide application, kawa can, and very often does, differ from hapu to hapu within a single iwi, a pertinent point for the purpose of consultation, and management decisions.
- 4.3 TAONGA
  - 4.3.1 Taonga encompasses all things tangible or intangible and derive their meaning at both the physical and spiritual levels. Taonga comprises all treasures inherited from the past, to the present, and for future generations. At a spiritual level, taonga includes the three great states of reality - Te Kore Kore, Te Po and Te Ao Marama - and all that was created out of those states. At a physical level, taonga is manifested in the physical states of moana through to whenua. The notion of mauri is representative of a continuum involving mana, wehi, ihi, tapu and wairua that embraces both the physical and the spiritual.
  - 4.3.2 THE RELATIONSHIP BETWEEN TIKANGA AND TAONGA
    - 4.3.2.1 The predominant view of Maori in Hawke's Bay is that the concepts of tikanga and taonga are strongly inter-related due to the importance of cosmogony and the spiritual dimension within both taonga and tikanga. It is from these concepts that Maori decision-making processes and the structure of Maori society emerge.

## **Further Points**

This lack of inclusion and regard does not only apply to Maori but to the wider Hawke's Bay community as well.

This is evident in the recent review of the Medium Density Strategy which includes recommendations to remove barriers to development within the District Plan

The involvement of neighbours in the consent process is interpreted by council as an inherent factor for delays, cost and uncertainties.

The Medium Density Residential Zone provides a rule framework that encourages comprehensive residential development without the need for public notification or consent.

In order to facilitate development the implemented plan changes to address the existing rule inefficiencies in these enabled areas is to the detriment of the home owner and thus the wider residents.



This only provides greater certainty for the property developers, builders, architects and the development businesses.

The district plan focus on maintaining residential character is also seen as a significant obstacle by council because changing it is viewed as an adverse effect by the wider community.

Another example of non inclusion was the appointment in 2020 of a sole consultancy firm, Urban Design and Landscape Architecture (DCM Urban) to prepare a design guide to fit into councils Hastings Medium Density Design Framework for proposed plan change 5.

The aim of the design guide was to provide a uniform resource for the builders, architects and property developers to be more cost effective and give more certainty for themselves and to speed up the resource consent process.

However, this comes at the expense and loss of the homeowner or residents power of consent, physical and mental well-being, property values and privacy.

The Hastings Medium Density Design Framework was introduced because as previously stated “Using the guide works better than having rigid standards or rules in the District plan for design matters”, and that they were “quantifiable and measurable and can not provide flexibility”.

Lack of respect and mindsets born out of ignorance saw our Taonga Tapu Te Reo Maori and thus our Maori Conservation Ethic misconstrued and bastardised in the Hastings Medium Density Design Framework 2022 catalogue.

The notion that:

- Rangatiratanga – Works Well
- Kaitiakitanga – Fits Well
- Whanaungatanga – Connects Well
- Manaakitanga – Feels good

Rips to the very soul and core of our Tikanga Maori principles and ethics.

My Father would be rolling in his grave.

## **Conclusion**

My Father Wiremy Itereama Sylvester Hodges was the founding author of the Hawkes Bay Regional Policy Statement recognised in the Hawkes Bay Regional Resource Management Plan republished as 1 January 2012.

In regards to Tikanga Maori “Our Maori Conservation Ethic”

Section 75 Resource Management Act 1991

3(A) States that “A District Plan must give effect to any National Policy Statement: and

Namely proposed plans change 5 must give effect to Wiremu Itereama Sylvester Hodges RPS he founded as part of the Ngati Kahungunu Resource Management Team May 1992.

My Father installed in me “Tikanga Maori” the “Maori Conservation Ethic” at a very tender age.

I take my responsibilities very seriously.

I am Kaitiaki of 322 Frimley Road.

The Wairua of my Father is present here.

He is my Taonga Tapu.

he lives in the Mauri of our mighty Totara Tree.

He lives in the Mauri of our mighty Tui that lives in our tree, he sings to me every morning and every night.

His Mana and legacy live on in our whanau.

As Kaitiaki it is my responsibility to protect and preserve this Mauri for future generations to come.

I refer to Resource Management Act 1991

(8) Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti of Waitangi).

### **I seek the following decisions from council**

Our Totara Taonga Tapu at 322 Frimley Road, under urgency formally acknowledged, registered and protected on council record in accordance with:

- Section 8 Resource Management Act 1991;
- Section 5 Resource Management Act 1991;
- Section 62(1)(B) Resource Management Act 1991;
- Section 6 (E) Resource Management Act 1991;
- Section 7(A) Resource Management Act 1991;
- Hawkes Bay Regional Policy Statement 1.5.1.3.

Added to the Notable Tree Register D.W.A and protected as per section 18.1.

Finally, the lack of consultation process or inclusion all the way through proposed Policy Plan Change 5 puts too much power in the hands of property developers, consultants, builders and council policy makers.

Therefore, I move that Proposed Plan 5 not go through in its present form and council goes back to the community for feedback and further input.

As well that the material is more readily available by way of copies to collect or posted from the council to include those unable to use or access technology and resources to print documents.

Nga Mihi

Anthony Kane Hodges

EXHIBIT 1013  
 This is the exhibit 1013  
 contributed and referred to  
 in the name of WIREMU  
 IREKAMA SYLVESTER HODGES.  
 sworn at Hastings this 11/12/13



## Schedule I. Background to the Maori Dimension

### 1 INTRODUCTION

Brian P.J. Rabbitt J.P.

17 Luaknow Road

Havelock Bay

Tel. 06-877 4909

- 1.1 The review of the original Regional Policy Statement has included a review of Chapter 14 of the Maori Dimension.
- 1.2 At this time of second-generation planning, both Regional Council and Maori of Hawke's Bay can reflect on the original Regional Policy Statement and the developed Regional Plans knowing:
  - (a) that the parties have made good progress towards developing a positive Council/Maori relationship
  - (b) that there has been a real and positive move to accommodate the statutory and the Treaty imperatives for Maori
  - (c) that this revision by HBRC to provide a combined RPS and a single Regional Plan for most things sets up the opportunity for Maori of Hawke's Bay to update the "Maori Perspective" as their contribution to making the dimension more intelligible and therefore more user-friendly.
- 1.3 As part of the review the Regional Council has consulted widely with Maori of Hawke's Bay by holding seven consultative hui in Raupunga, Mahia (Kahungunu and Rongomaiwahine), Tuai (Ruapanui/Tuhoe/Kahungunu) Wairoa, Napier, Hastings and Porangahau. A synopsis of these hui are available as a background report to the Plan.
- 1.4 The purpose of the consultation was to advise Maori of the plan review and to invite them to re-state the issues of significance to them. Understandably, Rongomaiwahine (Mahia) and the people of Tuai have indicated that they wish to express their rangatiratanga independently. Therefore, the views expressed in this section are predominantly, though not exclusively, of Ngati Kahungunu. Nevertheless, these iwi share common principles, with the exception that 'tikanga' to Ngati Kahungunu is 'kawa' to Tuhoe and their concepts of each may differ.
- 1.5 The only iwi plans available to Regional Council are "Kaitiakitanga Mo Nga Taonga Tuku Iho" (Runanganui O Ngati Kahungunu, December 1992) and "Nga Tikanga O Te Whanau" (O Rongomaiwahine Policy Statement, October 1992). Where possible aspects of both documents have been used to update this part of the Policy Statement/Regional Plan.
- 1.6 This Schedule provides background information on aspects of the Maori dimension which expand on the context in which it is set. This information includes: the Principles of the Treaty of Waitangi; the Maori conservation ethic and tikanga and taonga.

### 2 PRINCIPLES OF THE TREATY OF WAITANGI

- 2.1 Section 8 of the Resource Management Act requires all persons exercising functions and powers under it to take into account the principles of the Treaty of Waitangi. To tangata whenua those principles, based on interpretations by the Courts and the Waitangi Tribunal and as applied in the context of sustainable management of natural and physical resources under the Act, mean as follows:

#### *The Principle of Te Tino Rangatiratanga*

- 2.2 Te tino rangatiratanga (full chiefly authority) over resources including lands, forests, fisheries and other taonga were guaranteed to Maori under Article II of the Treaty. Tino rangatiratanga includes tribal self-regulation of resources in accordance with their own customary preferences. Tino rangatiratanga was not, nor was it ever intended to be, relinquished or given away by Maori to the Crown.

#### *The Principle of Partnership*

- 2.3 The Treaty signified a partnership between Maori tribes and the Crown. The exchange of promises under Articles I and II of the Treaty is seen as an exchange of gifts. The gift of the right to make laws and the promise to do so as to accord the Maori interest in appropriate priority. Utmost good faith, reasonable co-operation and compromise are fundamental to this concept of a partnership.

#### *The Principle of Kawanatanga*

- 2.4 Kawanatanga, as ceded by Maori under Article I of the Treaty, gave the Crown the right to govern and to make laws applying to everyone. The delegation of resource management powers by the Crown to local authorities under the Act means that those authorities can make policies, set objectives and make rules affecting the management of natural and physical resources, subject to the guarantee of tino rangatiratanga to Maori and recognition of the partnership between Maori and the Crown.

### ***The Principle of Active Partnership and Consultation***

- 2.5 The spirit of the Treaty calls for Maori to have a much greater say in the management of the environment. Effective, early and meaningful consultation is an integral and necessary component and forerunner to greater participation by Maori in resource management decision-making.

### ***The Principle of Active Protection***

- 2.6 The guarantee of te tino rangatiratanga given in Article II is consistent with an obligation to actively protect Maori people in the use of their lands, water and other protected taonga, to the fullest extent practicable. In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment (including mauri, tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Maori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Maori.

### ***The Principle of Hapu/Iwi Resource Development***

- 2.7 Article III of the Treaty gave to Maori the same rights and duties as other New Zealand citizens. The Treaty guaranteed to Maori retention of their property rights under Article II, and the choice of developing those rights under Article III. To Maori, the efficient use and development of what are in many ways currently under utilised hapu/iwi resources is a very important principle of the Treaty in the context of resource management under the Act. Ngati Kahungunu seek restoration of their tribal resources in accordance with their own needs and aspirations. In pursuing development, Maori may choose to pursue non-traditional uses of their resources instead of or as complementary to, their traditional practices. Recognition of the ability and need for hapu/iwi to develop their resources in a manner which achieve the purposes of the Act is a fundamental principle embodied in the Treaty.

## **3 THE MAORI CONSERVATION ETHIC**

- 3.1 In essence, this ethic involves the preservation of mauri – simplistically translated as the 'life-force' – and the conservation of the species. Where the habitat remains healthy a species will flourish allowing usage that is mindful of conservation.
- 3.2 The notions of kaitiakitanga:
- stewardship that respects the heritage of future generations
  - mana and rangatiratanga depicting the power and leadership to exercise kaitiakitanga
  - tapu/rahui as the management system for the conduct of kaitiakitanga
- all contribute to the application of the ethic.
- 3.3 To appreciate fully the depth of meaning and the profound implications of these terms, one needs to go back to Maori cosmogenic origins. The Maori version of Creation embodies both spiritual and physical concepts of the world's origins. In terms of tradition, those origins should properly be given in Maori. For the purposes of this statement, however, the English approximations are used.
- 3.4 Maori believe that in the beginning there were three states of reality. The first state was Te Korekore from which emerged Io-Matuakore – or Io, the parentless one. The second state was Te Po within which Io created Rangiui (Sky Father) and Papatuanuku (Earth Mother). Within the darkness of their embrace Rangiui and Papatuanuku begat many deities called atua. The third state of reality was Te Ao-Marama brought about when one of the atua called Tane separated his parents to form sky and earth.
- 3.5 As with Rangiui and Papatuanuku, these deities or atua had the power to create. Dominant among them was Tane, who created natural and physical covering for the land and was god of the forests; Tangaroa created the marine life and presided over the oceans; Tawhirimatea took to the heavens out of sympathy for Rangiui and from there he presided over the elements.
- 3.6 Tane was also the creator of humans, the first of whom, a woman, was fashioned from the soil of Papatuanuku. Although these atua or deities had the power to create, only Io-Matuakore could grant the gift of Mauri – that is, the life force – for those things that make up the natural and physical world. The atua had to seek delegated approval to imbue their creations with Mauri that those creations may live.
- 3.7 If rangatiratanga is 'authority' and tino-rangatiratanga is "ultimate authority" then only Io can truly be said to have tino-rangatiratanga, which he exercised by creating Rangiui and Papatuanuku who begat the deities responsible for the terrestrial and celestial environment including human genesis.

- 3.8 The Maori was born into this physical world and became part of it. Whakapapa, or genealogy, is sacred to Maori because it not only establishes whanaungatanga links within society but also within the physical environment and more especially the wairua or spiritual links back to Io-Matuakore.
- 3.9 Genealogical links are readily understood. The relationship links to the environment are typified by the notion that the trees of the forest, for example, like Maori, are "Children of Tane". The spiritual links recognise that Mauri comes only from Io and represents the paramount gift of all taonga tuku iho, or god-given gifts.
- 3.10 While the ultimate homage is given to Io, the values system that emanates from these cosmogenic origins recognises the role that the lesser deities served in the creation process that gave rise to an evolutionary physical environment. No taonga or resource is used without prior propitiation to the creator-deity. They were the first kaitiaki from whom Maori inherited the whakapapa right to exercise kaitiakitanga or perpetual stewardship.

#### **4. TIKANGA AND TAONGA**

- 4.1 The predominant view of Maori in Hawke's Bay is that the identification of their values and interests must start from an understanding of the philosophical basis for Maori beliefs and customs. The essence of that philosophy arises from the significant differences, in traditional Maori society, between the concepts of tikanga and taonga.

##### **4.2 TIKANGA**

- 4.2.1 Tikanga comprises the values, norms and practices of Maoridom. This is represented by both the notions of whakaaro and matauranga, which when brought together represented wisdom. Tikanga, in a traditional context, comprised "the three kits of knowledge" representing all the knowledge and the values, norms, rituals and protocols.
- 4.2.2 The three kits of knowledge are:
  - (a) **Te kete Tuwari** - This kit contains the scientific knowledge or that knowledge pertaining to human activities or to natural phenomena relating to the kingdom of nature (matauranga).
  - (b) **Te kete Arounui** - This kit consists of celestial and cosmogenic information designed to benefit humankind (that is, the anthropogenic mythologies), or whakaaro.
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- 4.2.3 The matauranga based values are reflected within the need to protect resources and their mauri through the use of institutions such as rahui and tapu.
- 4.2.4 Together the notions of whakaro and matauranga combine to form the notion of tikanga which may be explained as being Nga Tikanga Maori – their own ways, rules, conditions of proper conduct or lifestyle, exercised through the binding concepts of wairuatanga, whanaungatanga, rangatiratanga, kotahitanga, and manaakitanga.
- 4.2.5 From a Ngati Kahungunu standpoint these tikanga value concepts are god-given and therefore immutable or changeless – fixed as in the case of the upper jaw (Kauae runga). Kawa, on the other hand, is one of the dynamic processes, protocols and practises deriving from the value concepts to provide a living evolutionary culture – flexible as is the case of the lower jaw (Kauae raro). While tikanga has iwi-wide application, kawa can, and very often does, differ from hapu to hapu within a single iwi, a pertinent point for the purpose of consultation, and management decisions.

##### **4.3 TAONGA**

- 4.3.1 Taonga encompasses all things tangible or intangible and derive their meaning at both the physical and spiritual levels. Taonga comprises all treasures inherited from the past, to the present, and for future generations. At a spiritual level, taonga includes the three great states of reality - Te Kore Kore, Te Po and Te Ao Marama - and all that was created out of those states. At a physical level, taonga is manifested in the physical states of moana through to whenua. The notion of mauri is representative of a continuum involving mana, wehi, ihi, tapu and wairua that embraces both the physical and the spiritual.

##### **4.3.2 THE RELATIONSHIP BETWEEN TIKANGA AND TAONGA**

- 4.3.2.1 The predominant view of Maori in Hawke's Bay is that the concepts of tikanga and taonga are strongly inter-related due to the importance of cosmogony and the spiritual dimension within both taonga and tikanga. It is from these concepts that Maori decision-making processes and the structure of Maori society emerge.

# New Maori health manager

By Jenny Davidson,  
staff reporter, Hastings

An opportunity to bring consistency to Maori policy is how Health Care Hawke's Bay's new Maori Health manager, Bill Hodges sees his new job.

"Not only on a development level, but on an application level," Mr Hodges said this week.

Health Care Hawke's Bay chief executive officer Alistair Bowes, announced Mr Hodges appointment on Friday. He said it recognised the special needs and place of Maori, under the partnership obligations of the Treaty of Waitangi.

Mr Hodges, of Ngati Kahungunu, was born and bred in Mohaka, Gisborne. He has more than 30 years experience in Maori Affairs, in Hawke's Bay, Hamilton, Rotorua and Wellington.

He worked with the Department of Maori Affairs and as a Maori trustee. Since returning to Hastings in 1984, he worked with the Hawke's



**Health Care Hawke's Bay  
Maori Health Manager  
Wiremu (Bill) Hodges.**

Bay District Council and Ngati Kahungunu groups.

"I hope to bring my understanding of Maori networks and Maori models - as well as bringing an understanding of

the social problems that beset Maori - not the least of which is health.

"Although I've never worked in health before, my work in the business arm of Maori Affairs has brought me into contact with social issues on a day-to-day basis," Mr Hodges said.

"My ability to look at resources available to the CHE and within the community is, I believe, one of the strengths I bring to the job. However, I can't start administering Maori health until the three dimensions of health - spiritual, physical and mental - are in balance.

"There will have to be consultation with people to find ways to explain these tikanga (principles) and needs."

Mr Hodges said the trick would be bringing consistency to these basic principles and protocol, and finding common ground with modern principles and thinking. Mr Hodges expects to start his new job in two weeks' time.

## INDIVIDUAL TREE RISK SURVEY (A)

SITE: 372 Frimley Rd. Harting  
 CLIENT: Harting Hodges  
 BRIEF: VTA & ARPA + STEM assessment

SURVEYOR: S. Sturges  
 ASSESSMENT DATE: 19/11/2022  
 VIEWING CONDITIONS: clear/best/light  
 JOB REFERENCE:

PAGE:

REF.	SPECIES	AGE RANGE	HEIGHT (M)	CROWN SPREAD	STEM DIA. (MM)	VITALITY	TARGET RANGE	SIZE RANGE	PROB FAILURE RANGE	WEATHER FACTOR	REDUCED MASS %	RISK INDEX	REVIEW YEARS
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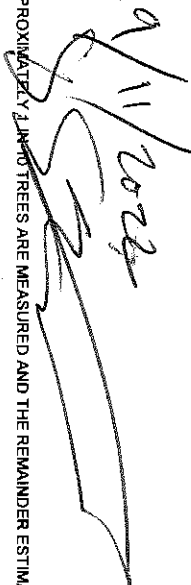
COMMENTS	Totara	M	14	9	1.85	Good	4	100%	5			—	4m
- Boundary tree opposite a subdivided section. - Recent root damage to main buttress exterior. - Tree in healthy condition.													
MANAGEMENT													
monitor closely.													

