

5.7 MARAE DEVELOPMENT ZONE

5.7.1 BACKGROUND

The provision of a specific zone in which Maori people can undertake ongoing development of their culture, traditions and social infrastructure, is one way in which Council is seeking to give effect to the principles of Te Tiriti o Waitangi (Treaty of Waitangi). Other provisions in this District Plan which also seek to achieve this objective, include:

- ≪ Smaller marae, kokiri centres, kohanga reo and other activities permitted in zones where in keeping with the objectives and policies of the zone.
- ≪ Recognition and protection of ancestral lands, water, sites, waahi tapu and other taonga by zoning as Conservation or Reserve.
- ≪ Identification of waahi tapu should this be requested by the tangata whenua.
- ≪ Highlighting the importance of consultation with tangata whenua as part of preparing applications.

The Marae Development zone recognises and provides for the social, cultural, educational, economic, traditional and residential activities associated with a marae. The zones are presently applied to existing marae or sites that have a resource consent to establish a marae complex. However, the zone can be extended onto land adjoining an existing marae or extended to new sites. This will be achieved either through plan changes or at the time of review.

The activities and performance standards contained in this zone are designed to avoid, remedy or mitigate the effects of marae based activities on areas outside the Marae Development zone. Control of detrimental effects within the zone are matters for the Trust responsible for the marae to develop and enforce. All developments within the zone will, however have to comply with other relevant legislation and controls (eg Building Act 1991).

5.7.2 RESOURCE MANAGEMENT ISSUES

The main issue that this zone seeks to address, is the promotion of the autonomy of the tangata whenua of the District to manage and develop their marae resource. This is one way in which the tangata whenua of the area can provide for their social, economic and cultural wellbeing and for their health and safety.

There needs to be provided a wide range of activities to meet the needs of the marae. These activities must be provided for in a manner that ensures there is no detrimental effect on the environment or amenities of areas outside the zone. In addition, the adverse effects of activities adjoining the Marae need to be managed and controlled to ensure there is no detriment to the amenities of the Marae.

5.7.3 ANTICIPATED ENVIRONMENTAL RESULTS

The primary environmental result of this zone is to maintain and enhance a resource (including physical, cultural and social resources), that will contribute to the ongoing development of Maori culture, society and economy. These are matters of "national importance" that must be recognised in the District Plan.

The zone needs to allow the development of activities without detriment to the environment and amenity both within and outside the zone.

5.7.4 OBJECTIVES AND POLICIES

Objective 1

To assist Maori people of the District to maintain and enhance their culture, traditions, economy and society, in order that their wellbeing (mauri), health (waiora) and ability to implement the principles of Te Tiriti o Waitangi is within their own control and management.

Policies

Objective 1 will be achieved by implementation of the following policies:

1. Recognising existing and future major marae as the focal and essential part in the development of Maori culture, traditions, society and economy.
2. Using other methods in the District Plan (eg identifying Maori reserves) to recognise and promote the relationship Maori people have with the District.
3. Using methods outside the District Plan to assist Maori people to achieve the results they desire.

Reasons

1. The provisions for Marae development is one way that Council, through its District Plan can give effect to some of the principles of Te Tiriti o Waitangi, particularly the ability of Maori people to exercise rangitiratanga (governship).
2. Council recognises and wishes to accept responsibility for its role in undertaking the functions devolved from central government (eg resource management).

Objective 2

To ensure that the activities undertaken within the zone do not detract from the environment (both within and outside the zone), and amenities of neighbouring residents.

Policies

Objective 2 will be achieved by implementation of the following policies:

1. Placing some of the responsibility for the protection of the environment from any adverse effects of activities within the Marae areas on the Trust which controls the land.

Reasons

1. Some protection of the amenity and environment outside the zone, from activities within the Marae Development zone is needed.
2. Council considers that within the Marae areas, Maori people should decide the most appropriate level of amenity and environmental quality to be maintained for themselves.
3. A mix of activities is required to enable the marae to develop its focus as the centre of social, educational, health, cultural and economic activities. A limited amount of retailing is provided for in order to sell products or services produced or available in the zone. The limitation is required to ensure that the scale of the commercial activities does not compete with the commercial viability of the Town Centres.

5.7.5 METHODS TO IMPLEMENT OBJECTIVES AND POLICIES

The principal method Council will use to implement the above objectives and policies is by the use of rules to control the type and scale of land use activities. Within the framework of these Rules, the tangata whenua are able to manage their own affairs.

The plan change process is seen as an appropriate mechanism for the community and Council to consider extensions to existing Marae and introduction and development of new Marae.

Monitoring of the activities and their effects will enable Council to assess the "success" of this approach. Ongoing consultation with the tangata whenua will also enable the assessment of whether the approach is meeting the needs of the Maori people.

Other methods outside, but complementary to the District Plan may be considered in support of the objectives and policies. Some of these include facilitation of consultation and involvement in the Resource Management process, the establishment of a formal liaison between Council and tangata whenua representatives on resource management and other Council matters (it is noted that a Consultation Committee is presently being set up), and naming of features such as roads, streams and rivers in Maori.

