

30 May 2024

Attn: South Taranaki District Council
PO Box 902
Hawera 4640
Submission by email via: planchange@stdc.govt.nz

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON A
NOTIFIED PROPOSAL FOR PROPOSED DISTRICT PLAN CHANGE 3: PAPAĀINGA
DEVELOPMENT TO THE OPERATIVE DISTRICT PLAN UNDER CLAUSE 6 OF
SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991**

This is a submission by Kāinga Ora - Homes and Communities on Proposed District Plan Change 3: Papakāinga Development (PC3) to the Operative South Taranaki District Plan (“the Plan” or “District Plan”) from South Taranaki District Council (“the Council” or “STDC”):

Kāinga Ora does not consider it can gain an advantage in trade competition through this submission. In any event, Kāinga Ora is directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that this submission relates to:

PC3 to the District Plan in its entirety.

This document and the Appendices attached is Kāinga Ora submission on PC3.

The Kāinga Ora submission is:

1. Kāinga Ora Homes and Communities (“**Kāinga Ora**”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
 - a) Provide people with good quality, affordable housing choices that meet diverse needs; and
 - b) Support good access to jobs, amenities and services; and
 - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
2. As part of the Kāinga Ora statutory requirements, Kāinga Ora must consider and provide for Māori interests by:
 - a) Maintaining systems and processes to ensure that, for the purposes of carrying out its urban development functions, Kāinga Ora has the capability and capacity to uphold the Te Tiriti o Waitangi and its principles, to understand and apply Te Ture Whenua Māori Act 1993, and to engage with Māori and to understand Māori perspectives;
 - b) Understanding, supporting, and enabling the aspirations of Māori in relation to urban development;
 - c) Identifying and protecting Māori interests in land, and recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
 - d) Partnering and having early and meaningful engagement with Māori and offering Māori opportunities to participate in urban development.
3. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Waikato region.
4. Kāinga Ora therefore has an interest in PC3 and how it:

- a) How it enables development opportunities for Māori on their land, whether it be general title land or Māori Title Land to enable Māori to undertake residential and associated activities in line with their cultural traditions and norms.
 - b) Gives effect to the National Policy Statement on Urban Development (“**NPS-UD**”);
 - c) Minimises barriers that constrain the ability to deliver housing development across public housing, affordable housing, affordable rental and market housing; and
 - d) Provides for the provision of services and infrastructure and how this may impact on the existing and planned communities, including Kāinga Ora housing developments.
5. Kāinga Ora supports the recognition and enablement of papakāinga across the district plan, however, as written, the new provisions are considered restrictive, and therefore do not enable Māori to develop land in a manner that supports their cultural, environmental, and economic wellbeing.
6. The Kāinga Ora submission seeks amendments to PC3 for the following:
- a) Allow for papakāinga and associated activities as a permitted activity on both Māori Title Land and general title land. Kāinga Ora supports the provision of papakāinga and associated activities on all land and not just on land in Māori title.
 - b) Expand definition of Marae and Papākainga to provide for education, home based business and associated commercial activities. This recognises that papakāinga are places not just for housing, but as self-contained community hubs.
 - c) Remove character and amenity assessments for controlled and restricted discretionary activities. Other matters listed can assess specific effects related to the activity/non-compliance and the inclusion of character and amenity does not provide certainty to applicants.
 - d) Allow individuals to demonstrate their ancestral connection land. This can be more appropriately managed to ensure papakāinga is managed in perpetuity.
7. The changes sought are made to:
- i. Ensure that Kāinga Ora can carry out its statutory obligations;

- ii. Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991, relevant national direction and regional alignment;
 - iii. Ensure that the s32 analysis has appropriately analysed and considered other reasonable options to justify the proposed plan provisions;
 - iv. Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
 - v. Provide clarity for all plan users; and
 - vi. Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.
8. The Kāinga Ora submission points and changes sought can be found within Table 1 of **Appendix 1**, which forms the bulk of the submission.

Kāinga Ora seeks the following decision from STDC:

That the specific amendments, additions or retentions which are sought as specifically outlined in **Appendix 1**, are accepted and adopted into Proposed Plan Change 3, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Kāinga Ora wishes to be heard in support of their submission.

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PC3 to address the matters raised in its submission.

If others make a similar submission, Kāinga Ora are happy to consider presenting a joint case at a hearing.



Brendon Liggett
Development Planning Manager
Kāinga Ora – Homes and Communities

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Greenlane, Auckland 1051. Email: developmentplanning@kaingaora.govt.nz*

Appendix 1: Decisions sought Proposed Plan Change 3

The following table sets out the amendments sought to Proposed Plan Change 3 to the Operative South Taranaki District Plan and also identifies those provisions that Kāinga Ora supports.

Kāinga Ora proposed changes in Proposed Plan Change 54 are shown as ~~striketrough~~ for deletion and underlined for proposed additional text.

