

Rārangi Take o te Kōmiti Aro- take Mahere ā-Rohe

District Plan Committee Agenda

Monday 19 February 2024, 1 pm

Council Chamber, Albion Street, Hāwera



Ngā Mema o te Komiti / Committee Members



Andy Beccard
Chairperson



Steffy Mackay
Deputy Chairperson



Leanne Horo
Councillor



Aaron Langton
Councillor



Diana Reid
Councillor



Robert Northcott
Deputy Mayor



Tāne Houston
Iwi Representative

Apatono / Delegations

- To consider and make recommendation to the Council on environmental policy matters relating to the Resource Management Act and the District Plan; and
- To hear all plan changes and make recommendations to the Council.

He Karere Haumaruru / Health and Safety Message

In the event of an emergency, please follow the instructions of Council staff.

If there is an earthquake – drop, cover and hold where possible. Please remain where you are until further instruction is given.

He Pānga Whakararu / Conflicts of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interest they might have.

Huinga Tāngata / Attendance Register

Date	07/06/23	19/02/14			22/11/23
Meeting	O	O	O	O	O
Andy Beccard	√				
Leanne Horo	√				
Aarun Langton	√				
Steffy Mackay	√				
Robert Northcott	√				
Diana Reid	X				
Tāne Houston - Iwi Representative	√				

Key

- √ Attended
- AO Attended Online
- Was not required to attend
- A Apology
- Y Attended but didn't have to attend
- X Did not attend - no apology given

Types of Meetings

- O Ordinary Council Meeting
- E Extraordinary Council Meeting



Rārangi Agenda

District Plan Committee

Monday 19 February 2024 at 1 pm

1. **Karakia**
2. **Matakore / Apologies**
3. **Tauākī Whakarika / Declarations of Interest**
4. **Whakatakoto Kaupapa Whānui, Whakaaturanga hoki / Open Forum and Presentations**
5. **Pūrongo / Report**
 - 5.1 [Plan Change 3 – Papakāinga Development](#) Page 9
6. **Karakia**



Karakia

1. Karakia

Ruruku Timata – Opening Prayer

(Kia ururu mai ā-hauora,
ā-haukaha, ā-hau māia)

Ki runga

Ki raro

Ki roto

Ki waho

Rire rire hau

Paimārire

*(Fill me with vitality)
strength and bravery)*

Above

Below

Inwards

Outwards

The winds blow & bind us

Peace be with us.



Matakore Apologies

2. Matakore / Apologies

Leave of Absence: *The Board may grant a member leave of absence following an application from that member. Leave of absences will be held in the Public Excluded section of the meeting.*



Ngā Whakaputanga

Declarations of Interest

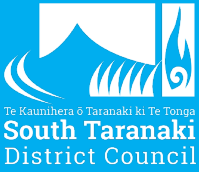
3

3. Tauākī Whakarika / Declarations of Interest

Notification from elected members of:

- a) Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and
- b) Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

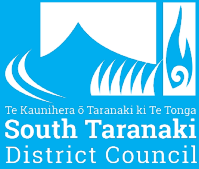
Declarations of Interest: Notification from elected members of: Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968



Whakatakoto Kaupapa Whānui, Whakaaturanga hoki Open Forum and Presentations

4. Whakatakoto Kaupapa Whānui Whakaaturanga hoki / Open Forum and Presentations

The Council has set aside time for members of the public to speak in the public forum at the commencement of each Council, Committee and Community Board meeting (up to 10 minutes per person/organisation) when these meetings are open to the public. Permission of the Mayor or Chairperson is required for any person wishing to speak at the public forum.



Pūrongo Report

5

To	District Plan Committee
From	Kaitātari Whakamahere Taiao / Planner, Sarah Capper-Liddle
Date	19 February 2024
Subject	Plan Change 3 – Papakāinga Development

(This report shall not be construed as policy until adopted by full Council)

Whakarāpopoto Kāhui Kahika / Executive Summary

1. This is an administrative paper to inform the Committee of the proposed changes to the papakāinga development provisions in the South Taranaki District Council's Operative District Plan. These changes are to occur under Schedule 1 of the Resource Management Act 1991 (RMA) process.
2. The South Taranaki District Council (the Council) is currently undertaking several plan changes. The topics include urban growth, financial contributions and papakāinga. A private plan change received from Todd Energy Limited to amend the Council's District Plan Maps is also in progress. Two non-Schedule 1 plan changes have already been completed in 2022. The first to remove all minimum car parking requirements (apart from accessible car parking) and the second to update Schedule 3 (Designations) in the District Plan.
3. This report outlines the changes proposed in regard to papakāinga development in the District Plan and summarises the implications of these changes.

Taunakitanga / Recommendation(s)

THAT the Environment and Hearings Committee recommends the Council;

- a) Approves the proposed changes to the papakāinga development provisions in the Operative South Taranaki District Plan in accordance with Schedule 1 of the Resource Management Act 1991.
- b) Notes that this will initiate a formal consultation process in accordance with Clause 5(1A) of Schedule 1 of the Resource Management Act 1991.

Kupu Whakamārama / Background

Operative District Plan

4. The Operative District Plan was last reviewed in 2014 and made fully operative in January 2021, which introduced papakāinga development provisions into the District.

The operative provisions are summarised as follows:

- Definitions for:
 - Papakāinga development;
 - Marae (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 (with associated performance standards) 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.
5. Since these provisions were added a number of papakāinga developments were enabled as permitted activities or requiring resource consent.
 6. With an increasing interest in papakāinga development across the District, 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.

Approaches taken by other district councils

7. A number of councils across New Zealand have enabled papakāinga development provisions in their District Plans. To understand the best way forward for the Council, an investigation of other territorial authorities District Plans was undertaken. These councils were chosen as they are facing similar resource management issues in relation to papakāinga development.
8. The following territorial authorities' District Plans were investigated:
 - 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
9. These councils were selected because:
 - Stratford, New Plymouth and Whanganui are adjacent to, or are in the same region as the South Taranaki District and therefore may have faced and addressed similar concerns;
 - They have been subject to plan changes recently;
 - They are addressing similar issues relating to this topic; and
 - Some were selected for review under the request of Ngā Kaitiaki.

Key findings

10. The analysis found that 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.

11. Papakāinga development 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 include maximum building height requirements, boundary setback requirements, recession plane requirements, net site area requirements, and building coverage requirements per site.
12. Papakāinga development on General Title land in any zone is typically not a permitted activity. In plans where provisions existed for papakāinga on general title, applicants were required to provide historic evidence and explanations for papakāinga suitability on the site. The Council should consider adding provisions for papakāinga on General Title land.
13. Many of the councils investigated have more restrictive performance standards for papakāinga development. This differs from the Council and is likely due to the greater population and district size they cater for.

Whakawhiti Kōrero / Discussion

Proposed changes to the Council's Operative District Plan

14. This Plan change seeks to amend the Operative District Plan to incorporate the proposed provisions for papakāinga development. 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 an exemption to the maximum number of dwelling units performance standard introduced in the 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.
15. Section 3 Rural Zone, Section 4 Residential Zone, Section 5 Township Zone, and Section 6 Commercial Zone of the Operative District Plan contain rules and standards relating to papakāinga development. Section 1 contains the definitions relating to papakāinga, and Section 2 contains the objectives and policies that set out new aims for papakāinga development and methods of achieving the objectives.
16. A track-changes version of each relevant section of the Proposed District Plan containing the proposed changes under PC3 is attached in Appendix A. This document has been shortened to only highlight where provision changes have occurred in Sections 1, 2 and 20, while Sections 3-6 are full chapters.

Implications of changing papakāinga development provisions

17. Although changing the provisions has been evaluated to better enable papakāinga development in the District, changing the provisions creates implications for the Council's planners assessing papakāinga development proposals, applicants seeking to undertake papakāinga development, and the environment.
18. Should the proposed provisions be adopted, there will be clearer direction for applicants seeking papakāinga development if an application comes in as a Controlled or Restricted Discretionary Activity. This is because applications will only need to cover matters restricted under the Council's control or discretion as opposed to the existing provisions for papakāinga that do not meet the permitted activity requirements, which are assessed as Discretionary Activities.
19. Adopting the proposed provisions would create a clearer assessment criterion for processing planners that receive applications for papakāinga developments that require resource consent, particularly helping planners in confirming the historic and long-term ownership of the subject site.
20. Should the proposed provisions be adopted, papakāinga development remains subject to performance standards that ensures papakāinga remains compatible with the underlying zone's character and amenity values.
21. Lastly, adopting the proposed provisions is expected to generate positive outcomes in improving consistency with relevant statutes such as the National Policy Statement for Urban Development, and Highly Productive Land, and improve development opportunities for Māori.

Implications for resource consenting

22. Under the Operative District Plan provisions, papakāinga development on land held under Te Ture Whenua Māori Act is permitted in the Rural Zone, Residential Zone, Township Zone and Commercial Zone but would require resource consent under a Restricted Discretionary Activity status if any of the relevant performance standards are not met. Papakāinga development on General Title land would require resource consent under a Discretionary Activity status because it is an unanticipated activity that is not provided for elsewhere in the plan.
23. Under the Proposed District Plan provisions, resource consent for papakāinga development will only be required for applications on General Title land or applications on land held under Te Ture Whenua Māori Act that do not meet the underlying zone's performance standards. The key difference to the existing provisions is that the activity statuses change to Controlled for papakāinga development on land held under Te Ture Whenua Māori Act 1993 where the relevant performance standards are not met, and Restricted Discretionary for papakāinga development on General Title Land as opposed to Discretionary.
24. The proposed changes are expected to produce various implications that will affect the Council's resource consenting functions. Possible implications could include:
 - a. Because papakāinga development will become more permissive, resource consent volumes may decrease. However, resource consent volumes for papakāinga development on General Title land and controlled activities may increase as the

process is clearer and easier for these potential applicants, and they have a clear pathway in the District Plan.

- b. If the proposed provisions become operative, there may be an initial increase in the administrative and processing costs of applications submitted to the Council as applicable teams become familiar with the provisions and the processes associated with them.
- c. Planners will still have the ability to assess the environmental effects of papakāinga development where the relevant performance standards (e.g. bulk and location requirements) are not met. This includes visual impacts, reverse sensitivity, water supply, wastewater disposal and stormwater management. Where papakāinga is proposed on General Title land, planners will assess whether applicants can demonstrate an ancestral connection to the land, confirm the historic and future ownership of the site and also assess the proposal under the National Policy Statement for Highly Productive Land should the property be in the Rural Zone.
- d. Papakāinga development will still be subject to other rules in the District Plan such as the Natural Environment Rules for sites in the Coastal Protection Area, and the Heritage Protection Rules for development in proximity to heritage buildings, objects and sites, or notable trees.

Public notice

- 25. In making these changes, local authorities must undertake public notification as per the statutory requirements outlined in Schedule 1 of the RMA. STDC have decided on the following to make the public aware of the required changes:
 - Online via the STDC website;
 - Newspaper advertisement;
 - Direct notification via email and/or post to affected landowners in the relevant zones.

Local Government Purpose

- 26. The proposed changes to the papakāinga development provisions in the South Taranaki District Council District Plan meets the purpose of Local Government as it enables local democratic decision-making. The proposed changes would support the cultural and social wellbeing of the community now and in the future.

Whaiwhakaaro me ngā aromatawai / Considerations and Assessments

- 27. South Taranaki District Council’s general approach to determining the level of “significance” will be to consider:

Criteria	Measure	Assessment
Degree	The number of residents and ratepayers affected and the degree to which they are affected by the decision or proposal.	All ratepayers and residents are affected by changes to the District Plan, however the degree that individuals will be affected will be assessed and addressed through

Criteria	Measure	Assessment
		the resource consent process.
LOS	The achievement of, or ability to achieve, the Council's stated levels of service as set out in the Long Term Plan.	The proposed changes to the District Plan do not affect the Council's ability to achieve their stated levels of service in the LTP.
Decision	Whether this type of decision, proposal or issue has a history of generating wide public interest within South Taranaki.	There is evidence that changes to the District Plan have generated public interest in the past, however there is no evidence that proposed changes have generated wide public interest.
Financial	The impact of the decision or proposal on the Council's overall budget or included in an approved Long Term Plan and its ability to carry out its existing or proposed functions and activities now and in the future.	The proposed District Plan changes and the processes associated with Plan changes have been budgeted for.
Reversible	The degree to which the decision or proposal is reversible.	The Council can choose to undertake a District Plan change at any time during the life of the Plan.
Environment	The degree of impact the decision will have on the environment.	The proposed District Plan change will have no impact on the environment. Environmental effects are assessed and addressed when a resource consent application is submitted to Council.

28. In terms of the Council's Significance and Engagement Policy this matter is of medium significance. If the Committee approves the recommendation in this report, this will initiate a consultation process. Residents and ratepayers will have an opportunity to submit on the proposed changes in accordance with the Resource Management Act and Local Government Act.

Legislative Considerations

29. The Council has followed the requirements of Schedule 1 of the Resource Management Act in preparing the proposed plan change and will continue to follow these obligations through to the provisions becoming operative.
30. The Council must meet the following statutory requirements as set out in Clause 5(1A) of Schedule 1 in notifying the proposed changes:

A territorial authority shall, not earlier than 60 working days before public notification or later than 10 working days after public notification of its plan, either—

- (a) send a copy of the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, to every ratepayer for the area of the territorial authority where that person, in the territorial authority's opinion, is likely to be directly affected by the proposed plan; or*
- (b) include the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, in any publication or circular which is issued or sent to all residential properties and Post Office box addresses located in the affected area—and shall send a copy of the public notice to any other person who, in the territorial authority's opinion, is directly affected by the plan.*

Financial/Budget Considerations

- 31. The proposed District Plan changes and the processes associated with Plan changes have been allocated within current budgets.

Environmental Sustainability

- 32. The proposed District Plan change will have no impact on the environment. Environmental effects are assessed and addressed when a resource consent application is submitted to the Council.

Consistency with Plans/Policies/Community Outcomes

- 33. Nothing in this report is inconsistent with any Council policy, plan or strategy. The proposed District Plan changes align with the Council's He Pou Tikanga / Ngā iwi-Council Partnership Strategy.
- 34. This matter contributes to the Cultural (Vibrant South Taranaki) and Social (Together South Taranaki) community outcomes.

Consideration for Iwi/Māori

- 35. This plan change was prepared in consultation with key stakeholders and Iwi partners. Consultation was undertaken with Te Puni Kokiri and with the District's Iwi authorities through an Iwi partnership arrangement referred to as Ngā Kaitiaki group. Ngā Kaitiaki consists 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. Ngā Kaitiaki assisted Council throughout the evaluation process to formulate the proposed provisions to the District Plan.

Whakakapia / Conclusion

- 36. This report proposes to amend the papakāinga development provisions of the Operative District Plan. There is expected to be implications as a result of changing these provisions, however the changes will better enable papakāinga development and support housing growth for Māori in the South Taranaki District and reflect the aspirations of tāngata whenua on their land.