COMMENTS													
MANAGEMENT													

## HEADINGS &amp; ABBREVIATIONS

VERSION 3.04-07

REF: TREE REFERENCE  
 SPECIES: THREE TO FIVE CHARACTER ABBREVIATION OF COMMON NAME  
 AGE RANGE: Y = YOUNG, SM = SEMI MATURE, EM = EARLY MATURE, M = MATURE, PM = POST MATURE  
 HEIGHT: OTHER THAN WHERE THE HEIGHT OF A TREE IS CRITICAL, TO THE OUTCOME OF THE RISK ASSESSMENT, APPROXIMATELY 1.3M TO TREES ARE MEASURED AND THE REMAINDER ESTIMATED AGAINST THE MEASURED TREES  
 CROWN SPREAD: MEASURED OR ESTIMATED DIAMETER OF CROWN AT THE WIDEST POINT  
 STEM DIA: STEM DIAMETER - MEASURED AT A HEIGHT OF APPROXIMATELY 1.3 METRES  
 VITALITY: A MEASURE OF PHYSIOLOGICAL CONDITION, D = DEAD, MD = MORIBUND, P = POOR, M = MODERATE, G = GOOD  
 SIZE RANGE: SIZE CATEGORY OF MOST SIGNIFICANT PART CONSIDERED LIKELY TO FAIL, RANGES 1-5, 1 = LARGE, 5 = SMALL  
 PROB OF FAILURE: PROBABILITY OF FAILURE WITHIN 12 MONTHS, RANGES 1-5, 1 = HIGH, 5 = LOW  
 RANGE: HIGHEST VALUE TARGET THAT THE MOST SIGNIFICANT PART LIKELY TO FAIL COULD STRIKE, RANGES 1-5, 1 = HIGH, 5 = LOW VALUE/OCCUPANCY  
 TARGET RANGE: ALLOWANCE FOR REDUCED ACCESS DURING HIGH WINDS WHEN IN SOME SITUATIONS TREE FAILURE IS MOST LIKELY, OR SITUATIONS WHERE THE PROBABILITY OF TREE FAILURE IS INCREASED BY HOT DRY WEATHER, WHICH AT THE SAME TIME INCREASES PEDESTRIAN ACCESS. TO BE APPLIED BY MULTIPLYING THE RISK INDEX BY THE WEATHER FACTOR  
 WEATHER FACTOR: WHERE THE MASS OF A TREE OR BRANCH IS REDUCED BY DEGRADATION THE RISK INDEX IS MULTIPLIED TO REFLECT THE PERCENTAGE OF MASS REDUCTION  
 RISK INDEX: RISK OF SIGNIFICANT HARM + 1,000 = RISK INDEX (E.G. RISK INDEX 20 = RISK OF SIGNIFICANT HARM 1 IN 20,000) AN ADDITIONAL FIGURE IN BRACKETS MAY BE SUFFIXED EITHER T OR F REPRESENTING 'T' THE RATE OF FAILURES OVER THE YEAR, AND 'F' THE RATE OF MULTIPLE OCCUPATION OVER THE YEAR, E.G. 1(10T)/10,000 REPRESENTS A RISK OF HARM 1/10,000 TO 10 OCCUPANTS OR AN EQUIVALENT MONETARY VALUE  
 SUFFIXES: (M) = FOR GENERAL ARBORICULTURAL OR SILVICULTURAL MANAGEMENT; (S) = TO REMOVE OR REDUCE THE RISK OF DIRECT DAMAGE TO A FIXED STRUCTURE BY MEANS OF CIRCUMFERENTIAL GROWTH  
 PERIOD (YEARS) TO NEXT INSPECTION  
 REVIEW: ITALIC TEXT: TEXT CHANGES MADE IN THE CURRENT YEAR

19/11/2022  




# STEM : Standard Tree Evaluation Method

## Condition

Form	21	very good ; minor natural lean
Occurrence	9	Commonly planted Native tree
Vigor & Vitality	21	Very good ; Crown & stem grow
Function	15	Important ; landscape & environ
Age	15	40yrs + wildlife phyen
Sub-total	<u>81</u>	


## Amenity

Stature	9	14mtrs high.
Visibility	3	0.5 km
Proximity	27	Solitary (Pair) with Beech.
Role	15	important landscape feature
Climate	9	moderate contribution
	<u>63</u>	

## Notable

Stature	3	local landscape feature.
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147 pts.

19/11/2022  


# **TE RUNANGANUI O NGATI KAHUNGUNU**

## **C O N T E N T S**

- (a) Terminology**
- (b) Ethic**
- (c) Practicle example of past and present application of Ngati Kahungunu Conservation Ethic.**
- (d) Three Examples of processes that could be utilised and contribute to a national and bicultural conservation ethic.**
  - (i) Kaupapa Atawhai Management Strategy as jointly developed between the HB Conservancy and Iwi/Hapu/Whanau.**
  - (ii) Mechanisms to enable Iwi to access cultural materials jointly developed between Iwi/Hapu/Whanau and present in the HB Conservancy's CMS.**
  - (iii) Marine reserve. Ngati Kahungunu submission. Amendments to the intent and purpose of Marine reserves legislation that would ensure Iwi/Hapu/ Whanau support. At the moment Mahinga Mataitai concepts are more attractive.**
- (e) Conclusion**

## **MAORI CONSERVATION ETHIC**

### **TERMINOLOGY**

**MAORI:** Maori person with geneological links with indigenous people of Aotearoa.

**CONSERVATION:** The Maori system of environmental management encompassed spiritual and temporal concepts of guardianship to ensure sustainable use, preservation and protection of specific resources

**Kaitiakitanga** Kaitiakitanga is the role played by kaitiaki. Traditionally, kaitiaki are the many spiritual assistants of the gods, including the spirits of deceased ancestors, who are the spiritual minders of the elements of the natural world. All the elements of the natural world, the sky father and earth mother and their offspring; the seas, sky, forests and birds, food crops, winds, rain and storms, volcanic activity, as well as people and wars are descended from a common ancestor, the supreme god. These elements, which are the world's natural resources, are often referred to as taonga, that is, items which are greatly treasured and respected. In Maori cultural terms, all natural, and physical elements of the worlds are related to each other, and each is controlled and directed by the numerous spiritual assistants of the gods.

These spiritual assisstants often manifest themselves in physical forms such as fish, animals, trees or reptiles. Each is imbued with mana, a form of power and authority derived directly from the gods. Man being descended from the gods is likewise imbued with mana although that mana can be removed if it is violated or abused. There are many forms and aspects of mana, of which one is the power to sustain life.

Maoridom is very careful to preserve the many forms of mana it holds, and in particular is very careful to ensure that the mana of kaitiaki (who are, after all, their relations), becoming the minders for their relations, that is, the other physical elements of the world.

## **EXPLANATION**

References herein to "Gray and Saunders" are reference to their publication "A Framework for Traditional Maori Society".

## **BACKGROUND**

Within the rohe of Ngati Kahungunu (Wharerata to Wairarapa) there are three (3) Regional Councils and eight (8) Territorial Local Authorities (TLA's); with whom our Iwi must treat.

Our Resource Management team was officially set up in May 1992 to develop a draft Iwi Plan that Councils had to take into account in dealing with their responsibilities under the Resource Management Act.

The first major hurdle was to extract the financial resources from Regional Councils to fund the exercise. This meant developing arguments (and by necessity providing much needed educations for the RC's) about Treaty obligations on the one hand and the validity of our cultural ethics on the other.

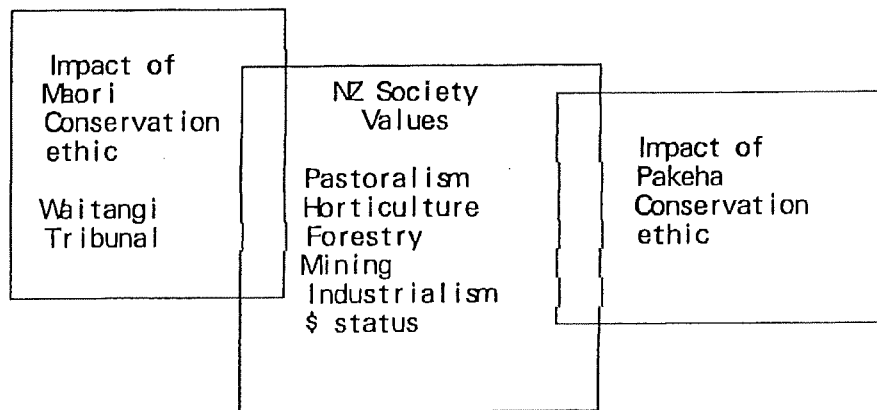
The report (of Maui Solomon and another) commissioned by the Taranaki RC for the Iwi of that region provided a good model from a Treaty point of view. Agenda 21 (Rio Conference on the environment) gave timely impetus to the value of indigenous environmental knowledge, and together they gave a powerful basis for advocacy.

Nevertheless there remained an attitudinal barrier to the acceptance of "things Maori" in the modern day context. In general the pervasive attitude (not limited to Councils) was that "Maori tradition" was out of place, out of time and therefore irrelevant. A typical comment was "What was good for the 1840's has no application now".

This brief background has been traversed because no doubt, you as Atawhai Managers will have run up against the same mind sets - mind sets born out of ignorance where, in many cases, some Maori terms have been misconstrued in the search for English synonyms where none existed. The term "'Kaitiaki" and consequently "Kaitiakitanga" is a good example and a very relevant example given the pertinence of each within the scope of conservation (see the comments of the Board of Enquiry re NZCPS report of February 1994, pages 16, 17 and 18).

Equally the weighting given to the Maori concerns for conservation is not supported by the majority Pakeha culture.

### Levels of Acceptance



The operational value base of the majority culture determines the weighting it gives to conservation concerns.

## Contributions of Maori Conservation Ethic Past and Present

Prior to the arrival of the European Maori had learnt from past mistakes, and out of necessity developed a system of resource regulation and conservation.

This ethic had become integrated into the social fabric through early education, enforcement of Rahui and respect for Tapu.

Some activities were prohibited, others were tempered by restriction. At sea for example there were the seeding areas for specific species. Where gathering or hunting for food was allowed this was restricted to the time when the resource was either at its best or alternate times to the specific species breeding times. Pollution of waterways was not socially acceptable nor were practices that destroyed life sustaining resources.

Following the signing of the Treaty of Waitangi, increasing settlement of immigrants encouraged land acquisition. These transactions were conditional on reserves being set aside to sustain the tangata whenua and their culture.

In the 1860's the NZ Settlements Act was past resulting in the confiscation of these reserves. These reserves have past through various crown structures and today many still survive and are under Territorial or Crown stewardship. The Puketitiri Reserve is one such example as a place where Maori could hunt Kereru and have access to cultural materials.

Some reserves were voluntarily gifted to the nation. One of the largest was the Tongariro National Park. This was the nations first National Park. It was gifted by Te Heu Heu the paramount chief of Tuwhartoa.

On a smaller scale close to home was the gifting of the Tiwaewae reserve at Lake Tutira. This was gifted by the hapu Trustees for public use and wildlife protection.

Te Whanganui a Orotu the local area currently under claim was an area reserved from the Ahuriri purchase. Within this area are the Ahuriri Estuary reserve Te Ihu o te Rei reserve, Tapu te ranga and other areas of spiritual and cultural significance to Iwi. The estuary was a prized source of sustenance. As far back as the 1860's there were complaints by Iwi regarding the destruction of the wetlands within the bay. Today the nurseries of our birdlife and fish have nationally been reduced by 90% since 1840. The nations waterways and coast have been threatened by pollution. This aspect has served as a catalyst for early Maori land claims to the Waitangi Tribunal and constant submissions to local councils.

Today 50% of the nations indigenous forest remains in Maori ownership even though landholding remaining in Maori ownership is 1/65 the of the total landmass.

The following extract from the Ngati Kahungunu Iwi Management plan 1992 illustrates the contemporary relevance of the traditional tribal ethic in regard to conservation

Issue No. 5	<b>GREATLY REDUCE, WITH THE ULTIMATE AIM OF ELIMINATING AVOIDABLE ENVIRONMENTAL POLLUTION AND DAMAGE THROUGH PROPER WASTE MANAGEMENT POLICIES/PRACTICES</b>
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**Significance**

Waste is of grave concern to Iwi and has been emitted in areas where it has caused serious cultural damage and affront through the desecration of waahi tapu, kaiawa, kaimoana and mahinga kai. Waste also results in a downgrading of amenity values and a degrading of property values.

We repeat by way of emphasis our abhorrence at the dumping of waste viz. through sewage outfalls into waterways and the ocean.

In terms of hazardous waste Ngati Kahungunu is concerned at the lack of Government implementation systems for the storage and disposal of such waste.

**Expected Outcomes**

- \* Reduction of environment pollution to levels mutually acceptable to Ngati Kahungunu and District/Regional authorities.
- \* Relocation of waste disposable systems to meet the cultural sensitivities of Ngati Kahungunu.

**Implementation**

- \* Regulation and rules and by-laws
- \* Service delivery
- \* Economic (restoration and pollution tax)
- \* Education, training and publicity
- \* Installation of effective monitoring systems

Issue No. 6	<b>PROTECTION AND PRESERVATION OF WATER QUALITY</b>
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**Significance**

Water quality is the very essence of life and the preservation of Mauri within the natural world.

Within the Maori management regime for the physical world, water had a variety of classifications according to the intended use. It is not proposed, for the purposes of this document to enlarge on those classifications except to say that with each "use" care was taken to respect and preserve the natural quality and inherent Mauri.

Waters used for human consumption or from which a variety of foods were gathered was never allowed to be contaminated by human waste. To defile or pollute water in that way would be akin to dumping human excrement on ones dinner table. Distasteful as this analogy may be, it only begins to explain the absolute cultural abhorrence of practices whereby untreated or improperly treated sewage and effluent are deliberately discharged into rivers, streams, lakes and oceans that are Maori traditional food sources or from whence water for domestic use is drawn.

Such culturally insensitive and environmentally unsustainable practices must cease. Similarly farming, horticultural and forestry practices, industrial and commercial discharges, which are harmful to the surface, underground and/or the coastal waters must be curbed and eliminated, particularly where there is clear evidence that the bio-diversity of nature is being unacceptably interfered with.

#### Expected Outcomes

- \* Cessation of sewage/effluent discharges into the water courses, streams, rivers and oceans.
- \* Provision of proven land based waste disposal systems for treated sewage/effluent as part of tree/woodlot plantings.
- \* Change in farming/forestry practices that eliminates unacceptable levels of nutrient enriched runoffs into natural water ways.

#### Implementation

- \* Regulation (within planning documents and bylaws)
- \* Service delivery (land based waste disposal)
- \* Economic (introduction of "pollution tax" to fund corrective or prevention measures)
- \* Education (publications to increase awareness, seminars, training)

Issue No. 7	<b>ENSURE THE PROTECTION AND PRESERVATION OF WAAHI TAPU</b>
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#### Significance

Waahi tapu are defined by the Resource Management Act 1991 and are usually translated as "sacred sites". As a general rule they are land based but some, such as Tauranga Waka are coastal.

Their range include such places as burial sites, ceremonial or funeral sites, pa sites, objects or places of historical significance to Whanau, Hapu or Iwi.





The penchant of government for dividing up the "environmental cake" into various agencies or bodies of central and local government seriously works against the Maori holistic approach and only serves to emphasise the need for integrated management across the Board. It means an unnecessary duplication of effort by Maori to match the sectoral whims of each agency. That is wasteful of Maoris meagre management resources and often detrimental to the whole purpose of sustainable management.

## **SUMMARY OF NGATI KAHUNGUNU ETHICS FOR CONSERVATION**

- Tikanga Maori is at the very core of any conservation ethic.
- The application of Tikanga Maori, through Ritenga and Kawa is made for the express purpose of preserving the Mauri of all representative species.
- The responsibility for preservation of Mauri (and by association the conservation of the Taonga concerned) is that of the accredited Kaitiaki.
- The first duty of the Kaitiaki is to the Taonga then to current resource users and to future generations.
- The management regime is Tapu and Rahui.
- The approach is holistic.

## **ADAPTION OF ETHICS TO A BICULTURAL CONSERVATION ETHIC**

Time does not allow the development of this topic in the way it deserves (nor does the budget allowance for that matter).

If DOC is serious about this aspect it needs to face up to reality and properly apply its financial allocation to the development of this process. Our own Iwi ideas for this are already well formulated and any further explanations of what is already contained in these pages will be a matter for renegotiation.



**Monoculture** A way of organising the life of a person or a group which is based on the cultural values, norms and practices of only one cultural group. In Aotearoa, most Pakeha people are monocultural persons, and almost every national institution is a monocultural institution.

**Bicultural** A way of organising the life of a person or a group which is based on the cultural values, norms and practices of two cultural groups. In the context of Aotearoa, most Maori and Pacific Islands peoples are bicultural - being able to function adequately, and with a sufficient understanding of two cultural bases - their own and that of the Pakeha majority.

Most Maori organisations are bicultural - organising their structures and their practices according to both Maori and Pakeha cultural norms (eg. beginning a gathering with traditional speeches, eating etc and using some English and some Pakeha meeting procedures).

In Aotearoa, the term "Bicultural" refers to the two main cultural streams of the indigenous Maori and the numerically dominant (and mostly British-related) Pakeha.

**Multicultural** A way of organising the life of a person or a group which is based on the cultural values, norms and practices of more than two cultural groups. A multicultural person will probably be also multilingual, and will be able to function adequately in several cultural settings.

Some commentators dispute whether a truly multicultural society is possible, contending that so-called "multiculturalism" is rather a series of one-to-one (bicultural) encounters between various cultural groups.

The conservation ethic of a culture is determined by the values of the majority and their mandated leadership. It is visible in social and environmental outcomes and effects.

The levels of acceptance of the Pakeha conservation movement within its own culture has not been of significance to counter the values of the majority and the environmental effects of pastoralism, pine forestation, industrial pollution, sewage outfalls, commercial fishing and mining over the last 150 years.

As minders, kaitiaki must ensure that the mauri or life force of their taonga is healthy and strong. A taonga whose life force has been depleted, as is the case for example with the Manukau Harbour, presents a major task for the kaitiaki. In order to uphold their mana, the tangata whenua as kaitiaki must do all in their power to restore the mauri of the taonga to its original strength.

