

BEFORE THE SOUTH TARANAKI DISTRICT COUNCIL HEARING COMMISSIONERS

IN THE MATTER OF The Resource Management Act 1991

AND The South Taranaki District Plan

AND Plan Change 3: Papakāinga

SUGGESTED AMENDMENTS TO THE PLAN CHANGE 3 PROVISIONS

OF SARAH KATARINA MAKO

ON BEHALF OF NGĀTI HĀUA HAPŪ

DATED 11 MARCH 2025

Proposed provisions and suggested amendments

Red text – The proposed changes to the Operative District Plan as notified in Plan Change 3 are worded in red. ~~Red strikethrough~~ for deletions and underline for additions.

Blue text – Officers recommended amendments to the provisions of Plan Change 3 in response to submissions are worded in blue. ~~Blue strikethrough~~ for deletions and underline for additions.

Purple text – Changes sought by Ngāti Hāua Hapū. ~~Purple strikethrough~~ for deletions and underline for additions.

Provision	Amendment sought to Plan Change 3: Papakāinga provisions
ANCESTRAL LAND (Definition)	ANCESTRAL LAND: means land where there is a demonstrated whakapapa or ancestral connection to the land.
GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT) (Definition)	GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but does not include Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993).
PAPAKĀINGA DEVELOPMENT (Definition)	<p>PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include marae, home occupations, 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 Māori Act 1993/Māori Land Act 1993) or general title land that is ancestral land.</p> <p><u>PAPAKĀINGA: means the comprehensive development and use of ancestral land by Māori, in accordance with tikanga Māori, for communal housing and living activities and development and may include other social, economic and cultural activities and development.</u></p>
2.7.17 (policy)	<u>Enable the development of papakāinga housing whilst managing potential adverse effects on amenity values conflicts between land uses and developments.</u>
2.7.18 (policy)	<u>Allow for papakāinga on:</u> <u>(a) Land held under Te Ture Whenua Māori Act; and</u> <u>(b) Ancestral land where it is general title land; where there is a demonstrated ancestral connection to the land and that the land is intended to remain with Māori long term.</u>
Explanation of policies	<u>Provision is made for papakāinga on general title land in the District Plan where applicants can demonstrate whakapapa/ancestral connection and long term ownership and maintenance of the land title to ensure these developments are retained by iwi, hapū and whānau long term. In these cases, evidence such as historic titles that shows the land has been</u>

		<u>held in whānau ownership, and holding the land in a Trust can be utilised. Council will also rely on the advice of iwi authorities for confirmation of an applicant's whakapapa/ancestral connection.</u>
Methods of implementation		<p>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., and the provision of Papakāinga and Marae.</p> <p><u>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.</u></p>
3.1.1 (f) (Rural Zone, Permitted Activities)		<u>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</u>
3.1.2 (b) (Controlled Activities)		<p><u>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.</u></p> <p><u>Matters to which the Council restricts its control:</u></p> <p><u>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.</u></p> <p><u>(ii) Effects on character and amenity values. Managing potential conflicts between land uses and developments.</u></p> <p><u>(iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.</u></p> <p><u>(iv) Connection to services.</u></p> <p><u>(v) In areas not serviced by reticulated wastewater, stormwater and water supply, the provision of comprehensive on-site wastewater, water supply and stormwater systems are developed to serve the entire for the papakāinga.</u></p>
3.1.3 (o) (Restricted Discretionary Activities)		<p><u>Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 3.2.</u></p> <p><u>Matters to which the Council restricts its discretion:</u></p> <p><u>(i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land that the land is ancestral land.</u></p> <p><u>(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.</u></p> <p><u>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</u></p>

	<p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land; that the land is ancestral land.</p> <p>(b) Any other matter related to tikanga Māori.</p>
<p>3.1.3 (p) (Restricted Discretionary Activities)</p>	<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.</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.</p> <p>(ii) Effects on character and amenity values.</p> <p>(iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.</p> <p>(iv) Connection to services.</p> <p>(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.</p> <p>In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(vi) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land that the land is ancestral land.</p> <p>(vii) 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.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land; that the land is ancestral land.</p> <p>(b) Any other matter related to tikanga Māori.</p>

