

Section 32 Report

Papakāinga Development

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1.0 Executive Summary

This Section 32 evaluation report is focused on papakāinga development within the South Taranaki district and relates to Proposed District Plan Change 3 (PC3). The Operative District Plan was last reviewed in 2014 and made operative in January 2021, which introduced papakāinga development provisions into the district.

The operative provisions are summarised as follows:

- A papakāinga development definition;
- A marae definition that enables marae-based papakāinga development;
- Objectives and policies enabling of development by tāngata whenua including the development of papakāinga housing;
- Papakāinga development introduced as a permitted activity within the Rural, Residential, Township and Commercial Zone chapters;
- Assessment matters for land use applications relating to papakāinga development and redevelopment introduced in Section 20: Resource Consent Information Requirements and Assessment Matters.

Since these provisions were added there have been various papakāinga developments enabled as permitted activities or requiring resource consent. With an increasing interest in the district for papakāinga developments, a review of the current provisions will ensure the District Plan is sufficiently enabling of papakāinga, enforces relevant statutes, and reflects the aspirations of tāngata whenua.

This plan change was prepared following an analysis of the operative district plan and the district plans of other councils facing similar resource management issues relating to papakāinga development, and through consultation. Consultation was undertaken with Te Puni Kokiri and with the district's Iwi Authorities through an iwi partnership arrangement referred to as Ngā Kaitiaki. Ngā Kaitiaki assisted Council throughout the evaluation process to formulate the proposed provisions to the Proposed District Plan.

The proposed provisions are summarised as follows:

- New and reworded definitions relating to papakāinga development;
- New and reworded objectives and policies within *Section 2.7 Tāngata Whenua*;
- Changes to density (net site area) performance standards in the Residential and Township Zones, and maximum number of dwelling unit performance standard exemption introduced in Township Zone for papakāinga developments.
- Within the Rural, Residential, Township and Commercial Zone chapters:

- Papakāinga development is a permitted activity on land held under Te Ture Whenua Māori Act 1993 where the relevant performance standards are met.
- Papakāinga development is a controlled activity on land held under Te Ture Whenua Māori Act 1993 where the relevant performance standards are not met.
- Papakāinga development on General Title Land is a restricted discretionary activity.

An evaluation of these proposed provisions in this plan change has found that they are the most appropriate way to enable papakāinga development in a way that appropriately manages adverse effects on the surrounding environment than the existing provisions and any alternative options available. The evaluation also found the proposed provisions will assist the Council to better meet its statutory obligations, including Sections 6(e) and 6(g) of the RMA. Because the provisions were drafted alongside consultation with tāngata whenua, they are reflective of their aspirations. Overall, the proposed provisions fulfil the purpose of this plan change in addressing the identified resource management issues relating to papakāinga developments in the district.

2.0 Introduction

Section 32 (s32) of the Resource Management Act 1991 (RMA) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the RMA, and the policies, rules, and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness, and risk in achieving the objectives. The analysis set out in this report fulfils the obligations of the Council under s32 of the RMA.

The current approach to papakāinga development is a suite of provisions distributed throughout the District Plan that enables Papakāinga development provided certain requirements are met. The purpose of this plan change is to amend the current provisions to better enable papakāinga development in the South Taranaki district to provide for the relationship of tāngata whenua with their ancestral lands while still appropriately managing adverse effects on the surrounding environment.

The Council established an Iwi partnership arrangement referred to as ‘Ngā Kaitiaki’ to develop the new proposed provisions for the papakāinga development plan change. Ngā Kaitiaki consisted of representatives from each Iwi Authority in the district to provide input on the plan change, including the draft provisions and evaluating the benefits, costs, efficiency, and effectiveness of the options.

The report sets out the trends and issues for papakāinga development, provides an overview of the statutory and policy context, and specific engagement and consultation on this topic. The report also includes a review of the existing Plan provisions and evaluation of alternatives to determine the most appropriate way(s) in achieving the purpose of the Act in relation to papakāinga development matters.

3.0 Statutory and Policy Context

3.1 Resource Management Act

As set out in the introduction, an evaluation is required of how the proposal achieves the purpose and principles in Part 2 of the RMA. This requires consideration of sections 5 to 8 of the RMA.

Section 5 sets out the purpose of the RMA which is to promote sustainable management of natural and physical resources.

Section 6 requires all persons exercising functions and powers under the RMA to recognise and provide for specified matters of national importance. The section 6 matters relevant to this Papakāinga Development Plan Change are:

Section	Relevant matter and applicability
Section 6(e)	<p>The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.</p> <p>Papakāinga Development occurs on ancestral land (including Māori freehold land, Māori customary land and Crown land reserved for Māori). District Plan provisions can enable Papakāinga Development which enable Māori to reconnect with their ancestral land and relationship with water and other taonga.</p>
Section 6(g)	<p>The protection of protected customary rights.</p> <p>Many Māori in South Taranaki have lived on land in this district for many years, obtaining customary rights to the land. District Plan provisions can enable papakāinga development for Māori with customary rights to their land.</p>

Section 7 requires all persons exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, to have particular regard to a range of matters. The section 7 matters relevant to this Papakāinga Development Plan Change are:

Section	Relevant matter
Section 7(a)	<p>Kaitiakitanga.</p> <p>Enabling papakāinga will improve opportunities for Tāngata Whenua to exercise Kaitiakitanga over their ancestral lands and customary rights and decide how they can be developed upon.</p>
Section 7(c)	<p>The maintenance and enhancement of amenity values.</p> <p>Enabling further development of papakāinga may affect the amenity values of the existing surrounding areas of a proposed site for development. Objectives, policies and rules could ensure adverse effects on amenity values are maintained and enhanced.</p>

Section	Relevant matter
Section 7(f)	<p>Maintenance and enhancement of the quality of the environment.</p> <p>Enabling further development of papakāinga may change the character of existing surrounding areas of a proposed site for development. Objectives, policies and rules could ensure adverse effects on the character of surrounding areas are maintained and enhanced.</p>

Section 8 requires local authorities to take into account the principles of the Treaty of Waitangi. Tāngata whenua, through iwi authorities have been consulted as part of the plan change preparation process. This consultation has informed the s32 evaluation, and the obligation to make informed decisions based on that consultation is noted. Including papakāinga provisions that enable tāngata whenua to exercise greater control over the development of Māori land.

3.2 National Direction

Under Section 75(3) of the RMA, the District Plan must give effect to National Policy Statements, the New Zealand Coastal Policy Statement and the National Planning Standards. In addition, under Section 74(1)(ea) and (f) of the RMA, the Council must prepare and change its District Plan in accordance with National Policy Statements, the New Zealand Coastal Policy Statement, the National Planning Standards and National Environmental Standards. The following sections outline the parts of National Direction that are relevant to proposed PC3.

3.2.1 National Policy Statements

The National Policy Statements relevant to this proposed plan change are:

NPS	Relevant Objectives / Policies
National Policy Statement on Urban Development 2020	<p>The National Policy Statement on Urban Development 2020 has been considered relevant because papakāinga developments can occur within Hāwera, the district's sole urban environment as defined in this policy statement.</p> <p>Specifically, the following clauses are relevant to papakāinga development:</p>

NPS	Relevant Objectives / Policies
	<p>Objective 5: <i>Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</i></p> <p>Policy 1: <i>Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</i></p> <ul style="list-style-type: none"> <i>(a) have or enable a variety of homes that:</i> <ul style="list-style-type: none"> <i>(ii) enable Māori to express their cultural traditions and norms;</i> <p>Policy 9: <i>Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</i></p> <ul style="list-style-type: none"> <i>(a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</i> <i>(b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and</i> <i>(c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and</i> <i>(d) operate in a way that is consistent with iwi participation legislation.</i>
<p>National Policy Statement for Freshwater Management 2020</p>	<p>The National Policy Statement for Freshwater Management 2020 has been considered because developments can occur in proximity to existing waterbodies, some with identified natural hazard values, which could impact freshwater.</p> <p>Provisions will continue to be in place to set development and location controls. This includes setbacks from waterbodies, building coverage to control stormwater runoff effects, and on-site stormwater and wastewater management will be necessary where reticulated services are unavailable.</p>

NPS	Relevant Objectives / Policies
	<p>The following clauses are relevant to papakāinga development:</p> <p>Policy 15: <i>Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.</i></p>
<p>New Zealand Coastal Policy Statement 2010</p>	<p>The New Zealand Coastal Policy Statement is important to consider because developments could occur within the district’s coastal environments. The coastal marine area is significant to many iwi within the district, however the coast is also subject to natural hazards.</p> <p>Provisions will continue to set development and location controls for buildings and structures located in the district’s Coastal Protection Area.</p> <p>The following clauses are relevant to papakāinga development:</p> <p>Objective 3</p> <p><i>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</i></p> <ul style="list-style-type: none"> • <i>recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</i> • <i>promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</i> • <i>incorporating mātauranga Māori into sustainable management practices; and</i> • <i>recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</i> <p>Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage</p>

NPS	Relevant Objectives / Policies
	<p><i>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</i></p> <p><i>(a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations.</i></p> <p>Policy 6 Activities in the coastal environment</p> <p><i>(1) In relation to the coastal environment</i></p> <p><i>(d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;</i></p>
<p>National Policy Statement for Highly Productive Land 2022</p>	<p>The National Policy Statement for Highly Productive Land is relevant as South Taranaki features a high proportion of ‘highly productive land’ (Class I, II and III land). There are also implications for developments (including papakāinga) undertaken on different types of land owned by Māori – particularly general land owned by Māori. Specifically, the following clauses are relevant to papakāinga development:</p> <p>1.3 Interpretation</p> <p><i>(1) In this National Policy Statement:</i></p> <p>specified Māori land means land that is any of the following:</p> <p><i>(a) Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</i></p> <p><i>(b) land vested in the Māori Trustee that—</i></p> <p><i>(i) is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and</i></p> <p><i>(ii) remains subject to that Act:</i></p> <p><i>(c) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:</i></p>