In specific terms, each whanau or hapu (extended family or subtribe) is kaitiaki for the area over which they hold mana whenua, that is, their ancestral lands and seas. Should they fail to carry out their kaitiakitanga duties adequately, not only will mana be removed, but harm will come to the members of the whanau and hapu.

Thus a whanau or a hapu who still hold mana in a particular area take their kaitiaki responsibilities very seriously. The penalties for not doing so can be particularly harsh. Apart from depriving the whanau or hapu of the life sustaining capacities of the land and sea, failure to carry out kaitiakitanga roles adequately also frequently involves the untimely death of members of the whanau or hapu.

An interpretation of kaitiakitanga based on this explanation must of necessity incorporate the spiritual as well as physical responsibilities of tangata whenua, and relate to the mana not only of the tangata whenua, but also of the gods, the land and the sea.

#### **ETHIC:**

Set of moral principles

#### **Culture**

Culture is what holds a community together, giving a common framework of meaning. It includes how people communicate with each other, how we make decisions, how we structure our families and who we think is important or unimportant. It expresses our values towards land and time and our attitudes towards work and play, good and evil, reward and punishment.

Culture is preserved in language, symbols and customs and celebrated in art, music, drama, literature, religion and social gatherings. It constitutes the collective memory of the people and the collective heritage which will be handed down to generations still to come.

## **KAUPAPA ATAWHAI MANAGEMENT STRATEGY**

### **HAWKE'S BAY CONSERVANCY**

Kaupapa Atawhai is the Maori philosophy and practice of Conservation Management. It is a philosophy and practice through which tangata whenua participate in decision making and policy creation processes within the Department.

A Management Strategy sets out a process by which the Maori Conservation ethic can contribute to the bicultural management of the Hawke's Bay Conservancy.

#### **PREAMBLE**

This Management Strategy sets out a process by which the coherent expression of a Maori Conservation ethic within the policies and practices of the Hawke's Bay Conservancy can be realised.

Phase one of the strategy sets out a process for the identification and adoption of a Maori Conservation ethic, formulated and endorsed by the tangata-whenua of the Hawke's Bay Conservancy through a process of consultation and negotiation, facilitated by the Kaupapa Atawhai Manager.

Phase two focuses attention on the Maori Conservation ethic thus determined and the legislative responsibilities of the Department of Conservation.

These two "value systems" are then analysed and an attempted reconciliation within the Principles of the Treaty of Waitangi is undertaken. Reconciliation may not be legislatively possible. If it is not possible the process might recommend legislative amendment.

The outcome of this analysis will form the basis of the Hawke's Bay Conservancy Kaupapa Atawhai Management Plan.

This analysis will require the participation of tangata-whenua representatives, conservancy staff and members of the Conservation Board.

## **SUMMARY OF LINE DIAGRAMS**

**Figure 1** describes the process of consultation required to establish a Maori Conservation Ethic endorsed by the tangata-whenua of the Hawke's Bay Conservancy.

**Figure 2** describes the process by which the Crown determines and implements its Conservation commitments.

**Figure 3** describes the 'reconciliation process' of both systems, regulated by the Principles of the Treaty of Waitangi.

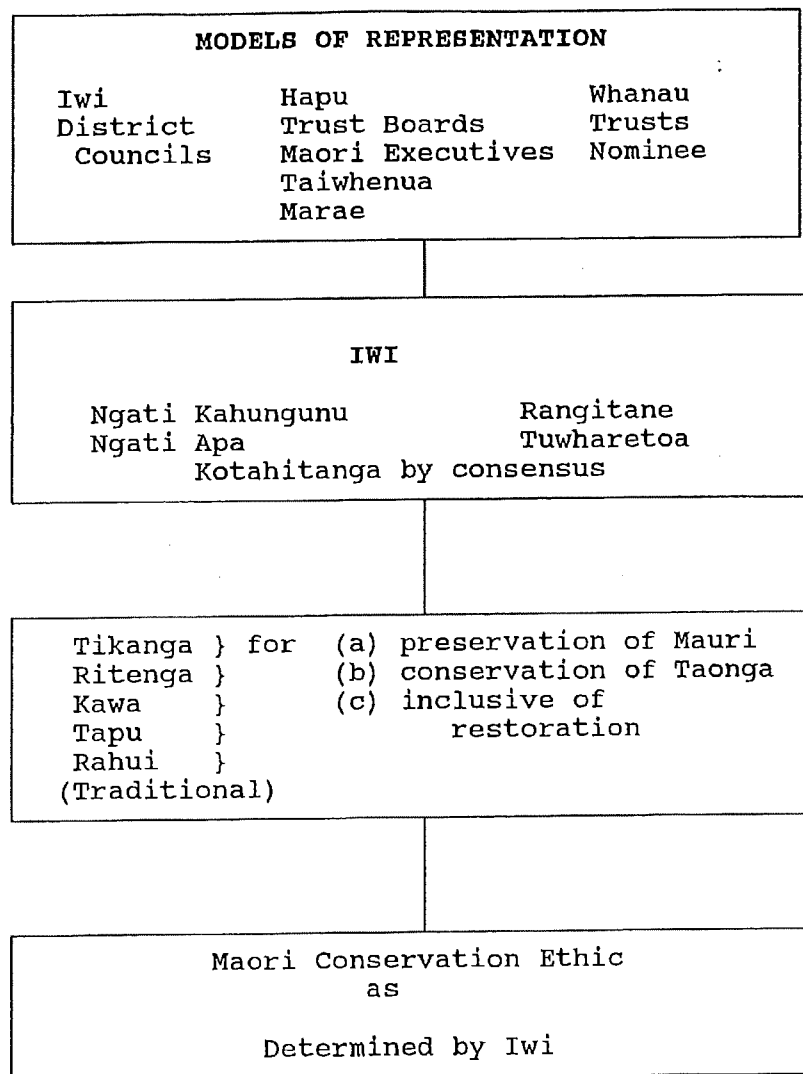
The outcome of this process will lead to the production of the Kaupapa Atawhai Management Plan that gives effect to the Maori Conservation Ethic, formulated by the tangata-whenua of Hawke's Bay Conservancy, in a manner consistent with and compatible to both tangata-whenua and Crown expectations, as determined through the Principles of the Treaty of Waitangi.

**Figure 4** sets out a hierarchical structure by which implementation of the Plan can be monitored, managed and accounted for.

**Figure 5** shows an interim conservancy view of where it wants to be in regard to kaupapa atawhai by the year 2000.

A more detailed description of the Maori components shown in the diagrams is also provided in the Appendices.

Figure 1



## DESCRIPTION OF FIGURE 1 - MAORI COMPONENTS

### Nga Iwi Tangata-Whenua

This component includes all of the tangata-whenua in the Hawke's Bay Conservancy. It is these Iwi who, collectively represent the philosophical value base of Kaupapa Atawhai in the Hawke's Bay Conservancy.

- Ngati Kahungunu
- Rangitane
- Ngati Apa
- Tuwharetoa



These Iwi are the Crown's partners in this Conservancy through this various models of representation.

Kawa/Tikanga/Rahui/Tapu

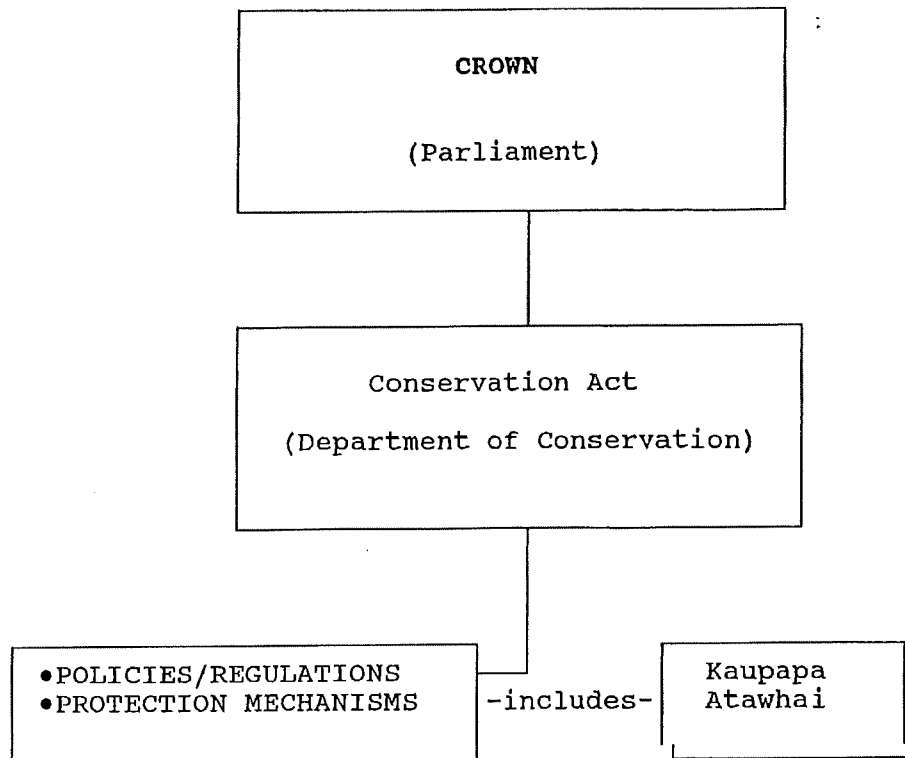
This component embodies the regulatory practices and methods for their implementation and observance.

These will vary in some way between tangata-whenua groups, however, it will be possible to establish a set of practices and mechanisms that express the peculiarities of each tangata-whenua group where this is necessary.

Kaupapa Atawhai/Maori Conservation Ethic

This component contains the collective Iwi Conservation Philosophies and Principles of the tangata-whenua of the Hawke's Bay Conservancy. In short this component represents the Kaupapa Atawhai Principles of the Conservancy, recognising that these are an 'Iwi-owned' set of values.

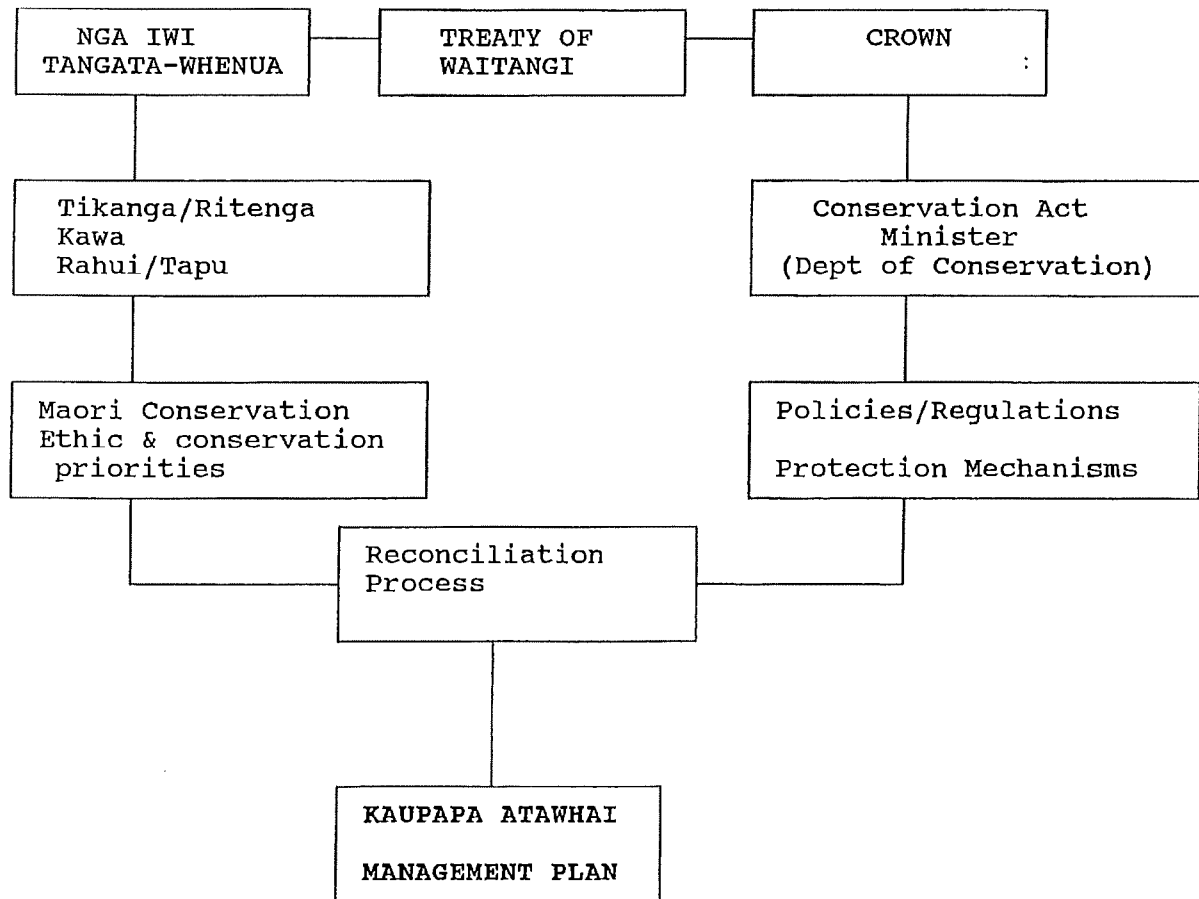
**Figure 2**



**DESCRIPTION OF FIGURE 2 COMPONENTS**

The components set out in Figure 2 basically shown the process by which the Crown establishes and implements legislation.

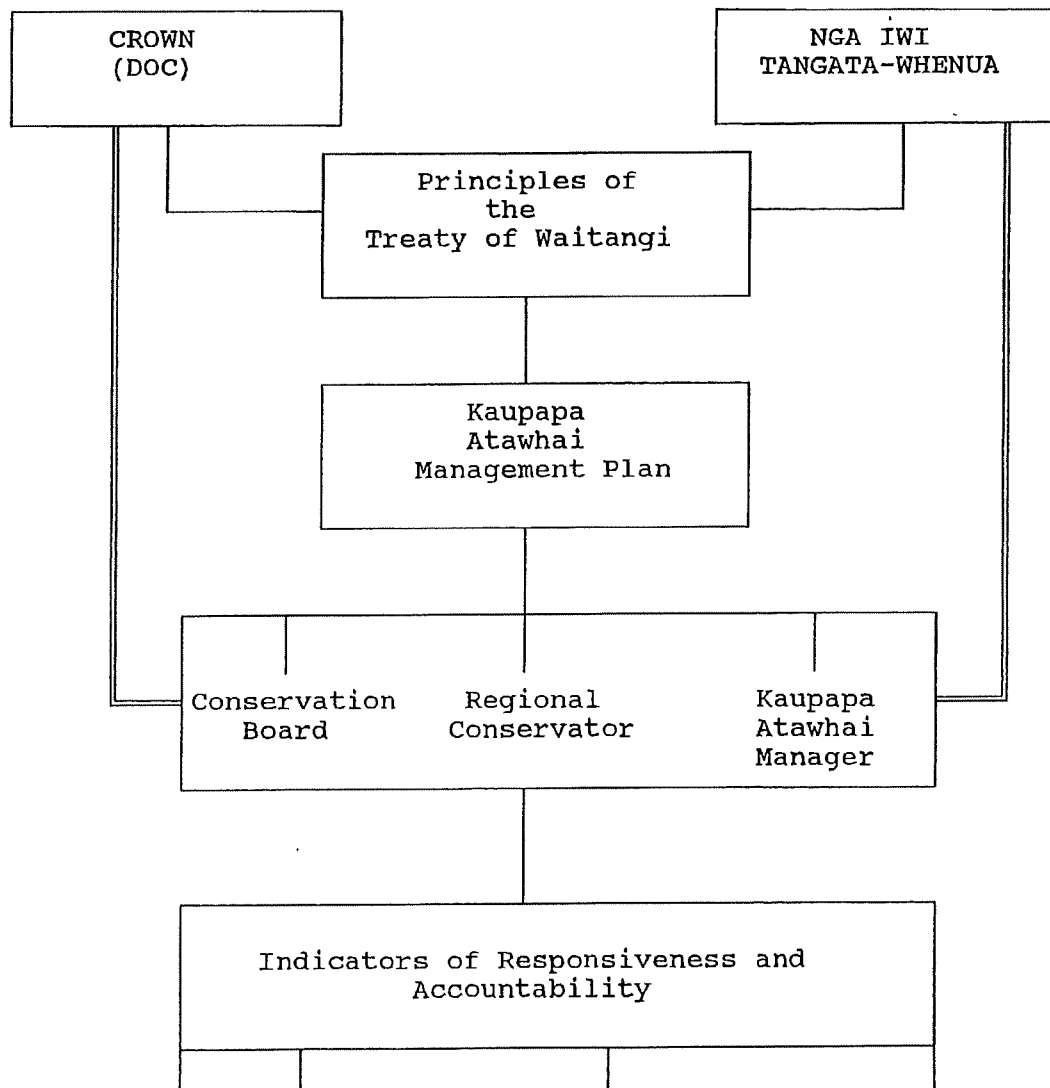
**Figure 3 Reconciliation**



### DESCRIPTION OF PHASE 3 COMPONENTS

This diagram brings the tangata-whenua and Crown components together within context of the Principles of the Treaty of Waitangi.

**Figure 4 Implementation Structure**



**DESCRIPTION OF FIGURE 4 COMPONENTS**

Given the Kaupapa Atawhai Management Plan is a result of reconciling Crown and tangata-whenua aspirations with each other, Figure 4 is an example of how existing structures can be utilised to provide a monitoring, supervisory and advocacy role in respect of the Plan.

**Figure 5**

**Q     Where does the Conservancy want to be in its relationships with tangata-whenua and its incorporation of Kaupapa Atawhai in its business by the year 2000?**

- A**
- 1)     Established and effective communication lines with Maori organisations in the Conservancy, with regular communication over planning issues and annual prioritising and budgets.
  - 2)     Incorporation of maori conservation ethic within the overall DOC conservation ethic (i.e. DOC conservation ethic should be fully bicultural).
  - 3)     DOC staff in Conservancy become biculturally aware and demonstrate appropriate sensitivity in consulting Iwi regularly and fully.
  - 4)     Enhanced protection of important conservation values on Maori lands.
  - 5)     Iwi input into management of the public conservation estate.
  - 6)     Conservation values fully recognised and protected through the resolution of Treaty claims. DOC fully involved and respected by all parties for an unswerving commitment to conservation and lateral approach to resolving grievances as a part of the Crown team.
  - 7)     Kaupapa atawhai management plan completed, under implementation, evaluation and ongoing review.

The ignorance of Tauīwi is put in to perspective when it is realised that within our own rohe there are not many people - Maori people, who have a common understanding of what "Tikanga Maori" is. And yet the need for such an understanding goes to the very essence of what an ethic for conservation is and how, in te Ngati Kahungunu perception of things, it arises.

What follows is the Ngati Kahungunu perspective that is applied within our rohe; we recognise the right of other Iwi to their own determinations.