Sarah Capper-Liddle
**Kaitātari Whakamahere Taiao /
Planner**

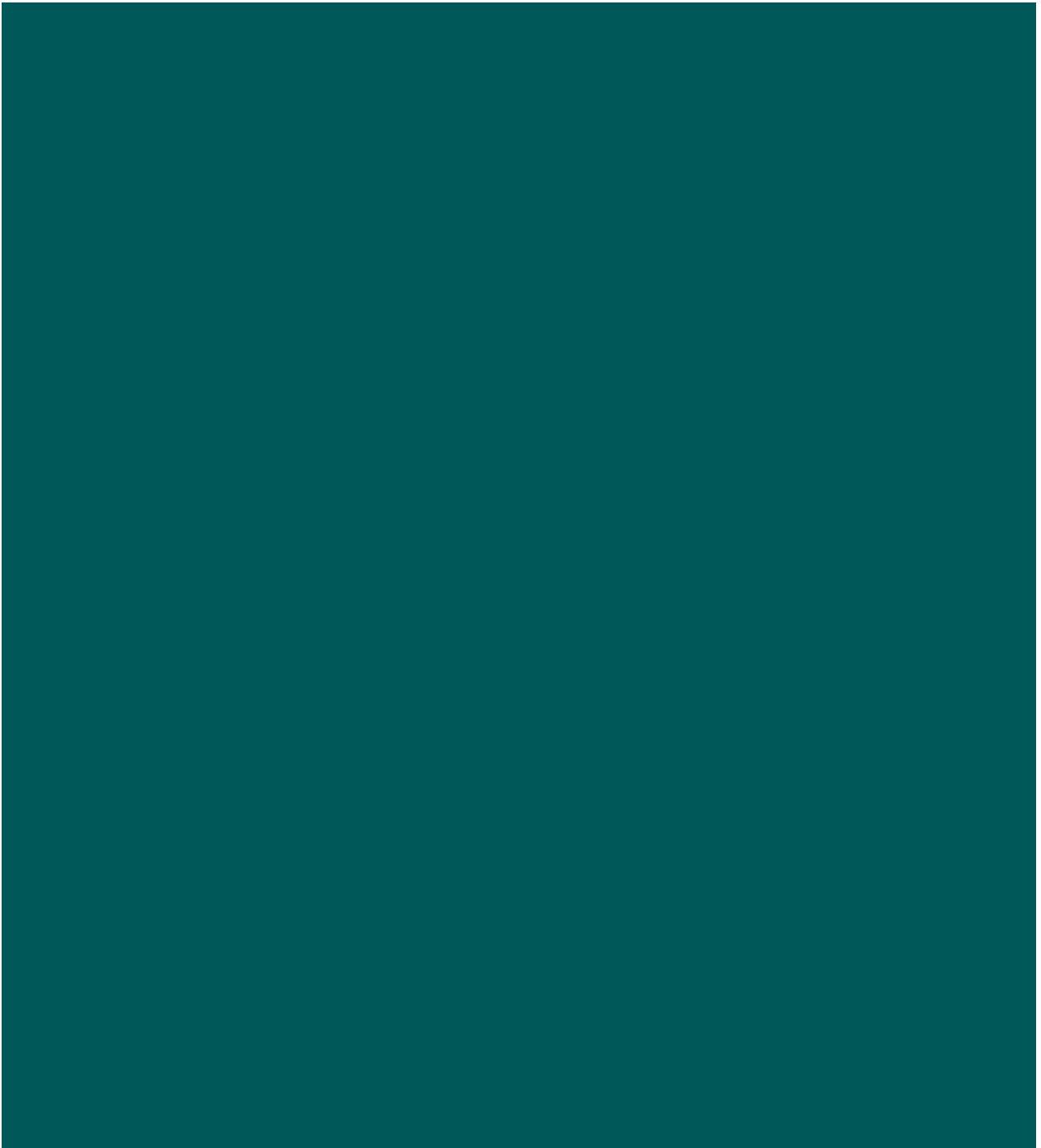


[Seen by]
Liam Dagg
**Kaiarataki Taiao/
Group Manager Environmental
Services**

[Appendix A – Section 32 Assessment](#)
[Appendix B – Proposed Changes to the South Taranaki District Plan](#)

South Taranaki District Council
Section 32 Evaluation Topic Report
PC3: Papakāinga Development

1 January 2024



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Appendix 1: Feedback on Draft District Plan

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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 Tangata 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 tangata 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 Tangata 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</p>

Section	Relevant matter
	development. Objectives, policies and rules could ensure adverse effects on amenity values are maintained and enhanced.
Section 7(f)	Maintenance and enhancement of the quality of the environment. 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.

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	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.

NPS	Relevant Objectives / Policies
	<p>Specifically, the following clauses are relevant to papakāinga development:</p> <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"> (a) <i>have or enable a variety of homes that:</i> <ul style="list-style-type: none"> (ii) <i>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"> (a) <i>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> (b) <i>when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and</i> (c) <i>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> (d) <i>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-</p>

NPS	Relevant Objectives / Policies
	<p>site stormwater and wastewater management will be necessary where reticulated services are unavailable.</p> <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> <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>

NPS	Relevant Objectives / Policies
	<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.</p> <p>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 style="padding-left: 40px;"><i>(i) is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and</i></p> <p style="padding-left: 40px;"><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> <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>

NPS	Relevant Objectives / Policies
	<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> <ul style="list-style-type: none"> <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> <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><i>(4) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.</i></p>

NPS	Relevant Objectives / Policies
<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> <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>

NPS	Relevant Objectives / Policies
	<p>(i) As part of redress for the settlement of Treaty of Waitangi claims; or</p> <p>(ii) By the exercise of rights under a Treaty settlement Act or Treaty settlement deed.</p> <p>3.10 Managing adverse effects on SNAs of new subdivision, use, and development</p> <p>(1) This clause applies to any new subdivision, use, or development that is in, or affects, an SNA, except as provided in:</p> <p style="padding-left: 40px;">(b) Clauses 3.12 and 3.18 (about SNAs on specified Māori land); and</p> <p>(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:</p> <p style="padding-left: 40px;">(a) Loss of ecosystem representation and extent:</p> <p style="padding-left: 40px;">(b) Disruption to sequences, mosaics, or ecosystem function</p> <p style="padding-left: 40px;">(c) Fragmentation of SNAs or the loss of buffers or connections within an SNA:</p> <p style="padding-left: 40px;">(d) Reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:</p> <p style="padding-left: 40px;">(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.</p> <p>(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 as a result of the exceptions in clause 3.11, must be managed by applying the effects management hierarchy.</p> <p>(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:</p> <p style="padding-left: 40px;">(a) How each step of the effects management hierarchy will be applied; and</p> <p style="padding-left: 40px;">(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.</p>

NPS	Relevant Objectives / Policies
	<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> <p><i>(2) Objectives, policies, and methods developed under this clause must:</i></p> <p style="padding-left: 40px;"><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 style="padding-left: 40px;"><i>(d) enable the provision of new papakāinga, marae and ancillary community facilities, dwellings, and associated infrastructure; and</i></p> <p style="padding-left: 40px;"><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>

NPS	Relevant Objectives / Policies
	<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 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	<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>

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.

Document	Author/Owner	Summary
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)	<p>This document briefly describes how restrictions under the NPS-HPL will no longer be in effect should land and zone statuses be changed.</p> <p>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.</p>
National Policy Statement for Highly Productive Land: Guide to implementation	Ministry for the Environment (2022)	<p>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.</p>
National Policy Statement for Indigenous Biodiversity: Information for tangata whenua	Ministry for the Environment (2023)	<p>This document briefly describes how activities triggered under the NPS-IB may be less restrictive depending on the type of land owned by Māori.</p> <p>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 tangata whenua while maintaining and protecting indigenous biodiversity.</p>
MAIHI Ka Ora: The National Māori Housing Strategy	Ministry of Housing and Urban Development (2021)	<p>This document seeks for all whanau 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</p>

Document	Author/Owner	Summary
		considerations for self-sustainability where developments are unable to connect to Council services.

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 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>

Objective/Policy	Relevant matters
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)</i> under <i>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. Should these activities require resource consent, the assessment will consider how the activity impacts tāngata whenua.</p>

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 Ngaa 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
<p>Te Korowai o Ngāruahine Trust - Te Uru Taiao o Ngāruahine (Ngāruahine Kaitiaki Plan 2021)</p>	<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 a long-term vision for the development of Papakāinga in our rohe. (pg 73).</i></p>
<p>Te Kāhui o Taranaki Iwi - Taiao, Taiora</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>6. New papakāinga and other housing developments will promote sustainable living and, where possible, be characterised by the following attributes:</p> <ul style="list-style-type: none"> i. Be para kore; ii. Be self and community sufficient; iii. Be built using low impact and passive design methods; iv. Generate their own power using green technologies; v. Have low to nil environmental impacts <p>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).</p> <p>8. Taranaki Iwi will support the development of papakāinga for their whānau;</p> <p>11.3.3 Policies</p> <p>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.</p> <p>11.6.3 Policies</p> <p>5. Taranaki Iwi will support and facilitate marae and papakāinga to develop eco-nurseries and biodiversity restoration projects within the rohe;</p> <p>11.7.3 Policies</p> <p>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 Papa Kore at marae/pā, kura, kōhanga/kōpae, community spaces, papakāinga and homes within the Taranaki Iwi rohe.</p>
<p>Te Runanga o Ngāti Ruanui Trust - <i>Ngāti Ruanui Environmental Management Plan</i></p>	<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"> • Whakapapa – our identity and where we come from

	<ul style="list-style-type: none"> • <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>
<p>Te Kaahui o Rauru - <i>Puutiao Management Plan</i></p>	<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 Papatuuaanuku</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 Papatuuaanuku 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, Ngaa 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"> ▪ <i>(a) Maori customary land:</i> ▪ <i>(b) Maori freehold land:</i> ▪ <i>(c) General land owned by Maori:</i> ▪ <i>(d) General land:</i> ▪ <i>(e) Crown land:</i> ▪ <i>(f) Crown land reserved for Maori.</i> ○ <i>(2) For the purposes of this Act,—</i> <ul style="list-style-type: none"> ▪ <i>(a) land that is held by Maori in accordance with tikanga Maori shall have the status of Maori customary land:</i> ▪ <i>(b) 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> ▪ <i>(c) 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> ▪ <i>(d) 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> ▪ <i>(e) 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>
<i>Ngati Ruanui Claims Settlement Act 2003</i>	<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
<i>Nгаа Rauru Kiiitahi Claims Settlement Act 2005</i>	<p>This Act records the acknowledgements and apology given by the Crown to Nгаа 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
<i>Ngaruahine Claims Settlement Act 2016</i>	<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
<i>Taranaki Iwi Claims Settlement Act 2016</i>	<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
<i>Building Act 2004</i>	<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 Nga 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.

<p>Operative Kāpiti Coast District Plan (2021) and Proposed Plan Change 2: Intensification</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>	<p>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.</p>
<p>Hastings District Plan (2022)</p>	<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>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.</p>

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 Nga 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 Nga 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 Nga Kaitiaki specific to the proposed provisions evaluated within this report:

Topic	Advice Received from Iwi	Council Response
<p>General Feedback</p>	<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 Nga 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>

<p>Definitions</p>	<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>
<p>Objective and policy wording</p>	<p>Keep consistency between the wording of ‘iwi, hapu, Māori, tāngata whenua, whanau’ 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>
<p>Rules - Papakāinga development on general title land a Restricted Discretionary Activity</p>	<p>Papakāinga development on general title land being a Restricted Discretionary Activity is considered a barrier to development.</p>	<p>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.</p>

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

- PAKAKĀINGA DEVELOPMENT definition – amended.
- PAKAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND definition – added.
- GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA 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> .

Who	What	When	Relevant Issues Raised
Nga Kaitiaki	Introductions, general starting point for papakāinga	27 September 2022	No issues raised at this first meeting.
Nga 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.
Nga 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.
Nga Kaitiaki	Feedback on second draft of proposed provisions	28 April 2023	Draft provisions generally accepted with minor changes to wording requested.
Nga Kaitiaki	Feedback on final draft of proposed provisions	1 November 2023	Multiple points raised by Group Manager Environmental Services to edit proposed definitions 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.

Who	What	When	Relevant Issues Raised
			Draft provisions accepted in full by Nga Kaitiaki, with Ngāti Ruanui representative opposing the raised activity status change. Overall, no changes to the final drafted provisions were requested by Nga Kaitiaki.

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
<p>Issue 1: The existing provisions no longer reflect the development aspirations of tāngata whenua.</p>	<p>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.</p>	<p>A new pathway for papakāinga development on General Title Land has been proposed, as described in Issue 2 below.</p>
<p>Issue 2: It remains challenging for Māori to undertake papakāinga developments on their lands held under General Title.</p>	<p>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.</p>	<p>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.</p>
<p>Issue 3: Potential inconsistency with relevant statutes.</p>	<p>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.</p>	<p>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.</p> <p>Where papakāinga development occurs on ‘general title’ land, an assessment through the resource consenting process has been proposed.</p>

<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 whanau – 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:

<p>2.7.6</p>	<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>
<p>2.7.8</p>	<p><i>To recognise and provide for development of land owned by Iwi, hapū, and whanau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.</i></p>

	Objective 2.7.8 is an existing objective that has been reworded with the guidance of Nga Kaitiaki to better reflect the development aspirations of tāngata whenua and Māori landowners.
2.7.11	<i>To provide for Papakāinga Development on land owned by Tāngata Whenua.</i> 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.

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, Hapu, and Whanau; 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, Hapu and Whanau 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	
<p>Objective 1: 2.7.8 To recognise and provide for development of land owned by Iwi, hapū, and whanau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.</p> <p>Objective 2: 2.7.9 To provide Tāngata Whenua with opportunities to participate and partner in resource management processes and decision-making.</p> <p>Objective 3: 2.7.11 To provide for papakāinga development on land owned by Tāngata Whenua.</p>	
Alternatives considered	
<p>Status quo:</p> <p>In the Operative District Plan there is no objective that describes papakāinga development, only development of Māori land. This objective is as follows:</p> <p>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.</p>	
<p>Alternative:</p> <p>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:</p> <p>To provide for papakāinga development within a Māori Purpose Zone.</p>	
Appropriateness to achieve the purpose of the Act	
<p>Appropriateness of Proposed Objective (relevance, usefulness, reasonableness, achievability)</p>	<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 Nga 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, usefulness, reasonableness, achievability)</p>	<p>Relevance:</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.

	<ul style="list-style-type: none"> • 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 Nga 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 to apply it 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 whanau 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 papakāinga and similar developments 	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>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 whanau live closer to one another, creating a sense of community. <p>Cultural</p>
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<p><u>Enable development and other activities</u></p> <p>Policy 2.7.21 supports development by iwi, hapu and whanau 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. 	<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 Nga 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; • The provisions are supportive of, and provide clear direction for papakāinga development on General Title land; 	

	<ul style="list-style-type: none"> • 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> <ul style="list-style-type: none"> • Permitted activity: papakāinga in Rural, Residential, 	<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 increased consenting costs for these applicants or landowners. <p>Social</p>	<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"> • 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.

<p>Commercial and Township zones</p> <ul style="list-style-type: none"> • 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><u>Enable development and other activities</u></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. 	
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Policy 2.7.19		
Effectiveness and efficiency	<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>	
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 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 Nga Kaitiaki, who have requested the status quo provisions are evaluated. 	
Overall evaluation	<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>	
Option 3: Alternative approach to provisions	Costs	Benefits
Establishing a Māori Purpose Zone chapter that would contain rules and requirements for marae, papakāinga, and other developments. The zone	<p>Environmental</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 	<p>Environmental</p> <ul style="list-style-type: none"> • Māori land may be better utilised as it is clearly identified. <p>Economic</p>

<p>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>	<p>would be considered to manage potential impacts.</p> <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"> 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 whanau 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.
<p>Effectiveness and efficiency</p>	<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</p>	

	General Title, which impacts processing timeframe and costs for applicants. This results in economic and cultural costs.
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 Nga Kaitiaki, of which these provisions will mostly impact. A Māori Purpose Zone was not supported by Nga Kaitiaki at this time.
Overall evaluation	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 Nga Kaitiaki on behalf of Māori.

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.

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| South Taranaki District Council | [Subject]

SECTION 1 : INTRODUCTION AND DEFINITIONS

1.1 PURPOSE OF THE DISTRICT PLAN

The South Taranaki District Plan (the District Plan) contains policies and rules about how the people of the South Taranaki can use and develop land and property within our district. It is a legal document that is purposely drafted to reflect the South Taranaki community and their environment. It seeks to manage natural and physical resources that are important in the district and to ensure that environmental qualities and values are safeguarded for future generations to enjoy.

The District Plan is prepared by the South Taranaki District Council in response to its obligations under the Resource Management Act 1991 (referred to in this document as “the RMA” or “the Act”). The RMA is the legislation that manages use, development and protection of land and other natural and physical resources in New Zealand. In line with this legislation, the District Plan contains a framework of Objectives, Policies and Methods of Implementation (for example rules) to manage the use and development of land and other physical or natural resources of the South Taranaki District. Given the important and wide-reaching role that the District Plan has in decision making, it is required to be reviewed every 10 years.