NPS	Relevant Objectives / Policies
	<p><i>(d) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):</i></p> <p><i>(e) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:</i></p> <p><i>(f) land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the mana whenua over the land.</i></p> <p>3.9 Protecting highly productive land from inappropriate use and development.</p> <p><i>(1) Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.</i></p> <p><i>(2) A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:</i></p> <ul style="list-style-type: none"> <i>(a) it provides for supporting activities on the land:</i> <i>(b) it addresses a high risk to public health and safety:</i> <i>(c) it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:</i> <i>(d) it is on specified Māori land:</i> <i>(e) it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:</i> <i>(f) it provides for the retirement of land from land-based primary production for the purpose of improving water quality:</i> <i>(g) it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:</i> <i>(i) it provides for public access:</i> <p><i>(3) Territorial authorities must take measures to ensure that any use or development on highly productive land:</i></p>

NPS	Relevant Objectives / Policies
	<p><i>(a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and</i></p> <p><i>(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.</i></p> <p><i>(4) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.</i></p>
<p>National Policy Statement for Indigenous Biodiversity</p>	<p>The National Policy Statement for Indigenous Biodiversity is relevant as developments could occur within or in proximity to Significant Natural Areas or areas containing indigenous biodiversity.</p> <p>Existing provisions are in place to prevent clearance, modification, damage and destruction to indigenous vegetation within and outside of identified SNAs should developments create these effects. Additional assessments will be made under the relevant clauses of this national policy statement, which may vary depending on if the site is considered specified Māori land.</p> <p>Specifically, the following clauses are relevant to papakāinga development:</p> <p>1.6 Interpretation</p> <p><i>(1) In this National Policy Statement:</i></p> <p>specified Māori land means land that is any of the following:</p> <p><i>(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</i></p> <p><i>(b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:</i></p> <p><i>(c) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:</i></p> <p><i>(d) Land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:</i></p>

NPS	Relevant Objectives / Policies
	<p><i>(e) Land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):</i></p> <p><i>(f) The maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:</i></p> <p><i>(g) Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):</i></p> <p style="padding-left: 40px;"><i>(i) As part of redress for the settlement of Treaty of Waitangi claims; or</i></p> <p style="padding-left: 40px;"><i>(ii) By the exercise of rights under a Treaty settlement Act or Treaty settlement deed.</i></p> <p>3.10 Managing adverse effects on SNAs of new subdivision, use, and development</p> <p><i>(1) This clause applies to any new subdivision, use, or development that is in, or affects, an SNA, except as provided in:</i></p> <p style="padding-left: 40px;"><i>(b) Clauses 3.12 and 3.18 (about SNAs on specified Māori land); and</i></p> <p><i>(2) Each of the following adverse effects on an SNA of any new subdivision, use, or development must be avoided, except as provided in clause 3.11:</i></p> <p style="padding-left: 40px;"><i>(a) Loss of ecosystem representation and extent:</i></p> <p style="padding-left: 40px;"><i>(b) Disruption to sequences, mosaics, or ecosystem function</i></p> <p style="padding-left: 40px;"><i>(c) Fragmentation of SNAs or the loss of buffers or connections within an SNA:</i></p> <p style="padding-left: 40px;"><i>(d) Reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:</i></p> <p style="padding-left: 40px;"><i>(e) A reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle.</i></p> <p><i>(3) Any adverse effects on an SNA of a new subdivision, use, or development that are not referred to in subclause (2), or that occur</i></p>

NPS	Relevant Objectives / Policies
	<p><i>as a result of the exceptions in clause 3.11, must be managed by applying the effects management hierarchy.</i></p> <p><i>(4) Where adverse effects on an SNA are required to be managed pursuant to subclause (3) by applying the effects management hierarchy, an applicant must be required to demonstrate:</i></p> <p style="padding-left: 40px;"><i>(a) How each step of the effects management hierarchy will be applied; and</i></p> <p style="padding-left: 40px;"><i>(b) If biodiversity offsetting or biodiversity compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 3 and 4 and has had regard to the remaining principles in Appendix 3 and 4, as appropriate.</i></p> <p>3.16 Indigenous biodiversity outside SNAs</p> <p><i>(1) If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy.</i></p> <p><i>(2) All other adverse effects of any activities that may adversely affect indigenous biodiversity that is outside an SNA (other than indigenous biodiversity on specified Māori land (see clause 3.18)), must be managed to give effect to the objective and policies of this National Policy Statement.</i></p> <p><i>(3) Every local authority must make or change its policy statements and plans to be consistent with the requirements of this clause.</i></p> <p>3.18 Specified Māori land</p> <p><i>(1) Local authorities must work in partnership (which includes acting in good faith) with tangata whenua and owners of specified Māori land to develop, and include in policy statements and plans, objectives, policies, and methods that, to the extent practicable:</i></p> <p style="padding-left: 40px;"><i>(a) maintain and restore indigenous biodiversity on specified Māori land; and</i></p> <p style="padding-left: 40px;"><i>(b) protect SNAs and identified taonga on specified Māori land.</i></p>

NPS	Relevant Objectives / Policies
	<p><i>(2) Objectives, policies, and methods developed under this clause must:</i></p> <p><i>(c) enable new occupation, use, and development of specified Māori land to support the social, cultural, and economic wellbeing of tangata whenua; and</i></p> <p><i>(d) enable the provision of new papakāinga, marae and ancillary community facilities, dwellings, and associated infrastructure; and</i></p> <p><i>(e) enable alternative approaches to, or locations for, new occupation, use, and development that avoid, minimise, or remedy adverse effects on SNAs and identified taonga on specified Māori land, and enable options for offsetting and compensation; and</i></p> <p><i>(f) recognise and be responsive to the fact that there may be no or limited alternative locations for tangata whenua to occupy, use, and develop their lands; and</i></p> <p><i>(g) recognise that there are circumstances where development will prevail over indigenous biodiversity; and</i></p> <p><i>(h) recognise and be responsive to any recognised historical barriers tangata whenua have faced in occupying, using, and developing their ancestral lands.</i></p> <p><i>(3) The decision-maker on any resource consent application must, when considering matters affecting specified Māori land, take into account all the matters in subclause (2).</i></p> <p><i>(4) Subclauses (2) and (3) do not apply to specified Māori land to the extent that the land is subject to full or partial legal protection under legislation for the purpose of protecting indigenous biodiversity on that land (such as, for example protection provided by covenants or land classifications under the Reserves Act 1977, the Conservation Act 1987, or the National Parks Act 1980).</i></p> <p><i>(5) Local authorities must consider and realise opportunities to provide incentives for the protection and maintenance of indigenous biodiversity, and the protection of SNAs and identified taonga, on specified Māori land.</i></p> <p><i>(6) Policy statements and plans developed for the purpose of this clause do not prevail over any management strategies or plans</i></p>

NPS	Relevant Objectives / Policies
	<p><i>developed in the legislation referred to in paragraphs (e) and (f) of the definition of specified Māori land.</i></p> <p><i>(7) In subclause (1), owners of specified Māori land include managers of lands referred to in paragraphs (e) and (f) of the definition of specified Māori land, and any trustee of specified Māori land.</i></p>

3.2.2 National Environmental Standards

There are no National Environmental Standards of direct relevance to this topic.

3.2.3 National Planning Standards

The following National Planning Standards (NPS) were considered for papakāinga development:

Zone	Description
Māori purpose zone	<p><i>Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities.</i></p>

The introduction of a Māori Purpose Zone (as part of the Special Purpose Zoning) for development on sites owned by tāngata whenua was considered, however, through consultation with iwi a Māori Purpose Zone was not supported. For this plan change, the decision has been to continue with papakāinga development rules in specific zones already existing within the South Taranaki District Plan rather than implementing a special purpose zoning from the NPS.

The National Planning Standards' 8. Zone Framework Standard section requires that an additional special purpose zone must only be created when the following criteria is met:

- a. Are significant to the district, region or country.
- b. Are impractical to be managed through another zone.
- c. Are impractical to be managed through a combination of spatial layers.

It was considered that it was still practical for papakāinga development land use activities to be managed through other zones at this time. The wider purpose of this plan change was not to fully implement the NPS either; that will be done at a later date.

3.2.4 National Guidance Documents

The following national guidance and strategy documents are relevant to this plan change:

Document	Author/Owner	Summary
National Policy Statement for Highly Productive Land: Information on what it means for Māori and Māori land	Ministry for the Environment (2022)	This document briefly describes how the National Policy Statement for Highly Productive Land will affect the varying types of land owned by Māori, where some land statuses are exempt from NPS-HPL restrictions on development.
National Policy Statement for Highly Productive Land: Information on changing the status of Māori land and rezoning land to Māori purpose zone	Ministry for the Environment (2022)	This document briefly describes how restrictions under the NPS-HPL will no longer be in effect should land and zone statuses be changed. This includes how the changing of land status from 'general land owned by Māori' to 'Māori freehold land' will no longer restrict the activities on this land under the NPS-HPL, and that should highly productive land be changed to Māori purpose zoning, this land would be excluded from NPS-HPL development restrictions.
National Policy Statement for Highly Productive Land: Guide to implementation	Ministry for the Environment (2022)	This document briefly provides guidance on assessing activities and types of land against the NPS-HPL. This includes guidance on how to assess 'specified Māori land' against the NPS-HPL.
National Policy Statement for Indigenous Biodiversity: Information for tangata whenua	Ministry for the Environment (2023)	This document briefly describes how activities triggered under the NPS-IB may be less restrictive depending on the type of land owned by Māori. This includes requirements for Councils to apply alternative, flexible approaches for activities on Māori land where development will support the social, economic and cultural wellbeing of tāngata whenua

Document	Author/Owner	Summary
		while maintaining and protecting indigenous biodiversity.
MAIHI Ka Ora: The National Māori Housing Strategy	Ministry of Housing and Urban Development (2021)	<p>This document seeks for all whānau to have safe, healthy, affordable homes with secure tenure, across the Māori housing continuum. It identifies challenges facing Māori housing and directs how these challenges can be overcome.</p> <p>Papakāinga development falls under two of these challenges – Māori Housing Supply and Māori Housing Sustainability.</p> <p>Papakāinga development provides a solution for Māori housing supply that could also be made more energy-efficient and self-sustaining to increase their sustainability.</p> <p>Council’s existing and new provisions have been designed to be more enabling of papakāinga development within the district where possible, and considerations for self-sustainability where developments are unable to connect to Council services.</p>

3.3 Regional Direction

Under Section 75(4)(c) of the RMA the District Plan must give effect to the Regional Policy Statement.