### **TIKANGA MAORI : A PERSPECTIVE**

To understand anything properly is to first go back to its roots, its origins. So too, in the search for an understanding of the Maori ethic for conservation one must go back to Maori roots which are to be found in our cosmogonic origins and mythology to do with creation.

Our understanding is that IO MATUAKORE is the supreme deity; that Rangi and Papa were the PRIMORDIAL PARENTS who bore their many children within the realm of TE PO (darkness); that Tane, one of those many children separated the parents thus creating light (TE AO MARAMA); that those children (celestial beings - atua) empowered by IO MATUAKORE set about the business of creating the natural and physical world, including mankind.

From this understanding of creation springs the Maori notion that man does not "own" the natural and physical world but is a part of it at the behest of his creator.

What the Atua sought from IO MATUAKORE was the gift of life - MAURI - and it is the preservation of this MAURI within the natural and physical world which goes to the very heart of conservation.

The next gift to be sought and obtained by the Atua (Tane) was the divine gift of knowledge as represented by the "Three KITS OF KNOWLEDGE". These were:

TE KETE TUARI:

Scientific knowledge or knowledge pertaining to human activities, natural phenomena relating to the kingdom of nature (Summarised by Gray and Saunders and "MATAURANGA").

TE KETE ARONUI:

Celestial and cosmogonic information designed to benefit humankind (ie. anthropogenic mythologies summarised by Gray and Saunders as "WHAKAARO").

TE KETE TUATEA:

All rituals, acts and formula with all things on earth and the cosmos (ie. "RITENGA and KAWA).

We subscribe to the view of GRAY and SAUNDERS that MATAURANGA based values are reflected within the need to protect resources and their MAURI through the use of institutions such as RAHUI and TAPU.

We also agree that together the notions of "MATAURANGA" (from TE KETE TUARI) and "WHAKAARO" (from TE KETE ARONUI) combined to form the notion of TIKANGA.

These gifts of knowledge or TIKANGA which combine the scientific knowledge of nature and spiritual knowledge of our origins are God given gifts and as such they are to be regarded as immutable - changeless - because they spring from divine knowledge.

TE KETE TUATEA on the other hand containing RITENGA and KAWA is perceived as that set of processes and protocols by which TIKANGA is applied. They are the dynamic processes which allow us to adapt the application of TIKANGA to our TAONGA in order to arrive at an ethic for CONSERVATION. Being dynamic, they allow us to take advantage of new technologies for use, development and conservation of taonga.

Returning for a moment, to the practical difficulties mentioned under "Background", this understanding of the way we see "TIKANGA MAORI" and its dynamic application through RITENGA and KAWA, puts to rest any notions of our concepts being old hat, buried in the past, non-applicable in the modern setting. The plain fact is that they are just as relevant now as they ever were.

The thrust of this part of this paper is to emphasise for Atawhai Managers the need to come to grips with what Tikanga Maori means for you and your Iwi because that becomes your "Bible" by which you apply your notions of a conservation ethic in terms of your role as KAITIAKI irrespective of whether you do so by virtue of your own mana or as an officer of government.

## **INTER-RELATED CONCEPTS OF TIKANGA**

Professor James Ritchie (Paper undated) represents TIKANGA as being comprised of five inter-related concepts that capture the wider concept implicit in TIKANGA.

These include WAIRUATANGA at the very core, along with the complimentary concepts of:

- RANGATIRATANGA
- WHANAUNGATANGA
- KOTAHITANGA
- MANAAKITANGA

Recognising the CONSTRAINTS listed above, here is a brief outline of each in our terms:

### **Wairuatanga**

In a word "spirituality" being the acknowledgement of our origins and our allegiance to GOD: the basic cement or thread upon which all else is dependant. It denotes our place as part of the natural and physical world.

Kotahi te wairua i nga mea katoa.

There is but one spirit in all things.

### **Rangitiratanga**

Our brand of sovereignty denoting our Mana - Mana Tangata, Mana Moana, Mana Whenua ana.



It is through RANGITIRATANGA that we exercise KAITIAKITANGA in respect to NGA TAONGA TUKU IHO.

Our key role as KAITIAKI is to preserve the MAURI of our TAONGA (which allows us to conserve the taonga itself) through practises (RITENGA AND KAWA) that allows current use in a way that has regard for future generations.

Our management regime is TAPU and RAHUI.

### **Whanaungatanga**

In a word "RELATIONSHIPS" as people, as well as the way we relate to all else within the natural and physical world. To quote the Great Chief SEATTLE "all things are connected".

### **Kotahitanga**

Denotes unity of purpose through group dynamics of decision making by consensus.

### **Manaakitanga**

The basis for mutual caring and sharing. It is not merely caring for others but being demonstrably able (and willing) to care for others.

## **MAORI HOLISTIC APPROACH : TO USE OF TAONGA**

The Maori approach is three dimensional on triangular and regard, for it to be holistic, must be directed to all three dimensions or sides equally and in balanced fashion.

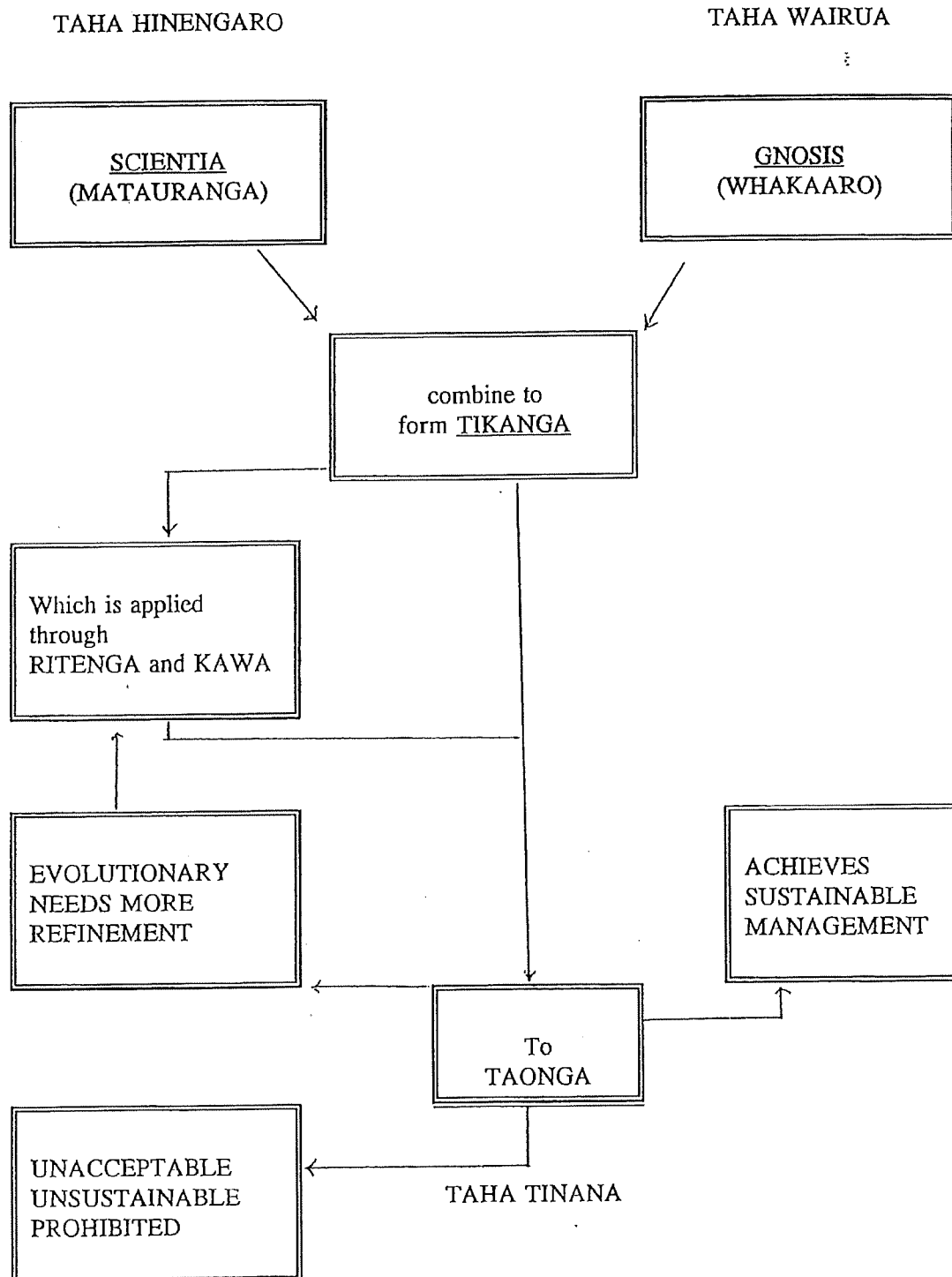
The dimensions or "SIDES" are:

TAHA WAIRUA - spiritual

TAHA TINANA - physical

TAHA HINENGARO - mental

This diagrammatic expression is as follows:



To capture the essence of this philosophy let us return to the three kits of knowledge which give us the summarised notions of MATAURANGA and WHAKAARO in context.

Given that MATAURANGA represents the scientific or HINENGARO and WHAKAARO represents the spiritual or WAIRUA then the joint application of both gives us our TIKANGA.

The TIKANGA when applied to proposed uses of our TAONGA, being our physical assets (TINANA) by reference to our RITENGA and KAWA (rituals, practises and protocols) tell us whether or not the proposed use is sustainable - therefore permissible or prohibited or requires further adaptation.

## LOOKING TO THE FUTURE

As our Iwi is trying to achieve what is best for our constituent hapu, we are conscious of our role as educators, in matters to do with conservation.

Our experience with two Regional Councils is that they seem far more genuinely interested in getting to grips with their role as Treaty partners than are the agencies of Central Government. Councillors and staff alike have shown a responsible attitude to educating and being educated.

Central Government itself is the best proponent for a "user pay" environment yet there still lingers within the halls of some agencies a mentality for getting Maori collective knowledge for little or nothing.

The continued retention of that mentality does not answer well for future bicultural relationships between Iwi and the agencies affected. Our Iwi has invested a lot of its own resources to get ourselves to our current position and neither we nor any other Iwi should be expected to continue to provide free education.

Let our future relationships be based on mutual respect and mutual giving, manaakitanga in its fullest sense.

W Hodges  
March 1994

EXHIBIT A111  
This is the exhibit marked  
"C" mentioned and referred to  
in the above affidavit of **WIREMU  
TERERANGA SYLVESTER HODGES**,  
sworn at Hastings this 11/12/13, of



## Schedule I. Background to the Maori Dimension

Deputy Registrar General of the Peace

Brian P.J. Rabbitt J.P.  
17 Lucknow Road  
Havelock North  
Tel. 06-877 4909

### 1 INTRODUCTION

- 1.1 The review of the original Regional Policy Statement has included a review of Chapter 4 of the Maori Dimension.
- 1.2 At this time of second-generation planning, both Regional Council and Maori of Hawke's Bay can reflect on the original Regional Policy Statement and the developed Regional Plans knowing:
  - (a) that the parties have made good progress towards developing a positive Council/Maori relationship
  - (b) that there has been a real and positive move to accommodate the statutory and the Treaty imperatives for Maori
  - (c) that this revision by HBRC to provide a combined RPS and a single Regional Plan for most things sets up the opportunity for Maori of Hawke's Bay to update the "Maori Perspective" as their contribution to making the dimension more intelligible and therefore more user-friendly.
- 1.3 As part of the review the Regional Council has consulted widely with Maori of Hawke's Bay by holding seven consultative hui in Raupunga, Mahia (Kahungunu and Rongomaiwahine), Tuai (Ruapanui/Tuhoe/Kahungunu) Wairoa, Napier, Hastings and Porangahau. A synopsis of these hui are available as a background report to the Plan.
- 1.4 The purpose of the consultation was to advise Maori of the plan review and to invite them to re-state the issues of significance to them. Understandably, Rongomaiwahine (Mahia) and the people of Tuai have indicated that they wish to express their rangatiratanga independently. Therefore, the views expressed in this section are predominantly, though not exclusively, of Ngati Kahungunu. Nevertheless, these iwi share common principles, with the exception that 'tikanga' to Ngati Kahungunu is 'kawa' to Tuhoe and their concepts of each may differ.
- 1.5 The only iwi plans available to Regional Council are "Kaitiakitanga Mo Nga Taonga Tuku Iho" (Runanganui O Ngati Kahungunu, December 1992) and "Nga Tikanga O Te Whanau" (O Rongomaiwahine Policy Statement, October 1992). Where possible aspects of both documents have been used to update this part of the Policy Statement/Regional Plan.
- 1.6 This Schedule provides background information on aspects of the Maori dimension which expand on the context in which it is set. This information includes: the Principles of the Treaty of Waitangi; the Maori conservation ethic and tikanga and taonga.

### 2 PRINCIPLES OF THE TREATY OF WAITANGI

- 2.1 Section 8 of the Resource Management Act requires all persons exercising functions and powers under it to take into account the principles of the Treaty of Waitangi. To tangata whenua those principles, based on interpretations by the Courts and the Waitangi Tribunal and as applied in the context of sustainable management of natural and physical resources under the Act, mean as follows:

#### *The Principle of Te Tino Rangatiratanga*

- 2.2 Te tino rangatiratanga (full chiefly authority) over resources including lands, forests, fisheries and other taonga were guaranteed to Maori under Article II of the Treaty. Tino rangatiratanga includes tribal self-regulation of resources in accordance with their own customary preferences. Tino rangatiratanga was not, nor was it ever intended to be, relinquished or given away by Maori to the Crown.

#### *The Principle of Partnership*

- 2.3 The Treaty signified a partnership between Maori tribes and the Crown. The exchange of promises under Articles I and II of the Treaty is seen as an exchange of gifts. The gift of the right to make laws and the promise to do so as to accord the Maori interest in appropriate priority. Utmost good faith, reasonable co-operation and compromise are fundamental to this concept of a partnership.

#### *The Principle of Kawanatanga*

- 2.4 Kawanatanga, as ceded by Maori under Article I of the Treaty, gave the Crown the right to govern and to make laws applying to everyone. The delegation of resource management powers by the Crown to local authorities under the Act means that those authorities can make policies, set objectives and make rules affecting the management of natural and physical resources, subject to the guarantee of tino rangatiratanga to Maori and recognition of the partnership between Maori and the Crown.

### ***The Principle of Active Partnership and Consultation***

- 2.5 The spirit of the Treaty calls for Maori to have a much greater say in the management of the environment. Effective, early and meaningful consultation is an integral and necessary component and forerunner to greater participation by Maori in resource management decision-making.

### ***The Principle of Active Protection***

- 2.6 The guarantee of te tino rangatiratanga given in Article II is consistent with an obligation to actively protect Maori people in the use of their lands, water and other protected taonga, to the fullest extent practicable. In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment (including mauri, tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Maori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Maori.

### ***The Principle of Hapu/Iwi Resource Development***

- 2.7 Article III of the Treaty gave to Maori the same rights and duties as other New Zealand citizens. The Treaty guaranteed to Maori retention of their property rights under Article II, and the choice of developing those rights under Article III. To Maori, the efficient use and development of what are in many ways currently under utilised hapu/iwi resources is a very important principle of the Treaty in the context of resource management under the Act. Ngati Kahungunu seek restoration of their tribal resources in accordance with their own needs and aspirations. In pursuing development, Maori may choose to pursue non-traditional uses of their resources instead of or as complementary to, their traditional practices. Recognition of the ability and need for hapu/iwi to develop their resources in a manner which achieve the purposes of the Act is a fundamental principle embodied in the Treaty.

## **3 THE MAORI CONSERVATION ETHIC**

- 3.1 In essence, this ethic involves the preservation of mauri – simplistically translated as the ‘life-force’ – and the conservation of the species. Where the habitat remains healthy a species will flourish allowing usage that is mindful of conservation.
- 3.2 The notions of kaitiakitanga:
- stewardship that respects the heritage of future generations
  - mana and rangatiratanga depicting the power and leadership to exercise kaitiakitanga
  - tapu/rahui as the management system for the conduct of kaitiakitanga
- all contribute to the application of the ethic.
- 3.3 To appreciate fully the depth of meaning and the profound implications of these terms, one needs to go back to Maori cosmogenic origins. The Maori version of Creation embodies both spiritual and physical concepts of the world's origins. In terms of tradition, those origins should properly be given in Maori. For the purposes of this statement, however, the English approximations are used.
- 3.4 Maori believe that in the beginning there were three states of reality. The first state was Te Korekore from which emerged Io-Matuakore – or Io, the parentless one. The second state was Te Po within which Io created Ranginui (Sky Father) and Papatuanuku (Earth Mother). Within the darkness of their embrace Ranginui and Papatuanuku begat many deities called atua. The third state of reality was Te Ao-Marama brought about when one of the atua called Tane separated his parents to form sky and earth.
- 3.5 As with Ranginui and Papatuanuku, these deities or atua had the power to create. Dominant among them was Tane, who created natural and physical covering for the land and was god of the forests; Tangaroa created the marine life and presided over the oceans; Tawhirimatea took to the heavens out of sympathy for Ranginui and from there he presided over the elements.
- 3.6 Tane was also the creator of humans, the first of whom, a woman, was fashioned from the soil of Papatuanuku. Although these atua or deities had the power to create, only Io-Matuakore could grant the gift of Mauri – that is, the life force – for those things that make up the natural and physical world. The atua had to seek delegated approval to imbue their creations with Mauri that those creations may live.
- 3.7 If rangatiratanga is ‘authority’ and tino-rangatiratanga is “ultimate authority” then only Io can truly be said to have tino-rangatiratanga, which he exercised by creating Ranginui and Papatuanuku who begat the deities responsible for the terrestrial and celestial environment including human genesis.

- 3.8 The Maori was born into this physical world and became part of it. Whakapapa, or genealogy, is sacred to Maori because it not only establishes whanaungatanga links within society but also within the physical environment and more especially the wairua or spiritual links back to Io-Matuakore.
- 3.9 Genealogical links are readily understood. The relationship links to the environment are typified by the notion that the trees of the forest, for example, like Maori, are "Children of Tane". The spiritual links recognise that Mauri comes only from Io and represents the paramount gift of all taonga tuku iho, or god-given gifts.
- 3.10 While the ultimate homage is given to Io, the values system that emanates from these cosmogenic origins recognises the role that the lesser deities served in the creation process that gave rise to an evolutionary physical environment. No taonga or resource is used without prior propitiation to the creator-deity. They were the first kaitiaki from whom Maori inherited the whakapapa right to exercise kaitiakitanga or perpetual stewardship.

## **4 TIKANGA AND TAONGA**

- 4.1 The predominant view of Maori in Hawke's Bay is that the identification of their values and interests must start from an understanding of the philosophical basis for Maori beliefs and customs. The essence of that philosophy arises from the significant differences, in traditional Maori society, between the concepts of tikanga and taonga.