1.2 STATUTORY REQUIREMENTS OF THE PLAN

1.2.1 RESOURCE MANAGEMENT ACT

The Resource Management Act 1991 defines natural and physical resources to include 'land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures'.

The purpose, function and contents of the District Plan are directed towards achieving the purpose of the RMA (defined by Part 2), which is 'to promote the sustainable management of natural and physical resources' (under Section 5 of the RMA).

Section 6 of the RMA also places a duty on the Council to recognise and provide for a range of matters of National Importance, and Section 7 identifies other matters which the Council must have regard to in exercising its functions and powers under the RMA. Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi.

Section 31 of the RMA sets out the functions that territorial authorities have in terms of how the RMA is put into effect. The Plan has been prepared in accordance with the process defined in Section 32 of the Act.

1.2.2 RELATIONSHIP WITH OTHER PLANS AND POLICIES

The RMA requires integrated management of the environment and as such, the District Plan is prepared within a hierarchy of policy statements and plans that, together with the RMA, form the statutory context for plan making. The intention of the RMA is that these plans and documents should work together to achieve integrated management of natural and physical resources. The hierarchy these documents and the Council's obligations to them are discussed below:

- Cross references are for the assistance of the reader and are not necessarily exhaustive.
- References to New Zealand or overseas standards include amendments.
- Definitions of Maori terms are necessarily a brief approximation of meaning and have to be expanded and understood in the context of the specific usage and local language differences.
- Terms that are in capital letters indicate that the term is also defined in this section of the District Plan.

1.11 DEFINITIONS

ACCESS: means that area of land over which a site or allotment obtains legal vehicular and/or pedestrian access to a legal road. This land includes an ACCESS LEG, a private road/right of way/accessway, common land as defined on a cross-lease or company-lease; or common property as defined in Section 2 of the Unit Titles Act 2010.

ACCESS LEG: in relation to a rear allotment or rear site, means the strip of land, which is included in the ownership of that allotment or site, and which provides the legal, physical access from the frontage legal road to the net area of the allotment or site.

ACCESS WAY: means any passage way, laid out or constructed by the authority of the Council or the Minister of Works and Development or, on or after the 1st day of April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve (Section 315 of the Local Government Act 1974).

ACCESSORY BUILDING: means any BUILDING that is secondary and incidental to an activity undertaken on a SITE, and includes a garage or carport, home workshop, garden shed, sleepout and private swimming pool.

The **ACT:** means the Resource Management Act 1991, and its amendments.

AERIAL, in relation to AMATEUR RADIO CONFIGURATION, means all supporting STRUCTUREs for AMATEUR RADIO CONFIGURATION, including ANTENNA and MASTs.

AGGREGATE/SOIL EXTRACTION: means the permanent removal of any soil, rock or aggregate from any point of any site, including metal quarries and coal mines, including gravel crushing and processing of aggregate/soil, but does not include the removal of spoil for construction purposes or removal of soil, rock or aggregate for FORESTRY HARVESTING, PROSPECTING, PETROLEUM EXPLORATION, or PETROLEUM PRODUCTION.

AIRPORT APPROACH CONTROL SURFACE: means that land identified as “Airport Approach Control Surface” on Special Map 1 of the planning maps.

AIRPORT PROTECTION AREA: means that land identified as “Airport Protection Area” on Special Map 1 of the planning maps.

ALLOTMENT: has the same meaning as Lot, as defined in section 218 of the Resource Management Act 1991.

AMENITY VALUES: has the same meaning as defined in the Resource Management Act 1991.

AMATEUR RADIO CONFIGURATION: means the AERIALS, ANTENNAS and associated MASTS and supporting STRUCTURES which are owned and used by licensed Amateur Radio Operators.

ANCESTRAL LAND: [means land that belonged to tipuna/tupuna \(ancestors\).](#)

ANTENNA: in relation to NETWORK UTILITIES, means a device that:

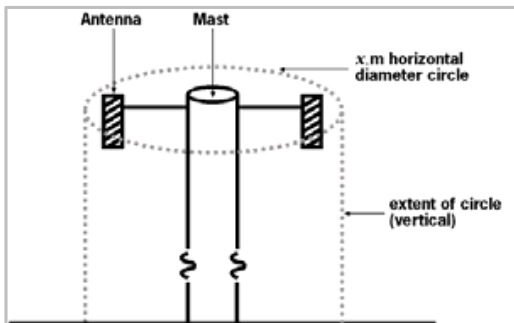
- (a) Receives or transmits radio-communication or telecommunication signals.
- (b) Is operated by a network operator.
- (c) Includes the mount, if there is one, for the device.
- (d) Includes the shroud, if there is one, for the device.
- (e) Includes all associated hardware for the functioning of the antenna.

The diameter or area of an antenna means:

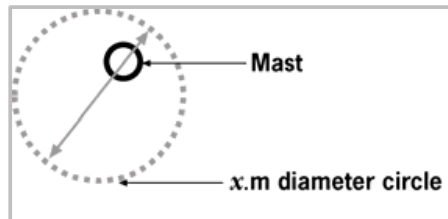
- In relation to any panel antenna or other type of antenna that has a length and a width, the area measured by calculating the largest surface area.
- In relation to any other antenna, the diameter measured by taking the cross-section of the widest part of the antenna.

The requirement that antenna and aerials attached to a mast are to be located within a x.m horizontal diameter circle of the centre of the mast, this means that all antennas, aerials and mountings must be located within the horizontal diameter circle stipulated.

For illustration purposes only:



Horizontal Diameter Circle (side Elevation centred on mast)



Horizontal Diameter Circle (Plan view – not centred on mast)

ANTENNA, in relation to AMATEUR RADIO CONFIGURATION, means a device, rods or wires that transmit or receive radio signals, and includes a mounting boom, if there is one.

ALTERATION: (only applicable to heritage provisions) means any change to the physical fabric of a historic heritage building or object that varies its size, style or composition. This includes the partial destruction of a historic heritage building or STRUCTURE required to realise any such change, and includes the removal and replacement of external walls, windows, roofs, verandas, parapets and balustrades. Alteration does not include MAINTENANCE, REDECORATION, REPAIR or restoration.

ARCHAEOLOGICAL SITE: has the same meaning as in the Heritage New Zealand Pouhere Taonga Act 2014.

ENTERTAINMENT ACTIVITY means any land or buildings used for the purpose of entertainment, or social or cultural enjoyment; and includes any licensed hotel/club, casino, cinema, theatre, electronic games facility and premises controlled by the Prostitution Reform Act 2003.

ESPLANADE RESERVE: has the same meaning as defined in the Resource Management Act 1991.

ESPLANADE STRIP: has the same meaning as defined in the Resource Management Act 1991.

EXPLORATORY WIND GENERATION ACTIVITIES: mast, pole or any other support STRUCTURE to which anemometers and other meteorological devices or sensors are attached for the purpose of wind resource measurement and monitoring.

FARMING: means rural land use activities where the primary purpose is to produce livestock, vegetative matter and/or agricultural produce that relies on the productive capacity of land, and includes agriculture, pastoral farming, dairying and horticulture. For the avoidance of doubt, this includes:

- (a) Ancillary activities including the storage of products and initial processing of horticultural and agricultural products produced on site.
- (b) The storage and disposal of solid and liquid animal waste.
- (c) Greenhouses/glass houses with a permeable floor and where the soil profile is maintained.
- (d) Woodlots up to 5 hectares in area.

FORESTRY HARVESTING: means the harvesting of trees for commercial forestry, including indigenous trees specifically planted for commercial forestry purposes, for timber or other wood products or wood derivatives, but does not include the processing of trees for such products, such as sawmilling, chipping, dressing or preserving. It does not include harvesting of INDIGENOUS VEGETATION.

FORESTRY MAINTENANCE means the maintenance of trees for commercial forestry, including indigenous trees specifically planted for commercial forestry purposes, and includes but not limited to the activities of pruning, thinning, weed control and fertiliser application.

FORESTRY PLANTING (including plantation forestry): means the planting or replanting of trees for commercial forestry, including indigenous trees specifically planted for commercial forestry purposes, for timber or other wood products or wood derivatives.

[GENERAL TITLE LAND \(IN RELATION TO PAKĀINGA DEVELOPMENT\):](#) means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.

GROSS FLOOR AREA: means the sum of the area of all floors of all BUILDINGS on a SITE, measured from the exterior faces of the exterior walls or from the centre line of common boundary walls separating two (2) abutting BUILDINGS, or, in the absence of walls, from the exterior edge of the floor, but excluding vehicle MANOEUVRING and PARKING SPACES, uncovered stairways and external terraces, balconies or porches.

HAZARDOUS SUBSTANCE: means, unless expressly provided otherwise by regulations in force under the Hazardous Substances and New Organisms Act 1996, any substance:

- (a) With one or more of the following intrinsic properties: explosiveness, flammability, a capacity to oxidise, corrosiveness, toxicity (including chronic toxicity), ecotoxicity (with or without bioaccumulation); or

LANDFARMING: means the deposition of petroleum drilling wastes onto land and their subsequent spreading and incorporation into the soil, for the purpose of attenuation of hydrocarbon and/or other contaminants and includes any stripping and relaying of topsoil.

LARGE SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITIES: means electricity generation activities utilising renewable energy sources with a capacity of 20kW or greater for the purpose of exporting electricity directly into the distribution network or National Grid. Includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, vegetation clearance, and site rehabilitation works.

LINE: means a wire or wires or a conductor of any kind (including fibre optic or other cable) used or intended to be used for telecommunication, or the conveyance of electricity and includes any pole, support STRUCTURE, pole mounted transformer, overhead substation, insulator, casing, minor fixture, tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding or protecting any such wire or conductor, and also includes any part of a line. It includes transmission lines as defined in the Resource Management (National Environmental Standards for Electricity Transmission Activity) Regulations 2009. It does not include lines as part of an AMATEUR RADIO CONFIGURATION.

LOADING BAY: means that part of a SITE or BUILDING used for loading and unloading of vehicles exclusive of vehicle ACCESS, aisles and MANOEUVRING SPACE, and situated on the SITE it is intended to serve.

MAINTENANCE: In relation to a NETWORK UTILITY, means any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing NETWORK UTILITY. It includes the replacement of an existing line, BUILDING, STRUCTURE or other facility with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. It also includes the addition of extra lines to existing or replacement poles or other support STRUCTURES.

MAINTENANCE: (only applicable to the historic sites or sites of significance to tangata whenua in Schedule 1B) means mowing grass and lawns, general gardening, tree trimming, but does not include new EARTHWORKS, landscaping or fencing. For existing BUILDINGS, STRUCTURES and SIGNS within a scheduled historic site, it means the continuous care, repair and/or reinstatement of the BUILDING, STRUCTURE or SIGN.

MANA WHENUA: has the same meaning as defined in the Resource Management Act 1991.

MANOEUVRING SPACE: means the area of land excluding PARKING SPACE (when provided) within a SITE required to enable a vehicle both to enter and to exit a SITE via the vehicle ACCESS in a forward motion.

MARAE: means the land and buildings for the use of a Māori community family, hapū or tribe, and includes whareniui (meeting house), wharekai (dining rooms), wharepaku (ablution blocks inclusive of toilets, showers and changing rooms), wharekarakia (church), and other marae-based facilities, such as papakainga development, community activities, kohanga, childcare activities, ~~and~~ health care facilities, [and urupā](#).

MAST: means any mast, pole, tower or similar STRUCTURE designed to carry antennas, or other apparatus to facilitate TELECOMMUNICATION AND RADIOCOMMUNICATION, or AMATEUR RADIO CONFIGURATION.

- (f) Beacons and natural hazard emergency warning devices.
- (g) Meteorological services.
- (h) A project work described as a “network utility operation” by regulations made under the Resource Management Act 1991.
- (i) Roads and STRUCTUREs associated with the operation of roads such as signs, traffic signals or streetlights.
- (j) Railways and STRUCTUREs associated with the operation of railways such as signs and traffic signals.

NETWORK UTILITY BUILDING: means STRUCTUREs containing NETWORK UTILITIES needing to be kept out of the weather, such as pump houses, weather stations and meteorological enclosures, but does not include cabinets or electricity substations.

NET SITE AREA: means the total area of a site for the exclusive use of a single DWELLING UNIT including but not limited to, any area provided for PARKING SPACE or MANOUVRING SPACE and BUILDINGS, but does not include land held in common ownership, communal open space, communal PARKING SPACES or ACCESS, or ACCESS LEGS to a rear site.

NO NET LOSS: means in relation to effects on indigenous biodiversity, no overall reduction in biodiversity, as measured by type, amount and condition.

NOISE SENSITIVE ACTIVITY: means RESIDENTIAL ACTIVITIES, VISITOR ACCOMMODATION, RESIDENTIAL CARE FACILITIES, MARAE, PAKAINGA DEVELOPMENT, HOUSING FOR THE ELDERLY, hospitals, HEALTHCARE FACILITIES, CHILDCARE FACILITIES, and EDUCATION FACILITIES.

NON COMPLYING ACTIVITY: has the same meaning as defined in the Resource Management Act 1991.

NOTIONAL BOUNDARY: means a line 20 metres from any part of a DWELLING UNIT, or the legal boundary of any site where this is closer to DWELLING UNIT.

OFFICE: means commercial, professional, or administrative office; and includes any bank and premises offering financial services.

OPEN SPACE: means any Council or Crown owned land which is used and developed for formal or informal recreation activities that do not take place in BUILDINGS.

PAPAKĀINGA DEVELOPMENT: means the [integrated](#) development of multiple DWELLING UNITS, [that may include](#) Marae, [supporting cultural information/tourism centres](#) and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Maori Act 1993/Maori Land Act 1993).

[PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND:](#) means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori.

PARKING SPACE: means an area provided on SITE for the parking of vehicles either within or outside a BUILDING, with a surface area of usable shape exclusive of vehicle ACCESS, aisles and MANOEUVRING SPACE.

PEAK PARTICLE VELOCITY (ppv) TESTING: means a test, or tests to ascertain the potential for vibration from a known seismic source output and the setting of appropriate offset distances for seismic surveys.

SECTION 2: OBJECTIVES AND POLICIES

5

The District Plan sets out “objectives” being the end state or outcome that the District Plan aims to achieve or maintain for a particular zone, area or resource. The “policies” are the course of action being followed through the District Plan to achieve the objectives. Each set of policies has an “explanation” that offers further clarity and understanding to the policies framework. The “methods” show how the policies would be implemented.

The objectives and policies set out in Section 2 provide the policy framework that any resource consent application, notice of requirement or District Plan Change will be assessed against. It is likely that a number of objectives and policies will be applicable to any proposal, and therefore no single objective or policy should be considered in isolation. An overall broad judgement of the proposal should be made against all relevant objectives and policies

Section 2.1 Rural Zone

Issues

- 2.1.1** Need to provide for productive land use and other complementary rural based activities while ensuring the adverse effects on the rural environment are not excessive and do not result in incompatibility between different land uses.
- 2.1.2** Rural subdivision can provide for economic and lifestyle/living opportunities but can also negatively impact on the functioning of productive and other rural land use activities, rural character and amenity values, and create demand for services.

Land Use Activities

The Rural Zone covers the majority of the South Taranaki District, and is an important land resource resulting from the interaction of climate, topography and soil type. The characteristics of the rural environment are shaped by the interaction between natural and physical resources and human activities. Rural character, amenity values and productive use of rural land resources underpins the social, economic, and cultural wellbeing of the District.

The rural environment has been, and continues to be used in many different ways to support and provide for those living in South Taranaki. The predominant activity in the South Taranaki rural environment is dairy farming which extends across the fertile ring plain. Over time the nature of dairy farming has undergone changes, such as an increase in average farm area and stocking rate per hectare, coupled with an increase in the use of off-farm supplements. The changing nature of farming practice has resulted in changes to the scale and nature of actual and potential effects on the environment.