3.3.1 Regional Policy Statement for Taranaki 2010

The table below identifies the relevant provisions and resource management topics for Papakāinga Development contained in Section 16 of the RPS.

Objective/Policy	Relevant matters
TOW OBJECTIVE 1	<i>To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the Resource Management Act.</i>
TOW POLICY 2	<i>Management of natural and physical resources in the Taranaki region will be carried out in a manner that takes into account the</i>

Objective/Policy	Relevant matters
	<i>principles of the Treaty of Waitangi, including the principles of kawanatanga, rangatiratanga, partnership, active participation, resource development and spiritual recognition.</i>
REL OBJECTIVE 1	<i>To recognise and provide for the cultural and traditional relationship of Māori with their ancestral lands, water, air, coastal environment, wāhi tapu and other sites and taonga within the Taranaki region.</i>
16.3 RECOGNISING AND PROVIDING FOR THE RELATIONSHIP OF MĀORI WITH ANCESTRAL LANDS, WATER, SITES, WĀHI TAPU AND OTHER TAONGA	<i>Ancestral lands are not restricted to land currently in Māori ownership but may also include lands traditionally occupied by iwi and hapu. In managing the land resources of Taranaki, opportunities must be provided for tangata whenua to use and develop their land in accordance with their culture and traditions, providing for appropriate development of marae, papakainga and whare wānanga on tūrangawaewae and protecting wāhi tapu and other resources and places of cultural values from the adverse effects of land use.</i>
REL POLICY 1	<i>The development, use or protection of iwi and hapu land will be supported in a manner, which is consistent with the purpose of the Act.</i>
REL POLICY 2	<i>The aspirations of iwi and hapu concerning the development of marae, papakainga, kaumatua housing, whare wānanga, water supplies and other facilities on iwi and hapu land will be recognised and supported.</i>
REL POLICY 3	<i>Wāhi tapu and other sites or features of historical or cultural significance to iwi, and hapu and the cultural and spiritual values associated with ancestral lands, fresh water, air and the coast, will be protected from the adverse effects of activities, as far as is practicable and in a manner, which is consistent with the purpose of the Act.</i>

3.3.2 Regional Plans

Under Section 75(4)(b) of the RMA a District Plan must not be inconsistent with a regional plan.

Taranaki currently has four operative regional plans as below:

- Regional Fresh Water Plan
- Regional Soil Plan

- Regional Coastal Plan for Taranaki 2023
- Regional Air Quality Plan

Each plan that is relevant to this plan change is addressed in the table below.

Regional Fresh Water Plan for Taranaki	
Section	Relevant matter(s)
4.1 Objectives	<p><i>Objective 4.1.1</i> relates to tāngata whenua and their relationship and values associated with water.</p> <p>This can be relevant on ancestral sites and Māori land where papakāinga development has or may occur in proximity to waterbodies.</p>
4.2 Policies	<p><i>Policy 4.1.1</i> relates to sites of significance and values of tāngata whenua associated with freshwater to be protected from adverse effects.</p> <p>Where papakāinga development occurs in proximity to significant waterbodies, development controls within the District Plan will reduce any potential adverse effects to these waterbodies.</p>
Regional Coastal Plan for Taranaki 2023	
Section	Relevant matter(s)
4 Objectives	<p><i>Objective 2: Use and development</i></p> <p><i>Objective 9: Relationship of tangata whenua with the coastal environment</i></p> <p>Where papakāinga development occurs in the coastal environment, the effects will be appropriately managed by the existing and proposed provisions within the Operative and Proposed District Plan.</p>
5.1 General Policies	<p><i>Policy 5(e) under Policy 5: appropriate use and development</i> relates to how the activity recognises and provides for the relationships, uses and practices of Māori with their lands, water, sites, wāhi tapu, and other taonga in the coastal environment.</p> <p><i>Policy 19: Relationship of tangata whenua</i> (culture, values and traditions with the coastal environment).</p> <p>Where papakāinga development occurs in the coastal environment, the effects will be appropriately managed by the existing and proposed provisions within the Operative and Proposed District Plan.</p>

	Should these activities require resource consent, the assessment will consider how the activity impacts tāngata whenua.
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3.4 South Taranaki Policies, Plans and Strategies

3.4.1 Iwi Management Plans

Under s74(2A) of the RMA, the Council must take into account any relevant planning document that is recognised by an iwi authority and lodged with the Council (Iwi Management Plans). All four iwi of the South Taranaki district (Ngāruahine, Taranaki, Ngāti Ruanui, and Ngāa Rauru) have an Iwi Management Plan, although not all contain provisions relevant for Papakāinga Development. The table below summarises the Iwi Management Plans that contain provisions that are considered relevant to the plan change.

Iwi Management Plan	Relevant Provisions
Te Korowai o Ngāruahine Trust - <i>Te Uru Taiao o Ngāruahine (Ngāruahine Kaitiaki Plan 2021)</i>	<p>There are many directions relating to papakāinga development within this Iwi Management Plan. The most relevant to this plan change are as follows:</p> <p>Issues</p> <p><i>While Papakāinga development is a permitted activity under relevant District Council plans, there are still several barriers to realising Papakāinga within our rohe including:</i></p> <ul style="list-style-type: none"> <i>A lack of Papakāinga specific objectives in regional and territorial planning documents;</i> <i>The costs of infrastructure provision to marginal, Māori land; (pg 31).</i> <p>Objectives</p> <p><i>1f. Ngāruahine cultural values and interests, including Papakāinga development and mahinga kai. (pg 31).</i></p> <p>Plan implementation and review</p> <p>Method 3</p> <p><i>TKoNT encourages all district councils to work with Hapū to determine the appropriate locations for Papakāinga housing development. It is our expectation that zoning in the District Plans will reflect collaboration and</i></p>

	<p><i>a long-term vision for the development of Papakāinga in our rohe. (pg 73).</i></p>
<p>Te Kāhui o Taranaki Iwi - <i>Taiao, Taiora</i></p>	<p>The Iwi Management Plan for Taranaki Iwi also contains a variety of directions that relate to this plan change. The most relevant are described below:</p> <p>11.2.3 Policies</p> <p><i>1. Marae, pa, papakāinga, businesses, kura/kopae and events of Taranaki Iwi will work to become para kore by 2023;</i></p> <p><i>6. New papakāinga and other housing developments will promote sustainable living and, where possible, be characterised by the following attributes:</i></p> <p><i>i. Be para kore;</i></p> <p><i>ii. Be self and community sufficient;</i></p> <p><i>iii. Be built using low impact and passive design methods;</i></p> <p><i>iv. Generate their own power using green technologies;</i></p> <p><i>v. Have low to nil environmental impacts</i></p> <p><i>7. Taranaki Iwi will actively advocate for, and build, practical understanding of the benefits of papakāinga and sustainable living practices that promote healthy, self-determining whānau; (pg 23).</i></p> <p><i>8. Taranaki Iwi will support the development of papakāinga for their whānau;</i></p> <p>11.3.3 Policies</p> <p><i>2. Papakāinga will be developed to be community-sufficient and resilient using sustainable design and planting, and utilising practices of whakaparapara, hangarua, rongoā and communal gardens etc. aligned with approaches such as para kore.</i></p> <p>11.6.3 Policies</p> <p><i>5. Taranaki Iwi will support and facilitate marae and papakāinga to develop eco-nurseries and biodiversity restoration projects within the rohe;</i></p> <p>11.7.3 Policies</p> <p><i>1. Taranaki Iwi will support and facilitate the development of māra kai and māra rongoā, and organic practices with recycling and waste reducing and environmental protection associated with the kaupapa of</i></p>

	<i>Papa Kore at marae/pā, kura, kōhanga/kōpae, community spaces, papakāinga and homes within the Taranaki Iwi rohe.</i>
Te Runanga o Ngāti Ruanui Trust - <i>Ngāti Ruanui Environmental Management Plan</i>	<p>The Iwi Management Plan for Ngati Ruanui does not specifically contain a direction for papakāinga development, however it does describe the values of iwi and an objective relating to developing land use provisions that can impact iwi land. These are described below.</p> <p>1.1 The values of Ngati Ruanui</p> <ul style="list-style-type: none"> • <i>Whakapapa – our identity and where we come from</i> • <i>Kaitiakitanga – sustainable guardianship over all resources for the use and enjoyment by future generations</i> <p>3.2 Objectives</p> <p><i>That local authorities develop and maintain mechanisms for sensitively and adequately addressing the requirements of Ngati Ruanui in respect of the management of natural and physical resources.</i></p>
Te Kaahui o Rauru - <i>Puutiao Management Plan</i>	<p>This Iwi Management Plan also does not specifically contain direction for papakāinga development, yet there is a consideration for activities on land within the rohe of Ngaa Rauru that would affect them. The Plan also includes an overview of relevant legislation which addresses papakāinga. The relevant sections are stated below:</p> <p>3.4.2 Papatuaanuku</p> <p>Issues</p> <p><i>Ngaa Rauru Kiihahi considers all land within our rohe to be ancestral land. Even if we are not the ‘owners’ of the land we still have responsibilities and obligations as kaitiaki, therefore inappropriate activities that have adverse impacts on Papatuaanuku are not acceptable.</i></p> <p>Policy 1.3</p> <p><i>TKOR will support Ngaa Rauru Kiihahi marae, whaanau and uki to achieve their environmental aspirations.</i></p> <p>4.3 Secondary Legislation</p> <p><i>Te Ture Whenua Maaori Act 1993: Under section 338 of the TTWMA, any Maaori freehold land or any general land may be set apart as a Maaori reservation for the purposes of a papakāinga, marae, urupa, meeting place, recreation ground, sports ground, bathing place, church site, building site, landing place, fishing ground, spring, well, timber reserve, catchment area or other source of water supply, place of cultural, historical or scenic interest, waahi tapu, or for any other specified purpose.</i></p>

3.4.2 Statutory Acknowledgements

Each iwi in the South Taranaki district (Ngāti Ruanui, Ngāa Rauru, Ngāruahine, and Taranaki Iwi) have settled claims with the Crown for breaches of the Treaty of Waitangi. As part of these deeds of settlement are statutory acknowledgements that acknowledge areas or sites where iwi have significant relationship and connection with. These areas are recognised under the Resource Management Act. Statutory acknowledgement areas are listed within the appendices of the operative District Plan.

