OFFICER'S RESPONSE TO QUESTIONS FROM THE HEARINGS PANEL

DATE: **8 April 2022**

HEARING: **Hearing 28 – Special Purpose Māori Purpose Zone**

HEARING DATE:

PREPARED BY: **Ben Baird**

Introduction

The purpose of this report is to provide a written response to the questions posed by the Hearings Panel and tabled submitter evidence on the respective section 42A report for Special Purpose Māori Purpose (SPMPZ) Chapter.

As foreshadowed by paragraph 12 of Minute 1, having read the Section 42A Report and other reports for the above hearing, the Hearing Panel members have questions that they would appreciate being answered by the Section 42A Report author(s) in writing prior to the hearing commencing, as outlined below. Given that no submitters wish to be heard at a hearing, this response also addresses the letter tabled by the Ministry of Education.

Questions and Answers

Paragraph or Plan reference	Question from the Hearings Panel
Rules Tables	Please clarify the left-hand side of the Tables – references to 'Māori Land' and 'General Land' – what do these terms mean exactly in relation to rules, and are these land tenures demarcated on the Planning Maps?
Officer response:	*Māori Land is defined in the PDP, with General Land being all land not Māori Land. Māori Land uses the definitions within Te Ture Whenua Maori Act 1993 and are subsequently mapped by the Māori Land Court, which is available online.* *Māori Land is not shown on the Planning Map as this would then require a plan change to modify when the land status changes. As drafted the provisions are flexible to apply to land once it changes status.* *General land provisions essentially mirror the General Rural Zone. So land within the SPMPZ and defined as Māori land has enabling provisions otherwise it is rural land.*
7.5	You imply that runanga has not made any input to what the outcomes for the Zone should be – and there appear to be no (original) submissions at all from iwi – can you please clarify what consultation was had with iwi on this, and more generally on development of the SDPD provisions affecting Māori?

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Officer response:	*As noted in the s32 evaluation report, Mahaanui Kurataiao Ltd drafted the preferred option report, which provides the framework for developing the zone. The submissions seek changes in response to the NPS-UD. The NPS-UD seeks objectives that describe the development outcome of the zone. As we have no input regarding the NPS-UD and the objectives of SPMPZ from runanga, I recommended no changes.*
9.5	Re the home occupation rules, if deletion of clause b is required to achieve consistency with other rules in other chapters and with the definition, why can this not be resolved by just referring to the revised definition of 'home occupation' and not repeating it in each zone chapter?
Officer response:	*The Section 42A report could have been clearer. The clause replicated an element of a Planning Standards definition and therefore is unnecessary and can be deleted. This would also align it with the other zones. The recommendation is to rely on the definition of 'home occupation' and not repeat it in each zone.*
10.3	Whilst your aversion to sweeping changes is understood, Are there any specific rules where a non-notification clause might be appropriate in terms of the likely scale and significance of effects and the localised nature of effects that might warrant only limited notification?
Officer response:	*The identification of whether non-notification clauses are worth including depends on the potential development it covers compared to the benefit to the consent applicant knowing the scope of the application.* *The following rules could include a non-notification clause: Tsunami Policy Overlay – MPZ-R1.2; MPZ-R5.3; MPZ-R6.3; MPZ-R7.3; and MPZ-R12.3.* *The following rules could include a limited notification clause (limited to neighbours): Rule Requirements – MPZ-REQ1 Setback; MPZ-REQ2 Height; and MPZ-REQ3 Building Coverage.*
Policies Table MPZ-P2- 3.	Can you please explain define what is covered under the term "land not held in Māori ownership" Land within a MPZ area is titled "General" what rules would apply
Officer response:	*The land identified as SPMPZ is the full extent of the ancestral areas allocated after Kemps Deed. Some of this land is not under Māori ownership. This policy recognises the value of the full extent of the area not just what is in current Māori ownership.* *General land is freehold land with no link or identification with the Māori Land Court. This land can be owned by anyone and the SPMPZ replicates the rural provisions for that land.*
	Section 32, objective MPZ-O1, Policy 3 covers tsunami. Please clarify what is the intent of identifying future relocation and development means in the plan to ensure future growth when tangata whenua are ready
Officer response:	*Policy 3 provides support for plan changes that are seeking re-zoning to SPMPZ. The current areas are ancestral areas allocated after Kemps Deed. When tangata whenua are ready and able to move and a site has been identified, then a plan change can be initiated to seek re-zoning.*
	The NZCPS Policy 25 seeks to avoid redevelopment or change in land use in the next 100 years. Improvement may be needed to existing buildings, tangata whenua while under risk of coastal erosion and tsunami may not be in the position to

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	relocate within the term of this plan cycle. Is small development and managing infrastructure covered?
Officer response:	*The SPMPZ is still subject to the natural hazards identified and the relevant provisions of the Natural Hazards Chapter. Any development will therefore need to meet those requirements. The SPMPZ provisions enable development on Māori Land, however further discussions are needed on infrastructure required and natural hazard mitigation to support that development.* *When tangata whenua are ready and able to move and a site has been identified, then a plan change can be initiated to seek re-zoning.*
	Papakāinga definitions: in some case Māori land is not multiply-owned yet is within the Māori reserve/ancestral land does the papakāinga definition apply to general land in these circumstance. Should tangata whenua relocate the land may not be multiply owned
Officer response:	*Regardless of how many owners or whether tangata whenua own the land or not, the provisions apply when it is processed through the Māori Land Court. The Māori Land Court manages multiply-owned issues and seeks that no land will transfer out of Māori Land. This ensures that land is not on-sold and development is there to support the marae and tangata whenua.*
	Has the Mahaanui Iwi Management Plan succeeded the Taumutu Iwi Management Plan
Officer response:	*No. The S32 report should have made a reference to it. The TIMP though, focuses on environmental impact rather than Kāinga Nohoanga.*
	Section 32 page 8; does this cover current and future needs along with establishment of new zone.
Officer response:	*I'm not sure exactly what this is referring to but the development of the zone is two-fold. First, it provides a bespoke zone for the development of the identified ancestral areas and enabling development. Second, it provides a framework and support for re-zoning when that opportunity has been identified.*
	Scale of issues currently enable moderate level of potential development and effect What provision ensure future development as these could be larger.
Officer response:	*The scale of activity permitted within Māori Land does contain size limits on commercial activities. These limits reflect the potential impact on the surrounding environment. Development of a larger scale commercial activities are supported by policies that seek development that supports Kāinga Nohoanga.*
MoE Tabled Letter	
Officer response:	*MoE seek a restricted discretionary activity for education facilities in the SPMPZ. Education facilities are permitted when located on Māori Land and non-complying on General Land, consistent with the General Rural Zone Chapter.* *The provisions are focused on enabling Māori to provide for Māori and so, in the first instance, a school should be provided on Māori Land. Should a school be required outside of Māori Land but within the zone, the Ministry has other mechanisms (e.g. designation) to provide this.*