The present day rural environment supports a variety of other land based farming activities including dry stock farming, cropping, horticulture, exotic forestry, small niche farming land uses, and rural service activities. The nature and distribution of farming activities is largely determined by natural patterns of landform, climate and soil type. These farming activities typically have an assortment of buildings and equipment, such as packing and processing sheds, milking sheds, fertiliser depots and rural contractor’s yards. Infrastructural and other industrial-type activities also occur in the Rural Zone, such as network utility facilities (e.g. transmission lines), quarrying, aggregate processing and gravel extraction, all of which are critical to the functioning of the District.

industrial activities can continue to operate in an effective and efficient manner. This approach is implemented through the use of noise area boundaries and acoustic insulation requirements.

Methods of Implementation

The principal methods of implementation are:

- District Plan rules and performance standards permitted activities to provide for the functioning of industrial activities.
- Performance standards and setback requirements for activities so that industrial activities do not generate significant adverse effects of visual amenity, noise, vibration, odour, dust, glare and other nuisances.
- Use of concept plans in conjunction with performance standards and rules to establish the parameters for development for each site.
- Noise area boundaries and associated acoustic insulation standards for new sensitive activities in relation to the Rural Industrial Zone.
- Assessment of environmental effects through the resource consent process for proposals involving incompatible land use or activities in the Rural Zone or those not meeting performance standards. This includes assessment of cumulative effects on the long term sustainability of versatile land and productive land use.
- Conditions on resource consent applications to avoid, remedy or mitigate adverse effects on the rural character, amenity and quality of the environment, for example a road maintenance agreement to repair roads from heavy vehicle traffic damage, restrictions on hours of operation and noise levels, or landscaping, fencing and site restoration.
- Education to raise awareness about the nature, operations and potential adverse effects associated with large-scale industrial activities in rural areas.

Section 2.7 Tāngata Whenua

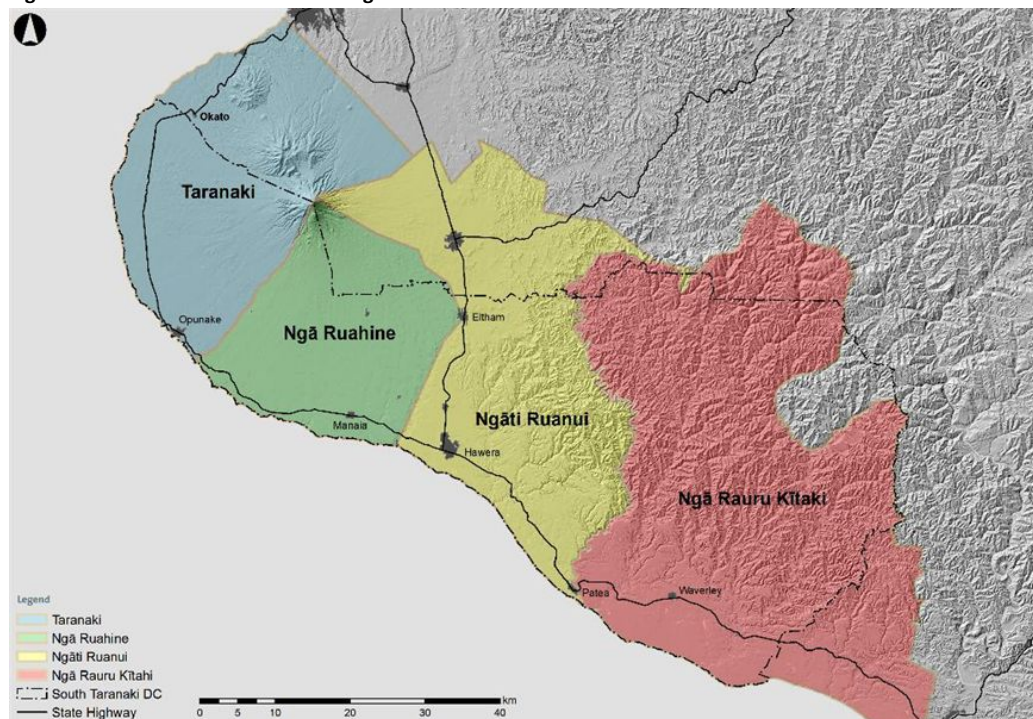
Issues

- 2.7.1** Appropriate ways need to be adopted to take account of Tāngata Whenua values and to involve Tāngata Whenua more actively in resource management processes and decision-making.
- 2.7.2** Appropriate ways to recognise ~~the principles of~~ the Treaty of Waitangi in the management of the District's natural and physical resources.
- 2.7.3** The lack of recognition of and provision for the relationship of Tāngata Whenua and their culture and traditions (including mauri) with their ancestral lands, waters, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.
- 2.7.4** Loss, damage and degradation to sites and areas of cultural and spiritual significance resulting from inappropriate subdivision, use and development of land resources.

2.7.5 Providing for development by Iwi, and hapū and whānau (e.g. Marae, papakainga housing) that enhances their social, cultural and economic well-being while sustainably managing the environment.

The South Taranaki District Council exercises its functions within the rohe of four iwi: [Taranaki](#), [Ngāruahine](#), [Ngāti Ruanui](#), and [Ngā Rauru](#). Each Iwi has its own identity, values and associations with South Taranaki. In some instances these values and associations may be the same or similar between Iwi. In other instances these values and associations may be different and unique to a particular Iwi. All four Iwi have signed a Treaty of Waitangi deed of settlement (Ngāti Ruanui (2001), Ngā Rauru (2003), Ngāruahine (2014), and Taranaki (2015)).

Figure 1: Iwi boundaries in Taranaki region



The Resource Management Act 1991 sets out particular obligations on the Council, including Section 6 requiring the relationship of Maori, their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga, be recognised and provided for as a matter of national importance. The Act also requires the protection of recognised customary activities as a matter of national importance. In addition, Section 7 states, when managing the use, development, and protection of natural and physical resources, particular regard needs to be given to Kaitiakitanga (guardianship).

In carrying out functions and powers in relation to the use, development and protection of natural and physical resources the Councils must take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8 of the Act. Three principles particularly relevant to the District Plan are partnership, participation and protection.

The principle of partnership at a local level is based on an effective working relationship between Tāngata Whenua and the Council. Like any partnership or relationship, it will develop and evolve over time. The success of this partnership will require all parties to contribute the necessary resources to enable it to develop and grow. At an applied level, this partnership includes Tāngata Whenua and the Council working together such as through sharing of information and knowledge (e.g. sites and areas of

cultural and spiritual significance to Tāngata whenua, proposals which may be of interest to Tāngata whenua) and respecting the views and obligations of each other.

For participation, this means involving Tāngata Whenua in resource management processes, such as District Plan Reviews/Changes, and resource consent applications. For example, the current practice of supplying mandated Iwi organisations with a list of recent resource consent applications enables Tāngata Whenua to be aware and respond to proposals which may be of interest and/or impact on resources of value to them.

The protection principle relates to the relationship of Maori, their culture and traditions with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga, as well as recognising customary activities. In addition, it is about applying kaitiakitanga (guardianship) managing the use, development, and protection of natural and physical resources. One particular issue in achieving this protection principle in South Taranaki is to protect values of sites and areas of cultural and spiritual significance to Tāngata Whenua. To do this requires both the identification and an understanding of the sites and areas. This process is anticipated to be led by Tāngata Whenua as the holder of this information and knowledge. One associated issue is the sensitivity of information regarding areas and sites and areas of cultural and spiritual significance.

Tāngata Whenua have a special relationship to the land and environment. The District Plan needs to address this relationship by managing the effects of land uses on land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga. In addition, it is important for Iwi and hapū to be able to maintain their traditional association with the land, whilst enabling the efficient use and appropriate development of their land to provide for their economic, social and cultural wellbeing. Certain land uses may be appropriate on Maori Land, such as Papakainga housing and Marae, given the different title structure of Maori Land. [It is also recognised that much ancestral land occupied by Iwi, hapū and whānau is held under General Title status. Opportunities to develop papakāinga housing on these lands are also provided for within the District Plan for Māori to enable development of ancestral lands in accordance with tikanga Māori, regardless of land status.](#)

Furthermore, sites and areas of cultural and spiritual significance (e.g. wāhi tapu, tauranga waka (canoe landing sites), urupa (cemetery) and pa sites) are at risk from damage and destruction from inappropriate activities and development. Particular types of works that pose a threat to these sites and areas are those that involve excavation or construction. However, there is currently limited understanding and awareness of these sites and areas which may contribute to the risks of this damage and destruction. A better understanding and awareness of these sites and areas would result in their protection.

Objectives

- 2.7.6** 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.
- 2.7.7** To protect sites and areas of cultural and spiritual significance to Tāngata Whenua from the adverse effects of inappropriate subdivision, use, and development of resources.
- 2.7.8** To recognise and provide for development by Iwi, ~~and~~ 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.
- 2.7.10** To have particular regard to the concept of Kaitiakitanga as defined by Tāngata Whenua of the District in respect of the management of natural and physical resources.
- 2.7.11** To provide for Papakāinga Development on land owned by Tangata Whenua.

5

Policies

- 2.7.122.7.12** Establish formal and informal working relationships with Tāngata Whenua within which a partnership regarding resource management matters may be defined, addressed and decided.
- 2.7.122.7.13** To actively engage with Tāngata Whenua when addressing matters of concern to Iwi and hapū, including recognition of the relationship of Tāngata Whenua and their culture and traditions with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.
- 2.7.132.7.14** To encourage, where appropriate, as part of the determination of resource consent applications, consultation with Tāngata Whenua be undertaken and reported to the decision-making authority.
- 2.7.142.7.15** Identify sites and areas of cultural and spiritual significance to Tāngata Whenua for protection from inappropriate subdivision, use and development based on criteria developed with Tāngata Whenua.
- 2.7.152.7.16** Avoid effects in the first instance, and if they cannot be avoided, then remedy or mitigate any adverse effects of activities that could destroy, degrade or damage the cultural values associated with a site or area of cultural or spiritual significance when assessing proposals for subdivision, use and development.
- 2.7.17** Enable the development of papakāinga housing whilst managing potential adverse effects on amenity values.
- 2.7.162.7.18** Allow for papakāinga on General Title land where there is a demonstrated ancestral connection to the land and that the land is intended to remain with Maori long term.
- 2.7.172.7.19** Enable the development and maintenance of Marae whilst managing effects on the character and amenity of the Residential, Commercial and Rural Zones.
- 2.7.182.7.20** Identify the Parihaka Cultural Area and recognise its historical and cultural significance to Tāngata Whenua and the community, by providing for development and a range of activities based on the needs and values of Tāngata Whenua.
- 2.7.192.7.21** Recognise and provide for development and a range of activities by Iwi, ~~and~~ hapū **and whānau** on key sites to meet the needs and values of Tāngata Whenua.

Explanation of Policies

An effective working relationship between the Council and Tāngata Whenua in respect of resource management will continue to grow and develop with ongoing communication and commitment.

One key principle of the Treaty of Waitangi is the concept of partnership. The creation of the framework within which this can be achieved at a local level is dependent on the development of an effective working relationship between the Council and Tāngata Whenua. It is also reliant on the 'partnership' being able to develop, and the necessary resources, being made available to allow participation by Tāngata Whenua. These matters will continue to be addressed through the resource management framework. It is important that the community continues to be part of this process.

It is recognised that the relationship of Tāngata Whenua with their lands is typically a historic relationship. There is a desire by Tāngata Whenua to maintain and enhance this traditional relationship, both in terms of the current economic and social context and traditional setting. The Council will be largely dependent on Tāngata Whenua in identifying opportunities for how their traditional relationship can be maintained or enhanced.

Some proposals may be of interest or concern to Tāngata Whenua where their relationship with, and culture and traditions relating to land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga, may be adversely affected. Actively engaging with Tāngata Whenua can assist with understanding the history of a site and, the effects of the proposal, and if effects are identified, how these effects can be avoided, remedied or mitigated. Specific sites or types of activities that may be of interest or concern to Tāngata Whenua include:

- Proposals that affect statutory areas identified in Statutory Acknowledgements.
- Land development, subdivision, earthworks or other disturbance activities on sites that contain or are close to wāhi tapu, waka landing sites, locations for gathering kaimoana or other cultural sites or taonga.
- Disposal of waste in sites and areas of cultural and spiritual significance, such as the Coastal Protection Area and Outstanding Natural Features and Landscapes.
- Modification of wetlands.

The protection of the values of sites and areas of cultural and spiritual significance to Tāngata Whenua requires both identification and an understanding of the sites and areas. As the information regarding these sites and areas is held by Iwi there needs to be appropriate processes in place to ensure that this information is made available in a timely fashion where a development has potential to adversely impact on these sites and areas. If the Council is not aware of the sites or values of these sites and areas then it becomes very difficult to assess the impact that any development may have. Policies 2.13.12-2.13.15 therefore also applies to the identification of sites or areas of cultural or spiritual significance by Tāngata Whenua during the resource consent process.

Identification of sites or areas of cultural or spiritual significance in a Schedule and shown on the Planning Maps is seen as an important step in moving towards a proactive approach. However, it is recognised that information about some sites and areas will be sensitive and Iwi may choose to limit the amount of information made publicly available. Compiling this Schedule will require on-going consultation with Tāngata Whenua and the development of criteria to determine if sites or areas should be listed in the Plan depending on their cultural and spiritual significance. It is anticipated this process for identifying sites or areas will be initiated and led by Iwi. A plan change or variation may be required in future to include these sites and areas to the District Plan.

Where sites or areas are not formally included in the District Plan it is recognised that the role that Tāngata Whenua can play within the planning process is more limited and is likely to be as an affected party for certain activities or activities in the coastal environment, near waterbodies or ground disturbance, or as a submitter when a resource consent application is notified. It is also noted that sites where archaeological evidence is uncovered will be protected by the Heritage New Zealand Pouhere Taonga Act 2014 which makes it unlawful for any person to modify or destroy, or cause to be modified

or destroyed, the whole or any part of an archaeological site without prior authority of Heritage New Zealand.

Furthermore, the Council is obliged to include Statutory Acknowledgements arising from Treaty of Waitangi settlements in its District Plan. A Statutory Acknowledgement is a formal recognition by the Crown of the mana of Tāngata Whenua over a specified area. It recognises the particular cultural, spiritual, historical and traditional association of an Iwi with the site, which is identified as a Statutory Area. In South Taranaki, these sites and areas include rivers (e.g. Pātea River, Waitotara River), recreation and conservation areas (e.g. Nukumarū Recreation Reserve). These statutory areas are used to inform provisions in the District Plan (e.g. schedules), decisions on who have affected person status for notification decisions for resource consent applications, and decision-making on proposals requiring resource consent.

Iwi and hapū seek to provide for and maintain their traditional institutions, such as Marae and papakainga housing, which foster retention of the customs and traditions of Maori. The District Plan provides for these institutions while ensuring the effects arising from this type of development do not adversely impact on the surrounding environment.

[Provision is made for papakāinga on General Title Land in the District Plan where applicants can demonstrate long-term ownership and maintenance of the land title to ensure these developments are retained by Iwi, hapu and whanau long-term. In these cases, evidence such as historic titles that shows the land has been held in whanau ownership, and holding the land in a Trust can be utilised.](#)

Specific provision is made in the District Plan for the settlement of Parihaka due to its historical significance and future aspirations. The District Plan provides for papakainga housing, visitor and recreational centres, commercial development and servicing to be established in the settlement. Site-specific provisions are applied to the Parihaka site to provide for the anticipated future development, while also ensuring the adverse effects are avoided, remedied or mitigated. Furthermore, recognition is also made for Iwi or hapū that may wish to develop local community facilities and papakainga housing on other sites in the district.