Should papakāinga development be proposed on sites containing or adjoining areas subject to statutory acknowledgement, the relevant iwi entity would be consulted.

3.4.3 Any other relevant local plans or strategies (adopted by the council under the local government act powers)

Under Section 74(2)(a)(i) of the RMA the Council must have regard to management plans and strategies prepared under other Acts. There are no other STDC plans or strategies are relevant to this topic.

3.5 Other legislation or regulations

The following additional legislative / regulatory requirements are also relevant to this topic:

Legislation / Regulation	Relevant Provisions
<p><i>Te Ture Whenua Maori Act 1993</i></p> <p><i>Maori Land Act 1993</i></p>	<p>This Act is the primary legislation for Māori land. It aims to:</p> <ul style="list-style-type: none"> • Promote the retention and use of Māori land; • Facilitate the occupation, development, use and control of Māori land, taking into account the needs of all owners and their beneficiaries. • Section 129 under Part 6 sets out the status of land under this Act: <ul style="list-style-type: none"> ○ <i>For the purposes of this Act, all land in New Zealand shall have one of the following statuses:</i> <ul style="list-style-type: none"> ▪ (a) <i>Maori customary land:</i> ▪ (b) <i>Maori freehold land:</i> ▪ (c) <i>General land owned by Maori:</i> ▪ (d) <i>General land:</i> ▪ (e) <i>Crown land:</i> ▪ (f) <i>Crown land reserved for Maori.</i> ○ (2) <i>For the purposes of this Act,—</i> <ul style="list-style-type: none"> ▪ (a) <i>land that is held by Maori in accordance with tikanga Maori shall have the status of Maori customary land:</i> ▪ (b) <i>land, the beneficial ownership of which has been determined by the Maori Land Court by freehold order, shall have the status of Maori freehold land:</i> ▪ (c) <i>land (other than Maori freehold land) that has been alienated from the Crown for a subsisting estate in fee simple shall, while that estate is beneficially owned by a Maori or by a group of persons of whom a majority are Maori, have the status of General land owned by Maori:</i> ▪ (d) <i>land (other than Maori freehold land and General land owned by Maori) that has been alienated from the Crown for a subsisting estate in fee simple shall have the status of General land:</i> ▪ (e) <i>land (other than Maori customary land and Crown land reserved for Maori) that has not been alienated from the Crown for a</i>

	<p><i>subsisting estate in fee simple shall have the status of Crown land:</i></p> <ul style="list-style-type: none"> ▪ <i>(f) land (other than Maori customary land) that has not been alienated from the Crown for a subsisting estate in fee simple but is set aside or reserved for the use or benefit of Maori shall have the status of Crown land reserved for Maori.</i>
<p><i>Ngati Ruanui Claims Settlement Act 2003</i></p>	<p>This Act records the acknowledgements and apology given by the Crown to Ngati Ruanui and gives effect to certain provisions of the deed of settlement.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Sections 88-95 under Subpart 5 – Statutory acknowledgements and deeds of recognition • Schedule 4 Statutory acknowledgements and deeds of recognition • Schedules 5-9, which details each statutory acknowledgement area
<p><i>Ngaa Rauru Kiiitahi Claims Settlement Act 2005</i></p>	<p>This Act records the acknowledgements and apology given by the Crown to Ngaa Rauru and gives effect to certain provisions of the deed of settlement.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Sections 40-47 under Subpart 3 – Statutory acknowledgements and deeds of recognition • Schedule 3 Statutory areas for statutory acknowledgements • Schedules 4-11, which details each statutory acknowledgement area
<p><i>Ngaruahine Claims Settlement Act 2016</i></p>	<p>This Act records the acknowledgements and apology given by the Crown to Ngaruahine and gives effect to certain provisions of the deed of settlement.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Sections 30-37 under Subpart 2 – Statutory acknowledgement and deeds of recognition • Schedule 1 Statutory areas

<p><i>Taranaki Iwi Claims Settlement Act 2016</i></p>	<p>This Act records the acknowledgements and apology given by the Crown to Taranaki Iwi and gives effect to certain provisions of the deed of settlement.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Sections 30-37 under Subpart 2 – Statutory acknowledgement and deeds of recognition • Schedule 1 Statutory areas
<p><i>Building Act 2004</i></p>	<p>Under this Act, the Council ensures that all buildings, including papakāinga development, achieves the relevant performance criteria to ensure they are safe and sanitary.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Section 3 Purposes • Section 12 Role of building consent authority and territorial authority • Section 15, which outlines Part 2 Building • Sections 16-18, which details the building code purpose, building code compliance and performance criteria.

4.0 Resource Management Issues Analysis

4.1 Background

The existing provisions in the Operative District Plan have provided tāngata whenua with a pathway to develop papakāinga on their lands, however since the plan became operative in 2021 it has been identified through consultation with potential applicants that these provisions still create a barrier to develop papakāinga. This is particularly the case for those that occupy General Title Land.

This plan change for papakāinga development was considered necessary based on the following key issues:

- Issue 1: The existing provisions no longer reflect the development aspirations of tāngata whenua.
- Issue 2: Under the operative district plan provisions, it is challenging for Māori to undertake papakāinga developments on their lands held under General Title.

- Issue 3: The existing provisions may no longer be up to date to enforce all relevant statutes.

The aim of the papakāinga development plan change is to update the papakāinga development provisions to ensure the District Plan is sufficiently enabling of papakāinga, enforces relevant statutes, and reflects the aspirations of tāngata whenua; but also responds well to any other resource management issues identified following further assessment and consultation.

4.2 Evidence base

The Council has reviewed the Operative District Plan in relation to papakāinga development, identified issues associated with the current provisions, worked in partnership with Ngā Kaitiaki group through workshops to better understand issues and options, and reviewed approaches taken in other district plans to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions.

The following sections outline this evidence.

4.2.1 Analysis of Operative District Plan provisions

4.2.1.1 Overview of Operative District Plan provisions

Within the STDC Operative District Plan, the following Sections and Provisions relate to PC3.

- Section 1 Introduction and Definitions

The definitions section contains the papakāinga development definition. Under this definition, papakāinga is limited to the land use activities and type of buildings and land status described in this definition.

- Section 2 Objectives and Policies

Section 2.7 contains the tāngata whenua issues, objectives and policies that are relevant to PC3 as it identifies the challenges for development by Māori and contains methods of enabling such development where adverse effects can be maintained.

- Section 3 Rural Zone Rules

The Rural Zone is one of the zones that permits papakāinga development as defined in Section 1 of the District Plan. This zone also contains performance standards for papakāinga to comply as a permitted activity and not require resource consent. If any papakāinga development does not comply with any of the performance standards, resource consent is required. Also within the Rural Zone is the Parihaka Cultural Area that has high cultural and historic significance to tāngata whenua and many communities within the Taranaki region.

A unique set of site-specific activities are permitted within the Parihaka Cultural Area. This includes papakāinga development, as well as educational and childcare facilities (Kōhanga Reo and Kura Kaupapa), markets, marae, retail, tourism, and community facilities.

- Section 4 Residential Zone Rules

The Residential Zone is one of the zones that permits papakāinga development as defined in Section 1 of the District Plan. This zone does not contain specific performance standards for papakāinga; instead, there are requirements for all buildings that must be met to comply as a permitted activity and not require resource consent, which papakāinga development would fall under.

- Section 5 Township Zone Rules

The Township Zone is one of the zones that permits papakāinga development as defined in Section 1 of the District Plan. This zone does not contain specific performance standards for papakāinga; instead, there are requirements for all buildings that must be met to comply as a permitted activity and not require resource consent, which papakāinga development would fall under. If any papakāinga development does not comply with any of the performance standards, resource consent is required.

- Section 6 Commercial Zone Rules

The Commercial Zone is one of the zones that permits papakāinga development as defined in Section 1 of the District Plan. This zone does not contain specific performance standards for papakāinga; instead, there are requirements for all buildings that must be met to avoid resource consent, which papakāinga development would fall under. If any papakāinga development does not comply with any of the performance standards, resource consent is required.

- Section 20 Resource Consent Information Requirements and Assessment Matters

This section describes the information required to include in applications for resource consent. Section 20.5.5 which relates to marae and papakāinga development is relevant to this plan change for applicants requiring consent for papakāinga development or redevelopment.