### **4.2 TIKANGA**

- 4.2.1 Tikanga comprises the values, norms and practices of Maoridom. This is represented by both the notions of whakaaro and matauranga, which when brought together represented wisdom. Tikanga, in a traditional context, comprised "the three kits of knowledge" representing all the knowledge and the values, norms, rituals and protocols.
- 4.2.2 The three kits of knowledge are:
  - (a) **Te kete Tuwari** - This kit contains the scientific knowledge or that knowledge pertaining to human activities or to natural phenomena relating to the kingdom of nature (matauranga).
  - (b) **Te kete Arounui** - This kit consists of celestial and cosmogenic information designed to benefit humankind (that is, the anthropogenic mythologies), or whakaaro.
  - (c) **Te kete Tuatea** - This kit comprises all the rituals, acts and formulae with all things on earth in the cosmos (that is, retinga and kawa).
- 4.2.3 The matauranga based values are reflected within the need to protect resources and their mauri through the use of institutions such as rahui and tapu.
- 4.2.4 Together the notions of whakaro and matauranga combine to form the notion of tikanga which may be explained as being Nga Tikanga Maori – their own ways, rules, conditions of proper conduct or lifestyle, exercised through the binding concepts of wairuatanga, whanaungatanga, rangatiratanga, kotahitanga, and manaakitanga.
- 4.2.5 From a Ngati Kahungunu standpoint these tikanga value concepts are god-given and therefore immutable or changeless – fixed as in the case of the upper jaw (Kauae runga). Kawa, on the other hand, is one of the dynamic processes, protocols and practises deriving from the value concepts to provide a living evolutionary culture – flexible as is the case of the lower jaw (Kauae raro). While tikanga has iwi-wide application, kawa can, and very often does, differ from hapu to hapu within a single iwi, a pertinent point for the purpose of consultation, and management decisions.

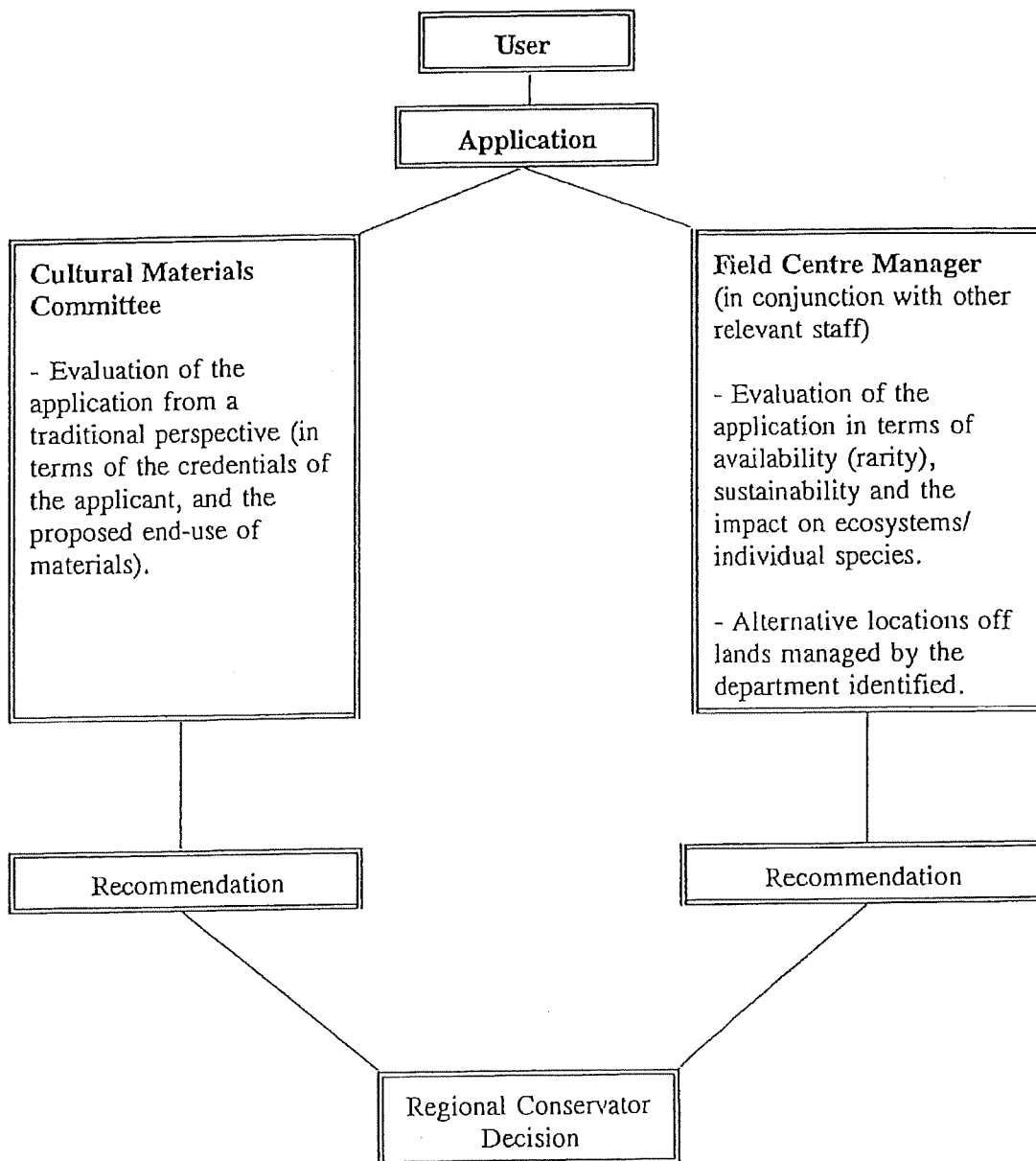
### **4.3 TAONGA**

- 4.3.1 Taonga encompasses all things tangible or intangible and derive their meaning at both the physical and spiritual levels. Taonga comprises all treasures inherited from the past, to the present, and for future generations. At a spiritual level, taonga includes the three great states of reality - Te Kore Kore, Te Po and Te Ao Marama - and all that was created out of those states. At a physical level, taonga is manifested in the physical states of moana through to whenua. The notion of mauri is representative of a continuum involving mana, wehi, ihi, tapu and wairua that embraces both the physical and the spiritual.

#### **4.3.2 THE RELATIONSHIP BETWEEN TIKANGA AND TAONGA**

- 4.3.2.1 The predominant view of Maori in Hawke's Bay is that the concepts of tikanga and taonga are strongly inter-related due to the importance of cosmogony and the spiritual dimension within both taonga and tikanga. It is from these concepts that Maori decision-making processes and the structure of Maori society emerge.

**APPLICATIONS FROM IWI TO GATHER MATERIALS FROM  
LANDS MANAGED BY THE DEPARTMENT OR TO TAKE PROTECTED  
SPECIES FOR CULTURAL PURPOSES - PROCEDURE TO BE FOLLOWED**







**APPLICATION FOR CULTURAL MATERIALS  
FROM THE DEPARTMENT OF CONSERVATION**

1. Name of applicant: \_\_\_\_\_
2. Contact address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
  
Phone No: \_\_\_\_\_
3. Type of cultural material required: \_\_\_\_\_  
\_\_\_\_\_
4. Quantity required (e.g. timber measurements, number and type of whale bones, number of feathers or skins, number of leaves/tufts of pingao, kiekie, harakeke):  
\_\_\_\_\_  
\_\_\_\_\_
5. What is the material required for? Give details and dimensions of the end product:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Will the material be used for monetary gain? \_\_\_\_\_
7. Who will work the material? \_\_\_\_\_  
\_\_\_\_\_
8. Where will the material be worked? \_\_\_\_\_  
\_\_\_\_\_
9. Where will the material be housed when the work is completed? \_\_\_\_\_  
\_\_\_\_\_
10. Who will instruct the use of the material? \_\_\_\_\_  
\_\_\_\_\_

22. If materials other than kiwi, kereru, kaka and tui feathers and whalebone or whale teeth can't be used, give reasons why. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. Are other materials possible for this use? \_\_\_\_\_

24. Will similar material be needed for other uses by you in the near future?

\_\_\_\_\_

25. Has this application been authorised by Marae Committee/Runanganui?

\_\_\_\_\_

26. If this application is on behalf of a marae/iwi/school or other organisation, please give name: \_\_\_\_\_

27. Contact people for further information are: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Completed application to be forward to:

Regional Conservator  
Department of Conservation  
P O Box 644  
NAPIER  
Attention: Kaupapa Atawhai Manager

Note: All applications will be forwarded to the Cultural Materials Committee of Hawke's Bay Kaupapa Atawhai for their comment before any resources are allocated.

11. What qualifications/experience does the instructor have? \_\_\_\_\_

12. Are traditional or modern methods to be used? \_\_\_\_\_

13. Is the finished project required for a specific purpose or occasion? \_\_\_\_\_

---

### IN THE CASE OF HARVESTED MATERIAL

14. Who will harvest the material? \_\_\_\_\_

15. How will the material be harvested? Give details of harvesting/extraction method if known: \_\_\_\_\_

16. Is a particular area preferred or identified for harvest? \_\_\_\_\_

If YES, what is the name of this area? \_\_\_\_\_

17. Have resources of this material been identified here? \_\_\_\_\_

18. Who are the tangata whenua for this area? \_\_\_\_\_

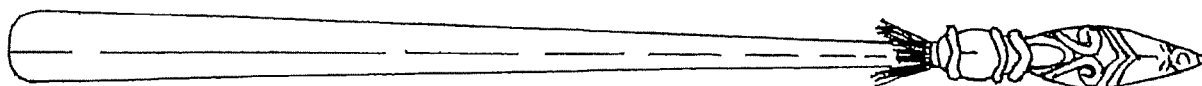
19. Can materials be take from other sites? \_\_\_\_\_

20. Who will possess the material? \_\_\_\_\_

---

21. Is there a time limit for this request? \_\_\_\_\_





# TE RUNANGANUI O NGATI KAHUNGUNU INC.

509 ORCHARD ROAD  
P.O. BOX 2406  
STORTFORD LODGE  
HASTINGS

TELEPHONE: (06) 876-2718  
FACSIMILE: (06) 876-4807

17 March 1994

Our file ref: CS 02-17 J5

The Director General of Conservation  
c/- Regional Conservator  
Hawkes Bay Conservancy  
PO Box 644  
NAPIER

Attention: John Ombler

"TE ANGIANGI" (ARAMOANA-BLACKHEAD, CENTRAL HAWKES BAY):  
MARINE RESERVE APPLICATION.

E te TUMUAKI, e HONE,

Tena koe. Tena koe i roto i te korero a koro ma a kui ma.

## "TANGAROA PUKANOHI NUI"

### A. BACKGROUND

1. We think it appropriate to preface this submission, objecting to your proposed application (for an Order in Council to create a Marine Reserve) with the proverb of big-eyed Tangaroa, the moral being that:-

"The God of the Sea can observe all  
we are doing"

2. In the context of an Iwi strategy for Ngati Kahungunu whanui, particularly in respect to our umbrella role on behalf of our constituent hapu, we take very seriously our KAITIAKI responsibilities knowing that the eyes of Tangaroa are watching our every move.

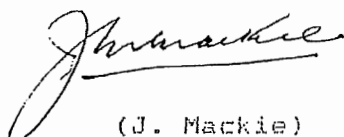
3. So as to reinforce the importance of KAITIAKITANGA, there is appended to this submission (and marked "A"), an extract from pages 16, 17 & 18 of the "REPORT AND RECOMMENDATIONS OF THE BOARD OF ENQUIRY INTO THE NEW ZEALAND COASTAL POLICY STATEMENT" dated February 1994, where the Board of Enquiry gives an in depth commentary on "KAITIAKI" and "KAITIAKITANGA".
4. The notion of "Kaitiaki" and "Kaitiakitanga" arises out of TIKANGA MAORI (as understood by Ngati Kahungunu) and is based on the constituent concepts of WAIRUATANGA, RANGATIRATANGA, KOTAHITANGA, WHANAUNGATANGA, and MANAAKITANGA.
5. WAIRUATANGA is the all pervasive element that overrides and cements the other 4 elements of TIKANGA MAORI in place. It constantly reminds of our cosmogenic origins, our whakapapa and our place within the physical world.
6. RANGATIRATANGA denotes our status and right to exercise KAITIAKITANGA in respect to our MANA WHENUA - MANA MOANA. In so doing we use the management tools of RAHUI and TAPU. Protection of MAURI is paramount.
7. KOTAHITANGA denoted unity through the process of collective decision making by consensus.
8. WHANAUNGATANGA is the recognition of kinship ties through whakapapa, both terrestrial and celestial.
9. MANAAKITANGA is, simplistically stated, not merely caring for others but also being demonstrably able to care for others.
10. While TIKANGA are GOD-GIVEN - and therefore immutable, changeless - RITENGA and KAWA are the rituals, processes and protocols by which TIKANGA are applied; RITENGA and KAWA are dynamic and are adaptable to the circumstances of the times.

B. OUR CONCERNS.

1. The MARINE RESERVES, under the MARINE RESERVES ACT 1971 on the other hand are unnecessarily rigid, and permanent, devoted solely to preservation. The statutory purpose is ostensibly the preservation of representative species for scientific research.
2. The Act is out of step with more recent and more enlightened legislation that give cognisance to the principles of the Treaty of Waitangi and the role of Tangata Whenua as Treaty partners.
3. The Act in its present form and because it is out of date, does not recognise the far reaching implications for Ngati Kahungunu in its attempts to balance the effects of commercial fishing with the non-commercial aspects of fisheries regulations and MAHINGA MATAITAI.
4. Agencies of Government lack proper integration of effort in respect to overlapping interests and effects in a way that seriously undermines Ngati Kahungunu ability to apply TIKANGA MAORI in the usual holistic way. (See the specific comment by the Board of enquiry - referred to in A3 above - at page 103 second paragraph *ibid*)
5. TIKANGA MAORI has not been applied to the process of determining the validity or otherwise of this subject application. If it were then the alternative Maori system of Rahui and Tapu would be shown to be a more effective management process by virtue of it being dynamic, adaptable and mobile.
6. The proposal pays no attention to the more urgent managerial problem of restoration. If government, through D.O.C., were to balance its focus between "preservation" and "restoration" (especially "restoration" with respect to Hawke Bay) its arguments would be a lot more persuasive. BUT the Act itself, as it stands, will still be seen to be ill equipped for the purpose it needs to serve.



- C. NGATI KAHUNGBUNU STRONGLY OBJECTS to this subject application for an Order in Council for the reasons stated above, and on other grounds that we wish to reserve to the time of a formal hearing.
- D. Ngati Kahungunu wishes to be heard in terms of its objection at a time, date and venue to be mutually negotiated. We urge that this hearing be conducted at a Marae venue of our choice.

A handwritten signature in dark ink, appearing to read 'J. Mackie', with a horizontal line drawn underneath it.

(J. Mackie)  
CHIEF EXECUTIVE OFFICER













































Tania Sansom-Anderson

From:

Sent:

To:

Subject:

Wufoo <no-reply@wufoo.com>

Saturday, 5 August 2023 9:14 PM


Policy Team

HDC - Plan Change 5 Submission Further Opportunity [#8]

Name \*

Gail Hussey

Postal address \*



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Do you want to be heard in support of your submission? (Hearings will take place later, and we will contact you to arrange a time only if you wish to be heard. Please give us your contact details in the top section.) \*

No

If others      No  
make a  
similar  
submission,  
would you  
be prepared  
to consider  
presenting  
a joint case  
with them  
at the  
hearing? \*

Could you      No, I could not  
gain an  
advantage  
in trade  
competition  
through  
this  
submission?  
\*

Are you      • (b) Does not relate to trade competition or the effects of trade competition.  
directly  
affected by  
an effect of  
the subject  
matter of  
the  
submission  
that:  
(If trade  
competition  
applies,  
select one  
of these.)

1. Have you      No (Go to question 3)  
already  
made a

submission  
on Plan  
Change 5  
(PC5)?

3. My submission relates to the following proposed elements of plan change 5: (Tick all that apply).

- The types or range of houses that can be built – townhouses, duplexes, terraced housing and low rise apartments
- The number of houses that can be built on a site
- The 3 storey height limit for houses
- The removal of the need for affected parties' consents or neighbor's approval
- The use of the Hastings Medium Density Design Framework as a key assessment tool

5. My submission is that:

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.)

I totally oppose all of the plan change 5, right home right place.

If this plan was to go ahead you are completely changing the feel and out look of many areas. You can not build multiple house on one section with limited car parking, green space not to mention extra stress on existing services, schools. This is not the way to allow more housing. Existing home owners are been railroaded into a change in their neighborhood that they did not buy into. This is not right home right place.

More sections and areas need to be opened up for development with sections and housing that reflect family living with parking and green space where kids can play. This can not be done in this current plan. It is a short sighted quick fix to housing that is not long lasting and will drop value of everyone around them. We need homes that are long lasting and reflect their surrounding.

Any change either small or big should be notifiable.

This whole plan is WRONG



## Tania Sansom-Anderson

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**From:** Wufoo <no-reply@wufoo.com>  
**Sent:** Tuesday, 8 August 2023 9:39 PM  
**To:** Policy Team  
**Subject:** HDC - Plan Change 5 Submission Further Opportunity [#10]

**Name \*** Janet Jackson

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 New Zealand

**Email address \*** [atomac22@gmail.com](mailto:atomac22@gmail.com)

**Phone number \*** 0210480720

**Contact name, address, email address and phone number for service of person making the submission\*** Janet Jackson

**Postal address**   
 708 Charles Street Raureka  
 Hastings, Select One 4120  
 New Zealand

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**Phone number** 0210480720

**Do you want to be heard in support of your submission?** Yes

(Hearings will take place later, and we will contact you to arrange a time only if you wish to be heard. Please give us your contact details in the top section.) \*

**If others make a similar submission, would you be prepared to consider presenting a joint case with them at the hearing? \*** Yes

**Could you gain an advantage in trade competition through this submission? \*** No, I could not

1. Have you already made a submission on Plan Change 5 (PC5)? No (Go to question 3)

3. My submission relates to the following proposed elements of plan change 5: (Tick all that apply).

- The types or range of houses that can be built – townhouses, duplexe, terraced housing and low rise apartments
- The number of houses that can be built on a site
- The 3 storey height limit for houses
- The removal of the need for affected parties' consents or neighbor's approval
- The use of the Hastings Medium Density Design Framework as a key assessment tool
- Other, please specify

4. The specific chapter and provisions of the PC5 proposed plan change my submission relates to are:

(Please reference the specific section or part of the planning provision(s), such as Objective MRZ-O1 or Rule MRZ-R16)

5. My submission is that:

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.)

Please see attached.