Methods of Implementation

The principal methods of implementation are:

- Individual relationship agreements are seen as an important tool to facilitate on-going dialogue and engagement between mandated iwi organisations and the Council as a basis to foster the partnership for dealing with resource management matters.
- Develop operational procedures between the Council and mandated Iwi organisations for resource consent applications for proposals that may adversely affect identified areas and sites and areas of cultural and spiritual significance, including when Iwi are identified as an affected party under the RMA. These procedures describe how the Council and Iwi can effectively interact, and would recognise that knowledge of these sites and areas is held by Iwi, sharing of information can assist in better decision-making, and that some information is culturally sensitive.
- Develop criteria to assess sites and areas of cultural and spiritual significance to Tāngata Whenua, including in the coastal environment, and identification on Planning Maps and listing in a District Plan schedule. The process for identifying sites and areas is to be initiated and led by Iwi.
- Adopt targeted District Plan rules and performance standards relating to the protection of sites and areas of cultural and spiritual significance, [and the provision of papakainga housing and Marae.](#)

- [In providing for papakāinga on Māori owned land, papakāinga will be provided for on land held under Te Ture Whenua Māori Act 1993; and allowed on general title land owned by Māori where it can be demonstrated that there is a whakapapa or ancestral connection to the land, and the land will remain in Māori ownership.](#)
- Identification of the Parihaka Cultural Area for the Parihaka site and apply site-specific District Plan rules and performance standards to manage the nature and scale of development and activities.
- Conditions on resource consents to ensure the adverse effects of land use, subdivision or development are avoided, mitigated or remedied on sites and areas of cultural and spiritual significance, as well as in recognising and providing for the relationship the 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.
- Statutory acknowledgements that arise from Treaty of Waitangi settlements will be attached to the District Plan. The Council will have regard to these acknowledgements in its decision-making, such as when determining who may be adversely affected by a resource consent for activities within, adjacent to, or impacting directly on a statutory area identified in a statutory acknowledgement.
- The Council will encourage the preparation and lodgement of Iwi Management Plans by Iwi. Where the Plans have been lodged with the Council, Council will be guided by their contents to the extent that they are relevant to the resource management issues of the District.
- Develop operational procedures to outline how and when landowners would be included in any identification of sites and areas of interest to Tāngata Whenua, if Tāngata Whenua interests extend over land held in private ownership. This includes the identification of sites and areas of interest to Tāngata Whenua in resource consent applications, notices of requirement and/or future plan change processes.
- Actively encourage applicants to engage in discussions with Tāngata Whenua before lodging an application, and preferably prior to preparing any application.

Section 2.8 Transportation

Issues

- 2.8.1** The safe and efficient operation of the road and rail networks can be adversely affected by subdivision, land use and development, such as through additional traffic volumes, unsafe access and intersection arrangements, and over use of roads for parking.
- 2.8.2** Sensitive activities (e.g. residential dwellings) located in close proximity to major transport infrastructure can result in reverse sensitivity effects.
- 2.8.3** A disconnect between land use planning and transport planning can result in inefficient use of land, provision of excessive transport infrastructure, and higher costs for moving people and goods.
- 2.8.4** The safe and efficient functioning of the Hāwera Aerodrome and its future development could potentially be jeopardised by development in close proximity.

Safe and Efficient Operation of Road and Rail Networks

SECTION 3: RURAL ZONE RULES

3.1 CATEGORIES OF ACTIVITIES

3.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Rural Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 3.2 and all other Sections of the District Plan:

- (a) Farming and intensive farming activities.
- (b) Rural service activities.
- (c) Residential activities.
- (d) Home occupations.
- (e) Marae.
- (f) Papakainga development [on land held under Te Ture Whenua Māori Act 1993](#).
- (g) Community activities.
- (h) Open space.
- (i) Operation and use of existing camping grounds/motor camps.
- (j) Home-based childcare service.
- (k) Home based visitor accommodation.
- (l) Holiday homes.
- (m) Forestry planting, forestry maintenance, and forestry harvesting.
- (n) Aggregate/soil extraction.
- (o) Airport operations and development at Hāwera Aerodrome.
- (p) Within land administered by the Department of Conservation:
- (q) Construction, maintenance and removal of accommodation (huts) and toilets, visitor information signs, staff accommodation, information centres, and storage sheds.
- (r) Commercial guiding and outdoor recreation activities.
- (s) Species protection and conservation management work, including restoration and re-vegetation work.
- (t) Control of pest plants and animal pests.
- (u) Within the Parihaka Cultural Area:
 - (i) Education and childcare facilities (including Kohanga Reo and Kura Kaupapa).
 - (ii) Farmers and craft markets.

- (iii) Papakainga housing.
 - (iv) Marae.
 - (v) Residential care facilities.
 - (vi) Community facilities.
 - (vii) Retail activities.
 - (viii) Tourism information and museum activities.
 - (ix) Temporary activities.
 - (x) Small-scale renewable electricity generation.
 - (xi) Community wastewater treatment system.
 - (xii) Car parks.
- (v) Stock loading and unloading facilities.
 - (w) Recreational vehicles or other easily moveable buildings, such as caravans, and motor homes and porta cabins, used for temporary residential housing for up to six (6) months within a calendar year.
 - (x) Activities on the surface of any waterbody.
 - (y) Earthworks within the National Grid Yard.
 - (z) Buildings and structures within the National Grid Yard.
 - (aa) The construction, alteration of, addition to, removal and demolition of buildings and structures for any permitted activity.
 - (bb) Landfarming.

Note: For activities occurring within 30 m of a Gas Pipeline as shown on the Planning Maps, consultation with Vector Gas Limited should be undertaken.

3.1.2 CONTROLLED ACTIVITIES

The following activity is a controlled activity in the Rural Zone:

- (a) The keeping of goats within two (2) kilometres of Egmont National Park and the contiguous areas of land administered by the Department of Conservation as shown the Planning Maps.

Matters over which the Council reserves its control:

- (i) Potential adverse effects on significant indigenous vegetation and habitat.
- (ii) The suitability of fencing for effectively containing goats within the property, having regard to both the fencing standards in [Rural Zone Appendix 2] and nature of the terrain.
- (iii) Annual inspection of fences by the consent holder and reporting to the Council.
- (iv) Annual reporting of stock numbers to the Council by the consent holder.
- (v) Procedures for reporting of breaches of the fence and escapes to Council and the Department of Conservation.

- (vi) Robust identification of stock.
- (vii) Methods of disposal of stock if farming ceases.

Notification Statement

Where an activity requires resource consent solely because of this rule, then the application does not need to be publicly notified but must be served on the Department of Conservation who will be considered an affected person.

Note: Deer farming within 7km of Egmont National Park is prohibited by Gazette Notice #5, 2008.

- (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.

Matters to which the Council restricts its control:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.
- (ii) Effects on character and amenity values.
- (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.
- (iv) Connection to services.
- (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.

3.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Rural Zone:

- (a) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 3.1.1 which does not meet one or more of the performance standards in Section 3.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met, except where specifically identified in other rules below.

- (b) Any activity that will generate unusual heavy vehicle traffic.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating the effects of the increase in heavy vehicle movements beyond the boundary of the site.
- (ii) Road safety, maintenance and upgrades.
- (iii) Dust.
- (iv) Noise.
- (v) Hours of operation.

- (vi) Heavy vehicle traffic routes.
 - (vii) Access.
 - (viii) Whether a review condition is necessary.
 - (ix) Financial contributions.
- (c) Industrial activities occupying existing buildings.
- Matters to which the Council restricts its discretion:
- (i) Location.
 - (ii) Landscaping.
 - (iii) Appearance.
 - (iv) Heavy vehicle movements.
 - (v) Financial contributions.
- (d) Forestry planting which does not meet one or more of the performance standards in Section 3.2.9.
- Matters to which the Council restricts its discretion:
- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular standard(s) that is not met.
 - (ii) Shading and landscaping.
 - (iii) Effects on adjacent properties.
- (e) Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for residential housing for more than six (6) months within a calendar year.
- Matters to which the Council restricts its discretion:
- (i) Duration of use.
 - (ii) Effects on the surrounding character and amenity values.
 - (iii) Location.
 - (iv) Appearance.
 - (v) Landscaping.
 - (vi) Connection to services.
 - (vii) Proximity to public amenities (parks, beaches).
- (f) Activities on surface of rivers and lakes which cannot meet one or more of the performance standards for permitted activities.
- Matters to which the Council restricts its discretion:
- (i) Protection of natural character, conservation, ecological, amenity, heritage and cultural values.
 - (ii) Compliance with relevant statutes, regulations and licences.
 - (iii) Nature and scale of the activity.
 - (iv) Noise.

- (v) Access.
- (g) Any childcare facility that provides for more than 4 children and up to a maximum of 30 children.

Matters to which the Council restricts its discretion:

- (i) Effects on character and amenity values.
- (ii) Location and characteristics of the site.
- (iii) Traffic effects.
- (iv) Parking effects.
- (v) Noise.
- (h) Within 50m of the natural waterbody of a river or stream listed for Natural Hazard values in Schedule 5, the construction or addition to any building.

Matters to which the Council restricts its discretion:

- (i) Risks from natural hazards and to public health and safety, including whether the activity would accelerate or worsen natural hazard risks.
- (ii) Building location, design, floor level and ability to be relocated.
- (iii) Changes to existing land contour and site reinstatement.
- (iv) Potential to displace floodwaters onto adjoining properties and associated site drainage.
- (v) Sewage disposal.
- (vi) Effects on recreational values, public access and the natural and conservation values of the Significant Waterbody.
- (i) Within 30m of the natural waterbody of any river or stream listed in Schedule 5 with values other than natural hazards, the construction or addition to any building.

Matters to which the Council restricts its discretion:

- (i) Effects of the proposed building on the values for which the significant waterbody has been identified in Schedule 5.
- (ii) Building location and design.
- (iii) Changes to existing land contour and site reinstatement.
- (iv) Potential to displace floodwaters onto adjoining properties and associated site drainage.
- (j) Any building within 500m of the Significant Waterbody of Lake Rotorangi, except for any buildings for the Pātea Hydro Scheme, Lake Rotorangi Campground or Hāwera Water Ski Club (500m setback is shown on the map in Natural Environment Appendix 1).

Matters to which the Council restricts its discretion:

- (i) Effects on natural character and landscape values, visual amenity, recreational values, cultural values, and quality of the environment.
- (k) Within the National Grid Yard, any earthworks and/or aggregate/soil extraction that does not comply with performance standards in Rule 3.2.13.1.

Matters to which the Council restricts its discretion:

- (i) Impacts on the operation, maintenance, upgrade and development of the National Grid.
 - (ii) Compliance with NZECP34:2001.
 - (iii) Technical advice provided by Transpower.
 - (iv) The risk to the structural integrity of the National Grid.
 - (v) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.
 - (vi) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- (l) Any building within 20m of the secured yard of a National Grid substation.

Matters to which the Council restricts its discretion:

- (i) The extent to which the development may adversely affect the efficient operation, maintenance, upgrading and development of the substation.
 - (ii) The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines and the substation.
 - (iii) The results of any detailed investigations to determine appropriate separation distances between activities sensitive to National Grid lines and the substation.
 - (iv) Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation.
 - (v) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- (m) Additions to existing noise sensitive activities within the Outer Control Boundary (OCB) of Hāwera Aerodrome shown on Planning Maps (Special Map 1).

Matters to which the Council restricts its discretion:

- (i) The nature, size and scale of the proposed development.
 - (ii) The internal noise environment of the proposed addition.
 - (iii) The effects on the safe and efficient functioning and operation of Hāwera Aerodrome.
- (n) Any building or aggregate/soil extraction within 100m of the Pātea River.

Matters to which the Council restricts its discretion:

- (i) Effects on the cultural values and the relationship of Maori and their culture and traditions with the Pātea River.
- (ii) Effects on public access, recreational values, natural character, landscape values, and visual amenity.

(o) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 3.2.

Matters to which the Council restricts its discretion:

- (i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.

(ii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will seek advice from the relevant iwi authority and will rely on this advice. The matters that Council will seek advice from iwi authorities on include:

a. where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;

b. any other matter related to tikanga Māori.

(p) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 3.2.

Matters to which the Council restricts its discretion:

(vi) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.

(vii) Effects on character and amenity values.

(viii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.

(ix) Connection to services.

(x) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.

In relation to Papakainga developments on general title land are the additional matters of discretion:

(iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.

(v) The land will remain in Māori ownership in the long-term. Evidence of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will seek advice from the relevant iwi authority and will rely on this advice. The matters that Council will seek advice from iwi authorities on include:

a. where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;

b. any other matter related to tikanga Māori.

3.1.4 DISCRETIONARY ACTIVITIES

- (a) Aggregate/Soil Extraction which does not meet one or more of the performance standards in Section 3.2.10, except within the National Grid Yard (refer Rule 3.1.3(k) or Rule 3.1.5(c)(vi)) or in the Coastal Protection Area (refer Rule 17.1.5(a)(i)).
- (b) Any industrial activity, other than those in existing buildings (refer Rule 3.1.3(c)).

- (c) Community activities which do not meet one or more Permitted Activity performance standards.
- (d) Any community activity designed to accommodate a maximum occupancy of more than 100 people within a building(s).
- (e) New camping grounds/motor camps or upgrades to existing camping grounds/motor camps.
- (f) Any childcare facility which provides for more than 30 children.
- (g) Commercial activities.
- (h) Entertainment activities.
- (i) Visitor accommodation
- (j) Wastewater treatment facilities.
- (k) Private function centres/facilities.
- (l) Any retail activity which occupies 500m² or less gross floor area.
- (m) Any additions or alterations of habitable rooms up to 20% of GFA to existing sensitive activity which is either:
 - (i) within a Petroleum Activity Risk Contour shown on the Planning Maps, or
 - (ii) within 250m of a well-site or 650m of a petroleum production station/gas treatment plant which does not have a Petroleum Activity Risk Contour shown on the Planning Maps.

The GFA to be at the date the District Plan is made operative.
- (n) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.

3.1.5 NON-COMPLYING ACTIVITIES

- (a) Any retail activity which occupies more than 500m² gross floor area.
- (b) New noise sensitive activities within the Outer Control Boundary (OCB) of Hāwera Aerodrome shown on Planning Maps (Special Map 1).
- (c) Within the National Grid Yard:
 - (i) Any new building or addition to an existing building for a sensitive activity.
 - (ii) Any change of use to a sensitive activity or the establishment of a new sensitive activity.
 - (iii) Dairy/milking sheds or buildings (excluding associated ancillary structures) intensive farm buildings, Pseudomonas syringae pv. actinidiae (PSA) structures, and commercial greenhouses.
 - (iv) Note: PSA is a bacterium that can result in the death of kiwifruit vines.
 - (v) Significant hazardous facilities.
 - (vi) Any building or structure not permitted by Rule 3.1.1 (z).

- (vii) Earthworks and/or aggregate/soil extraction that does not comply with performance standards in Rule 3.2.13, points (b) or (c).
- (d) Any new sensitive activity within 250m of a well-site or 650m of a petroleum production station/gas treatment plant which does not have a Petroleum Activity Risk Contour shown on the Planning Maps.
- (e) Any new sensitive activity within a Petroleum Exploration or Petroleum Production Activity Risk Contour shown on the Planning Maps.
- (f) Any additions or alterations of habitable rooms 20% or greater of GFA to existing sensitive activity which is either:
 - (i) within a Petroleum Exploration or Petroleum Production Activity Risk Contour shown on the Planning Maps; or
 - (ii) within 250m of a well-site or 650m of a petroleum production station/gas treatment plant which does not have a Petroleum Activity Risk Contour shown on the Planning Maps.

The GFA to be at the date the District Plan is made operative.

3.1.6 PROHIBITED ACTIVITIES

None.

3.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

The following performance standards shall apply to all permitted activities:

3.2.1 Number of Dwelling Units

- (a) The maximum number of dwellings units per site shall be:
 - (i) One dwelling unit per site under 20 hectares.
 - (ii) Two dwelling units per site between 20 – 40 hectares.
 - (iii) Three dwelling units per site between 40 – 60 hectares.
 - (iv) Four dwelling units per site over 60 hectares.
 Except that:
 - (v) Papakainga development is exempt from the above maximum number of dwellings units.

3.2.2 Bulk and Location

- (a) Buildings shall comply with the height and location requirements in Table 1.