4.2.2 Analysis of other District Plan provisions relevant to this topic

Current practice has been considered in respect of this topic, with a review undertaken of the following District Councils' District Plans:

- New Plymouth District Council – Proposed District Plan (Appeals Version)
- Stratford District Council – Stratford District Plan
- Whanganui District Council – Whanganui District Plan

- Kāpiti Coast District Council – Operative Kāpiti Coast District Plan
- Hastings District Council – Hastings District Plan
- West Coast District Councils (Buller, Grey and Westland) - Te Tai o Poutini Plan

Plan	Zone	Overlay	Rules	Description of approach
New Plymouth Proposed District Plan (2023)	Yes	No	Yes	New Plymouth's Proposed District Plan takes a zone-based approach. New Plymouth have implemented the special purpose zoning within the National Planning Standards. Most papakāinga provisions are found in the Māori Purpose Zone chapter, which contains objectives, policies and rules that relate to papakāinga development.
Stratford District Plan (2014)	Yes	No	Yes	Stratford's District Plan contains a papakāinga definition, a policy relating to papakāinga, and have taken a zone-based approach. Papakāinga is permitted in the rural and residential zones as long as performance standards are met. These standards include recession planes, maximum site coverage, minimum lot sizes for dwellings, maximum number of dwellings, building heights, impermeable surfaces, and setback requirements.
Whanganui District Plan (2023)	Yes	No	Yes	Whanganui's District Plan describes papakāinga objectives, policies, and some rules within a Tāngata Whenua and Papakāinga section within Part 1. A definition can be found in the Definitions section also found in Part 1. Papakāinga is permitted in all zones as long as it occurs on ancestral land and complies with relevant zone's performance standard at the outer boundary. Developments need to meet the underlying zone's boundary requirements.

Operative Kāpiti Coast District Plan (2021) and Proposed Plan Change 2: Intensification	Yes	No	Yes	The operative district plan only contains papakāinga related rules within Part 2 District-Wide Matters relating to Urban Form and Development (UFD-P5), and definitions. Proposed District Plan Change 2 proposes a whole new standalone papakāinga chapter to contain a chapter description, strategic context and policies. Papakāinga rules to be contained in relevant zone chapters (six different zones). These rules add new requirements and discretion for papakāinga on general title land.
Hastings District Plan (2022)	No	Yes	Yes	Hastings' operative plan contains a papakāinga definition including an accessory building definition. Rather than a zone-based approach, papakāinga is instead a district wide activity permitted on land under Te Ture Whenua Māori Act 1993, discretionary on general title land. Various performance standards to be met, such as building height, boundary setbacks and building coverage maximums (20% net site area). Applicants undertaking papakāinga on general title must identify historically why the land is in general title, why papakāinga should be considered for the site, and why the land cannot be converted to Māori Title under Te Ture Whenua Māori Act 1993.

Te Tai o Poutini Plan (2022)	Yes	Yes	Yes	Definition for papakāinga comes under a 'Māori Purpose Activity'. This district plan implements the special purpose zoning of a Māori Purpose Zone. This zone chapter contains relevant papakāinga provisions including objectives, policies and rules. Māori Purpose Activities (such as papakāinga) is permitted in the Māori Purpose Zone where the following standards are met: maximum gross ground floor area of single buildings (500m ²), maximum building heights (10m), building setbacks (road 10m, state highway 20m, internal 5m), net site area requirements.
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These plans were selected because:

- Stratford, New Plymouth and Whanganui are adjacent to, or are in the same region as South Taranaki and therefore may have faced and addressed similar concerns;
- They have been subject to plan changes recently;
- These councils are confronting similar issues relating to this topic; and
- Some were selected for review under the request of Ngā Kaitiaki.

A summary of the key findings follows:

- Many Councils are implementing a Māori Purpose Zone from the National Planning Standards that applies to Māori-owned land to enable a range of activities that support Māori land use aspirations, including papakāinga and marae.
- Papakāinga occurring on Māori land pursuant to Te Ture Whenua Māori Act 1993 is typically permitted in most zones if performance standards are met. Typical performance standards included maximum building height requirements, boundary setback requirements, recession plane requirements, net site area requirements, and building coverage requirements per site.
- Papakāinga occurring on General Title Land in any zone is typically not a permitted activity. In cases where provisions existed for papakāinga on general title, applicants were required to provide historic evidence and explanations for papakāinga suitability on the site. South Taranaki should consider adding provisions for papakāinga on general title.

- Many Councils have more restrictive performance standards for papakāinga development. This differs from South Taranaki and is likely due to the greater population and district size to cater for.

4.2.3 Advice received from Iwi

As outlined earlier, preparation of PC3 included engagement with iwi through the iwi authorities and the formation of a Ngā Kaitiaki group.

Section 32(4A) of the RMA requires evaluation reports prepared in relation to a proposed plan to include a summary of:

- All advice received from iwi authorities concerning the proposal; and
- The response to that advice, including any proposed provisions intended to give effect to the advice.

Under Clause 4A of Schedule 1 of the RMA local authorities are also required to:

- Provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
- Allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- Have particular regard to any advice received before notifying the plan.

The following is a summary of the advice received from Ngā Kaitiaki specific to the proposed provisions evaluated within this report:

Topic	Advice Received from Iwi	Council Response
General Feedback	<p>The existing provisions were reasonable but needed to be more enabling on general title land.</p> <p>Do the new provisions reflect regional policy statement direction?</p> <p>Council should review the Hastings District Plan and West Coast District Plan provisions as theirs are very detailed in relation to papakāinga development.</p> <p>Council may want to consider development plans as other Councils have implemented.</p>	<p>All the provisions have been reviewed and new rules drafted to include papakāinga development on general title land as a restricted discretionary activity.</p> <p>The new provisions reflect the Regional Policy Statement, namely section 16.3 and these issues, objectives, policies and methods.</p> <p>Council reviewed the Hastings and West Coast plans. Overall consider that most of these provisions are not relevant to STDC as a more rural district.</p> <p>Development plans or iwi/hapū management plans were investigated for use in this district but at this stage will not be considered in this papakāinga development plan change as there is uncertainty toward which chapter(s) in the District Plan these plans would best fit, and there was uncertainty from Ngā Kaitiaki members if creating these plans would create development restrictions. There was a general consensus to pursue this in a separate plan change when more research has been undertaken.</p>

Definitions	<p>The existing papakāinga development definition has been accurate because papakāinga generally locates near existing marae. However, this locational aspect is not applicable for papakāinga in all instances and could unduly restrict papakāinga not on land near existing marae.</p> <p>The two proposed general title definitions – there only needs to be one or neither because the existing papakāinga development definition explains what it is without needing to specify any difference under its land status.</p>	<p>Amend the existing papakāinga development definition to remove the integrated aspect and allow for development of marae and other buildings, but that it is not a requirement.</p> <p>Both proposed general title definitions should remain, otherwise under the existing definition papakāinga development excludes general title land.</p>
Objective and policy wording	<p>Keep consistency between the wording of ‘iwi, hapū, Māori, tāngata whenua, whānau’ and ‘Māori-owned land’ versus ‘land owned by tāngata whenua’ throughout the objectives and policies.</p> <p>The new wording for proposed policy 2.7.18 “remain in long term ownership” may be hard to monitor.</p>	<p>Agreed with this advice and have ensured any new objectives and policies will use consistent wording.</p> <p>For policy 2.7.18, Council anticipate applicants would be able to demonstrate long-term ownership by showing the land is managed through a Māori Trust. The wording for this new policy has been amended slightly to be more achievable.</p>

Rules - Papakāinga development on general title land a Restricted Discretionary Activity	Papakāinga development on general title land being a Restricted Discretionary Activity is considered a barrier to development.	Papakāinga development on general title land must be a Restricted Discretionary Activity rather than Permitted because assessments are necessary against the NPS-HPL, and Council requires evidence that applicants have ancestral connection to the land and that the land will stay in Māori ownership long-term. This assessment would be appropriate through the resource consenting process.
Rules - Matters to which the Council restricts its discretion	Regarding the proposed matter of discretion for papakāinga development on general title land 'whether the applicant has demonstrated their whakapapa or ancestral connection to the land', demonstrating ancestral connection may be challenging.	Council anticipates it should not be a regular occurrence that an iwi authority needs to confirm ancestral connection for Council. The Iwi Liaison Officer will be the first point of contact for clarification if this is deemed necessary.

This advice has been given full effect to through the amendment/addition of the following provisions:

- PAPA KĀINGA DEVELOPMENT definition – amended.
- PAPA KĀINGA DEVELOPMENT ON GENERAL TITLE LAND definition – added.
- GENERAL TITLE LAND (IN RELATION TO PAPA KĀINGA DEVELOPMENT) definition – added.
- Objective 2.7.8 – amended.
- Objective 2.7.11 – added.
- Policy 2.7.18 – added.
- Policy 2.7.21 – amended.

Where this advice has been given partial effect to, the following additions were made:

- Papakāinga on General Title Land as Restricted Discretionary Activities (rules 3.1.3(o), 4.1.3(a), 5.1.3(a), 6.1.2(a)) - This change was only given partial effect to the advice of iwi because a planning assessment mechanism needs to be in place to undertake statutory assessments (e.g. NPS-HPL) and confirm that the land will be

held under Māori ownership in perpetuity to meet proposed policy 2.7.18. This mechanism is considered most appropriate under a resource consenting process.