Appendix 2: Section 32AA Analysis of changes sought

Provision	Analysis
<p>Deletion of ANCESTRAL LAND and GENERAL TITLE LAND (IN RELATION TO PAPAKĀINGA DEVELOPMENT) definitions; and amendments to the PAPAKĀINGA definition</p>	<p><i>Other reasonably practicable options:</i></p> <ol style="list-style-type: none"> 1. Maintain status quo. 2. Retain the definitions as per section 42A report recommendations. 3. Adopt the amendments sought. <p><i>Costs and benefits</i></p> <p>There are no costs associated with the amendments to the Council. The resource consent or conversion to Māori Land costs for whānau, hapū and iwi in applying for resource consent could be significant if the amendments are not adopted. The benefits in the amendments to the definitions and deletion of definitions would result in a simplification of the rule framework for plan users, enabling Māori to undertake papakāinga on ancestral lands, irrelevant of land tenure or status, as a permitted activity, without the need for resource consent. Another benefit is the relationship of Māori with their ancestral lands and their culture and traditions is able to be actively expressed, irrelevant of the underlying land tenure/ status. A further benefit is that the Council acknowledges the impacts and effects of the muru me te raupatu, combined with the successive legislation reforms in relation to Māori land, enabling papakāinga to be undertaken irrelevant of underlying land tenure.</p> <p><i>Effectiveness and efficiency</i></p> <p>I consider that the amendments are effective in implementing existing objective 2.7.6 and amended objective 2.7.8, in addition to proposed objective 2.7.11 of Plan Change 3, 'To provide for papakāinga on ancestral land' and policy 2.7.17 as proposed in Appendix 1. The amendments would also be effective in ensuring that these provisions provide for Part 2 of the Resource Management Act 1991, particularly sections 6(e), 7(a) and 8. The amendments are effective and efficient in ensuring the provisions address the issues, objectives and policies in relation to papakāinga as described in Te Uru Taiao o Ngāruahine (the Ngāruahine kaitiaki plan (iwi planning document)) and section 16.3 of the Taranaki Regional Policy Statement, particularly REL policies 1 – 3.</p> <p><i>Risk of acting or not acting</i></p> <p>The risks of not acting include the plan provisions continue to restrict papakāinga to land with a certain land tenure, resource consent being declined and whānau, hapū, iwi and marae being unable to undertake papakāinga. The uncertainty in the consenting process (restricted discretionary activities can be declined) could force whānau, hapū and iwi to have to go through a Māori Land Court process to convert the land to Māori Land (there are well understood challenges with this process as well), when there is no clear value or benefit in the need for the conversion and no clear understanding of what effects are being managed because of the land tenure.</p>

	<p><i>Decision about the most appropriate option</i></p> <p>Having considered the costs and benefits, the proposed amendments in Appendix 1 will be effective and efficient in achieving the relevant objectives and policies of the Plan.</p>
<p>Amendments to policy 2.7.17; and deletion of policy 2.7.18.</p>	<p><i>Other reasonably practicable options</i></p> <ol style="list-style-type: none"> 1. Maintain the status quo 2. Retain the policies as per section 42A report recommendations. 3. Adopt the amendments sought. <p><i>Costs and benefits</i></p> <p>There are no costs to the Council above those for processing resource consents for papakāinga that would require consideration of the relevant policies. The benefit of amending policy 2.7.17 is that the Council sends a clear signal to the community that papakāinga are both encouraged and supported in the South Taranaki district and that it is necessary for both existing and future land uses that papakāinga will exist and it is necessary to evolve to avoid conflicts, rather than amenity values. There is no benefit in managing conflicts through status quo, otherwise the new activity, i.e. papakāinga, becomes restricted and minimised, rather than the existing activities evolving. Nuisance related and/ or human health impacts should be considered as conflicts, rather than amenity and character. The benefit in the deletion of policy 2.7.18 is that it better supports a rule framework that enables papakāinga on ancestral land irrelevant of underlying land tenure and status.</p> <p><i>Effectiveness and efficiency</i></p> <p>The amendments are effective in ensuring clear alignment from the objectives and policies through to the rule framework regarding the enabling nature of the plan with respect to papakāinga. I consider that the amendments are effective in implementing existing objective 2.7.6 and amended objective 2.7.8, in addition to proposed objective 2.7.11 of Plan Change 3, 'To provide for papakāinga on ancestral land'. The amendments would also be effective in ensuring that these provisions provide for Part 2 of the Resource Management Act 1991, particularly sections 6(e), 7(a) and 8. The amendments are effective and efficient in ensuring the provisions address the issues, objectives and policies in relation to papakāinga as described in Te Uru Taiao o Ngāruahine (the Ngāruahine kaitiaki plan (iwi planning document)) and section 16.3 of the Taranaki Regional Policy Statement, particularly REL policies 1 – 3.</p> <p><i>Risk of acting or not acting</i></p> <p>The risk in not amending policy 2.7.17 is that papakāinga are not seen to be encouraged or supported by Council and more weight is provided to existing land uses and activities, particularly in the rural zone.</p> <p><i>Decision about the most appropriate option</i></p>