6. I seek the following submission from Hastings District Council:  
(Give precise details)

Please see attached.

Please feel free to attach an additional document if necessary.



[hdc\\_plan\\_change\\_5\\_submission\\_8\\_aug\\_2023.docx](#) 314.86 KB

• DOCX

## **Plan Change 5 -**

**House types that can be built-** I oppose multiple (more than 3 units) duplex units, apartment blocks and terraced housing. This multiple housing does not promote happy healthy living, it is eroding the character of our city and impacting the social fabric of our existing community. Council talks of 'good design standards' but what are these? Good design is not what we are seeing in the repetitive designs of the many KO developments.

**No. of houses on a site** – Site size minimum should be restricted to 300sqm. Families need green space for outdoor living – Hawke's Bay living. The government have got it wrong with not providing parking for 2 cars per house. We are not Auckland, we are not serviced well enough with public transport here in Hastings to not have cars. Our Hawke's Bay lifestyle is based around vehicle use. We travel to share joint amenities with Napier City. How do occupants charge their EV's if no car parking is provided? As an immediate neighbour to 711 Southland Road I am concerned that from 4 residents this site will soon have 44, and maybe 20 dogs!

**3 storey height** – We do not need 3 storey housing in Hastings. As there is no clear distinction of rules around the proposed medium density housing areas where upto 3 storied homes would be allowed, I oppose 3 storied housing in any Residential Zone.

**Removal of the need for affected parties consent or neighbour's approval** – If any aspect of a proposed development does not FULLY comply with the District Plan then affected parties and neighbours should have a say. Otherwise why have a plan? Will this new plan be black & white and adhered to fully? I disagree with the removal of consent / approval being required.

**The use of Hastings Medium Density Framework as a key assessment tool.** The rules around medium density development are too broad. I disagree with the recommendations from the recent review of the Medium Density Strategy which included removing barriers to development within the District Plan and providing greater certainty for the development community. The concerns in years gone by of backyard development are now but a joke with Developers already getting their way far too often by pushing the District Plan boundaries. Council and Kainga Ora are providing a launching pad for Developers to buy up properties and demolish established housing. I oppose the use of the Hastings Medium Density Framework as a key assessment tool.

## **Other - Transparency**

What transparency is there in the process that Housing NZ (KO – Kainga Ora) and NZHG (Tremain & Ward) [ & other Developers] have used to obtain properties and get consents?

It appears KO have used NZHG to scout for properties. Once Council approves plans TW (Tremain Ward) build the development for KO. Where is the transparency in that? Is this the Government & Council being accountable?

The Sale price in 2022 for 711 Southland Road was \$1,860,000 – 59% (\$690,000) more than the NEW 2023 CV. It is not interest rates that are stopping first home buyers, it is Developers paying exorbitant prices - of tax payer's money - to scout properties for KO and leaving young Kiwi's unable to afford home ownership.

Janet Jackson, 708 Charles Street, Raureka, Hastings 4120.

Email [atomac22@gmail.com](mailto:atomac22@gmail.com) Ph 0210480720

## Other – Character Homes

Hastings District Council must stop this – 711 Southland Road, Historic Home - now matchwood.



31 July 2023



1 August 2023

Council should be saving these individual historic homes and recognizing the architectural history in our established residential neighbourhoods. The character residential zones need attention and individual historic homes should be included.

A very high % of development in Hastings is currently for KO Housing. What land provisions are being made for those wanting to build their own homes within the established areas of our city? Or does this council just want to be remembered for building a KO (Kainga Ora) city?

Enough is enough – Council & KO need to take stock of how many house builds are currently in progress. Hastings needs to stop this perpetual KO house building and catchup with the infrastructure & services we need, source more doctors, dentists, provide more transport facilities and schools. Our hospital is already struggling.

Janet Jackson, 708 Charles Street, Raureka, Hastings 4120.

Email [atomac22@gmail.com](mailto:atomac22@gmail.com) Ph 0210480720

**From:** [Wufoo](#)  
**To:** [Policy Team](#)  
**Subject:** HDC - Plan Change 5 Submission Further Opportunity [#22]  
**Date:** Friday, 11 August 2023 12:31:24 PM

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Phone number *	0225687750
Contact name, address, email address and phone number for service of person making the submission*	Angela McFlynn
Postal address	<input type="checkbox"/> PO Box 13036, Mahora, Hastings 4155
Email	<a href="mailto:angela@mcflynnsurveying.co.nz">angela@mcflynnsurveying.co.nz</a>
Phone number	0225687750
Do you want to be heard in support of your submission? (Hearings will take place later, and we will contact you to arrange a time only if you wish to be heard. Please give us your contact details in the top section.) *	Yes
If others make a similar submission, would you be prepared to consider presenting a joint case with them at the hearing? *	No
Could you gain an advantage in trade competition through this submission? *	No, I could not
1. Have you already made a submission on Plan Change 5 (PC5)?	Yes
2. If you have already made a submission on PC5, do you want to:	Withdraw your original submission and make a new submission (you can do this by filling out this form);
3. My submission relates to the following proposed elements of plan change 5: (Tick all that apply).	<ul style="list-style-type: none"><li>• Other, please specify</li></ul>
	The entire plan change
4. The specific chapter and provisions of the proposed plan change my submission relates to are:	Refer attached.

(Please reference the specific section or part of the planning provision(s), such as Objective MRZ-O1 or Rule MRZ-R16)

5. My submission is that: Refer attached.  
(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.)

6. I seek the following submission from Hastings District Council: See attached.  
(Give precise details)

Please feel free to attach an additional document if necessary.



[hdc\\_plan\\_change\\_5\\_submission\\_august\\_2023\\_final.pdf](#)

336.55 KB • PDF

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Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
PLAN CHANGE 5	Oppose	<p>The proposed plan change is not consistent with the NPS-UD in that it does not seek to remove overly restrictive planning rules that make it more difficult to build homes. In particular, the proposed rules for the Medium Density Residential Zone will prevent the efficient use of the available land resource for infill subdivision and development where there is space for only one additional dwelling, and does not provide for subdivision by owner/occupiers of larger sites to create vacant sites that would otherwise be suitable for sale for future multi-unit residential development.</p> <p>Within the General Residential Zone, recent resource consent applications for developments have provided insight into the types of development that will be possible, perhaps even encouraged, if this plan change is adopted. Informal public feedback on these applications has provided clear evidence to Council that these types of development do not align with community aspirations for the District. We have strong concerns regarding the reduced quality of the</p>	That the plan change is withdrawn and a new plan change prepared that is consistent with the NPS-UD, aligns with community aspirations, provides for development at an appropriate density and in particular provides for subdivision and development within the Medium Density Residential Zone that is not limited only to 'comprehensive residential developments'.

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
		<p>wider residential environment that would result from the types of high density of development that would be enabled. The District Plan should ensure quality MEDIUM DENSITY residential environments that people would choose to live in as opposed to the types of high density developments currently being considered by Council, and similar low quality developments already established around Hastings, that in reality most people would only live in if they did not have any other options available.</p> <p>Controlling the overall maximum density of development that can be undertaken (i.e., allowing medium density, rather than high density developments) will also ensure that the District Plan remains consistent with the Regional Policy Statement (i.e., infill medium density development in appropriate locations at 20 - 40 dwellings per hectare).</p> <p>The current proposed plan change should be withdrawn, and <b><i>meaningful consultation should be undertaken with the community</i></b> to identify appropriate ways in which MEDIUM DENSITY</p>	



Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
		<p>development can be provided for while respecting the communities' aspirations for the character of their residential environments. The 'design guidelines', while aspirational, have not been reflected in recently completed multi-unit developments, and based on recent applications for multi-unit residential developments, are unlikely to reflect the actual developments undertaken if this plan change is approved.</p> <p>Of note are recent urban design assessments undertaken on behalf of Council which are inconsistent, to put it mildly, in determining which areas are suitable for low quality developments. Low quality developments such as Kauri St are now being championed by 'urban design experts' as examples of existing character of neighbourhoods to be aspired to in the design of future development when in fact they are anything but. In contrast, development of this nature in Ada Street is considered inappropriate by 'urban design experts' because the degradation of the quality of the residential environment which has become acceptable to Council in some</p>	

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
		<p>areas has not <u>yet</u> extended to this neighbourhood.</p> <p>As a further example the applicant's 'urban design expert' for the proposed, inappropriate to the neighbourhood character, low quality/high density development at 711 Southland Rd has within their report focused more on the potential future neighbourhood character that is expected once the proposed development has been completed, with that development intended to set a precedent for the future residential character, rather than respecting the established character (and therefore forming a baseline to be used in future to facilitate the further degradation of the wider area).</p> <p>For those of us who actually live within the Hastings residential environment, that will be directly and significantly adversely affected by the degradation of this environment, there is real anger and disbelief that Council are proposing to embark on the ruin of our city through this plan change.</p>	

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
Should Council choose to disregard the significant community opposition to this proposed plan change, we provide the following additional submission in regard to the specific provisions proposed.			
All references to “COMPREHENSIVE RESIDENTIAL DEVELOPMENT”	Oppose	The term Comprehensive Residential Development suggests that the development will comprise of more than just a group of houses, and certainly more than two houses, and will include communal facilities and/or open spaces. The type of development anticipated by this plan change would be more accurately described as MULTI-UNIT DEVELOPMENT.	Replace all occurrences of COMPREHENSIVE RESIDENTIAL DEVELOPMENT with MULTI-UNIT RESIDENTIAL DEVELOPMENT.
OBJECTIVE RO1 – To enable a diverse range of housing that meets the needs of the community while ensuring a quality living environment for residents and neighbours.	Support in Part	Determining what makes a ‘quality living environment’ is highly subjective, and should be clearly defined.	Amend Objective RO1 to identify the specific elements that are considered necessary to ensure a quality living environment.
OBJECTIVE RO2 – To ensure a high quality residential environment is maintained by managing design, layout, intensity and land use activities.	Oppose in Part	Determining what makes a ‘high quality residential environment’ is highly subjective, and should be clearly defined.	Amend Objective RO2 to identify the specific elements that are considered necessary to ensure a high quality residential environment.
POLICY RP4 – Maintain a high quality residential environment for residents and neighbours while enabling development innovation and building variety.	Oppose in Part	Determining what makes a ‘high quality residential environment’ is highly subjective, and should be clearly defined.	Amend Policy RP4 to identify the specific elements that are considered necessary to ensure a high quality residential environment.

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
RULE HC26 – Comprehensive Residential Development on land identified in Appendix 27 Figure 2 – RD	Support in Part	Appendix 27 is being removed from the District Plan by this plan change.	Amend to ‘Multi Unit Residential Development that complies with specific performance standard 7.2.6E’ – RD
RULE HC32 – Comprehensive Residential Development outside the areas identified in Appendix 27 Figure 2 – NC	Oppose	Appendix 27 is being removed from the District Plan by this plan change.	Amend to ‘Multi Unit Residential Development that does not comply with specific performance standard 7.2.6E’ – NC
OBJECTIVE RESZ-O6 – URBAN GROWTH  Urban growth is managed in accordance with the Hawke’s Bay Regional Policy Statement and the Heretaunga Plains Urban Development Strategy or any subsequent Future Development Strategy.	Oppose in Part	The Heretaunga Plains Urban Development Strategy is a non-statutory document that has been prepared by Council with limited public input, and without an opportunity for the public to challenge the strategy, and therefore should not be relied on to make decisions on resource consent applications.	Remove reference to the Heretaunga Plains Urban Development Strategy.
POLICY RESZ-P4 – MANAGING GROWTH  Provide for compact settlement development and the efficient utilisation of land relative to the characteristics of the particular residential environment in order to help safeguard the productive nature of the soils surrounding the residential zones of the District.	Support in part	This policy encourages infill subdivision and development within the existing urban areas. The policy should also be specific in reference to the appropriate density for such compact development, i.e., low to medium density, to ensure development is undertaken in accordance with the RPS.	Amend this policy to:  <i>Provide for <del>compact</del> <b>low and medium density</b> settlement development and the efficient utilisation of land relative to the characteristics of the particular residential environment in order to help safeguard the productive nature of the soils surrounding the residential zones of the District.</i>

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
			and amend the provisions for the Medium Density Residential Zone to be consistent with this Policy.
MRZ – MEDIUM DENSITY RESIDENTIAL ZONE			
<p>OBJECTIVE MRZ-O2 THE PLANNED URBAN ENVIRONMENT OF THE ZONE</p> <p>The planned urban built environment of the zone is characterised by;</p> <ul style="list-style-type: none"> <li>a. A diversity of housing typologies including townhouses, duplexes, terrace houses and low rise apartments;</li> <li>b. A built form of predominantly two and three storey buildings which are integrated with public and private open space;</li> <li>c. Good quality on-site and off-site residential living environments that provide for the health and well-being of people and communities and are consistent with the Hastings Medium Density Design Framework;</li> <li>d. An urban environment that is visually attractive, safe and</li> </ul>	OPPOSE IN PART	<p>The Medium Density Residential Zone should be consistent with the description of this zone type as prescribed by the National Planning Standards, i.e., “Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities”</p> <p>A predominance of 2 – 3 level buildings is not realistic, and is not consistent with the zone description of a Medium Density Residential Zone as prescribed by the National Planning Standards.</p>	<p>Amend Objective MRZ-O2 as follows:</p> <p>The planned urban built environment of the zone is characterised by;</p> <ul style="list-style-type: none"> <li>a. A diversity of housing typologies including detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities; <del>townhouses, duplexes, terrace houses and low rise apartments;</del></li> <li><del>b. A built form of predominantly two and three storey buildings which are integrated with public and private open space;</del></li> <li>c. Good quality on-site and off-site residential living environments that provide for the health and well-being of people and communities and are consistent with the Hastings Medium Density Design Framework;</li> </ul>

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
easy to navigate and convenient to access.			d. An urban environment that is visually attractive, safe and easy to navigate and convenient to access.
<p>POLICY MRZ-P1 COMPREHENSIVE RESIDENTIAL DEVELOPMENT</p> <p>Enable comprehensive residential development where it is demonstrated that there is sufficient infrastructure capacity to service development</p>	OPPOSE	In identifying the Medium Density Residential zone as suitable for comprehensive residential development, and essentially attempting to prohibit any other form of development in these areas, Council must have already confirmed that there is sufficient infrastructure capacity to service this type of development.	Delete this policy.
<p>POLICY MRZ-P2 COMPACT DEVELOPMENT</p> <p>Restrict infill development of one additional dwelling on a site to ensure the efficient use of the zone for more compact housing types including duplex, terraced housing and low-rise apartments.</p>	OPPOSE	This policy will effectively prohibit development of smaller sites and constrain housing supply, by preventing the efficient use of the zone, and is therefore inconsistent with the NPS-UD. The implementation of this policy will prevent development of the Medium Density Residential Zone in accordance with the zone description prescribed the national planning standards. Further development in accordance with this policy would not be possible without the displacement of the existing community, which would therefore negatively impact the social wellbeing	<p>Amend to:</p> <p>Provide for infill development of one additional dwelling on a site to ensure the efficient use of the zone for more compact housing types where an average density of greater than one dwelling per 350m<sup>2</sup> net site area is achieved.</p> <p>AND</p> <p>Make consequential amendments to the District Plan to reflect the appropriateness of infill subdivision and</p>

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
		of these residents in a manner that is inconsistent with the purpose of the RMA.	development for achieving medium density neighbourhoods.
<p>POLICY MRZ-P3 URBAN CHARACTER</p> <p>Achieve the planned urban built environment character of two and three storey buildings surrounded by landscaping including by:</p> <ul style="list-style-type: none"> <li>a. Limiting height, bulk and form of development;</li> <li>b. Managing the design, appearance and variety of building development;</li> <li>c. Requiring setbacks and landscaped areas that are consistent with an urban character;</li> <li>d. Ensuring developments are consistent with the Hastings Medium Density Design Framework principles and key design elements.</li> </ul>	Oppose In Part	<p>A predominance of 2 and 3 storey buildings is not realistic, and is not consistent with the zone description prescribed by the National Planning Standards for a Medium Density zone. Specific reference should also be made the expected density within the policy (i.e., Medium Density).</p>	<p>Amend to:</p> <p>Achieve the planned <b>Medium Density</b> urban built environment character <del>of two and three storey buildings</del> surrounded by landscaping including by:</p> <ul style="list-style-type: none"> <li>a. Limiting height, bulk and form of development;</li> <li>b. Managing the design, appearance and variety of building development;</li> <li>c. Requiring setbacks and landscaped areas that are consistent with an urban character;</li> <li>d. Ensuring developments are consistent with the Hastings Medium Density Design Framework principles and key design elements.</li> </ul>
<p>POLICY MRZ-P4 HIGH QUALITY LIVING ENVIRONMENTS; and</p> <p>POLICY MRZ-P5 HIGH AMENITY STREETS AND NEIGHBOURHOODS</p>	Support in Part	<p>These policies should also include specific reference to the intended density of development, i.e., Medium Density to avoid the cumulative effects associated with overcrowding through</p>	<p>Amend both POLICY MRZ-P4 and MRZ-P5 to include:</p> <ul style="list-style-type: none"> <li>a. <u>Limiting development to medium density development,</u></li> </ul>

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
		both individual and successive overly intensive developments.	<u>comprising of a density of no greater than one dwelling per 250m<sup>2</sup> net site area.</u>
<p>RULE MRZ-R16 – COMPREHENSIVE RESIDENTIAL DEVELOPMENT</p> <p>1. Activity Status: Controlled</p> <p>Where:</p> <p>a. Compliance is achieved with all of the relevant zone standards: MRZ-S1 - MRZ-S14</p> <p>2. Activity Status: Restricted Discretionary</p> <p>Where: Compliance is not achieved with one or more of the standards in MRZ-16.1.a</p>	OPPOSE	<p>A controlled activity status will not provide Council the ability to refuse to grant consent where the standards are met, but the overall design does not align with the objectives and policies of the Plan in terms of the effects on the amenity of the environment, or appropriateness of the overall intensity of development (particularly if Council do not place an appropriate limit on density through development standards. A restricted discretionary status is more appropriate, with developments that do not meet these standards more appropriately recognised as non-complying.</p> <p>Precluding notification is also not appropriate given the density and design of developments can have significant adverse effects on the occupiers of immediately surrounding residential properties.</p>	<p>Amend to Restricted Discretionary for proposals that meet the relevant standards, and non-complying for proposals that do not meet the relevant standards.</p> <p>AND</p> <p>Remove the statement precluding notification of applications pursuant to these rules.</p>
RULE MRZ-R22 – INFILL RESIDENTIAL DEVELOPMENT	Oppose	Preventing infill residential development will constrain housing supply by	Amend activity status to Restricted Discretionary, and set an appropriate



Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
1. Activity Status: Non-complying		preventing development of small sites where only one additional dwelling could be accommodated, and is therefore inconsistent with the NPS-UD. Further this rule would prevent the subdivision and development of land within this zone without the displacement of the existing community, which would therefore negatively impact the social wellbeing of these residents in a manner that is inconsistent with the purpose of the RMA.	density for infill development (such as a minimum net site area of 250m <sup>2</sup> per dwelling).
<b>MRZ-S1 HEIGHT</b>  a. Buildings and structures (excluding fences and standalone walls) must not exceed a height above ground level of 11m.  b. Except that buildings that have a pitched or gable roof may have a maximum height above ground level of up to 12m.	Oppose	A maximum height of 11m is excessive for a medium density residential area. The existing height limit of 8m is appropriate and sufficient to provide for a range of building typologies without compromising the neighbourhood amenity for residents who choose to exercise their right to remain in their existing dwellings within this zone. It is inappropriate to attempt to force the existing residents out through overcrowding by new inappropriately designed developments.	Rever to the existing, and appropriate, maximum building height of 8m.
<b>MRZ-S7 OUTDOOR LIVING SPACE</b>	Oppose	A well designed multi-unit residential development would allow for reduced private outdoor living spaces in	Amend to:

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<p>a. A residential unit at ground floor must have an outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension</p> <p>b. A residential unit above ground floor must have an outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension</p>		<p>situations where these are compensated for by shared communal open spaces, protecting the quality of the living environment for residents, and assisting in the avoidance of overcrowding through overly intensive development.</p>	<p>a. A <b><u>Each</u></b> residential unit at ground floor must have <del>an</del> <b><u>private</u></b> outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension</p> <p>b. A <b><u>Each</u></b> residential unit above ground floor must have <del>an</del> private outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension</p> <p>c. <b><u>Where any residential unit is provided with less than 50m<sup>2</sup> private outdoor living space, any shortfall must be provided for within a shared communal outdoor living space.</u></b></p>
<p>MRZ-S12 and standards 7.2.5B, 7.2.6E(13), 8.2.5G, 8.2.6F(13), 9.2.5K, 9.2.6J(13)</p> <p>STORMWATER MANAGEMENT</p>	Oppose in Part	<p>The permitted development standards provide for 50% building coverage and require at least 20% landscaped area within a site. It is reasonable to expect the Council's stormwater network has been designed to accommodate stormwater from permitted developments in residential areas. Site specific stormwater management should only be necessary where these standards are not met. The stormwater runoff allowed should also be</p>	<p>Amend to:</p> <p><u>Where standards MRZ-S6 and/or MRZ-S8 are not complied with,</u> the peak stormwater runoff from the site shall not exceed the following standards...</p>

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
		consistent for all sites regardless of the type of development proposed.	
MRZ-S13 and standards 7.2.5N, 7.2.6E(14), 8.2.5M, 8.2.6F(14), 9.2.5M, 9.2.6J(14)  ROADING INFRASTRUCTURE / VEHICLE ACCESS	Oppose in Part	The vehicle access standards are only relevant on residential sites where on-site parking is being provided. This standard should be amended to reflect this, to avoid absurd situations where vehicle access is required to be provided to sites on which no parking is proposed.	Amend to:  <u>Where on-site parking is proposed to be provided on a site</u> , activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking of the District Plan.
MRZ-S14 INFRASTRUCTURE – WATER, WASTEWATER AND STORMWATER  Any application for comprehensive residential development shall include an infrastructure network assessment which has been certified by Council's Infrastructure Asset Management Team and which confirms that there is, or will be at the time of connection, sufficient infrastructure capacity to service the development.	Oppose	In identifying the Medium Density Residential zone as suitable for comprehensive residential development, and essentially attempting to prohibit any other form of development in these areas, Council must have already confirmed that there is sufficient infrastructure capacity to service this type of development.	
NEW PROVISION:  DENSITY OF DEVELOPMENT	Support	In order to ensure that development is undertaken at an appropriate (medium) density, a new standard is required.	Add new development standard:  MRZ-SXX Density

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
			The density of development must be no greater than one residential unit per 250m <sup>2</sup> net site area.
MRZ-R16 ASSESSMENT CRITERIA	Oppose	The listed assessment criteria are overly prescriptive. The National Medium Density Design Guide would provide an appropriate level of guidance, is less prescriptive, and will provide for greater flexibility in building design.	Remove references to the Hastings Medium Density Design Framework, and replace with reference to the checklist of priority design elements within the National Medium Density Design Guide.
<b>7.2 HASTINGS RESIDENTIAL ZONE</b>			
<p>RULE GR18 – COMPREHENSIVE RESIDENTIAL DEVELOPMENTS COMPLYING WITH THE SPECIFIC PERFORMANCE STANDARD 7.2.6E</p> <p>Activity Status: RD-NN</p> <p><i>AND</i></p> <p>RULE GR24 – COMPREHENSIVE RESIDENTIAL DEVELOPMENTS THAT DO NOT MEET ONE OR MORE OF THE SPECIFIC PERFORMANCE STANDARDS AND TERMS IN 7.2.6E</p> <p>Activity Status: RD</p>	OPPOSE	<p>Precluding notification is not appropriate given the density and design of developments can have significant adverse effects on the occupiers of immediately surrounding residential properties.</p> <p>A restricted discretionary status (with the ability for notification) is more appropriate, with developments that do not meet these standards more appropriately recognised as non-complying.</p>	Amend to Restricted Discretionary for proposals that meet the relevant standards, and non-complying for proposals that do not meet the relevant standards.

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
7.2.6E COMPREHENSIVE RESIDENTIAL DEVELOPMENT			
<p>1. Site Context</p> <p>Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 350m<sup>2</sup> net site area shall be located on sites in the General Residential Zone that are within or partially within a 400-600m radius of...</p>	Support in part	The sites should be located within 400m-600m <u>walking distance</u> of the identified features to ensure the features are readily accessible to future residents, and to ensure consistency with the assessment criteria. Depending on road layouts, features within a 600m radius can be located at a significantly greater walking distance.	Amend to:  Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 350m <sup>2</sup> net site area shall be located on sites in the General Residential Zone <b><u>or Hastings Character Residential Zone</u></b> that are within or partially within a 400-600m <b><u>radius walking distance</u></b> of...
<p>2. Height</p> <p>Buildings and structures (except fences and standalone walls) must not exceed a height above ground level of 11m except that buildings that have a pitched or gable roof may have a maximum height of up to 12m above ground level.</p>	Oppose	A maximum height of 11m is excessive for a residential area. The existing height limit of 8m is appropriate and sufficient to provide for a range of building typologies without compromising the neighbourhood amenity for residents on the surrounding general residential zoned properties where a maximum height of 8m applies.	Rever to the existing, and appropriate, maximum building height of 8m.
<p>6. Setbacks</p> <p>a. Buildings must be setback from the relevant boundary by the minimum depth listed below:</p> <p>3. i. Front boundary: 3m</p>	Oppose in part	The setback from the road boundary should be consistent with the setback required for single dwellings within the zone to ensure that the overall character and amenity of the residential zone is	Revert to the front yard setbacks required by Rule 7.2.5F.

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
		not compromised by multi unit developments.	
7. Building Coverage  a. The maximum building coverage must not exceed 50% of net site area	Oppose	The building coverage allowed should be consistent with the building coverage allowed on sites used for single dwellings to ensure that the overall character and amenity of the general residential zone is not compromised by overly intensive multi unit developments.	Amend to:  a. The maximum building coverage must not exceed 45% of the net site area
8. Outdoor Living Space  a. A residential unit at ground floor must have an outdoor living space that is at least 30m <sup>2</sup> , with a minimum 4m dimension  b. A residential unit above ground floor must have an outdoor living space of at least 8m <sup>2</sup> , with a minimum 1.8m dimension	Oppose	A well designed multi-unit residential development would allow for reduced private outdoor living spaces in situations where these are compensated for by shared communal open spaces, protecting the quality of the living environment for residents, and assisting in the avoidance of overcrowding through overly intensive development.	Amend to:  a. <del>A</del> <b><u>Each</u></b> residential unit at ground floor must have <del>an</del> <b><u>private</u></b> outdoor living space that is at least 30m <sup>2</sup> , with a minimum 4m dimension  b. <del>A</del> Each residential unit above ground floor must have <del>an</del> private outdoor living space of at least 8m <sup>2</sup> , with a minimum 1.8m dimension  c. <b><u>Where any residential unit is provided with less than 50m<sup>2</sup> private outdoor living space, any shortfall must be provided for within a shared communal outdoor living space.</u></b>

Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought
NEW PROVISION: DENSITY OF DEVELOPMENT	Support	In order to ensure that multi unit residential development is undertaken at an appropriate (medium) density, a new standard is required.	Add new development standard:  Density  The density of development must be no greater than one residential unit per 250m <sup>2</sup> net site area.

8.2 HAVELOCK NORTH RESIDENTIAL ZONE			
<p>RULE HNGR14 – COMPREHENSIVE RESIDENTIAL DEVELOPMENTS COMPLYING WITH THE SPECIFIC PERFORMANCE STANDARDS AND TERMS IN 8.2.6F</p> <p>Activity Status: RDNN</p> <p><i>AND</i></p> <p>RULE HNGRFR25 – COMPREHENSIVE RESIDENTIAL DEVELOPMENT NOT MEETING ONE OR MORE OF THE SPECIFIC PERFORMANCE STANDARDS AND TERMS IN 8.2.6F</p> <p>Activity Status: RD</p>	OPPOSE	<p>Precluding notification is not appropriate given the density and design of developments can have significant adverse effects on the occupiers of immediately surrounding residential properties.</p> <p>A restricted discretionary status (with the ability for notification) is more appropriate, with developments that do not meet these standards more appropriately recognised as non-complying.</p>	Amend to Restricted Discretionary for proposals that meet the relevant standards, and non-complying for proposals that do not meet the relevant standards.
<p>8.2.5A DENSITY</p> <p>d. Havelock North Character Residential Zone (Except the Toop Street Special Character Area) One principal residential building per 700m<sup>2</sup> net site area.</p> <p>e. Toop Street .... One principal residential building per 1,000m<sup>2</sup> net site area</p> <p>Exceptions to (a), (d) and (e) above</p>	Oppose in part	The proposed density standard does not provide for the construction of a residential unit on any existing vacant site with an area of between 350m <sup>2</sup> and 700m <sup>2</sup> in the HRCRZ or between 350m <sup>2</sup> and 1000m <sup>2</sup> within the Toop Street or Beadlban Avenue Special Character Areas.	Amend to allow the construction of a new dwelling on an existing site less than 700m <sup>2</sup> / 1000m <sup>2</sup> as appropriate for the character area as a permitted activity.



The following density standard shall apply for sites less than 350m <sup>2</sup> net site area under these circumstances below...			
<b>8.2.6F COMPREHENSIVE RESIDENTIAL DEVELOPMENT</b>			
<p>1. Site Context</p> <p>Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 500m<sup>2</sup> net site area shall be located on sites in the General Residential Zone that are within or partially within a 400-600m radius of...</p>	Support in part	The sites should be located within 400m-600m <u>walking distance</u> of the identified features to ensure the features are readily accessible to future residents, and to ensure consistency with the assessment criteria. Depending on road layouts, features within a 600m radius can be located at a significantly greater walking distance.	Amend to require sites to be within 400m-600m walking distance of all of the identified features.
<p>2. Height</p> <p>a. Buildings and structures (except fences and standalone walls) must not exceed a height above ground level of 11m</p> <p>b. Except that buildings that have a pitched or gable roof may have a maximum height of up to 12m above ground level.</p>	Oppose	A maximum height of 11m is excessive for a residential area. The existing height limit of 8m is appropriate and sufficient to provide for a range of building typologies without compromising the neighbourhood amenity for residents on the surrounding general residential zoned properties where a maximum height of 8m applies.	Rever to the existing, and appropriate, maximum building height of 8m.
<p>6. Setbacks</p> <p>a. Buildings must be setback from the relevant boundary by the minimum depth listed below:</p> <p>i. Front boundary: 3m</p>	Oppose in part	The setback from the road boundary should be consistent with the setback required for single dwellings within this zone (i.e., 3m on local roads and 5m on arterial and collector roads) to ensure that the overall character and amenity of	Revert to the front yard setbacks required by standard 8.2.5D.

		the general residential zone is not compromised by multi unit developments.	
<p>7. Building Coverage</p> <p>a. The maximum building coverage must not exceed 45% of net site area</p>	Oppose	The building coverage allowed should be consistent with the building coverage allowed on sites used for single dwellings to ensure that the overall character and amenity of the general residential zone is not compromised by overly intensive multi unit developments.	<p>Amend to:</p> <p>a. The maximum building coverage must not exceed 45% of the net site area</p>
<p>8. Outdoor Living Space</p> <p>a. A residential unit at ground floor must have an outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension</p> <p>b. A residential unit above ground floor must have an outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension</p>	Oppose	A well designed multi-unit residential development would allow for reduced private outdoor living spaces in situations where these are compensated for by shared communal open spaces, protecting the quality of the living environment for residents, and assisting in the avoidance of overcrowding through overly intensive development.	<p>Amend to:</p> <p>a. A <b><u>Each</u></b> residential unit at ground floor must have <del>an</del> <b><u>private</u></b> outdoor living space that is at least 30m<sup>2</sup>, with a minimum 4m dimension</p> <p>b. A Each residential unit above ground floor must have <del>an</del> private outdoor living space of at least 8m<sup>2</sup>, with a minimum 1.8m dimension</p> <p>c. <b><u>Where any residential unit is provided with less than 50m<sup>2</sup> private outdoor living space, any shortfall must be provided for within a shared communal outdoor living space.</u></b></p>
NEW PROVISION:	Support	In order to ensure that multi unit residential development is undertaken	Add new development standard:

DENSITY OF DEVELOPMENT		at an appropriate (medium) density, a new standard is required.	<p>Density</p> <p>The density of development must be no greater than one residential unit per 250m<sup>2</sup> net site area.</p>
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9.2 FLAXMERE RESIDENTIAL ZONE			
<p>RULE FR24 – COMPREHENSIVE RESIDENTIAL DEVELOPMENTS COMPLYING WITH THE SPECIFIC PERFORMANCE STANDARDS AND TERMS IN 9.2.6J</p> <p>Activity Status: RDNN</p> <p><i>AND</i></p> <p>RULE FR25 – COMPREHENSIVE RESIDENTIAL DEVELOPMENT NOT MEETING ONE OR MORE OF THE SPECIFIC PERFORMANCE STANDARDS AND TERMS IN 9.2.6J</p> <p>Activity Status: RD</p>	OPPOSE	<p>Precluding notification is not appropriate given the density and design of developments can have significant adverse effects on the occupiers of immediately surrounding residential properties.</p> <p>A restricted discretionary status (with the ability for notification) is more appropriate, with developments that do not meet these standards more appropriately recognised as non-complying.</p>	Amend to Restricted Discretionary for proposals that meet the relevant standards, and non-complying for proposals that do not meet the relevant standards.
<p>9.2.5A DENSITY</p> <p>a. One principal residential building per 500m<sup>2</sup> net site area.</p> <p>Except that the following density standard shall apply for sites less than 350m<sup>2</sup> net site area under these circumstances below:</p>	Oppose in part	The proposed density standard does not provide for the construction of a residential unit on any existing vacant site with an area of between 350m <sup>2</sup> and 500m <sup>2</sup> .	Amend to allow the construction of a new dwelling on an existing site less than 500m <sup>2</sup> as a permitted activity.
9.2.6J COMPREHENSIVE RESIDENTIAL DEVELOPMENT			

<p>d. Site Context</p> <p>Comprehensive Residential Developments that propose a density of development greater than 1 residential unit per 500m<sup>2</sup> net site area shall be located on sites in the General Residential Zone that are within or partially within a 400-600m radius of...</p>	Support in part	<p>The sites should be located within 400m-600m <u>walking distance</u> of the identified features to ensure the features are readily accessible to future residents, and to ensure consistency with the assessment criteria.</p> <p>Depending on road layouts, features within a 600m radius can be located at a significantly greater walking distance.</p>	Amend to require sites to be within 400m-600m walking distance of all of the identified features.
<p>e. Height</p> <p>a. Buildings and structures (except fences and standalone walls) must not exceed a height above ground level of 11m except that buildings that have a pitched or gable roof may have a maximum height of up to 12m above ground level.</p>	Oppose	<p>A maximum height of 11m is excessive for a residential area. The existing height limit of 8m is appropriate and sufficient to provide for a range of building typologies without compromising the neighbourhood amenity for residents on the surrounding general residential zoned properties where a maximum height of 8m applies.</p>	Rever to the existing, and appropriate, maximum building height of 8m.
<p>6. Setbacks</p> <p>a. Buildings must be setback from the relevant boundary by the minimum depth listed below:</p> <p>i. Front boundary: 3m</p>	Oppose in part	<p>The setback from the road boundary should be consistent with the setback required for single dwellings within this zone (i.e., 3m on local roads and 5m on arterial and collector roads to ensure that the overall character and amenity of the general residential zone is not compromised by multi unit developments.</p>	Revert to the front yard setbacks required by Rule 9.2.5E.

7. Building Coverage  a. The maximum building coverage must not exceed 50% of net site area	Oppose	The building coverage allowed should be consistent with the building coverage allowed on sites used for single dwellings to ensure that the overall character and amenity of the general residential zone is not compromised by overly intensive multi unit developments.	Amend to:  f. The maximum building coverage must not exceed 45% of the net site area
8. Outdoor Living Space  a. A residential unit at ground floor must have an outdoor living space that is at least 30m <sup>2</sup> , with a minimum 4m dimension  b. A residential unit above ground floor must have an outdoor living space of at least 8m <sup>2</sup> , with a minimum 1.8m dimension	Oppose	A well designed multi-unit residential development would allow for reduced private outdoor living spaces in situations where these are compensated for by shared communal open spaces, protecting the quality of the living environment for residents, and assisting in the avoidance of overcrowding through overly intensive development.	Amend to:  a. A <b><u>Each</u></b> residential unit at ground floor must have <del>an</del> <b><u>private</u></b> outdoor living space that is at least 30m <sup>2</sup> , with a minimum 4m dimension  b. A Each residential unit above ground floor must have <del>an</del> private outdoor living space of at least 8m <sup>2</sup> , with a minimum 1.8m dimension  c. <b><u>Where any residential unit is provided with less than 50m<sup>2</sup> private outdoor living space, any shortfall must be provided for within a shared communal outdoor living space.</u></b>
NEW PROVISION:  DENSITY OF DEVELOPMENT	Support	In order to ensure that multi unit residential development is undertaken at an appropriate (medium) density, a new standard is required.	Add new development standard:  Density

			The density of development must be no greater than one residential unit per 250m <sup>2</sup> net site area.
--	--	--	--

SUBDIVISION STANDARDS			
RULE SLD15 & Table 30.1.6A	Support in Part	This rule provides for subdivision within the City Living Zone (to be renamed to the Medium Density Residential Zone) as Restricted Discretionary activity. Table 30.1.6A however proposes to remove the minimum lot size for this zone.	Amend Rule SLD15 to refer to the Medium Density Residential Zone, and retain the specified density within Table 30.1.6A (250m <sup>2</sup> average with a maximum site size of 350m <sup>2</sup> ) to encourage infill developments consistent with the expected density of development for this zone.
Standard 30.1.7E PROPERTY ACCESS		The vehicle access standards are only relevant on residential sites where on-site parking is being provided. This standard should be amended to reflect this, to avoid absurd situations where vehicle access is required to be provided to sites on which no parking is proposed.	Amend to:  <u>Where on-site parking is proposed to be provided on a site,</u> activities shall comply with the rules and standards for access outlined in Section 26.1 Transport and Parking of the District Plan.