4.2.4 Consultation

The following is a summary of the primary consultation undertaken in respect of this topic:

Who	What	When	Relevant Issues Raised
Te Puni Kokiri	Feedback and discussion on papakāinga provisions in the operative district plan	14 September 2022	No issues raised; general feedback was that the existing provisions are enabling of <i>papakāinga</i> .
Ngā Kaitiaki	Introductions, general starting point for papakāinga	27 September 2022	No issues raised at this first meeting.
Ngā Kaitiaki	Feedback on provisions assessment and risk analysis for papakāinga and a Māori Purpose Zone	25 October 2022	The provisions in the assessment were too complex for this district. A Māori Purpose Zone was not desired by iwi.
Ngā Kaitiaki	Feedback on first draft of proposed provisions	15 November 2022	Request changes in wording for some rules, policies and objectives, and may need more performance standards. How to enable <i>papakāinga</i> on general title land – what would this look like and what are the legal concerns.
Ngā Kaitiaki	Feedback on second draft of proposed provisions	28 April 2023	Draft provisions generally accepted with minor changes to wording requested.
Ngā Kaitiaki	Feedback on final draft of proposed provisions	1 November 2023	Multiple points raised by Group Manager Environmental Services to edit proposed definitions

Who	What	When	Relevant Issues Raised
			<p>and provide more certainty of outcomes by changing proposed provision for papakāinga development on land under Te Ture Whenua Māori Act that do not meet performance standard from Restricted Discretionary activity to Controlled. Amendments to density standards were also raised.</p> <p>Draft provisions accepted in full by Ngā Kaitiaki, with Ngāti Ruanui representative opposing the raised activity status change. Overall, no changes to the final drafted provisions were requested by Ngā Kaitiaki.</p>

In summary, the key findings arising from the consultation undertaken on this topic are:

- The current planning framework for papakāinga is not enabling enough for tāngata whenua and no longer reflect their development aspirations;
- An approach was needed for papakāinga on General Title Land as it remains challenging for tāngata whenua to undertake these developments on their lands held under general title;
- That a Māori Purpose Zone under the National Planning Standards is not yet appropriate for South Taranaki

4.3 Summary of relevant resource management issues

Based on the research, analysis and consultation outlined above the following issues have been identified in relation to PC3:

Issue	Comment	Response
Issue 1: The existing provisions no longer reflect the development aspirations of tāngata whenua.	The district has experienced increased proposals from Māori to develop papakāinga on their lands. These lands have included general title, which do not meet the Operative District Plan’s papakāinga development definition.	A new pathway for papakāinga development on General Title Land has been proposed, as described in Issue 2 below.
Issue 2: It remains challenging for Māori to undertake papakāinga developments on their lands held under General Title.	The operative district plan permits papakāinga on land defined under Te Ture Whenua Māori Act but not General Title. With no provision in the Operative District Plan for papakāinga under general title, these applications are assessed as a Discretionary Activity. This can incur higher costs to potential applicants, limiting their ability to undertake these developments.	The plan change’s proposed provisions include adding papakāinga on General Title Land as a Restricted Discretionary Activity. This makes the activity less challenging than the status quo as the activity status is reduced and allows the consents team to assess these proposals under the NPS-HPL and confirm the historic and future ownership of the subject site.
Issue 3: Potential inconsistency with relevant statutes.	Various new statutes have been implemented since the previous plan change, such as the NPS-HPL and NPS-UD, which has implications for activities on rural land (where most papakāinga developments take place in the district) and urban environments.	Papakāinga development remains permitted in rural and urban environments when occurring on land defined under Te Ture Whenua Māori Act 1993, which retains consistency with these statutes. Where papakāinga development occurs on ‘general title’ land, an assessment through the resource consenting process has been proposed.

<p>Issue 4: Māori without a clear ancestral connection identified under Te Ture Whenua Māori Act 1993 have limited ability to develop papakāinga on their land.</p>	<p>For Māori with an ancestral connection to the land, but the land is not defined as this under Te Ture Whenua Māori Act 1993, the Operative District Plan does not provide a clear pathway to develop and live on their ancestral land.</p> <p>The lack of provision for the relationship of tāngata whenua with their ancestral lands remains an identified issue within the Operative District Plan under section 2.7.3.</p>	<p>A pathway for papakāinga development on General Title Land where ancestral connection is demonstrated and long-term ownership is intended is being proposed. New objectives and policies are also proposed to support this new pathway and mitigate this known issue.</p>
<p>Issue 5: Providing for papakāinga development may have adverse effects on the surrounding environment.</p>	<p>The Operative District Plan already permits papakāinga development where they occur on land as defined under Te Ture Whenua Māori Act 1993 and meet relevant performance standards, which are in place to avoid or mitigate potential adverse effects. There is also an existing objective in place supporting developments that achieve sustainable development of the environment, and policy to manage the potential effects on amenity values that are managed through the applicable standards.</p>	<p>The proposed provisions have reworded these existing objectives and policies, while also introducing new objectives, policies, rules and standards for papakāinga on general land to continue having mechanisms in place that will ensure potential adverse effects on the surrounding environment are reduced, mitigated or avoided.</p>

5.0 Scale and significance

5.1 Evaluation of scale and significance

Under Section 32(1)(c) of the RMA, this evaluation report needs to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

This section assesses the scale and significance of the provisions to determine the level of analysis required.

Factor	Score		
	Low	Medium	High
Degree of change from the ODP	x		
Effects on matters of national importance		x	
Scale of effects - geographically	x		
Scale of effects on people e.g. landowners, neighbourhoods, future generations			x
Scale of effects on those with specific interests e.g. tāngata whenua			x
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	x		
Likelihood of increased costs or restrictions on individuals, communities or businesses	x		

In summary:

Degree of change from the Operative District Plan

The new papakāinga provisions will continue to take the zone-based approach of the operative plan. Overall, the papakāinga provisions are not significantly changing from the existing provisions, so the degree of change is low.

Effects on matters of national importance

The new provisions are seeking to better achieve sections 6(e) and 6(g) of the RMA and are expected to significantly contribute to how Māori can develop ancestral land. For this reason the effect on these matters of national importance is medium.

Scale of effects - geographically

Papakāinga development will continue to be permitted on Māori land in the rural, residential, commercial and township zones, and although new provisions will allow papakāinga on general title land via resource consent, overall, the changes are expected to have a low geographical effect.

Scale of effects on people e.g. landowners, neighbourhoods, future generations

With the papakāinga provisions being more permissive and enabling on land in Māori ownership, the effect on Māori landowners and their future generations will have a great impact on their livelihoods, with the scale expected to be high. Additionally, the effect to already established neighbourhoods and these landowners in these areas are also expected to have a high effect. This is because in these areas, papakāinga development may create social changes and more noise and traffic that these existing communities are not accustomed to.

Scale of effects on those with specific interests e.g. tāngata whenua

Because the new provisions are more enabling of papakāinga development, this will have a high effect for tāngata whenua, Māori landowners and their whānau – including future generations.

Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?

The policy risk is considered to be low. Papakāinga development is highly supported through matters of national importance in the RMA. The new provisions take into account accepted best practice to better enable papakāinga development.

Likelihood of increased costs or restrictions on individuals, communities or businesses

The new provisions may incur increased costs on Māori that own general title land due to the need for resource consent for these land classes. Otherwise, the restrictions on Māori to develop papakāinga is not heavily restricted through the new provisions. Higher restrictions will be imposed however to ensure developers and non-Māori are restricted from developing papakāinga not for long-term Māori ownership.

Overall, it is considered that the scale and significance of the proposal is medium because it will improve opportunities for Māori to utilise and develop their land, particularly land in

General Title, which could create adverse effects to character and amenity values, noise, traffic, or privacy values that may impact surrounding landowners.

5.2 Quantification of Benefits and Costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs of a proposal are to be quantified.

Given the assessment in section 4 of the scale and significance of the proposed provisions, specific quantification of the benefits and costs should be undertaken for the purposes of this report and are reflected in the assessment of policies, rules and other methods contained in section 7. However, it is not possible to quantify many of the costs and benefits as there is a cultural element to this topic that cannot be quantified, i.e. it is not possible to put a dollar value on outcomes such as living according to te ao Māori and tikanga Māori, maintaining a connection to the whenua and enabling kaitiakitanga and rangatiratanga.

Specific quantification of all benefits and costs associated with PC3 is considered neither practicable nor readily available. In general, a qualitative assessment of costs and benefits associated with proposed provisions is considered sufficient, and this is provided for in the assessment of policies, rules and other methods contained in section 7.0 of this report. However, where practicable and considered appropriate to supporting the evaluation, some of the benefits or costs associated with PC3 have been quantified. The identification of costs and benefits has been informed by the body of evidence outlined in section 4.0 of this report.

6.0 Proposed provisions

6.1 Strategic Directions

The following objectives under Section 2.7 Tāngata Whenua of the Proposed District Plan are relevant to Papakāinga Development:

2.7.6	<p><i>To recognise and provide for the relationship of Tāngata Whenua and their culture and traditions (including mauri) with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.</i></p> <p>Objective 2.7.6 is an existing objective from the operative district plan that remains relevant to the resource management issue and topic of papakāinga development.</p>
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2.7.8	<p><i>To recognise and provide for development of land owned by Iwi, hapū, and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.</i></p> <p>Objective 2.7.8 is an existing objective that has been reworded with the guidance of Ngā Kaitiaki to better reflect the development aspirations of tāngata whenua and Māori landowners.</p>
2.7.11	<p><i>To provide for Papakāinga Development on land owned by Tāngata Whenua.</i></p> <p>Objective 2.7.11 is a new objective that reflects enabling papakāinga development on land owned by Māori with different land statuses, such as General Title Land.</p>

These objectives are evaluated in Section 7 of this report.

6.2 Overview of proposed provisions (Objectives, Policies and Rules)

In summary, the proposed provisions include:

Definition

- Introducing four new or reworded definitions that relate to ancestral land, marae, and papakāinga development on land under Te Ture Whenua Māori and General Title land.

Objectives and Policies

- Introducing a new objective and rewording two existing objectives within Section 2.7 Tāngata Whenua that:
 - Provides for papakāinga development on land owned by Tāngata Whenua;
 - Enables development of land owned by Iwi, hapū, and whānau; and
 - Tāngata Whenua are provided opportunity to partner in resource management processes and decision-making.
- Introducing a new policy and rewording a policy within Section 2.7 Tāngata Whenua that:
 - Allows for papakāinga on General Title land with a demonstrated ancestral connection and intends to remain with Māori long term; and
 - Enable development and activities by Iwi, hapū and whānau to meet their needs.