	Having considered the costs and benefits, the proposed amendments in Appendix 1 will be effective and efficient in achieving the relevant objectives and policies of the Plan.
Amendments to wording of explanation of policies and methods of implementation	The proposed amendments are a consequence of the amendments to the provisions described whereby a section 32AA assessment has been undertaken of those. It is unnecessary to repeat these here.
Amendments to rule 3.1.1(f) and 3.1.2(b); and deletion of 3.1.3(o) and (p)	<p><i>Other reasonably practicable options</i></p> <ol style="list-style-type: none"> 1. Maintain the status quo 2. Retain the rule framework as per section 42A report recommendations. 3. Adopt the amendments sought. <p><i>Costs and benefits</i></p> <p>There should be a reduction in costs to the Council as the proposed rule framework amendments should result in fewer resource consent applications being required. The benefits are that Māori are able to establish, through papakāinga, a physical relationship with their ancestral lands, in a more enabling manner, the starting point for papakāinga being a permitted activity. The benefit of amending the matters of control to require management of conflicts between land uses and developments rather than effects on character and amenity values sends a clear signal to the community that papakāinga are encouraged and supported and should be anticipated in the district.</p> <p><i>Effectiveness and efficiency</i></p> <p>The amendments are effective in ensuring clear alignment from rule framework, through to the objectives and policies, regarding the enabling nature of the plan with respect to papakāinga. I consider that the amendments are effective in implementing existing objective 2.7.6 and amended objective 2.7.8, in addition to proposed objective 2.7.11 of Plan Change 3, <i>'To provide for papakāinga on ancestral land'</i>. The amendments would also be effective in ensuring that these provisions provide for Part 2 of the Resource Management Act 1991, particularly sections 6(e), 7(a) and 8. The amendments are effective and efficient in ensuring the provisions address the issues, objectives and policies in relation to papakāinga as described in Te Uru Taiao o Ngāruahine (the Ngāruahine kaitiaki plan (iwi planning document)) and section 16.3 of the Taranaki Regional Policy Statement, particularly REL policies 1 – 3.</p> <p><i>Risk of acting or not acting</i></p> <p>The risks of not acting include the plan provisions continue to restrict papakāinga to land with a certain land tenure, resource consent being declined and whānau, hapū, iwi and marae being unable to undertake papakāinga. The uncertainty in the consenting</p>

process (restricted discretionary activities can be declined) could force whānau, hapū and iwi to have to go through a Māori Land Court process to convert the land to Māori Land (there are well understood challenges with this process as well), when there is no clear value or benefit in the need for the conversion and no clear understanding of what effects are being managed because of the land tenure.

The risk of not acting in relation to the removal of the matter over which Council restricts control is that papakāinga are never anticipated in the district as being part of the character and amenity of a zone. This ensures that communities and their land uses and development evolve to ensure papakāinga are provided for and accepted by the community.

Decision about the most appropriate option

Having considered the costs and benefits, the proposed amendments in Appendix 1 will be effective and efficient in achieving the relevant objectives and policies of the Plan.