Tania Sansom-Anderson

From:

Sent:

To:

Subject:

Wufoo <no-reply@wufoo.com>

Thursday, 10 August 2023 10:37 PM


Policy Team

HDC - Plan Change 5 Submission Further Opportunity [#16]

Name \*

Jillian McIntosh

Postal address \*



1220 Louie Street Parkvale

Hastings 4122

New Zealand

Email address \*

[ptosh@xtra.co.nz](mailto:ptosh@xtra.co.nz)


Phone number \*

068767313

Contact name, address, email address and phone number for service of person making the submission\*

Jillian McIntosh

Postal address \*



1220 Louie Street Parkvale

Hastings 4122

New Zealand

Email

[ptosh@xtra.co.nz](mailto:ptosh@xtra.co.nz)

Phone number

068767313

Do you            No  
want to be  
heard in  
support of  
your  
submission?  
(Hearings  
will take  
place later,  
and we will  
contact you  
to arrange a  
time only if  
you wish to  
be heard.  
Please give  
us your  
contact  
details in  
the top  
section.) \*

If others        No  
make a  
similar  
submission,  
would you  
be prepared  
to consider  
presenting  
a joint case  
with them  
at the  
hearing? \*

Could you        No, I could not  
gain an  
advantage  
in trade  
competition

through this  
submission?

\*

1. Have you No (Go to question 3)  
already  
made a  
submission  
on Plan  
Change 5  
(PC5)?

3. My  
submission  
relates to  
the  
following  
proposed  
elements of  
plan change  
5: (Tick all  
that apply).

- The number of houses that can be built on a site
- The 3 storey height limit for houses
- The removal of the need for affected parties' consents or neighbor's approval
- Other, please specify

- The erection of two and three storey buildings around some parks.

4. The  
specific  
chapter and  
provisions  
of the  
proposed  
plan change  
my  
submission  
relates to  
are:  
(Please  
reference  
the specific  
section or  
part of the

MR2-P3, MR2-02(b) -Allowing 2 and 3 storey housing  
RESZ-RBS, RESZ-MAT4,MR2-P2 - infill housing  
HRA-03 - Character zones  
Planning Maps 21-25 - areas of medium density housing

planning  
provision(s),  
such as  
Objective  
MRZ-O1 or  
Rule MRZ-  
R16)

**5. My submission is that:**

**(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.)**

Three storey housing should not be permitted at all except for apartment buildings in the central city area or on a large piece of land where there is room for recreational areas around the building. Three storey, and even two storey buildings, shade neighbouring properties and can make wind funnels if constructed beside each other. Three storey single family dwellings are not efficient family homes as the stairwell cuts down available living space.

I note that parking spaces on the property are not required by central government law but that the strategy aims for parking on site. This is important for safer streets. I hope that this can be insisted upon.

Infill housing – I agree that this needs to be curtailed. Moving an existing house back and adding another on leads to poor siting of houses and lack of privacy for the people who live in them. Houses should only be able to be moved onto sites where one house occupies an area of at least 500 sq m. Otherwise I agree with all the provisions listed.

I do not agree with the siting of medium density housing around parks, especially Windsor and Cornwall Parks. These are some of our nicest parks and should not be overshadowed by three storey buildings. If medium density housing is to be around parks then it should be around all. I notice that Akina, Ebbett and Frimley Parks do not have medium density housing around them.

Character zones – There is no problem with the character zones as laid out but, while Windsor Avenue (Ada Street to Karamu High School) is not pre-1950, it is a group of houses that are an example of the best of construction of a slightly later era which will be lost forever.

While the aims of the Medium Density Housing Strategy are good and the pictures are very pretty, I am concerned that all that is going to be achieved is a hotch potch of old and new with severe disadvantages to the residents in older one storey houses who are starved of sunlight and privacy by the new dwellings which will not necessarily be sited along streets but longways down a section. This will also affect residents in the new dwellings because when

they are side-by-side they will shade each other. With increased density, while I see noise is mentioned, there doesn't seem to be any stricter noise laws. Stereo noise and screaming children etc are bad enough but with houses in a much closer proximity the noise will be amplified with the possibility of more angry (and possibly violent) confrontation.

I hope this strategy will put paid to the ugly, developer led construction which has been taking place recently and that Kainga Ora will have to abide by the strategy and build housing of quality, not quantity.

**6. I seek the following submission from Hastings District Council: (Give precise details)**

1	Greater density housing but at one storey only.
2	No infill housing using transported old houses.
3	No medium density housing around parks.
4	A character zone for the area of Windsor Avenue listed.



## SUBMISSION FORM 5

### Submission on Hastings District Plan

#### Further Opportunity for Submissions to Proposed Plan Change 5

#### 'Right Homes, Right Place – Proposed Medium Density Residential Zone'.

Submissions can be:

Posted to:

Plan Change 5 Environmental  
Policy Manager  
Hastings District Council Private Bag 9002  
Hastings 4156

Delivered to:

Civic Administration  
Building  
Hastings District Council  
Lyndon Road East Hastings

Electronically:

Via [www.myvoicemychoice.co.nz](http://www.myvoicemychoice.co.nz) Or  
Email: [policyteam@hdc.govt.nz](mailto:policyteam@hdc.govt.nz)

Please be aware when providing personal information that submissions will be reproduced and included in Council public documents. Your submission and any supporting documents will be published on Council's website. If you wish for your contact details to remain private, please let us know. Please print and do not use pencil. You can attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission.

Full Name (required)

MARGARET MORFAT

Company Name (if applicable)

Postal Address (Required)

179/1228 A STREET, PARKVALE, HASTINGS.

Email Address (required)

margaretmorfat17@gmail.com

Phone Number (required)

027420 6463

Contact Name, Address,  
Email Address and Phone  
Number for Service of Person  
Making the Submission\*

\* (This is the person and address to which all communication from Council about the submission will be sent. You do not need to fill this in if the details are the same as the above.)

Do you want to be heard in support of your submission?

☐ Yes

☒ No

(Hearings will take place later, and we will contact you to arrange a time only if you wish to be heard. Please give us your contact details in the top section.)

If others make a similar submission, would you be prepared to consider presenting a joint case with them at the hearing?

☐ Yes

☒ No

I ~~could~~ could not\* gain an advantage in trade competition through this submission (\*select one)

I ~~am~~ am not \*\* directly affected by an effect of the subject matter of the submission that –

(a) Adversely affects the environment; and

(b) Does not relate to trade competition or the effects of trade competition.

(\*\* If trade competition applies, select one of these.)

Please feel free to use additional sheet if necessary.

1. Have you already made a submission on Plan Change 5 (PC5)? ☐ Yes ☒ No (Go to question 3)
2. If you have already made a submission on PC5, do you want to:
  - ☐ Keep your original submission as it is (i.e.: unaltered);
  - ☐ Add to or amend your original submission (you can do this by filling out this form);
  - ☐ Withdraw your original submission and make a new submission (you can do this by filling out this form);
  - ☐ Withdraw your original submission completely.

3. **MY SUBMISSION RELATES TO THE FOLLOWING PROPOSED ELEMENTS OF PLAN CHANGE 5:**

(Tick all that apply).

- ☐ The types or range of houses that can be built – townhouses, duplexes (two houses attached), terraced housing (3 or more houses joined together) and low rise (up to 3 stories) apartments
- ☐ The number of houses that can be built on a site
- ☐ The 3 storey height limit for houses
- ☐ The removal of the need for affected parties' consents or neighbor's approval
- ☐ The use of the Hastings Medium Density Design Framework as a key assessment tool
- ☐ Other, please specify \_\_\_\_\_

4. **THE SPECIFIC CHAPTER AND PROVISIONS OF THE PROPOSED PLAN CHANGE MY SUBMISSION**

**RELATES TO ARE:** (Please reference the specific section or part of the planning provision(s), such as Objective MRZ-O1 or Rule MRZ-R16)

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5. **MY SUBMISSION IS THAT:** (State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.)

*As I chose to live in a retirement village on the edge of Hastings in a quiet environment, I do not wish to have to live with families & vehicles of mostly younger people who have never lived in homes they are responsible for. If they had to pause to buy a house or look after it they would have a totally different approach.*

6. **I SEEK THE FOLLOWING DECISION FROM HASTINGS DISTRICT COUNCIL:** (Give precise details.)

*(4)*

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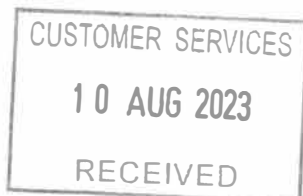
Your signature or that of the person authorised to sign on behalf of the person making this submission:

Signature: *M. Moffat*

Date: \_\_\_\_\_

**REMINDER:** Submissions must reach Council by **5pm Friday 11th August 2023**

## SUBMISSION FORM 5



3pm



## Submission on Hastings District Plan

## Further Opportunity for Submissions to Proposed Plan Change 5

## 'Right Homes, Right Place – Proposed Medium Density Residential Zone'.

Submissions can be:

Posted to:

Plan Change 5 Environmental  
Policy Manager  
Hastings District Council Private Bag 9002  
Hastings 4156

Delivered to:

Civic Administration  
Building  
Hastings District Council  
Lyndon Road East Hastings

Electronically:

Via [www.myvoicemychoice.co.nz](http://www.myvoicemychoice.co.nz) Or  
Email: [policyteam@hdc.govt.nz](mailto:policyteam@hdc.govt.nz)

Please be aware when providing personal information that submissions will be reproduced and included in Council public documents. Your submission and any supporting documents will be published on Council's website. Please print and do not use pencil. You can attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission.

Full Name (required)

KEVIN MELVIN NAYLOR

Company Name (if applicable)

Postal Address (Required)

719 CHARLES STREET, RAUREKA

Email Address (required)

kevinmnaylor@yahoo.co.nz

Phone Number (required)

8788536

Contact Name, Address,  
Email Address and Phone  
Number for Service of Person  
Making the Submission\*

AS ABOVE

\* (This is the person and address to which  
all communication from Council about the  
submission will be sent. You do not need to  
fill this in if the details are the same as the  
above.)

Do you want to be heard in support of your submission?

☐ Yes☒ No

(Hearings will take place later, and we will contact you to arrange a time only if you wish to be heard. Please give us your contact details in the top section.)

If others make a similar submission, would you be prepared to consider presenting a joint case with them at the hearing?

☒ Yes☐ No

I ~~could~~ / could not\* gain an advantage in trade competition through this submission (\*select one)

I am / am not \*\* directly affected by an effect of the subject matter of the submission that –

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

(\*\* If trade competition applies, select one of these.)

Please feel free to use additional sheet if necessary.

HASTINGS DISTRICT COUNCIL

207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156  
Phone 06 871 5000 | [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)

TE KAUNIHERA Ā ROHE O HERETAUNGA



1. Have you already made a submission on Plan Change 5 (PC5)? ☐ Yes ☒ No (Go to question 3)
2. If you have already made a submission on PC5, do you want to:
- ☐ Keep your original submission as it is (i.e.: unaltered);
  - ☐ Add to or amend your original submission (you can do this by filling out this form);
  - ☐ Withdraw your original submission and make a new submission (you can do this by filling out this form);
  - ☐ Withdraw your original submission completely.

3. **MY SUBMISSION RELATES TO THE FOLLOWING PROPOSED ELEMENTS OF PLAN CHANGE 5:**

(Tick all that apply).

- ☒ The types or range of houses that can be built – townhouses, duplexes (two houses attached), terraced housing (3 or more houses joined together) and low rise (up to 3 stories) apartments
- ☒ The number of houses that can be built on a site
- ☒ The 3 storey height limit for houses
- ☒ The removal of the need for affected parties' consents or neighbor's approval
- ☒ The use of the Hastings Medium Density Design Framework as a key assessment tool
- ☐ Other, please specify \_\_\_\_\_

4. **THE SPECIFIC CHAPTER AND PROVISIONS OF THE PROPOSED PLAN CHANGE MY SUBMISSION**

**RELATES TO ARE:** *(Please reference the specific section or part of the planning provision(s), such as Objective MRZ-O1 or Rule MRZ-R16)*

PC5

5. I oppose townhouses, apartments and terraced housing of more than 3 houses joined together.

The minimum house site size should be limited to 300sqm. Families need outdoor space. Off street carpark space is also required.

I oppose any 3 storied housing.

I oppose the removal of the need for affected parties' consent or neighbours approval. As rate payers we should be able to have a say with proposed developments.

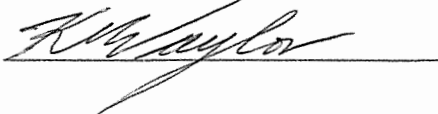
I oppose the use of the Medium Density Framework as a key assessment tool. This would just give developers more uncontrolled scope.

6. Ensure 3 storey houses are not allowed.

Ensure affected parties & neighbours have a say in proposed developments.

Ensure a maximum of 3 houses per 1000sqm site.

Your signature or that of the person authorised to sign on behalf of the person making this submission:

Signature: 

Date: 10 - AUGUST - 2023

**REMINDER:** Submissions must reach Council by 5pm Friday 11th August 2023

## Tania Sansom-Anderson

**From:** Wufoo <no-reply@wufoo.com>  
**Sent:** Friday, 11 August 2023 4:06 PM  
**To:** Policy Team  
**Subject:** HDC - Plan Change 5 Submission Further Opportunity [#24]

**Name \***

Pamela Rawle

**Postal address \***



705 Charles Street Raureka  
 Hastings, Hawkes Bay 4120  
 New Zealand

**Email address \***

[j.mcnaair@xtra.co.nz](mailto:j.mcnaair@xtra.co.nz)

**Phone number \***

8768437

**Do you want to be heard in support of your submission?** Yes

(Hearings will take place later, and we will contact you to arrange a time only if you wish to be heard. Please give us your contact details in the top section.) \*

**If others make a similar submission, would you be prepared to consider presenting a joint case with them at the hearing? \*** Yes

**Could you gain an advantage in trade competition through this submission? \*** No, I could not

**1. Have you already made a submission on Plan Change 5 (PC5)?** No (Go to question 3)

**3. My submission relates to the following proposed elements of plan change 5: (Tick all that apply).**

- The types or range of houses that can be built – townhouses, duplexes, terraced housing and low rise apartments
- The number of houses that can be built on a site
- The 3 storey height limit for houses
- The removal of the need for affected parties' consents or neighbor's approval
- The use of the Hastings Medium Density Design Framework as a key assessment tool

- Other, please specify

4. The specific chapter and provisions of the PC5 proposed plan change my submission relates to are:

(Please reference the specific section or part of the planning provision(s), such as Objective MRZ-O1 or Rule MRZ-R16)

5. My submission is that:

Please see attached

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.)

6. I seek the following submission from Hastings District Council:  
(Give precise details)

Please see attached

Please feel free to attach an additional document if necessary.



[hdc\\_plan\\_change\\_5\\_submission\\_p\\_rawle.docx](#) 22.87 KB · DOCX

## Plan Change 5 –

My submission is that I believe so many of the areas of the plan change need clarification. I would like a definition of 'a site' and what constitutes a 'commercial area'. Without a functional definition there are many terms that are effectively meaningless. This means the plan can be endlessly redefined. This lack of consistency defeats the point of having a plan.

### **What is a 'site'?**

Using a local development as an example: 711 Southland Road, a development by one of the TW Companies of 0.252Ha that used to hold a Tudor style house and one family has now been leveled to bare earth. Building consent has been approved and the RMA application is being assessed. If this application is successful, when sold to Kainga Ora, 11 'sites' will hold 10 houses and 44 residents. Each house under current HDC rules is allowed 2 dogs. From the peer review, by Richard Knott Limited, as at 26 June 2023 the net 'site' areas for this development are between 174sqm and 284sqm, all outside the current minimum of 350sqm. What is the size or range of sizes of a 'site' as it will apply in the CRD or a Medium Density Residential Zone?

### **What is a 'commercial area'?**

In defining a 'commercial area' for a Medium Density Residential Zone what uses have to be considered? Does a dairy / food centre constitute a 'commercial area'. Is this considered sufficient to support the needs of a MDR development.

### **Types of Housing**

I oppose terrace housing and any 3 storied houses being built in Hastings.

### **Number of Houses on a site**

I believe a maximum of three houses should be allowed on a 1000sqm section.

### **Three storey housing**

I oppose any 3 storey housing in Hastings.

I oppose the proposed building height increase. We are a Tier 2 entity while the height increase currently applies to Tier 1.

### **Removal of the need for affected parties' consent or neighbours approval.**

I oppose the removal of the need for affected parties' consent or neighbours approval. The amount of negative publicity this has caused in the community is totally unacceptable. As ratepayers and residents we should not have to resort to lawyers and legal action to learn about such developments and to be considered.

### **Medium Density Design Framework as a key assessment tool**

I oppose the use of the Medium Density Design Framework as a key assessment tool. The barriers are there to protect the fabric of the established community for a reason. Minimising these barriers benefits the developers at the expense of the general ratepayers.

Pamela Rawle, 705 Charles Street, Hastings.

Email – [j.mcnair@xtra.co.nz](mailto:j.mcnair@xtra.co.nz)

Ph 8768437

**Other-**

The Council has approved and allowed the destruction of so many historic character homes. We need to protect the remaining few notable examples of historic importance wherever they maybe in our city.

I want further Comprehensive Residential Development in the now General Residential zones deferred until the effects of any changes that intensification has, have been identified and assessed. This may prevent any further negative consequences resulting from the unproven scattergun approach of small areas of intensive development.

My concern is using the planned 400 – 600m radius from a commercial zone would make most areas in residential Hastings open to medium density residential zoning. Given the scale of the change this implies far more rigorous consultation is required. This is evident by the negative discord resulting from actions relating to intensive development already taken without proper consultation.

Hastings deserves better.

Pamela Rawle, 705 Charles Street, Hastings.

Email – [j.mcnaair@xtra.co.nz](mailto:j.mcnaair@xtra.co.nz)

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