

**QLDC Council  
30 June 2015****Report for Agenda Item: 14****Department: Planning & Development****District Plan Review: Proposed Tangata Whenua Chapter****Purpose**

The purpose of this report is to present the proposed Tangata Whenua chapter to Council for acceptance.

**Recommendation**

That Council:

1. Note the contents of this report;
2. Accept the content of the Tangata Whenua Chapter and Section 32 Evaluation.
3. Note that the entire package will be brought back for Council's final approval along with other provisions forming stage 1 of the District Plan Review, prior to public notification.
4. Authorise officers to make further minor changes to the Section 32 Evaluation report and Provisions without further recourse to Council, where this necessary to:
  - a. Ensure consistent numbering and formatting of the Proposed District Plan text; and,
  - b. To fix identified minor errors and / or omissions.
  - c. Ensure continuity with other proposed provisions.

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29/05/2015

Reviewed and Authorised by:



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15/06/2015

## Background

- 1 In the Operative District Plan, Tangata Whenua provisions and other legislative requirements are not grouped together. This can lead to important issues being overlooked.
- 2 In the introductory section, the Statutory Acknowledgement stemming from the Ngai Tahu Claims Settlement Act 1998 (NTCSA) is poorly referenced, and the remainder of the policy framework is embedded in Section 4 District Wide Issues.
- 3 The Statutory Areas created from the NTCSA are not widely referred to in consent planning and are seen more as for information purposes.
- 4 The District Wide Issues chapter contains objectives and policies, a repeat of the content of the RMA Part 2, and a large amount of issues that are contained in the more detailed Iwi Management Plans. Most of this is duplication of other documents and does not add to the chapter.
- 5 The need to consult and engage with Tangata Whenua is present in a range of legislation, most relevantly the RMA. The degree of requisite involvement of Tangata Whenua has increased since the Operative Plan was formulated.
- 6 The District has two Tangata Whenua groups, whose rohe, or takiwa overlap. Confusion can arise with regards to who is to be consulted.
- 7 This chapter was the subject of a Council workshop in May 2014.

## Comment

- 8 The need to integrate complex Maori values throughout the District Plan overlaps with the more general environmental aims and a fair amount of commonality exists. There are however, certain values that only Maori, and particularly Tangata Whenua, can provide input on.
- 9 To gauge the progress of the wider District Plan Review material, with regard to demonstrating the weaving of these values into the various chapters, especially those that correspond to areas of stated interest, bundles of advanced draft chapters were sent to TAMI and KTKO. These were followed by face to face meetings. Reinforcement of issues such as nohoanga, Topuni and taonga species have been subsequently inserted specifically into the policy framework.
- 10 Individual chapters (Historic Heritage, Rural and Plan Change 49 – Earthworks) were also sent to the same groups for consultation purposes, and comments addressed.

## *Options*

- 11 This report identifies and assesses the following reasonably practicable options as required by section 77 of the Local Government Act 2002:
- 12 Option 1 Retain the existing individual provisions relating to Tangata Whenua.
- 13 Advantages:

- This would retain the established approach that users are familiar with.

#### 14 Disadvantages:

- Does not address all the identified issues nor address the lack of clarity and relevance to the various elements.
- Continued misunderstanding or underuse of all relevant provisions.
- Failure to acknowledge current RMA requirements.

15 Option 2 Combine the individual elements relating to Tangata Whenua and improve where practicable.

#### 16 Advantages:

- Provides clarity for all users.
- Places the correct emphasis on the subject matter.
- Simplifies reference to Tangata Whenua by compiling a coherent, strategic chapter.

#### 17 Disadvantages:

- Removes the existing familiarity, though this is considered minor.

18 This report recommends Option 2 for addressing the matter.

### ***Significance and Engagement***

19 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it will not impact on Council's capability and capacity, is not inconsistent with existing policy and strategy, and will not affect significant numbers of the community.

### ***Risk***

20 This matter relates to the strategic risk SR1 "Current and future development needs of the community (including environmental protection)", as documented in the Council's risk register. This is due to the fact that the matter relates to the District Plan. The risk is classed as high as a result of the fact that the District Plan is a critical document for the social, economic and environmental wellbeing of the District.

21 The recommended option considered above, allows Council to mitigate the risk by simply tolerating the level of risk.

### **Financial Implications**

22 There are no significant additional costs anticipated by taking the recommended option.

## **Council Policies, Strategies and Bylaws**

This matter is included in the 10-Year Plan/Annual Plan as it is aligned with several desired community outcomes.

## **Local Government Act 2002 Purpose Provisions**

23 The recommended option:

- Will help meet the current and future needs of communities and performance of regulatory functions in a way that is most cost-effective for households and businesses by increasing the efficiency of the District Plan.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and

## **Consultation: Community Views and Preferences**

24 The persons who are affected by or interested in this matter are Tangata Whenua.

25 The Council has been actively consulting the resource management units that have been established to represent local iwi. This has been through meetings, correspondence and past and proposed hui. The hui have / will, directly involve representatives of the papatipu runanga. This engagement will continue throughout the District Plan Review and the next hui is planned for late July.

## **Legal Considerations and Statutory Responsibilities**

26 This matter is subject to the process contained within Schedule 1 RMA.

27 The Ngai Tahu Claims Settlement Act 1998 is also a relevant matter.

## **Attachments**

- A Proposed Tangata Whenua Chapter
- B Section 32 Evaluation