Table 1: Height and Location Requirements

Type of activity	Minimum setback: State Highway	Minimum setback: Road boundary	Minimum setback: Other site boundaries	Maximum height	Additional setbacks/requirements
Dwelling unit, home occupation and other sensitive activities	20 m	10 m	10 m	10 m	<p>Minimum setbacks:</p> <p>300m from intensive farming buildings on any other site under separate ownership.</p> <p>150m from piggery effluent or human effluent storage and treatment facilities.</p> <p>150m from any dairy/milking shed, solid and liquid animal storage and treatment facilities or soil or aggregate extraction (e.g. quarries) on any other site not in the same ownership.</p> <p>40m from the edge of existing plantation forestry on any other site under separate ownership.</p> <p>10m from rail corridor boundary.</p> <p>50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and 30m from all other Significant Waterbodies in Schedule 5</p> <p>100m from the Pātea River.</p> <p>250m from well-sites which do not have a Petroleum Activity Risk Contour shown on the Planning Maps.</p> <p>For the purposes of this rule, the 250m distance is measured from the source of risk (i.e. location of existing or consented wellheads and/or surface production equipment).</p> <p>Where the source of risk cannot be identified, then the 250m distance is measured from:</p> <ul style="list-style-type: none"> • the security fence; or • if the security fence cannot be identified, the drilling pad for that well-head; or • if the security fence and drilling pad cannot be identified, the property boundary. <p>650m from a petroleum production station/gas treatment plant which does not have a Petroleum Activity Facility Risk Contour shown on the Planning Maps.</p> <p>For the purposes of this rule, the 650m distance is measured from the security fence within which the</p>

Type of activity	Minimum setback: State Highway	Minimum setback: Road boundary	Minimum setback: Other site boundaries	Maximum height	Additional setbacks/requirements
					hazardous substances are used and stored at the petroleum station/gas treatment plant.
Intensive farming buildings	75 m	75 m	75 m	15 m	Minimum setbacks: 300m to any dwelling unit or other sensitive activity on any other site. 600m to any Residential, Township or Commercial Zone. 50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and 30m from all other Significant Waterbodies in Schedule 5 100m from the Pātea River.
Stock loading and unloading facilities	0 m	0 m	5 m	10 m	Shall be located so that no stock vehicles are located in the formed road when loading or unloading. 10m from rail corridor boundary.
Dairy/Milking Sheds	10 m	10 m	15 m	15 m	150m to any dwelling unit or other sensitive activity on any other site under separate ownership. 50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and 30m from all other Significant Waterbodies in Schedule 5. 100m from the Pātea River.
Farm and other buildings	10 m	10 m	5 m	15 m	10m from rail corridor boundary. 50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and 30m from all other Significant Waterbodies in Schedule 5. 100m from the Pātea River.

- (b) Buildings shall be contained within a building recession plane from points 3m above site boundaries as shown in Section 4: Residential Zone Appendix 1.
- Except that:
- (i) The recession plane shall not apply to road boundaries.
 - (ii) Intensive farm buildings and stock unloading and unloading facilities are exempt from the Building Recession Plane requirements.
- (c) Within the Parihaka Cultural Area, the following standards shall apply to all permitted activities.
- (i) All buildings shall be located no closer than 5m to any road or other boundary.
 - (ii) No part of any building shall extend more than 15m above natural ground level.

- (iii) The total gross floor area of all retail activities (excluding tourism related activities) within the Parihaka Cultural Area shall not exceed 400m².

Except as provided for above, marae and papakainga development shall comply with the standards set out in Rule 3.2.1.

Note: All buildings within the Parihaka Cultural Area are exempt from the performance standards in Section ~~3.2.13-2.1~~: Number of Dwelling units and the “additional setbacks/requirements” in Rule 3.2.2.1: Bulk and Location.

3.2.3 Home Occupations

- (a) The total floor area dedicated to home occupations on a site shall not exceed 50m².

3.2.4 Lighting

- (a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of a site zoned Residential in separate ownership, or at the notional boundary of an existing dwelling unit on a site in separate ownership in the Rural Zone.

3.2.5 Outdoor Storage

- (b) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining properties and from roads.

3.2.6 Odour

- (a) No activity shall result in offensive or objectionable odours to the extent that it causes an adverse effect at or beyond the boundary of the site in which the activity is located on.

Note 1: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the “FIDOL factors” shall be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of where the odour is measured (i.e. the sensitivity of the receiving environment).

Note 2: This performance standard shall not apply if the discharge of odour is authorised by a discharge permit granted by the Regional Council.

3.2.7 Access and Rooding

- (a) Where on-site parking or loading spaces are provided, they, along with vehicle access and manoeuvring areas must be in accordance with Section 10: Parking and Transportation.

3.2.8 Flood Hazard Area

- (a) Any new dwelling unit to be located within the Flood Hazard Area shall be designed with a finished floor level above a 0.5% Annual Exceedance Period (1 in 200 year) flood event.

3.2.9 Forestry Planting

- (a) Forestry planting shall comply with the following setbacks:
- (i) 15 m to any road or rail boundary.
 - (ii) 10 m to any site boundary in separate ownership.
 - (iii) 40 m from any existing dwelling unit on a site in separate ownership.
- (b) Forestry planting shall not be planted or allowed to grow in any position which could result in any icing of a road as a result of shading of the road surface between 10.00am and 2.00pm on the shortest day (refer to Rural Zone Appendix 1 for guidance).

Note: If there is a recorded archaeological site within 100 m of the vicinity of the proposed work, or if the presence of an archaeological site is suspected, the operator is advised to contact Heritage New Zealand for further information. Work that may modify or destroy any archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014, separate to the District Plan consent requirements.

3.2.10 Aggregate/Soil Extraction

- (a) Aggregate/Soil Extraction shall comply with the following standards:
- (i) Not exceed 1,000m³ of extracted material within any site per 12 month period.
 - (ii) Setbacks of:
 - (a) 150m from existing dwelling units, home occupations and sensitive activities on sites under separate ownership.
 - (b) 20m from identified heritage building/object in Schedule 1A, historic site or sites of significance to tangata whenua in Schedule 1B.
 - (c) 100m from Significant Natural Areas in Schedule 2.
 - (d) 100m from the Pātea River.
 - (e) 50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and
 - (f) 30m from all other Significant Waterbodies in Schedule 5.
 - (iii) Not use blasting as a method of exploration or extraction unless a copy of the necessary licence obtained from Worksafe New Zealand has first been submitted to the Council, and at least 48 hours' notice has been given to all property owners and occupiers within a 1 km radius of the blasting site.
 - (iv) Provide landscaping and planting of at least 2 m depth at site boundaries where the extraction area is visible from a public road, public place, or any dwelling unit on a site in separate ownership.
 - (v) Achieve compliance with Performance Standards 3.2.14 Earthworks in the National Grid Yard.
 - (vi) All excavated and disturbed areas shall be progressively rehabilitated (except where otherwise used for permitted activities or provided for by resource consent conditions). Any planting (grass or other vegetation) shall take place as soon as practicable (within the next growing season) following the completion of the excavation activity.

Note: If there is a recorded archaeological site within 100 m of the vicinity of the proposed work, or if the presence of an archaeological site is suspected, the operator is advised to contact Heritage New Zealand for further information. Work that may modify or destroy any archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014, separate to the District Plan consent requirements.

3.2.11 Hāwera Aerodrome Protection Area

- (a) No building, mast, pole, other structure or tree shall penetrate the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.
- (b) No road or railway shall be building above or within 4.6m vertically of the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.

3.2.12 Activities on Surface of Rivers and Lakes

- (a) Activities on the surface of waterbodies:
 - (i) Shall be moored on the surface of a waterbody for less than a 12 month period, and shall dispose of all effluent onshore.
 - (ii) Shall not be commercial activities.
 - (iii) Shall comply with the maximum noise standards for the Rural Zone.

Note:

- (iv) Noise from motorcraft on waterbodies are exempt from the Noise standards in Section 11.
- (v) The Taranaki Regional Council Freshwater Plan manages all structures in, on, or under the beds of rivers and lakes, and the damming or diversion of any water.

3.2.13 Earthworks in the National Grid Yard

- (a) Earthworks shall be no deeper than 300mm within 12m of any National Grid support structure foundation.

Except that vertical holes not exceeding 500mm in diameter are exempt, provided they:

- (i) Are for a rural fence; and
- (ii) Are at least 5m from the visible outer edge of a National Grid support structure foundation.
- (b) Earthworks and agricultural cultivation shall not compromise the stability of a National Grid support structure.
- (c) Earthworks and agricultural cultivation shall not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP 34:2001 (Working near Power Lines).

The following are exempt from point 1 above:



- (i) Earthworks undertaken by a network utility operator (complying with NZECP 34:2001).
- (ii) Earthworks undertaken as part of normal rural cultivation, or repair, sealing or resealing of a road (including a farm track), footpath, or driveway.
- (iii) Earthworks that comply with the requirements in Clause 2.2.3 of the NZECP34:2001.

Note: Aggregate/Soil Extraction activities shall also comply with Performance Standards 3.2.14 Earthworks in the National Grid Yard.

3.2.14 Buildings and Structures in the National Grid Yard

Under the National Grid Conductors (wires)

- 5**
- (a) All sites within any part of the National Grid Yard, buildings and structures shall:
 - (i) If they are for a sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur, or
 - (ii) Be a fence which is either:
 - (a) Less than 2.5m high and at least 5 m from the nearest support structure.
 - (b) Located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of the NZECP 34:2001 (Working near Power Lines); or
 - (iii) Be a network utility (excluding buildings and structures for dams and irrigation schemes)
 - (iv) Be an uninhabitable farm building or structure for farming activities (but not a milking/dairy shed (excluding ancillary structures), *Pseudomonas syringae* pv. *actinidiae* (PSA) Structures, or intensive farming buildings); or

Note: PSA is a bacterium that can result in the death of kiwifruit vines.
 - (v) Be an uninhabited horticultural building or structure other than a commercial greenhouse or intensive farming building.
 - (b) All buildings or structures permitted by point 1 above shall comply with at least one of the following standards:
 - (i) A minimum vertical clearance of 10 m below the lowest point of the conductor associated with National Grid lines; or
 - (ii) Demonstrate that safe electrical clearance distances required by NZECP 34:2001 (Working near Power Lines) are maintained under all National Grid line operating conditions.

Around National Grid Support structures

- (c) Buildings and structures shall be at least 12m from a National Grid support structure unless it is a:
 - (i) Network utility (excluding buildings and structures for dams or irrigation); or
 - (ii) A fence which is either:
 - (a) Less than 2.5m high and at least 5m from the nearest support structure; or
 - (b) Located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of the NZECP 34:2001.
 - (iii) Horticultural structure between 8m and 12m from a single pole support structure that:
 - (a) Meets the requirements of the NZECP 34:2001 (Working near Power Lines) for separation distances from the conductor;
 - (b) Is no more than 2.5m high;
 - (c) Is removable or temporary, to allow a clear working space 12 m from the pole when necessary for maintenance and emergency repair purposes; and

- (d) Allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane.
- (iv) A new horticultural structure or uninhabitable farm building or structure (excluding milking/dairy sheds and intensive farming buildings) where Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 (Working near Power Lines) to be located within 12m of a tower or 8m of a pole support structure.

5

Advice Notes

Note: Vegetation to be planted near electricity lines (including the National Grid) should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to telecommunications and electricity lines (including the National Grid). Compliance with the permitted activity standards of the Plan does not ensure compliance with the NZECP 34:2001.

Notification Statement

Where an activity requires resource consent solely because it is within a National Grid Yard, or within 20m of a National Grid substation then the application need not be publicly notified and need not be served on any affected person apart from Transpower New Zealand Limited who will be considered an affected person.

SECTION 4: RESIDENTIAL ZONE RULES

4.1 CATEGORIES OF ACTIVITIES

4.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Residential Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 4.2 and all other Sections of the District Plan:

- (a) Residential activities.
- (b) Residential care facilities.
- (c) Home occupations.
- (d) Marae.
- (e) Papakainga development on land held under Te Ture Whenua Māori Act 1993.
- (f) Community activities.
- (g) Open space.
- (h) Home based childcare service.
- (i) Home based visitor accommodation.
- (j) Holiday homes.
- (k) Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for temporary residential housing for up to six (6) months within a calendar year.
- (l) On Section 42 Carlyle SBRN (30 Victoria Street, Pātea) and Lots 11 – 13 DP 3265 (89 Collins Street, Hāwera), Commercial activities and/or offices.
- (m) The construction, alteration of, addition to, removal and demolition buildings and structures for any permitted activity.

4.1.2 CONTROLLED ACTIVITIES

~~None.~~

- (n) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or parking and access requirements (Rule 4.2.9).

Matters to which the Council restricts its control:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met. Matters include:

- a. Site Layout.
- b. Scale and design of buildings.
- c. Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- d. Location, function and amenity of on-site open space.
- e. Parking, access, extent of impervious surfaces and landscaping.

4.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Residential Zone, provided activities comply with all relevant Restricted Discretionary Activity Performance Standards in Section 4.3:

~~(A)~~(o) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 4.1.1, which does not comply with one or more of the performance standards in Section 4.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met, except where specifically identified in other rules below.

~~(P)~~(p) Dwelling units which do not comply with one or more of the permitted activity performance standards for net site area (Rule 4.2.1.1), bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or parking and access requirements (Rule 4.2.9).

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met. Matters include:
 - (i) Site Layout.
 - (i) Scale and design of buildings.
 - (ii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
 - (iii) Location, function and amenity of on-site open space.
 - (iv) Parking, access, extent of impervious surfaces and landscaping.

~~(P)~~(q) Housing for the Elderly where the net site area per dwelling unit is, at minimum, 280m².

Matters to which Council restricts its discretion:

- (i) Site Layout.
- (ii) Scale and design of buildings.
- (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- (iv) Location, function and amenity of on-site open space.
- (v) Parking, access, extent of impervious surfaces and landscaping.

- (v) Effects from the construction and operation of any medical, recreational, communal and staff facilities associated with the development.

~~(q)(r)~~ Any childcare facility up to a maximum of 30 children.

Matters to the Council restricts its discretion:

- (i) Effects on residential character and amenity values
- (ii) Location and characteristics of the site.
- (iii) Traffic effects.
- (iv) Parking effects.
- (v) Noise.

~~(+)(s)~~ Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for residential housing for more than six (6) months within a calendar year.

Matters to which the Council restricts its discretion:

- (vi) Duration of use.
- (vii) Effects on the surrounding residential character and amenity values.
- (viii) Location.
- (ix) Appearance.
- (x) Landscaping.
- (xi) Connection to services.
- (xii) Proximity to public amenities (parks, beaches).

(t) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 4.2.

Matters to which the Council restricts its discretion:

- (i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.
- (ii) The land will remain in Māori ownership in the long-term. Evidence of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will seek advice from the relevant iwi authority and will rely on this advice. The matters that Council will seek advice from iwi authorities on include:

a. where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;

b. any other matter related to tikanga Māori.

(u) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or parking and access requirements (Rule 4.2.9).

Matters to which the Council restricts its discretion:

(ii) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met. Matters include:

- a. Site Layout.
- b. Scale and design of buildings.
- c. Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- d. Location, function and amenity of on-site open space.
- e. Parking, access, extent of impervious surfaces and landscaping.

(iii) Effects on residential character and amenity values.

(iv) Connections to services.

In relation to Papakainga developments on general title land are the additional matters of discretion:

- (iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.
- (v) The land will remain in Māori ownership in the long-term. Evidence of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will seek advice from the relevant iwi authority and will rely on this advice. The matters that Council will seek advice from iwi authorities on include:

- a. where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;
- b. any other matter related to tikanga Māori.

4.1.4 DISCRETIONARY ACTIVITIES

- (a) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.
- (b) Any childcare facility which provides for more than 30 children.
- (c) Commercial activities.
- (d) Entertainment activities.
- (e) Retail activities under 100m² in gross floor area.
- (f) Visitor accommodation.
- (g) Camping grounds/motor camps.
- (h) Education facilities.
- (i) Emergency facilities.

- (j) Health care services.
- (k) Private function centres/facilities.

4.1.5 NON-COMPLYING ACTIVITIES

- (a) Any activity which occupies a gross floor area of more than 1,000m².
- (b) Waste disposal facility and water and sewerage treatment plants.
- (c) Retail activities occupying 100m² or more in gross floor area.
- (d) Industrial activities, excluding panel beating and spray painting businesses.

