

THE HUTT CITY COUNCIL

Democratic Services

DISTRICT PLAN COMMITTEE

**HEARINGS FOR PROPOSED DISTRICT PLAN CHANGE 3 -
COMMUNITY IWI AND GENERAL RESIDENTIAL ACTIVITY AREAS -
WAIWHETU**

Minutes of a meeting of the District Plan Committee held in The Hutt
City Council Chambers, Administration Building, 30 Laings Road,
Lower Hutt on Tuesday 18 October 2005 and
deliberations held on 18 October 2005.

PRESENT:

Cr RW Styles (Chair)
Cr MJ Cousins
Cr C Milne

IN ATTENDANCE:

E Albuquerque, Divisional Manager Environmental
Policy & Approvals
M Hurley, Team Leader Environmental Policy
JE Stevens, Senior Committee Advisor
BS Collinge, Committee Advisor

In accordance with a delegation by Council, pursuant to the
provisions of section 34 of the Resource Management Act 1991,
the District Plan Committee had power to act in determination
of Changes to the Operative District Plan for recommendation
to Council following the hearing of submissions.

DISTRICT PLAN - CITY OF LOWER HUTT

**HEARINGS FOR PROPOSED DISTRICT PLAN CHANGE 3 -
COMMUNITY IWI AND GENERAL RESIDENTIAL ACTIVITY AREAS -
WAIWHETU**

1. APPEARANCES

Submitter:

Martha Gilbert
Ina Rangiwhetu

Represented by:

Martha Gilbert
Ina Rangiwhetu

2. THE HEARING

The parties who appeared at the hearing presented additional written and/or oral submissions and/or written statements of evidence.

This hearing addressed matters raised in submissions and further submissions lodged on Proposed District Plan Change 3 which addressed the Community Iwi and General Residential Activity Areas in Waiwhetu.

Volumes containing copies of all submissions and further submissions were available to all parties. A background report and specific comments and recommendations individually addressing all submissions and further submissions were pre-circulated to all parties to the hearing.

3. DELIBERATIONS OF THE COMMITTEE

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).

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, 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.

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.

Option Identification and Evaluation

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.

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. In addition, the Committee considers it appropriate to move the properties at 1, 16, 17a and 18 Puketapu Grove from Community Iwi Activity Area to General Residential Activity Area, given that these properties are now in private ownership and the owners have requested this change. In making this decision, the Committee is satisfied that rezoning a discrete number of properties not originally identified falls fairly and reasonably within the scope of this Plan Change, which is itself reasonably narrow in scope.

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.

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 recognise 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.

Conclusion

It is considered appropriate to amend the activity areas for the properties identified. 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).

4. DECISIONS AND REASONS

Resolved:

“That the Committee notes that, in making its decisions on submissions and further submissions lodged on Proposed District Plan Change 3 – Community Iwi and General Residential Activity Areas – Waiwhetu, Council is restricted to the relief sought in those submissions and further submissions.

That in exercise of the powers delegated to it by Council pursuant to the provisions of section 34 of the Resource Management Act 1991 the District Plan Committee hereby resolves, pursuant to Schedule 1 of the Resource Management Act 1991, to make the following decisions on submissions and further submissions lodged, for recommendation to Council.”

DPC03/01 D1 - Stephen Hudson

Decision:

That the submission lodged by Stephen Hudson, seeking to confirm the proposal to amend the boundaries of Community Iwi and General Residential Activity Areas, be **PARTIALLY ACCEPTED** and the minor amendments shown in Table 1 and Figure 3 of the background report be made to the District Plan, along with the additional amendments outlined in these decisions.

Reason:

The submission supports the proposed Plan Change. As mentioned in the background report there is not likely to be any adverse effects from changing the properties between Community Iwi and General Residential as the General Residential permitted activity conditions apply around the Waiwhetu Marae in both activity areas.

The Committee also considers it appropriate to move four additional properties from Community Iwi to General Residential following the submissions made by the owners of those properties.

DPC03/02 D1 - David Tutahi

Decision:

That the submission lodged by David Tutahi, seeking to have 1 Puketapu Grove changed from Community Iwi to General Residential, be **ACCEPTED** and 1 Puketapu Grove be included in the General Residential Activity Area of the District Plan.

Reason:

When the Waiwhetu Community Iwi area was established the property was owned by Ki Te Tangata Arohanui, Arts and Cultural Centre Trust. Since then the property has changed ownership and is now in private ownership; David Tutahi is one of the current owners.

The property is currently occupied by a private dwelling and the General Residential permitted activity conditions apply within the Waiwhetu Marae Community Iwi area. Any effects of changing the property from Community Iwi to General Residential are likely to be no more than minor.

As there is already a Marae, Health Clinic and Cultural Centre established in the area, the integrity of the Waiwhetu Community Iwi area is not likely to be compromised by the rezoning. Waiwhetu is the only area in the City where residential dwellings are included within Community Iwi. In other areas of the City it is only the Urupa, Kokiri Centre, or Marae that is included in Community Iwi.

