

# **Proposed District Plan Change 3**

**COMMUNITY IWI AND GENERAL RESIDENTIAL  
ACTIVITY AREAS - WAIWHETU**

**Publicly Notified: 23 March 2004**  
**Submissions Close: 30 April 2004**

# **Proposed District Plan Change 3 – Community Iwi and General Residential Activity Areas - Waiwhetu**

## **Section 32 Report**

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### **1. INTRODUCTION**

Proposed Plan Change- Community Iwi and General Residential Activity Areas (Waiwhetu), involves minor amendments to the boundaries of the Community Iwi and General Residential Activity Areas in the vicinity of the Waiwhetu Marae. These proposed amendments recognise the intent of the Community Iwi Activity Area, being that this activity area include only those properties being managed by the Maori people in an integrated manner. It has recently become apparent that the Community Iwi Activity Area as shown in the District Plan around the Waiwhetu Marae includes some privately owned properties that do not meet this intent. It is appropriate that these properties be shown within the General Residential Activity Area. Additionally, one residential property neighbouring the Community Iwi Activity Area and currently within the General Residential Activity Area has been purchased by owners with close associations with the Marae and it is considered appropriate to include that property within the Community Iwi Activity Area.

### **2. BACKGROUND**

#### **The Community Iwi Activity Area**

Chapter 2 of the City of Lower Hutt District Plan 'Resource Management and the Tangata Whenua of Lower Hutt' outlines the importance and role of the Treaty of Waitangi and Maori culture in resource management. When the District Plan was first being prepared in the early 1990's it was determined that a Community Iwi Activity Area would be included to acknowledge those locations and activities of significance to the Maori people and to recognise that the Maori people have a particular association with their land. In particular Marae, Urupa and Kokiri (training) Centres were identified. Where properties are shown to be in the Community Iwi Activity Area provision is made for activities of importance to the Maori people and in addition, provision is made for those activities that would have otherwise been provided for if the properties were to have been shown in another activity area such as General Residential, General and Special Business or General Recreation. Many of these activities were already established on land identified for the Community Iwi Activity Area. It was intended that properties included within the Activity Area would be ones with an established relationship with a marae, urupa or kokiri centre.

The inclusion of the Community Iwi Activity Area is considered to significantly contribute to the achievement of the purpose of the Resource Management Act 1991

of sustainable management. Sustainable management has the following meaning in the Act (section 5):

*Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*

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

Additionally, Council in carrying out its functions and powers under the Act including the preparation of a District Plan, is required to *recognise and provide for the following matters of national importance ... (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga* (section 6). Council is also required to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8).

### **The Residential Activity Areas**

The residential areas of the City are included in one of five residential activity areas in the District Plan. These are General Residential, Hill Residential, Special Residential, Historic Residential, and Landscape Protection. The different activity areas recognise the considerable variety in character including valley floor, hillside, and coastal topography; vegetation patterns; density of development; older and more recent subdivision and development patterns, and housing styles; and diverse neighbouring land uses.

The issues, objectives and policies and supporting rules for these residential activity areas support the purpose of the Act, sustainable management and other principles of Part II of the Act.

### **3. WAIWHETU**

In the case of the Community Iwi Activity Area in Waiwhetu, the properties included have a variety of functions. The majority of properties are residential in nature but others have uses such as the marae, administration offices, educational and health facilities, and craft. The majority of properties are owned by the Ki Te Tangata Arohanui Trust. However a number are privately owned. Of the privately owned properties, the majority are owned by people with close associations with the Marae however there are some residential properties owned by people without association with the Marae.

The area surrounding the Community Iwi Activity Area is residential in nature and shown within the General Residential Activity Area. To the east of the Marae is the Waiwhetu Stream which is in the River Recreation Activity Area. Te Whiti Park is on

the eastern side of the Waiwhetu Stream and is in the General Recreation Activity Area.

The current pattern of activity areas in the Waiwhetu area and specifically in the vicinity of the Marae has been in place since the Proposed District Plan was publicly notified in December 1995. The only matters raised in respect of the activity area pattern since that time are those being addressed in this proposed Plan Change.

#### **4. OPTION IDENTIFICATION AND EVALUATION**

##### **The Alternative Activity Areas**

The options available for properties in the vicinity of the Marae are:

- General Residential Activity Area,
- Community Iwi Activity Area, or
- A new activity area not currently provided for in the District Plan

It is not considered appropriate or necessary to introduce a new activity area.

##### **Removing Properties from the Community Iwi Activity Area**

Given the intent of the Community Iwi Activity Area as outlined above it is considered appropriate to remove from the Community Iwi Activity Area properties where the owners do not wish to manage those properties in conjunction with other properties in the activity area.

Those properties where it is proposed that the current Community Iwi Activity Area be replaced with the General Residential Activity Area are - 144, 146, 146A, 150 and 152 Whites Line East, 6 Hamua Grove and 10 Puketapu Grove.

The General Residential Activity Area provisions are the more restrictive. The Community Iwi Activity Area provides for additional activities to those of the General Residential Activity Area. There is no disadvantage to those with properties in the Community Iwi Activity Area in having properties removed and included in the General Residential Activity Area. The rules of the Community Iwi Activity Area require that all Permitted Activity Conditions of the General Residential Activity Area are satisfied.

##### **Adding Properties from the Community Iwi Activity Area**

Currently 56 Guthrie Street is in the General Residential Activity Area and the owners are requesting that the property be included within the Community Iwi Activity Area. Neighbouring properties to the south (58 and 58A Guthrie Street) and to the west (15 Puketapu Grove) are within the Community Iwi Activity Area. The neighbouring property to the north (54 Puketapu Grove) and properties on the opposite side of Guthrie Street are in the General Residential Activity Area.

For those General Residential properties neighbouring 56 Guthrie Street, the District Plan currently would allow a dwelling, home occupations, child care and Kohanga

Reo facilities for no more than five children, a residential facility accommodating no more than 10 persons, and accessory buildings as Permitted Activities on that site. In comparison if 56 Guthrie Street is to be included in the Community Iwi Activity Area as well as those activities referred to above, the property could be used for marae purposes, a health clinic and kokiri centre.

As the Permitted Activity Conditions for both Activity Areas are the same, the adverse effects of activities on the amenity values of properties in the General Residential Activity Area should be no more than minor. Permitted Activity Conditions relating to building location (coverage, yards, height, recession planes), car parking and noise are all the same. The Issues, Objectives and Policies for the Community Iwi Activity Area recognises this through a specific Site Development Issue on amenity values. The Explanation and Reasons for Issue, Objective and Policy reads:

*Amenity values in areas adjoining sites in the Community Iwi Activity Areas should not be affected adversely by the nature or scale of activities within the activity area. To ensure that adverse effects are no more than minor, it is appropriate to manage the nature and scale of activities by identifying appropriate activities and applying those standards established for the business and residential activity areas.*

## **5. CONCLUSION**

It is considered appropriate to amend the activity areas for the properties. Doing so will have no more than minor adverse effects on amenity values. Both the deletion of properties and the addition of a property is consistent with the overall intent of the District Plan in respect of the background to the introduction of the Community Iwi Activity Area when the District Plan was first notified and to the General Residential Activity Area. The amendments are consistent with Part II of the Resource Management Act 1991, and the overall approach of the District Plan including the Area Wide Issues (Chapter 1), Resource Management and the Tangata Whenua of Lower Hutt (Chapter 2), and the issues, objectives, policies and rules of the General Residential Activity Area (Chapter 4A) and the Community Iwi Activity Area (Chapter 10).