

Tasman Resource Management Plan

**Plan Change 78:
St Arnaud Papakāinga Zone**

Decision Report

**Pursuant to Clause 10 of the
First Schedule of the Resource Management Act 1991**

16 February 2023

Contents

1. Introduction	1
2. Plan Change.....	1
3. Decision Overview	1
4. Background	1
4.1 The Plan Change	1
5. Statutory Context	3
5.1 Introduction.....	3
6. Decision and Reasons for the Decision	3
Appendix 1: Schedule of Amendments (Plan Text)	4
Appendix 2: Schedule of Amendments (Plan Maps)	4
Appendix 3: Plan Change 78 Submissions.....	4

1. Introduction

This report provides the decision of Tasman District Council (Council) for Plan Change 78 – St Arnaud Papakāinga Zone (PC 78). The decisions on the Plan Change and reasons for those decisions can be found in Section 6 of this report. The specific changes to the Tasman Resource Management Plan (TRMP) arising from this Plan Change can be found in Appendix 1: Schedule of Amendments (Plan Text) and Appendix 2: Schedule of Amendments (Plan Maps).

2. Plan Change

On the 16 September 2022, PC78 was publicly notified with submissions closing on 17 October 2022. Three submissions were received in support of PC78. The summary of decisions sought was publicly notified on 28 October 2022 with the further submission period closing on the 11 November 2022. No further submissions were received.

Under Schedule 1, Part 1 8C of the Resource Management Act (RMA) a hearing is not needed as no person has indicated that they wish to be heard and Council is therefore not required to hold a hearing.

Submissions in support of PC78 were received from Ngāti Apa ki te Rā Tō Charitable Trust (landowners), the Department of Conservation and Waka Kotahi NZ.

3. Decision Overview

Plan Change 78 seeks to rezone a parcel of land, located on Massey Street in St Arnaud from Conservation Zone to Papakāinga Zone. The subject site is land that was returned to the Ngāti Apa ki te Rā Tō Trust through the Treaty settlement process as a cultural redress property. Prior to being in the ownership of the Ngāti Apa ki te Rā Tō Trust the land was gazette for Conservation purposes under the Conservation Act 1987 and was managed by the Department of Conservation.

The submissions received on PC78 were all in support of the plan change and none of the submitters wanted to be heard. Under Schedule 1 of the RMA it is recommended to **Accept** the plan change as notified without a hearing.

4. Background

4.1 The Plan Change

The purpose of PC78 is to rezone a parcel of land at Massey Street, St Arnaud from Conservation to Papakāinga Zone to enable the land to be used for a range of traditional, spiritual, and cultural activities. This rezoning is responding to the fact that:

- The Plan Change site is not Crown-owned, meaning that the existing Conservation zoning is not appropriate.
- The Plan Change site includes land that was returned to the Ngāti Apa ki te Rā Tō Trust as a cultural redress property and should be able to be used accordingly.

This Plan Change does not seek to introduce any new objectives into the TRMP, however, it does include a new Policy, Method of Implementation and explanatory text in terms of applying the

Papakāinga Zone rules to this site, as outlined below. The changes to the TRMP text and maps are shown in the Schedule of Amendments and update maps.

Proposed Provision	Proposed Provision Wording
Proposed New Policy 6.13.3.11A	<i>To provide for cultural land use activities in St Arnaud within an identified Papakāinga Zone</i>
Proposed New Method of Implementation 6.13.20.3(a)	<i>Papakāinga zoning in St Arnaud to provide for cultural activities.</i>
Proposed explanatory text, to go under TRMP Section 6.13.30	<i>There is Papakāinga zoning on Massey Street to provide for cultural activities. The Papakāinga Zone provides for a range of activities, and includes performance standards to ensure that adverse cross-boundary effects do not occur.</i>
Zone change	Change of zoning from Conservation to Papakāinga, applying the existing Papakāinga Zone rules (included in Appendix 1) to the site.

The proposed text changes are consistent with the existing TRMP structure and the purpose of the Papakāinga Zone.

5. Statutory Context

5.1 Introduction

The Resource Management Act 1991 (RMA) provides the statutory framework for decision-making on Plan Changes and Part 1 of Schedule 1 applies. Clause 10 of Schedule 1 requires Council to give a decision on the provisions and matters raised in the submissions whether or not a hearing is held.

Council has delegated the authority to make decisions on plan changes to the Strategy and Policy Committee, and by resolution on 16 February 2023 the Strategy and Policy Committee accepted the recommendation to accept PC78 has notified and approve notification of this decision.

5.1.1 Resource Management Act 1991

5.1.1.1 Section 32 and Section 32AA

A detailed Section 32 report accompanied the Plan Change and the matters raised in the Section 32 report were further considered in the Section 42A report.

A Section 32AA requires a further evaluation of any changes that have been made to a Plan Change after the Section 32 report was completed. The Committee has decided to accept the Plan Change without modification. No modifications were required to the Section 32 report and therefore a Section 32AA evaluation report was not appended to the Section 42A report.

5.1.1.2 Section 37(1)(b)

Section 37(1)(b) gives the consent authority the ability to decide to “waive a failure to comply with a requirement under this Act, regulations or a plan for the time or method of service of documents. No late submissions were received.

6. Decision and Reasons for the Decision

All the submissions received on the Plan Change were in support of the Plan Change and none of the submitters wished to be heard. Where no submitters wish to be heard a hearing is not required under Schedule 1 of the RMA. Under delegated authority, the authority to make decisions on plan changes is delegated to the Tasman District Council Strategy and Policy Committee. It is recommended that by resolution on 16 February 2023 the Strategy and Policy Committee accepted the recommendation to accept PC78 has notified and approve notification of this decision.

Appendix 1: Schedule of Amendments (Plan Text)

[Under separate cover]

Appendix 2: Schedule of Amendments (Plan Maps)

[Under separate cover]

Appendix 3: Submissions

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