DPC03/03 D1 - John Walker

Decision:

That the submission lodged by John Walker, seeking to confirm the change, be **PARTIALLY ACCEPTED** and the minor amendments shown in Table 1 and Figure 3 of the background report be made to the District Plan, along with the additional amendments outlined in these decisions.

Reason:

The submission supports the proposed Plan Change. As mentioned in the background report there is not likely to be any adverse effects from changing the properties between Community Iwi and General Residential as the General Residential permitted activity conditions apply around the Waiwhetu Marae in both activity areas.

The Committee also considers it appropriate to move four additional properties from Community Iwi to General Residential following the submissions made by the owners of those properties.

DPC03/04 D1 - James (Hēmi) Edmonds

Decision:

That the submission lodged by James (Hēmi) Edmonds, seeking that 15 Puketapu Grove remains as Community Iwi, be **ACCEPTED** and no change be made to the activity area status of 15 Puketapu Grove.

Reason:

15 Puketapu Grove is one of the properties where the submission supported the Plan Change in that neither the submission nor the Plan Change sought to change the Community Iwi status of the property.

DPC03/05 D1 - Hemi Pakia Rangiwhehu

Decision:

That the submission lodged by Hemi Pakia Rangiwhehu, seeking to confirm the Plan Change, be **PARTIALLY ACCEPTED** and the minor amendments shown in Table 1 and Figure 3 of the background report be made to the District Plan, along with the additional amendments outlined in these decisions.

Reason:

The submission supports the proposed Plan Change. As mentioned in the background report there is not likely to be any adverse effects from changing the properties between Community Iwi and General Residential as the General Residential permitted activity conditions apply around the Waiwhehu Marae in both activity areas.

The Committee also considers it appropriate to move four additional properties from Community Iwi to General Residential following the submissions made by the owners of those properties.

The submitter also commented on having the boundary extended in ten years. It is a requirement of the Resource Management Act 1991 that the District Plan be reviewed ten years after becoming operative. The possible extension of the Community Iwi boundary can be raised at that time.

DPC03/06 D1 - Maria Raimapana Enoka

Decision:

That the submission lodged by Maria Raimapana Enoka, seeking that 7 Puketapu Grove remain as Community Iwi, be **ACCEPTED** and no change be made to the activity area status of 7 Puketapu Grove.

Reason:

7 Puketapu Grove is one of the properties where the submission supported the Plan Change in that neither the submission nor the Plan Change sought to change the Community Iwi status of the property.

DPC03/07 D1 - David Rawiri Iripeta Rangiwhehu

Decision:

That the submission lodged by David Rawiri Iripeta Rangiwhehu, seeking to have 18 Puketapu Grove changed from Community Iwi to General Residential, be **ACCEPTED** and 18 Puketapu Grove be included in the General Residential Activity Area of the District Plan.

Reason:

When the Waiwhetu Community Iwi area was established the property was owned by Ki Te Tangata Arohanui, Arts and Cultural Centre Trust. Since then the property has changed ownership and is now in private ownership; David Rawiri Iripeta Rangiwhehu is one of the current owners.

The property is currently occupied by a private dwelling and the General Residential permitted activity conditions apply within the Waiwhetu Marae Community Iwi area. Any effects of changing the property from Community Iwi to General Residential are likely to be no more than minor.

As there is already a Marae, Health Clinic and Cultural Centre established in the area, the integrity of the Waiwhetu Community Iwi area is not likely to be compromised by the rezoning. Waiwhetu is the only area in the City where residential dwellings are included within Community Iwi. In other areas of the City it is only the Urupa, Kokiri Centre, or Marae that is included in Community Iwi.

DPC03/08 D1 - Sonia Ailaomai

Decision:

That the submission lodged by Sonia Ailaomai, seeking to have 16 Puketapu Grove changed from Community Iwi to General Residential, be **ACCEPTED** and 16 Puketapu Grove be included in the General Residential Activity Area of the District Plan.

Reason:

When the Waiwhetu Community Iwi area was established the property was owned by Ki Te Tangata Arohanui, Arts and Cultural Centre Trust. Since then the property has changed ownership and is now in private ownership; Sonia Ailaomai is one of the current owners.

The property is currently occupied by a private dwelling and the General Residential permitted activity conditions apply within the Waiwhetu

Marae Community Iwi area. Any effects of changing the property from Community Iwi to General Residential are likely to be no more than minor.

As there is already a Marae, Health Clinic and Cultural Centre established in the area, the integrity of the Waiwhetu Community Iwi area is not likely to be compromised by the rezoning. Waiwhetu is the only area in the City where residential dwellings are included within Community Iwi. In other areas of the City it is only the Urupa, Kokiri Centre, or Marae that is included in Community Iwi.

DPC03/09 D1 - Alysia Laban

Decision:

That the submission lodged by Alysia Laban, seeking to have 17a Puketapu Grove changed from Community Iwi to General Residential, be **ACCEPTED** and 17a Puketapu Grove be included in the General Residential Activity Area of the District Plan.