4.1.6 PROHIBITED ACTIVITIES

- (a) Panel beating businesses.
- (b) Spray painting businesses.

NOTE: The above Prohibited Activities are not allowed under any circumstances, and only a Change to the District Plan itself can change this rule.

4.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

4.2.1 Net Site Area

- (a) Each dwelling unit shall have a minimum net site area of:
 - (i) 400m² outside the intensification area shown on the Planning Maps.
 - (ii) 300m² within the intensification area shown on the Planning Maps.

Except that:

- (iii) Papakāinga development is exempt from the above net site area performance standards set out in 4.2.1(a)(i) and (ii).

4.2.2 Bulk and Location

- (a) Yards: Buildings shall be located no closer than:
 - (i) 4.5m to a road boundary outside the intensification area shown on the Planning Maps;
 - (ii) 3m to a road boundary within the intensification area shown on the Planning Maps
 - (iii) 3m to a rail boundary; and
 - (iv) 1.5m to any other site boundary
 - (v) On Section 42 Carlyle SBRN (30 Victoria Street, Pātea) new buildings shall be located no closer than 10 metres to any site boundary.

Except that yards shall not apply to the following:

- (vi) Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.
 - (vii) Buildings which have a common wall along a boundary.
 - (viii) A 5m long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle, where the vehicle takes direct access to the structure from the road.
 - (ix) No building setback to boundaries with another site shall be applied where buildings on the adjoining site has a common wall along an internal boundary.
- (b) Separation Distance: Where more than one dwelling unit is located on a site:
- (i) No detached dwelling unit shall be located closer than 3m from any other detached dwelling unit.
 - (ii) No more than two dwelling units shall share a common side wall.
- (c) Building Recession Plane: Buildings and accessory buildings shall not project beyond the building recession plane from points 3m above site boundaries as shown in Residential Zone Appendix 1.
- Except that:
- (i) The recession plane shall not apply to road boundaries.
 - (ii) Buildings on adjoining sites have a common wall along an internal boundary, no recession plane shall be applied along that part of the boundary covered by such a wall.
 - (iii) Where a boundary abuts an access lot or right of way, the boundary may be taken from the furthest boundary of the access lot or right of way.
- (d) Maximum Building Height: No part of any building or accessory building may extend more than 8m above natural ground level.
- Except that:
- (i) All poles, support structures and fixtures associated with outdoor lighting shall not exceed a height of 13.5m.
- (e) Building Site Coverage: The proportion of a site, when viewed in plan, which is covered by buildings or parts of buildings or accessory buildings, shall not exceed:
- (i) Outside the intensification area shown on the Planning Maps: 40%.
 - (ii) Within the intensification area shown on the Planning Maps: 50%.
 - (iii) For any Open Space: 5%.

4.2.3 Private Outdoor Living Area

- (f) All dwelling units shall have a private outdoor living area which complies with the Table 1 below:

Table 1: Private Outdoor Living Areas

Type of Dwelling Unit	Intersecting Road Type (distances in metres)		
	Urban		
	Minimum Area	Minimum Dimension	Orientation/Other Matters

Outside Intensification Area Shown on the Planning Maps			
Ground Floor Dwelling Units	20m ²	2.5m diameter circle	Directly access from the main living area and kept free of buildings, access (including driveways and manoeuvring areas), parking spaces and dedicated utility spaces.
Upper Floor Dwelling Units	15m ²	2.5m diameter circle	Directly access from the main living area and kept free of access to other dwelling units and dedicated utility spaces.
Outside Intensification Area Shown on the Planning Maps			
Minor Dwelling Units	10m ²	2.5m diameter circle	East, West or North
All Other Dwelling Units	50m ²	4m diameter circle	East, West or North

4.2.4 Subdivision

- (a) Where more than one dwelling unit (other than a minor dwelling unit) is located on a site, they shall be located so that a subdivision could be undertaken for each dwelling unit that would achieve compliance with the requirements for a Controlled Activity subdivision in Section 9.

4.2.5 Home Occupations

- (a) The total floor area dedicated to home occupations on a site shall not exceed 50m².

4.2.6 Lighting

- (a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of any site zoned Residential in separate ownership.

4.2.7 Outdoor Storage

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining properties and from roads.

4.2.8 Odour

- (a) No activity shall result in offensive or objectionable odours to the extent that it causes an adverse effect at or beyond the boundary of the site in which the activity is located on.

Note 1: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" shall be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of where the odour is measured (i.e. the sensitivity of the receiving environment)).

Note 2: This performance standard shall not apply if the discharge of odour is authorised by a discharge permit granted by the Regional Council.

4.2.9 Access and Rooding

- (a) Where on-site parking or loading spaces are provided, they, along with vehicle access and manoeuvring areas must be in accordance with Section 10: Parking and Transportation.

4.2.10 Hāwera Aerodrome Protection Area

- (a) No building, mast, pole, other structure or tree shall penetrate the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.
- (b) No road or railway shall be building above or within 4.6m vertically of the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.

Advice Notes

Note: Vegetation to be planted near electricity lines (including the National Grid) should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the telecommunication and electricity lines (including the National Grid). Compliance with the permitted activity standards of the Plan does not ensure compliance with the NZECP 34:2001.

Where works are proposed near any electrical line, individuals are advised to contact the line operator to discuss the works.

4.3 PERFORMANCE STANDARDS – RESTRICTED DISCRETIONARY ACTIVITIES

4.3.1 Net Site Area

- (a) Outside the intensification area shown on the Planning Maps, each dwelling unit shall have a minimum net site area of 350m².

Notification Statement

Under Section 77D of the RMA, for an activity requiring resource consent under Rule 4.1.3 (b), the application shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

4.3.2 Housing for the Elderly

- (a) Housing for the Elderly provided for in Rule 4.1.3 (q) shall comply with all the relevant permitted activity performance standards in Rule 4.2, except for the following standards:
- (i) Net Site Area standards set out in Rule 4.2.1
 - (ii) Road boundary yard setback in Rule 4.2.2.(a), and
 - (iii) Private Outdoor Living Area standards set out in Rule 4.2.3.
- (b) All buildings shall be setback 3m from the road boundary.
- (c) The maximum occupancy for any associated medical, recreational or other communal facilities shall be 20 persons, excluding staff.

Notification Statement

Under Section 77D of the RMA, for an activity requiring resource consent under Rule 4.1.3(q), the application shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

4.3.3 Childcare Facilities

- (a) Any childcare facility provided for in Rule 4.1.3(r) shall comply with the following performance standards:
- (i) Childcare facilities provided for in Rule 4.1.3(r) shall comply with all the relevant permitted activity performance standards in Rule 4.2.
 - (ii) Demonstrate compliance with all the relevant permitted activity performance standards in other Sections of the District Plan.

Notification Statement

Under Section 77D of the RMA, for an activity requiring resource consent under Rule 4.1.3(r), the application shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

SECTION 5: TOWNSHIP ZONE RULES

5.1 CATEGORIES OF ACTIVITIES

5.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Residential Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 5.2 and all other Sections of the District Plan:

- (a) Residential activities.
- (b) Residential care facilities.
- (c) Home occupations.
- (d) Marae.
- (e) Papakainga development [on land held under Te Ture Whenua Māori Act 1993](#).
- (f) Community activities.
- (g) Open space.
- (h) Home based childcare service.
- (i) Home based visitor accommodation.
- (j) Holiday homes.
- (k) Recreational activities.
- (l) Retail and commercial activities up to 500m² gross floor area.
- (m) Rural service activities.
- (n) Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for temporary residential housing for up to six (6) months within a calendar year.
- (o) Farming activities, except for intensive farming activities.
- (p) Existing industrial activities, including an increase in size (building or outdoor area) of up to 100m².
- (q) The construction, alteration of, addition to, and demolition of buildings and structures for any permitted activity.

5.1.2 CONTROLLED ACTIVITIES

~~None.~~

- ~~(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2.~~

Matters to which the Council restricts its control:

- ~~(i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.~~
- ~~(ii) Effects on character and amenity values.~~
- ~~(iii) Connection to services.~~

5.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Township Zone:

~~(a)~~(b) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 5.1.1 which does not meet one or more of the Permitted Activity Performance Standards set out in Section 5.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular standard(s) that is not met, except where specifically identified in other rules below.

~~(b)~~(c) Where a new dwelling unit (including one additional minor dwelling unit) is on a site with a net site area between 1,000m² and 4,000m².

Matters to which the Council restricts its discretion:

- (i) Provision and sustainability of on-site water supply and wastewater systems.

~~(c)~~(d) Extension of existing Industrial Activities by 100-500m² in area (building or outdoor area).

Matters to which the Council restricts its discretion:

- (i) Effects on adjoining residential amenity.
- (ii) Effects on the overall character of the surrounding area
- (iii) Shading of the street or adjoining sites
- (iv) Dominance of building bulk, lack of access to sunlight and loss of views.
- (v) Noise and increased vehicle movements.
- (vi) Location of additional storage and parking, if required.

~~(d)~~(e) Any childcare facility that provides for more than 4 children and up to a maximum of 30 children.

Matters to which the Council restricts its discretion:

- (i) Effects on character and amenity values
- (ii) Location and characteristics of the site
- (iii) Traffic effects
- (iv) Parking effects
- (v) Noise

~~(e)~~(f) Recreational vehicles and other easily moveable buildings, such as caravans and motor homes, used for residential housing for more than six (6) months.

Matters to which the Council restricts its discretion:

- (i) Duration of use
- (ii) Effects on the surrounding character and amenity values
- (iii) Location
- (iv) Appearance

- (v) Landscaping
- (vi) Connection to services
- (vii) Proximity to public amenities (parks, beaches)

(g) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 5.2.

Matters to which the Council restricts its discretion:

- (i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.
- (ii) The land will remain in Māori ownership in the long-term. Evidence of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will seek advice from the relevant iwi authority and will rely on this advice. The matters that Council will seek advice from iwi authorities on include:

- a. where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;
- b. any other matter related to tikanga Māori.

(h) Papakāinga developments on land held on general title land that do not comply with one or more of the permitted activity performance standards in Section 5.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.
- (ii) Effects on character and amenity values.
- (iii) Connection to services.

In relation to Papakainga developments on general title land are the additional matters of discretion:

- (iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.
- (v) The land will remain in Māori ownership in the long-term. Evidence of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will seek advice from the relevant iwi authority and will rely on this advice. The matters that Council will seek advice from iwi authorities on include:

- a. where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;
- b. any other matter related to tikanga Māori.

5.1.4 DISCRETIONARY ACTIVITIES

- (a) Any childcare facility which provides for more than 30 children.
- (b) Where a new dwelling unit (or including one additional minor dwelling unit) is on a site with a net site area less than 1,000m².
- (c) Visitor accommodation.
- (d) Camping grounds/motor camps.
- (e) Commercial, retail, entertainment and community activities, except where provided for as a

Permitted Activity.

- (f) Industrial activities, except where provided for as a Restricted Discretionary Activity in Rule 5.1.3(c).
- (g) Education facilities.
- (h) Emergency facilities.
- (i) Health care services.
- (j) Private function centres/facilities.
- (k) Forestry planting and forestry harvesting.
- (l) Panelbeating businesses.
- (m) Spray painting businesses.
- (n) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.

5.1.5 NON-COMPLYING ACTIVITIES

- (a) Refuse facilities, water and sewerage treatment plants, solid and liquid waste facilities.
- (b) Intensive farming.
- (c) Aggregate/soil extraction.

5.1.6 PROHIBITED ACTIVITIES

None.

5.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

5.2.1 Number of Dwelling Units and Minimum Site Area

1. The maximum number of dwelling units per site shall be two dwelling units (including one minor dwelling unit).
2. Each dwelling unit shall have, at minimum, a net site area of 4,000m².

Except that:

3. Papakāinga development is exempt from the above minimum number of dwelling unit performance standards set out in 5.2.1(a) and the net site area performance standards set out in 5.2.1(b).

5.2.2 Bulk and Location

1. Buildings shall comply with the location requirements in Table 1.

Table 1: Height and Location Requirements

Type of activity	Minimum setback: State Highway	Minimum setback: Road boundary	Minimum setback: Other site boundaries	Additional setbacks/requirements
Dwelling unit, home occupation and other sensitive activities	10 m	5 m	1.5 m	Minimum setbacks: 5m from any retail, commercial, entertainment or community activity (including car parking and outdoor storage areas) on any other site under separate ownership. 20m from an industrial activity on any other site under separate ownership.
All buildings for Retail, Commercial, Entertainment and Community Activities including outdoor storage	10 m	5 m	1.5 m	Minimum setbacks: 5m from any dwelling unit, home occupation and other sensitive activities on any other site under separate ownership. 20m from an industrial activity on any other site under separate ownership.
All buildings for Industrial Activities and Rural Service activities, including outdoor storage	10 m	10 m	5 m	Minimum setbacks: 20m from any dwelling unit, home occupation and other sensitive activities on any other site under separate ownership.

2. Building Recession Plane: Buildings shall not project beyond building recession plane from points 3m above site boundaries as shown in Section 4: Residential Zone Appendix 1.

Except that:

- (i) The recession plane shall not apply to road boundaries.
- (ii) Buildings on adjoining sites have a common wall along an internal boundary, no recession plane shall be applied along that part of the boundary covered by such a wall.
- (iii) Where a boundary abuts an access lot or right of way, the boundary may be taken from the furthest boundary of the access lot or right of way.

3. Maximum Building Height: No part of any building may extend more than 8m above natural ground level.

Except that:

- (i) All poles, support structures and fixtures associated with outdoor lighting shall not exceed a height of 13.5m.
4. Building Site Coverage: The proportion of a site when viewed in plan, which is covered by buildings or parts of buildings, shall not exceed:
 - (i) For residential activities: 40%.
 - (ii) For all other activities: 75%

5.2.3 Private Outdoor Living Area

1. All dwelling units shall have a private outdoor living area which is at least 50m² in area and capable of containing a circle 4m in diameter, and is orientated to the east, west or north of the dwelling.
2. All minor dwelling units shall have a private outdoor living area which is at least 10m² in area and capable of containing a circle 2.5m in diameter and is orientated to the east, west or north of the dwelling.

5.2.4 Home Occupations

1. The total floor area dedicated to home occupations on a site shall not exceed 50m².

5.2.5 Lighting

1. The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measures horizontally and vertically) when measured at the boundary of a site zoned Residential in separate ownership, or at the notional boundary of an existing dwelling unit on a site in separate ownership in any other zone.

5.2.6 Outdoor Storage

1. All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining properties and from roads.

5.2.7 Odour

1. No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any property in separate ownership.

Note: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" may be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of the odour).

5.2.8 Access and Rooding

1. All activities shall be provided with practicable vehicle access from a road, and on-site parking, manoeuvring areas and loading facilities in accordance with the permitted activity standards in Section 10: Parking and Transportation.

5.2.9 Flood Hazard Area

1. Any new dwelling unit to be located within the Flood Hazard Area shall be designed with a finished floor level above a 0.5% AEP (1 in 200 year) flood event.

5.2.10 Hours of Operation

1. Any activity, other than residential, farming, visitor accommodation, outdoor recreation and where specifically provided for within this section, shall be limited to the following hours of operation:
 - (i) 7.00am to 9.00pm Monday to Friday and 9.00am to 5.00pm Saturday, Sunday and public holidays; except where:
 - a. The entire activity is located within a building; and
 - b. Each person engaged in the activity outside the above hours resides permanently on the site; and
 - c. There are no visitors, customers or deliveries to the activity outside the above hours.