Rules

- Keeping a zone-based approach, amended rules to manage papakāinga development as follows:
 - Papakāinga development on land held under Te Ture Whenua Māori Act 1993 that also meets the relevant standards is a Permitted Activity (no resource consent required) in the Rural, Residential, Township and Commercial Zone;
 - Papakāinga development on land held under Te Ture Whenua Māori Act 1993 that does not meet the relevant standards is a Controlled Activity (resource consent required) in the Rural, Residential, Township and Commercial Zone;
 - Papakāinga development on General Title Land is a Restricted Discretionary Activity (resource consent required) in the Rural, Residential, Township and Commercial Zone;
 - Applicants undertaking papakāinga development on General Title Land must demonstrate an ancestral connection and provide evidence of Māori ownership through legal mechanisms.
 - Papakāinga development is exempt from the density and maximum number of dwelling unit performance standards in the Residential and Township Zones.
 - Guidance of the necessary evidence is added to Section 20: Additional Resource Consent Information Requirements and Assessment Matters to help applicants of land use applications for papakāinga development on General Title Land.

7.0 Evaluation of the proposed objectives

Section 32(1)(a) of the RMA requires an evaluation to examine the extent to which the objectives proposed are the most appropriate way to achieve the purpose of the RMA. The level of detail must correspond to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

An examination of the proposed objectives along with reasonable alternatives is included below, with the relative extent of their appropriateness based on an assessment against the following criteria:

1. Relevance (*i.e. Is the objective related to addressing resource management issues and will it achieve one or more aspects of the purpose and principles of the RMA?*)
2. Usefulness (*i.e. Will the objective guide decision-making? Does it meet sound principles for writing objectives (i.e. does it clearly state the anticipated outcome?)*)

3. Reasonableness (i.e. What is the extent of the regulatory impact imposed on individuals, businesses or the wider community? Is it consistent with identified tāngata whenua and community outcomes?)
4. Achievability (i.e. Can the objective be achieved with tools and resources available, or likely to be available, to the Council?)

While not specifically required under Section 32 of the RMA, in some instances alternative objectives are also considered to ensure that the proposed objective(s) are the most appropriate to achieve the purpose of the RMA.

Proposed Objectives	
Objective 1: 2.7.8 To recognise and provide for development of land owned by Iwi, hapū, and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.	
Objective 2: 2.7.9 To provide Tāngata Whenua with opportunities to participate and partner in resource management processes and decision-making.	
Objective 3: 2.7.11 To provide for papakāinga development on land owned by Tāngata Whenua.	
Alternatives considered	
Status quo:	
In the Operative District Plan there is no objective that describes papakāinga development, only development of Māori land. This objective is as follows:	
Objective 2.7.8 To recognise and provide for development of land owned by Iwi and hapū that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.	
Alternative:	
For the Proposed Plan Change, a Māori Purpose Zone was considered to enable development on Māori land. An alternative objective for a Māori Purpose Zone is as follows:	
To provide for papakāinga development within a Māori Purpose Zone.	
Appropriateness to achieve the purpose of the Act	
Appropriateness of Proposed Objective (relevance, usefulness, reasonableness, achievability)	<p>Relevance:</p> <ul style="list-style-type: none"> • Objectives 1, 2 and 3 address issues 2.7.1, 2.7.2, 2.7.3 and 2.7.5 of the Operative District Plan and Proposed District Plan. • These objectives are consistent with section 5 and sections 6-8 of the RMA, as identified in Section 2.1 of this report. <p>Usefulness:</p>

	<ul style="list-style-type: none"> All objectives shaped the provisions that will guide resource consent applications for papakāinga under s104 RMA. <p>Reasonableness:</p> <ul style="list-style-type: none"> These objectives were prepared in collaboration with tāngata whenua through the Ngā Kaitiaki group and reflect aspirations for their land. The objectives that shaped the provisions, should increase development opportunity for tāngata whenua and reduce regulatory costs for undertaking activities on Māori land. <p>Achievability:</p> <ul style="list-style-type: none"> These objectives are implementable through its policies, rules and requirements. The provisions will provide more guidance for applicants to assist the development of Māori land.
<p>Appropriateness of Status Quo (relevance, usefulness, reasonableness, achievability)</p>	<p>Relevance:</p> <ul style="list-style-type: none"> Objective 2.7.8 addresses issue 2.7.5 of the Operative District Plan. This objective is seen to now be inconsistent with the purpose and principles of the RMA as it no longer provides for the aspirations and values of tāngata whenua. <p>Usefulness:</p> <ul style="list-style-type: none"> This objective shaped the existing provisions of the Operative District Plan, which results in minimal guidance for consenting staff processing applications, or decision-makers considering consent applications for papakāinga. <p>Reasonableness:</p> <ul style="list-style-type: none"> This objective does provide for development on Māori land, however the Operative District Plan provisions can result in increased regulatory costs for undertaking activities on Māori land. <p>Achievability:</p> <ul style="list-style-type: none"> This objective is implementable through the Operative District Plan’s policies, rules and requirements. However, applications for papakāinga under these provisions can be complex as they do not reflect Māori land held under General Title.
<p>Appropriateness of Alternative (relevance,</p>	<p>Relevance:</p>

<p>usefulness, reasonableness, achievability)</p>	<ul style="list-style-type: none"> • The objective addresses issue 2.7.5 of the Operative District Plan. • This objective is seen to be partially consistent with the purpose and principles of the RMA as it would enable tāngata whenua to provide for their wellbeing, but it does not reflect the aspirations and values of tāngata whenua. • This objective would be consistent with and implement the National Planning Standards. <p>Usefulness:</p> <ul style="list-style-type: none"> • The Operative District Plan and Proposed District Plan provisions are catered for a multi-zone approach, however this objective could shape policy and provisions within a new Māori Purpose Zone chapter. <p>Reasonableness:</p> <ul style="list-style-type: none"> • This objective to support a Māori Purpose Zone was not supported by the Ngā Kaitiaki group. Therefore, its addition in the Proposed District Plan would not be consistent with the values and interests of tāngata whenua at this time. <p>Achievability:</p> <ul style="list-style-type: none"> • This objective would assist a Māori Purpose Zone chapter and provisions, however defining the zone applying to Māori land may not provide flexibility when applied to General Title Land owned by Māori.
<p>Preferred option and reasons</p>	
<p>The proposed objectives are the most appropriate means of achieving the purpose of the Act because they achieve the purpose and principles and sections 6-8 of the RMA, they reflect the aspirations of tāngata whenua, and provide more guidance for applicants, consenting staff, and decision-makers.</p>	

8.0 Evaluation of proposed provisions

Section 32(1)(b) of the RMA requires an evaluation of whether the proposed provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

8.1 Evaluation

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 5 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s).

8.1.1 Provisions to achieve objectives relating to papakāinga development

Under Section 32(1)(b)(ii) of the RMA, reasonably practicable options to achieve the objective(s) associated with this proposal need to be identified and examined.

The other options considered reasonably practicable for achieving the objectives of the Operative District Plan and PC3 in relation to papakāinga development are:

- The proposed provisions (Option 1) - this evaluates the proposed provisions that enable papakāinga development.
- Retaining the status quo (Option 2) – this evaluates the existing Operative District Plan provisions relating to papakāinga development.
- A reasonable alternative (Option 3) – this evaluates the option of establishing a Māori Purpose Zone to provide for papakāinga, marae and other development, removing the existing multi-zone approach.

Objectives:		
2.7.8 To recognise and provide for development of land owned by Iwi, hapū, and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.		
2.7.9 To provide Tāngata Whenua with opportunities to participate and partner in resource management processes and decision-making.		
2.7.11 To provide for papakāinga development on land owned by Tāngata Whenua.		
Option 1: Proposed approach (recommended)	Costs	Benefits
New policies, rules and requirements in various zones, including provisions	Environmental <ul style="list-style-type: none"> • Having more enabling rules supportive of papakāinga development may change the character and amenity of areas in zones where 	Environmental <ul style="list-style-type: none"> • Development or inappropriate activities that may generate adverse effects or that do not