Reason:

When the Waiwhetu Community Iwi area was established the property was owned by Ki Te Tangata Arohanui, Arts and Cultural Centre Trust. Since then the property has changed ownership and is now in private ownership; Alysia Laban is one of the current owners.

The property is currently occupied by a private dwelling and the General Residential permitted activity conditions apply within the Waiwhetu Marae Community Iwi area. Any effects of changing the property from Community Iwi to General Residential are likely to be no more than minor.

As there is already a Marae, Health Clinic and Cultural Centre established in the area, the integrity of the Waiwhetu Community Iwi area is not likely to be compromised by the rezoning. Waiwhetu is the only area in the City where residential dwellings are included within Community Iwi. In other areas of the City it is only the Urupa, Kokiri Centre, or Marae that is included in Community Iwi.

DPC03/10 D1 - Ina Rangiwahetu

Decision:

That the submission lodged by Ina Rangiwahetu, seeking to have 18 Puketapu Grove changed from Community Iwi to General Residential, be **ACCEPTED** and 18 Puketapu Grove be included in the General Residential Activity Area of the District Plan.

Reason:

When the Waiwhetu Community Iwi area was established the property was owned by Ki Te Tangata Arohanui, Arts and Cultural Centre Trust. Since then the property has changed ownership and is now in private ownership. David Rangiwhetu, who is one of the owners of the property, also made a submission seeking to have the property included in General Residential.

The property is currently occupied by a private dwelling and the General Residential permitted activity conditions apply within the Waiwhetu Marae Community Iwi area. Any effects of changing the property from Community Iwi to General Residential are likely to be no more than minor.

As there is already a Marae, Health Clinic and Cultural Centre established in the area, the integrity of the Waiwhetu Community Iwi area is not likely to be compromised by the rezoning. Waiwhetu is the only area in the City where residential dwellings are included within Community Iwi. In other areas of the City it is only the Urupa, Kokiri Centre, or Marae that is included in Community Iwi.

DPC03/11 D1 - Mahinarangi Susan Gilbert

Decision:

That the submission lodged by Mahinarangi Susan Gilbert, seeking that 2 Puketapu Grove remains as Community Iwi and that the Community Iwi boundary be extended to all of Waiwhetu and Gracefield, be **PARTIALLY ACCEPTED** to the extent that 2 Puketapu Grove remain within Community Iwi and the boundary of the Community Iwi boundary not be extended over all of Waiwhetu and Gracefield.

Reason:

2 Puketapu Grove is one of the properties where the submission supported the Plan Change in that neither the submission nor the Plan Change sought to change the Community Iwi status of the property.

The consultation process has shown that there is not widespread support for the Community Iwi Activity Area within the existing area. It is not appropriate to extend the Community Iwi boundary to cover the Waiwhetu area when there is not the support of the community. The lack of support has been shown through the number of requests to have properties removed from Community Iwi.

DPC03/12 D1 - Martha Gilbert

Decision:

That the submission lodged by Martha Gilbert, seeking that 34 Galway Street be included in the Community Iwi zone, be **REJECTED** to the extent that 34 Galway Street remain in General Residential and the request be included in the review of the Residential Activity Area boundaries being carried out as part of the review of the residential provisions of the District Plan.

Reason:

This property is used as a Community House for the disadvantaged. The Community House benefits by its physical separation from, but also by its close proximity to, the Marae. The property is owned by Housing New Zealand. It is considered inappropriate to include this property within Community Iwi at this stage. The future zoning of this property will be considered as part of the upcoming Residential Review.

DPC03/13 D1 - Hera Gilbert

Decision:

That the submission lodged by Hera Gilbert, seeking that 5 Puketapu Grove remain as Community Iwi, be **ACCEPTED** and no change be made to the activity area status of 5 Puketapu Grove.

Reason:

5 Puketapu Grove is one of the properties where the submission supported the Plan Change in that neither the submission nor the Plan Change sought to change the Community Iwi status of the property.

DPC03/14 D1 - Laura Taepa

Decision:

That the submission lodged by Laura Taepa, seeking that the proposed Plan Change be confirmed, be **PARTIALLY ACCEPTED** and the minor amendments shown in Table 1 and Figure 3 of the background report be made to the District Plan, along with the additional amendments outlined in these decisions.

Reason:

As mentioned in the background report there is not likely to be any adverse effects from changing the properties between Community Iwi and General Residential as the General Residential permitted activity conditions apply around the Waiwhetu Marae in both activity areas.

The Committee also considers it appropriate to move four additional properties from Community Iwi to General Residential following the submissions made by the owners of those properties.

DPC03/15 D1 - Sherry Phipps

Decision:

That the submission lodged by Sherry Phipps, seeking that noise control and insulation be taken into account, be **ACCEPTED** to the extent that no change be made to the noise provisions of the District Plan for this area.

Reason:

The permitted activity conditions, including noise provisions, are the same regardless of whether the properties are within Community Iwi or General Residential. All permitted activities within Community Iwi have to adhere to the permitted activity conditions of General Residential. The noise standards for the Waiwhetu Marae Community Iwi area are the residential noise standards for the area (Noise Area 3).

RW Styles
CHAIR