SECTION 6: COMMERCIAL ZONE RULES

6.1 CATEGORIES OF ACTIVITIES

6.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Commercial Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 6.2 and all other Sections of the District Plan:

- (a) Within areas zoned either Commercial (Hāwera Town Centre) or Commercial (Mixed Use), the following activities:
- (i) Retail activities
 - (ii) Commercial activities.
 - (iii) Entertainment activities.
 - (iv) Community activities.
 - (v) Healthcare services.
 - (vi) Emergency facilities.
 - (vii) Education facilities.
 - (viii) Offices.
 - (ix) Open space.
 - (x) Car parks.
 - (xi) Public conveniences.
 - (xii) Visitor accommodation.
 - (xiii) Marae.
 - (xiv) Papakainga development [on land held under Te Ture Whenua Māori Act 1993.](#)
 - (xv) Residential activities, including residential activities ancillary to the operation of a permitted activity.
- (b) Within areas zoned Commercial (Large Format Trade and Service), the following activities:
- (i) Trade and Service Activity.
 - (ii) Commercial activities.
 - (iii) Emergency facilities.
 - (iv) Car parks.
 - (v) Commercial garages/vehicle sales yards.
 - (vi) Vehicle service stations.
 - (vii) Vehicle sales yards.
 - (viii) Veterinary services.

- (c) Within areas zoned Commercial (Mixed Use Area), in addition to those activities permitted in Rule 6.1.1(a), the following activities are also permitted:
- (i) Residential care facilities.
 - (ii) Home occupations.
 - (iii) Vehicle service stations.
 - (iv) Commercial garages/vehicle sales yards.
 - (v) Childcare facilities.
 - (vi) Veterinary services.
- (d) Within areas zoned either Commercial (Hāwera Town Centre), Commercial (Large Format Trade and Service) or Commercial (Mixed Use), the construction, alteration of, addition to, removal and demolition of buildings and structures for any permitted activity, except those works covered by Rule 6.1.2(a).

6.1.2 CONTROLLED ACTIVITIES

The following activities are controlled activities in the Commercial Zone:

- (a) The full or partial demolition of buildings on a site, where:
- (i) The site has a Defined Pedestrian Frontage.
 - (ii) The site has frontage to:
 - Victoria Street in Kaponga; or
 - Egmont Street in Pātea; or
 - State Highway 3 (Werarua Road) in Waverley; or
 - State Highway 45 (South Road) in Manaia.

Matters to which the Council restricts its control:

- (i) Effects on visual amenity values and streetscape character.
- (ii) The future use, maintenance, and development of the site, including the duration in which it may be left vacant.

Notification Statement

- (i) Under Section 77D of the RMA, for an activity requiring resource consent under Rule 6.1.2(a), the application shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.

Matters to which the Council restricts its control:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.

(ii) Effects on character and amenity values.

(iii) Connection to services.

6.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Commercial Zone:

- (a) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 6.1.1, which does not meet one or more of the Permitted Activity Performance Standards in Section 6.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met, except where specifically identified in other rules below.
- (b) Within the Commercial Zone (Mixed Use Area), the following activities:
- (i) Housing for the Elderly where the net site area per dwelling unit is, at minimum, 280m².
- (ii) In Hāwera, three or more dwelling units where the net site area per dwelling unit is, at minimum, 300m².

Matters to which the Council restricts its discretion for (i) – (ii) above:

- (i) Site Layout;
- (ii) Scale and design of buildings.
- (iii) Effects on existing character and amenity values, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- (iv) Location, function and amenity of on-site open space.
- (v) Parking, access, extent of impervious surfaces and landscaping.

In relation to any Housing for the Elderly additional matters of discretion is:

- (vi) Effects from the construction and operation of any medical, recreational, communal and staff facilities associated with the development.

Notification Statement

- (i) Under Section 77D of the RMA, for an activity within the Commercial Zone (Hāwera Town Centre) requiring resource consent under Rule 6.1.3(a) or (b), the application shall not be publicly notified, except where:
- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).
- (c) Within the Commercial Zone (Large Format Trade and Service), any building with a total floor area exceeding 1000m².

Matters to which the Council restricts its discretion:

- (i) Scale and design of buildings.

- (ii) Visual effects.
 - (iii) Effects on the vibrancy and vitality of the Hāwera Town Centre
 - (iv) Safety and efficiency of the road network;
 - (v) Parking, access, servicing activities;
 - (vi) The use of urban design and landscaping to avoid, remedy or mitigate adverse effects.
- (d) Additions to existing noise sensitive activities within the Outer Control Boundary (OCB) of Hāwera Aerodrome shown on Planning Maps (Special Map 1).

Matters to which the Council restricts its discretion:

- (i) The nature, size and scale of the proposed development.
- (ii) The internal noise environment of the proposed addition.
- (iii) The effects on the safe and efficient functioning and operation of Hāwera Aerodrome.

- (e) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 6.2.

Matters to which the Council restricts its discretion:

- (i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.
- (ii) The land will remain in Māori ownership in the long-term. Evidence of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will seek advice from the relevant iwi authority and will rely on this advice. The matters that Council will seek advice from iwi authorities on include:

- a. where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;
- b. any other matter related to tikanga Māori.

- (f) Papakāinga developments on land held on general title land that do not comply with one or more of the permitted activity performance standards in Section 6.2.

Matters to which the Council restricts its discretion:

- (iv) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.
- (v) Effects on character and amenity values.
- (vi) Connection to services.

In relation to Papakainga developments on general title land are the additional matters of discretion:

- (vii) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.
- (viii) The land will remain in Māori ownership in the long-term. Evidence of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will seek advice from the relevant iwi authority and will rely on this advice. The matters that Council will seek advice from iwi authorities on include:

a. where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;

b. any other matter related to tikanga Māori.

6.1.4 DISCRETIONARY ACTIVITIES

- (a) Industrial activities, except in the Commercial Zone (Hāwera Town Centre) (refer Rule 6.1.5(a)).
- (b) Within the Commercial Zone (Large Format Trade and Service):
 - (i) Residential activities.
 - (ii) Residential care facilities.
 - (iii) Visitor accommodation.
- (c) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.

Notification Statement

- (i) Under Section 77D of the RMA, for an activity within the Commercial Zone (Hāwera Town Centre) requiring resource consent under Rule 6.1.4(c), the application shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

6.1.5 NON-COMPLYING ACTIVITIES

- (a) Industrial activities in the Commercial Zone (Hāwera Town Centre).
- (b) Stockyards.
- (c) Noise sensitive activities within the Outer Control Boundary (OCB) of Hāwera Aerodrome shown on Planning Maps (Special Map 1).

6.1.6 PROHIBITED ACTIVITIES

None

6.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

6.2.1 Bulk and Location

- (a) Yards: All buildings shall be located no closer than:
- (i) 10m to the State Highway 3 road boundary between Hāwera and Normanby.
 - (ii) 3m to the rail boundary.
- (b) Building Recession Plane: Buildings on sites adjacent to the Residential zone shall not project beyond a building recession plane from points 3m above the site boundaries adjacent to the Residential zone, as shown in Section 4: Residential Zone Appendix 1.

Except that:

- (i) The recession plane shall not apply to road boundaries.
 - (ii) Where a boundary abuts an access lot or right of way, the boundary may be taken from the furthest boundary of the access lot or right of way.
- (c) Building Height: No part of any building shall extend more than 10m above natural ground level.

Except that:

- (iii) All poles, support structures and fixtures associated with outdoor lighting shall not exceed a height of 13.5m.
- (iv) On Defined Town Centre Corner Sites identified on the Planning Maps, buildings shall have a minimum height of two storeys or 10m (whichever is the lesser) and not exceed a maximum height of 15m.

6.2.2 Defined Pedestrian Frontage

- (a) On sites with a Defined Pedestrian Frontage identified on the Planning Maps, the following standards apply:
- (i) All buildings shall be built to the front road boundary at the Defined Pedestrian Frontage.
 - (ii) All buildings shall be built along the full width of the front road boundary for the Defined Pedestrian Frontage.
 - (iii) All buildings shall have continuous verandas over the full width (less 300 mm along roads) and length of all footpaths or other accessways for the Defined Pedestrian Frontage.
 - (iv) All buildings shall have display windows along the Defined Pedestrian Frontage of at least 75% of the ground floor facade surface. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.
 - (v) No activities or development shall obstruct the footpath for the Defined Pedestrian Frontage.

6.2.3 Sites Adjoining Residential Zone or Rural Zone

- (a) Where a site adjoins a Residential Zone or Rural Zone, the following standards apply:
- (i) All buildings shall be located no closer than 5m to the Residential or Rural zone boundary.
 - (ii) Landscaping and planting of at least 2m deep at the Residential or Rural zone boundary/boundaries shall be provided.
 - (iii) All outdoor carparking, storage, servicing and loading areas shall be screened by a close-boarded fence made of solid material with a minimum height of 1.2m and a maximum height of 2m.
 - (iv) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of an adjoining Residential zoned site.

6.2.4 Minimum and Maximum Floor Areas

- (a) Within the Commercial Zone (Hāwera Town Centre), no individual activity shall occupy a total floor area of 500m² or more, at ground level.
- (b) Within the Commercial Zone (Large Format Trade and Service), no individual activity shall occupy a total floor area (excluding shared storage space and activities) less than 500m², at ground level.
- (c) Within the Commercial Zone (Large Format Trade and Service), the maximum total floor area of any building shall not exceed 1000m².

Note: For the purpose of this Performance Standard, the total floor area shall be measured from the internal face of exterior walls, or from the centre line of common walls separating two (2) abutting individual activities, and shall exclude shared storage facilities and spaces.

6.2.5 Outdoor storage

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be fully screened from view from roads and adjacent properties.

6.2.6 Odour

- (a) No activity shall result in offensive or objectionable odours to the extent that it causes an adverse effect at or beyond the boundary of the site in which the activity is located on.

Note 1: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" shall be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of where the odour is measured (i.e. the sensitivity of the receiving environment).

Note 2: This performance standard shall not apply if the discharge of odour is authorised by a discharge permit granted by the Regional Council.

6.2.7 Access and Rooding

- (b) Where on-site parking or loading spaces are provided, they, along with vehicle access and manoeuvring areas must be in accordance with Section 10: Parking and Transportation.

Except that activities:

- (i) Adjacent to the Defined Pedestrian Frontage in Hāwera; or
- (ii) Within the Commercial Zone (Mixed Use) areas in Eltham, Normanby, Pātea, Manaia, Ōpunakē, Kaponga and Waverley;

Are exempt from providing vehicle access, manoeuvring areas and loading facilities as set out in Sections 10.2 – 10.6 of the Plan; and

If vehicle access, manoeuvring areas, loading facilities and on-site parking is proposed, it shall be located to the rear of the building.

- (c) Activities within the Commercial Zone (Large Format Trade and Service) shall provide vehicular access by way of local roads as opposed to access from State Highway 3.

6.2.8 Hāwera Aerodrome Protection Area

- (a) No building, mast, pole, other structure or tree shall penetrate the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.
- (b) No road or railway shall be building above or within 4.6m vertically of the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.

6.2.9 Landscaping

- (a) All activities adjacent to the State Highway 3 road boundary between Hāwera and Normanby, shall provide landscaping and planting that can attain a minimum height 1m, of at least 2m width at the boundary abutting the State Highway.

6.2.10 Residential Activities and Visitor Accommodation

- (a) All new dwelling units shall have a private outdoor living area which is at least 50m² in area and capable of containing a circle 4m in diameter, and is oriented to the east, west, or north of the dwelling unit.
- (b) All new minor dwelling units shall have a private outdoor living area which is at least 10m² in area and capable of containing a circle 2.5m in diameter and is oriented to the east, west or north of the dwelling unit.

Except that:

- (i) This requirement does not apply to new dwelling units or minor dwelling units accommodated in buildings listed in Schedule 1A.
- (c) Within the Commercial Zone (Hāwera Town Centre) and the Defined Pedestrian Frontage area in Eltham, no residential activities or visitor accommodation shall occupy the ground floor of buildings.

Except that:

- (i) Residential activities may occur on the ground floor to the rear of the building if the building frontage is occupied by retail or other permitted activity.

Advice Notes

Note: Vegetation to be planted near electricity lines (including the National Grid) should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the telecommunication and electricity lines (including the National Grid). Compliance with the permitted activity standards of the Plan does not ensure compliance with the NZECP 34:2001.

Where works are proposed near any electrical line, individuals are advised to contact the line operator to discuss the works.

SECTION 20: RESOURCE CONSENT INFORMATION REQUIREMENTS AND ASSESSMENT MATTERS

5

To enable the Council to process an application for resource consent, an applicant must provide adequate information in accordance with Section 88(3) of the RMA. The information should be appropriate to assess the environmental effects of the proposal in a professional and unbiased manner and if it does not have all the required information, the Council can return the application within 10 working days. Section 92 of the RMA also allows the Council to seek more information about an application. So that it can better understand the nature of the activity in respect of which the application is made, the effect it will have on the environment, or the ways in which any adverse effects may be mitigated. Compliance with the information requirements will speed up the consideration of applications and ensure the appropriate conditions are attached where these are necessary.

Forms and guidelines to assist in preparing an application can be obtained from the Council.

NOTE: This information complements the provisions of Section 88 and Schedule 4 of the Act.

The information requirement set out in this section will normally be required in consideration of a resource consent application.

20.1 LAND USE CONSENTS

An application for resource consent for an activity must include the following:

- (a) The full name and address of each owner or occupier of the site.
- (b) The location of the site, including the street address, rural number, legal description, and the name of the owner of the land (copies of the current certificate of title must be provided).
- (c) A full description of the activity for which the consent is sought:
- (d) Relevant objectives, policies and rules (including plan changes).
- (e) Relevant National Policy Statements, National Environmental Standards, Regional Plans and Iwi Management Plans.
- (f) Intended use of the land/or site.
- (g) A description of any other resource consent that may also be required and whether the applicant has applied for such consents.
- (h) Plans which sufficiently show:
 - (i) A north point and the address of the proposed development.
 - (ii) The location of all site boundaries and all existing and proposed buildings, fences, parking areas (when provided), accessways and vegetation on the site.
 - (iii) The location of any adjacent activities, particularly residential dwelling units.

- (c) The extent to which the reduction in outdoor living space or the lack of its access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.
- (d) Whether the residential units are to be used for elderly persons housing and the extent to which a reduced area of outdoor living space will adequately provide for the outdoor living needs of the likely residents of the site including future residents.

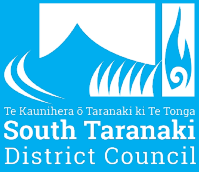
20.5.4 Number of Dwelling Units per Net Site Area

The following assessment matters will be used in assessing land use applications relating to the maximum number of dwelling units per site and/or minimum site area in the Residential, Township and Commercial Zones:

- (a) The extent to which the character of the site will retain its openness, permeable surfaces, and garden plantings, rather than buildings.
- (b) The ability to provide sufficient private outdoor living space on the site.
- (c) Whether the proposed dwelling unit would visually dominate the street.
- (d) Any effects on adjoining properties in terms of building dominance, access to sunlight and loss of privacy or outlook.
- (e) Whether the additional dwelling unit/s is suitable for housing for the elderly whilst still providing adequate outdoor living space.
- (f) Appropriateness of the intensity of dwelling units in relation to the surrounding environment.

20.5.5 Marae and Papakāinga Development

- (g) The following assessment matters will be used in assessing land use applications for new Marae and/or Papakāinga development and redevelopment:
 - (a) Recognition of the relationship of Tāngata Whenua and their culture and traditions with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.
 - (b) The potential economic, cultural and social benefits to Tāngata Whenua of the proposal.
 - (c) Any potential effects of the proposal on the character and amenity values of the surrounding area.
 - (d) Whether connections to available water, sewerage and/or drainage services are required, and the potential need to upgrade roads and access ways.
 - (e) Consideration of the historical presence of papakāinga housing and associated activities on the site.
 - (f) For papakāinga development on General Title Land, applicants must provide evidence such as historic titles that shows the land has been held in whānau ownership to exemplify long-term Māori ownership and maintenance of the land title.



Karakia

6. Karakia

6

Ruruku Whakakapi – Closing Prayer

Unuhia, unuhia

Unuhia ki te uru tapu nui

Kia wātea, kia māmā te ngākau, te
tinana, te wairua i te ara takatū

Kia wātea, ka wātea, āe rā, kua wātea

Rire rire hau pai marire!

Draw on, draw on,

Draw on the supreme sacredness

*To clear, to free the heart, the body and the
spirit of mankind*

To be clear, will be clear, yes is cleared.

Deeply in peace!