<p>for papakāinga on General Title Land.</p> <p><u>Enable papakāinga on General Title land</u></p> <p>Policy 2.7.18 enables papakāinga on general title when specific criteria can be met through the following rules:</p> <ul style="list-style-type: none"> • Restricted discretionary activity: papakāinga on general title in Rural, Residential, Commercial and Township zones • The applicant has demonstrated ancestral connection to the land • To remain in long-term Māori ownership • Evidence of Māori ownership through legal mechanisms 	<p>papakāinga and similar developments are established. Performance standards and resource consent conditions will help reduce the adverse effects arising from these activities.</p> <ul style="list-style-type: none"> • Increased development may impact the natural environment by generating adverse effects on waterbodies. Setback requirements from significant waterbodies will be in effect to manage some potential impacts. • There may be a greater risk for reverse sensitivity effects on existing farm operations as papakāinga development is likely to occur within the Rural Zone. • There may be an increased risk that resource consent conditions will not be adequate to manage the effects of consented papakāinga developments. <p>Economic</p> <ul style="list-style-type: none"> • There will be consenting costs for applicants that undertake papakāinga and other developments that do not meet permitted standards. This will be required for applicants undertaking papakāinga on general title land, resulting in costs to these landowners. 	<p>meet the permitted standards will be managed through a resource consent process.</p> <p>Economic</p> <ul style="list-style-type: none"> • These provisions would likely result in reduced costs to tāngata whenua that undertake papakāinga development by retaining permissive requirements. • The consenting costs for Māori undertaking papakāinga that does not meet permitted standards may decrease as the plan contains more guidance for applicants and Council to follow, reducing processing timeframes and costs associated with processing. • More development undertaken by Māori enabled by the provisions may generate employment opportunities relating to construction activity. <p>Social</p> <ul style="list-style-type: none"> • The provisions enhance wellbeing by enabling more housing growth and affordability for Māori. • Enabling development of papakāinga is likely to enhance social connections and wellbeing as
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<p><u>Enable development and other activities</u></p> <p>Policy 2.7.21 supports development by Iwi, hapū and whānau to meet their needs through the associated rules:</p> <ul style="list-style-type: none"> • Permitted activities: papakāinga on land held under Te Ture Whenua Māori Act 1993 in Rural, Residential, Commercial and Township zones (subject to standards) • No restriction on the number of dwelling units for papakāinga in Rural and Township Zones, and exemptions to net site area requirements in Residential and Township zones. 	<ul style="list-style-type: none"> • Applicants undertaking papakāinga on land in proximity to Council reticulation may face additional costs to extend or upgrade these services if capacity is limited. • When the proposed provisions become operative, there may be an initial increase to the administrative and processing costs of applications brought to Council as applicable teams become familiar with the provisions and the processes associated with them. <p>Social</p> <ul style="list-style-type: none"> • Where the provisions are further enabling papakāinga development in established areas or neighbourhoods, this may generate social changes that existing communities are not accustomed to. <p>Cultural</p> <ul style="list-style-type: none"> • There are no anticipated cultural costs to the proposed provisions. 	<p>whānau live closer to one another, creating a sense of community.</p> <p>Cultural</p> <ul style="list-style-type: none"> • The proposed provisions provide greater opportunity for tāngata whenua to exercise kaitiakitanga and rangatiratanga, and develop their land in accordance with tikanga Māori. • Applicants undertaking Controlled papakāinga developments are provided greater certainty of outcome for their proposal.
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<ul style="list-style-type: none"> • Marae and other building activity in Rural, Residential, Commercial and Township zones (subject to standards) 		
<p>Effectiveness and efficiency</p>	<p>The proposed provisions are considered the most effective method of achieving the objectives because they will provide for increased environmental, economic, social and cultural benefits as discussed above, while maintaining character and amenity values within the underlying zones.</p> <p>The proposed provisions are considered the most efficient method of achieving the objectives given the benefits produced, and there will be reduced costs associated with developing on land described under Te Ture Whenua Māori Act in various zones.</p>	
<p>Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions</p>	<p>It is considered that there is certain and sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> • The proposed provisions were developed in partnership with iwi through Ngā Kaitiaki, of which these provisions will mostly impact. • The consenting team ‘tested’ the proposed provisions with a range of development scenarios from potential applicants to confirm they would be more enabling of papakāinga. 	
<p>Overall evaluation</p>	<p>This assessment demonstrates that this option is the most appropriate way to achieve the proposed objectives. This is because:</p> <ul style="list-style-type: none"> • The provisions continue to enable papakāinga development on land described under Te Ture Whenua Māori Act in various zones, subject to standards that will ensure papakāinga remains compatible with the underlying zone’s character and amenity values; 	

	<ul style="list-style-type: none"> • The provisions are supportive of, and provide clear direction for papakāinga development on General Title land; • They reflect the aspirations of tāngata whenua; • They enable the Council to better meet its statutory obligations, including Section 6 of the RMA. • Although the provisions may generate changes to character and amenity values that could affect surrounding landowners, it is considered the benefits outweigh the costs. 	
Option 2: Status Quo	Costs	Benefits
<p>Papakāinga development is currently supported by policy and subject to Rural, Residential, Township and Commercial Zone provisions, but limited to land defined in Te Ture Whenua Māori Act 1993.</p> <p><u>Enable papakāinga housing development</u></p> <p>Policy 2.7.16 enables papakāinga while avoiding adverse effects when specific criteria can be met through the following rules:</p>	<p>Environmental</p> <ul style="list-style-type: none"> • There is no evidence that the status quo provisions are failing to sustainably manage resources. • The status quo provisions have requirements in place to reduce potential adverse effects arising from papakāinga development and other development on Māori land. <p>Economic</p> <ul style="list-style-type: none"> • There are consenting costs for applicants that undertake papakāinga and other developments that do not meet permitted standards. • Papakāinga on general title land would be considered a discretionary activity. This may increase the processing timeframe, resulting in 	<p>Environmental</p> <ul style="list-style-type: none"> • Development or inappropriate activities that may generate adverse effects or that do not meet the permitted standards are managed through a resource consent process. <p>Economic</p> <ul style="list-style-type: none"> • There may be timeframe and cost savings under the status quo provisions as Council staff and the community are familiar with the provisions. <p>Social</p> <ul style="list-style-type: none"> • Where papakāinga and other development on land owned by Māori does not meet permitted standards, amenity and privacy values that may impact neighbours will be managed through a resource consent process. <p>Cultural</p>

<ul style="list-style-type: none"> • Permitted activity: papakāinga in Rural, Residential, Commercial and Township zones • Papakāinga only permitted when developing on land defined in Te Ture Whenua Māori Act 1993. No guidance for papakāinga on General Title Land. • No restriction on the number of dwelling units for papakāinga in Rural Zone • Performance standards for buildings or dwelling units must be met <p><u>Enable Marae development while managing adverse effects</u></p> <p>Policy 2.7.17</p>	<p>increased consenting costs for these applicants or landowners.</p> <p>Social</p> <ul style="list-style-type: none"> • The status quo provisions enable papakāinga development in established areas or neighbourhoods which may generate social changes that existing communities are not accustomed to. • The status quo limits housing growth and affordability for Māori on General Title Land; impacting social wellbeing. <p>Cultural</p> <ul style="list-style-type: none"> • The process remains challenging for Māori to undertake papakāinga development on land held under General Title. 	<ul style="list-style-type: none"> • Papakāinga development where the relevant standards are met, is permitted in various zones; enabling the use and development of most land owned by tāngata whenua.
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<p><u>Enable development and other activities</u></p> <p>Policy 2.7.19</p>		
<p>Effectiveness and efficiency</p>	<p>The status quo provisions are not considered the most effective method of achieving the objectives because they are less flexible for papakāinga development on Māori owned land held under General Title. This results in cultural costs.</p> <p>The status quo provisions are not considered the most efficient method of achieving the objectives because they increase processing complexity for papakāinga development on Māori owned land held under General Title, which impacts processing timeframe and costs for applicants. This results in economic and cultural costs.</p>	
<p>Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions</p>	<p>It is considered that there is certain and sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> • They have been in effect for a number of years to understand how permissive and restrictive they are. • Their inadequacy has been discussed with iwi through Ngā Kaitiaki, who have requested the status quo provisions are evaluated. 	
<p>Overall evaluation</p>	<p>This option is considered partially appropriate to achieve the objectives as papakāinga is permitted across four zones within the district, but this is limited to Māori owned land under Te Ture Whenua Māori Act 1993. Papakāinga on Māori owned land held under General Title is restricted and more challenging for these landowners. Overall, these operative provisions are generally less enabling than the proposed provisions.</p>	
<p>Option 3: Alternative approach to provisions</p>	<p>Costs</p>	<p>Benefits</p>
<p>Establishing a Māori Purpose Zone chapter that</p>	<p>Environmental</p>	<p>Environmental</p>

<p>would contain rules and requirements for marae, papakāinga, and other developments. The zone would map and apply to Māori land.</p> <p>Policies would provide for papakāinga development within a Māori Purpose Zone, and provisions would control activities within and in proximity to this zone.</p>	<ul style="list-style-type: none"> On land in this zone containing waterbodies, the increased development may impact the natural environment by generating adverse effects on waterbodies. Setback requirements from significant waterbodies would be considered to manage potential impacts. <p>Economic</p> <ul style="list-style-type: none"> Increased financial cost and timeframe for Council to organise the mapping of this land and updating existing District Plan Maps. Costs may be incurred on the district through increased rates. <p>Social</p> <ul style="list-style-type: none"> Landowners in this zone or in proximity to this zone may experience social changes and adverse noise and traffic effects that existing communities are not accustomed to. <p>Cultural</p> <ul style="list-style-type: none"> Should not all Māori land be identified and included in the Māori Purpose Zone, it may limit the opportunities for tāngata whenua to develop on their land as a permitted activity. 	<ul style="list-style-type: none"> Māori land may be better utilised as it is clearly identified. <p>Economic</p> <ul style="list-style-type: none"> In this zone permissive provisions would likely result in reduced costs to tāngata whenua that undertake papakāinga development. More development undertaken by Māori in this zone enabled by potentially permissive provisions may generate employment opportunities relating to construction activity. <p>Social</p> <ul style="list-style-type: none"> Enabling papakāinga in this zone would enhance wellbeing by through greater housing growth and affordability for Māori, and enhance social connections as whānau live closer to one another, creating a sense of community. <p>Cultural</p> <ul style="list-style-type: none"> There may be increased permitted development opportunities in the Māori Purpose Zone, which would provide greater opportunity for tāngata whenua to exercise kaitiakitanga and rangatiratanga, and develop their land in accordance with tikanga Māori.
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Effectiveness and efficiency	<p>The alternative provision is not considered the most effective method of achieving the objectives because applying the zone to Māori land may not provide flexibility to include Māori owned land held under General Title. This results in cultural costs.</p> <p>The alternative provision is not considered the most efficient method of achieving the objectives because they may increase processing complexity for papakāinga development on Māori owned land held under General Title, which impacts processing timeframe and costs for applicants. This results in economic and cultural costs.</p>
Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions	<p>It is considered that there is only partially sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> • The proposed provisions for the proposed plan change under the multi-zone approach could be moved to a Māori Purpose Zone chapter, however an investigation has not been undertaken to confirm whether this approach would be more enabling of papakāinga than the status quo. • This approach was discussed in partnership with iwi through Ngā Kaitiaki, of which these provisions will mostly impact. A Māori Purpose Zone was not supported by Ngā Kaitiaki at this time.
Overall evaluation	<p>This option is considered the least appropriate approach to achieve the related objectives because it may not be flexible for Māori landowners of General Title Land, existing District Plan Maps would require updating, and it was considered too complex and not supported in this district at this time by Ngā Kaitiaki on behalf of Māori.</p>

9.0 Conclusion

This evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:

- Gives effect to best practice undertaken by other Councils, and national direction from the RMA, national policy statements and the regional policy statement; and
- Will better enable papakāinga development to support housing growth for Māori and reflect the aspirations of tāngata whenua in this space; and
- Will achieve the aim of the Proposed Plan Change for papakāinga and its amended objectives and policies.