Prohibited activity status has been given to surface mining activities. Council has resolved that the appropriate process and assessment of such activities is by means of a private request for a plan change (refer Section 2.2.5 – Extractive Industries for a description and reasons).

Reasons

1. Refer to Section 2.0 which sets out Council's main reasons for adopting a zone and rule based approach to the achievement of the objectives and policies.
2. Monitoring is the main method proposed to be used for assessing the effectiveness of the District Plan.
3. Council and tangata whenua both need to develop a relationship with each other in order that matters of interest and concern to both parties can be discussed and resolved.
4. Refer to Section 2.2.5 – Extractive Industries.

5.7.6 ACTIVITIES

5.7.6.1 Permitted Activities

The following are permitted activities and shall comply with the Performance Standards specified in Rule 5.7.7 below:

1. Marae and marae complexes (including papakainga housing, Kohanga reo, Kokiri centres, urupa (burial grounds) and health centres)
2. Permitted and controlled activities in the Residential and Reserve (Active) zones.
3. Sale of products, goods and services produced as part of any of the above activities, from a building limited to 50m² of gross retail floor area (ie one building per zone).
4. Any permitted activity specified in :
 - ☞ 7.1 - Heritage Features
 - ☞ 8.1 - Provision for Network Utilities
 - ☞ 8.7 - Signs
 - ☞ 8.8 - Hazardous Substances
 - ☞ 8.10 - Surface of Water in Lakes, Rivers and Streams
 - ☞ 10.1 - Subdivision

5. Excavations of up to 20m³ of material in any one year for transportation off the property of source where such works are not part of an approved subdivision or building work.

6. Placement of clean fill not undertaken as part of an approved subdivision or building consent:

☞ Up to 30m³ of clean fill comprising topsoil and subsoil may be placed on a property at an average depth not exceeding 1m.

☞ From 30m³ – 100m³ of clean fill comprising topsoil, subsoil and any demolition rubble (up to 100m³) may be placed on a property where Council is **informed** of the fill action before the activity is carried out. The details to be provided are:

- ☞ legal description and street address of property
- ☞ nature and source of fill
- ☞ location of fill on site
- ☞ depth of fill

7. Prospecting and exploration involving not more than 20m³ of excavation per allotment in any one year.

8. Accessory buildings and activities to the foregoing activities.

5.7.6.2 Controlled Activities

The following are controlled activities, shall comply with the Performance Standards specified in Rule 5.7.7, and shall be assessed in relation to the criteria specified in Rule 5.7.6.2 A below:

1. Any controlled activity specified in Sections:

- ☞ 7.1 - Heritage Features
- ☞ 8.7 - Signs
- ☞ 8.10 - Surface of Water in Lakes, Rivers and Streams
- ☞ 10.1 - Subdivision

2. Accessory buildings and activities to the foregoing activities.

A. Assessment Criteria for Controlled Activities

The assessment criteria contained within the sections specified in Rule 5.7.6.2 1. above shall apply.

5.7.6.3 Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria in Rule 5.7.6.3 A below:

1. Any permitted or controlled activity that exceeds the limits specified in the definition.
2. Any permitted or controlled activity that does not meet the performance standards specified in Rule 5.7.7.
3. Any discretionary activity specified in Sections :

- ☞ 7.1 - Heritage Features
- ☞ 8.1 - Provision for Network Utilities
- ☞ 8.7 - Signs
- ☞ 8.8 - Hazardous Substances
- ☞ 8.10 - Surface of Water in Lakes, Rivers and Streams
- ☞ 10.1 - Subdivision

A. Assessment Criteria for Discretionary Activities

The following criteria will be used to assess a discretionary activity:

1. The performance standards, environmental results and assessment criteria for permitted and controlled activities specified in Section 5.7.7.
2. The degree to which the activity exceeds the standards specified for that particular activity.
3. In the case of prospecting and exploration activities, whether proposals for the rehabilitation of any site are appropriate to ensure that the land is capable of being used for the range of activities permitted in the zone.

5.7.6.4 Non Complying Activities

1. Any activity not provided as a permitted, controlled or discretionary activity

5.7.6.5 Prohibited Activities

1. Surface mining (Refer to Section 2.2.5 – Extractive Industries).

5.7.7 PERFORMANCE STANDARDS

The performance standards listed in Rule 9.5 - MATRIX OF PERFORMANCE STANDARDS and as detailed throughout Section 9.0 - PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION shall be met by permitted and controlled activities.

5.7.8 GENERAL PROVISIONS

- Section 3.0 - MONITORING AND EVALUATION
- Section 7.0 - CONSERVATION AND HERITAGE
- Section 8.1 - PROVISION FOR NETWORK UTILITIES OPERATIONS
- Section 8.2 - PROVISION FOR PUBLIC WORKS
- Section 8.3 - EXTRACTIVE INDUSTRY
- Section 8.4 - EXCAVATION AND FILL
- Section 8.5 - AIR QUALITY
- Section 8.7 - SIGNS
- Section 8.8 - HAZARDOUS SUBSTANCES
- Section 8.10 - SURFACE OF WATER
- Section 10.0 - SUBDIVISION, FINANCIAL CONTRIBUTIONS, ESPLANADE RESERVES AND ESPLANADE STRIPS