Table 1

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
<p><i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i></p>					
Māori Purpose Zone (MPZ)					
1.	Introductions and Definitions	Definitions	Support	Kāinga Ora supports the definition.	Retain as notified.
2.	Introductions and Definitions	Definitions)	Support	Kāinga Ora supports the definition.	Retain as notified.
3.	Introductions and Definitions	Definitions	Support in part	Kāinga Ora supports this definition, however, considers that it could be expanded to provide for education, home based business and associated commercial activities which provide for Māori social, economic and cultural wellbeing.	MARAE: means the land and buildings for the use of a Māori community family, hapū or tribe, and includes wharehui (meeting house), wharekai (dining rooms), wharepaku (ablution blocks inclusive of toilets, showers and changing rooms), wharekarakia (church), and other marae-based facilities, such as papakāinga development, community activities, kohanga, childcare activities, and health care facilities, <u>and urupā, education, homebased business and associated commercial activities.</u>
4.	Introductions and Definitions	Definitions	Support in part	Kāinga Ora supports this definition, however, considers that it could be expanded to provide for education, home based business and associated commercial activities, which provide for Māori social, economic and cultural wellbeing. Kāinga Ora also seeks the inclusion of general title land as part of the definition, papakāinga and associated activities should be a provided for on both Māori Title Land and general title land.	PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres, <u>education, homebased business and associated commercial activities</u> 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) <u>and general title land.</u>
5.	Introductions and Definitions	Definitions	Oppose	Consistent with submission point 4 above, Kāinga Ora seeks the deletion of this definition, papakāinga and associated activities should be a provided for on both Māori Title Land and general title land.	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.
6.	Objectives	Tangata Whenua 2.7.8	Support	Kāinga Ora supports this objective, particularly with reference to enhancing iwi, hapū and whānau social, cultural and economic well-being.	Retain as notified.
7.	Objectives	Tangata Whenua 2.7.11	Support in part	Kāinga Ora support this objective however papakāinga should not be limited to Tangata Whenua and should be available instead to iwi, hapū and whānau.	To provide for papakāinga development on land owned by Tangata Whenua <u>iwi, hapū and whānau.</u>
8.	Policies	Tangata Whenua 2.7.18	Support	Kāinga Ora supports this objective allowing for papakāinga on General Title Land.	Retain as notified.
9.	Policies	Tangata Whenua 2.7.21	Support in part	Kāinga Ora supports this policy, however, it should be noted that 'key sites' is not identified anywhere in the Definitions section and should be included.	Include a definition for 'key sites'.

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10.	Explanation of Policies	Tangata Whenua	Support in part	Kāinga Ora supports this explanation in part, however, it is too restrictive and instead should focus on whakapapa, not on historic titles. The current explanation defeats the purpose of enabling papakāinga on General Title Land and does not provide for future acquisition of General Title Land for papakāinga purposes.	Amend as follows: 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, hapū and whānau long-term. In these cases, <u>demonstrating whakapapa evidence such as historic titles that shows the land has been held in whānau ownership, and</u> or holding the land in a Trust can be utilised.
11.	Methodology of implementation	Tangata Whenua	Support	Kāinga Ora supports the methodology 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.	Retain as notified.
12.	Rural Zone Rules	3.1.1 Permitted Activities	Support in part	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be treated as a permitted activity on general title as well.	(f) Papakāinga development on land held under Te Ture Whenua Māori Act 1993 <u>and on general title that.</u>
13.	Rural Zone Rules	3.1.2 Controlled Activities	Support in part.	While Kāinga Ora supports the activity status as a Controlled activity, this should also include papakāinga on general title land. Additionally, some of the matters of control are too broad. In particular 3.1.2 (ii) does not provide certainty to applicants and gives Council too much discretion for a Controlled Activity. In addition, 3.1.2 (i) provides Council scope to address those effects relevant to the non-compliance, while also providing certainty for the applicant. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication <i>Analysis of District Plan Papakāinga Rules</i> dated 30 April 2024. Kāinga Ora seeks for matter 3.1.2 (ii) to be removed from the rule. Following this matter 3.1.2 (iv) is redundant and is covered by 3.1.2 (v), this matter should be removed.	Amend as follows: (b) Papakāinga developments <u>on land held under Te Ture Whenua Māori Act 1993</u> 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 noncompliance with the particular performance standard(s) that is not met. <u>(ii) Effects on character and amenity values.</u> (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects. <u>(iv) Connection to services.</u> (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.

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14.	Rural Zone Rules	3.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and seeks the deletion of this rule.	Delete: (o) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 3.2, subject to demonstrating: (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 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: (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.
15.	Rural Zone Rules	3.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Delete: (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: (i) — Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance 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. In relation to papakāinga developments on general title land are the additional matters of discretion: (vi) — Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.

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					<p><i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as <u>strikethrough</u> for deletion and <u>underlined</u> for proposed additional text</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.</p> <p>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;</p> <p>(b) Any other matter related to tikanga Māori</p>
16.	Residential Zone Rules	4.1.1 Permitted Activities	Support	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted activity on general title as well.	(e) Papakāinga development on land held under Te Ture Whenua Māori Act 1993 <u>and on general title land.</u>
17.	Residential Zone Rules	4.1.2 Controlled Activities	Support in part	Kāinga Ora support the activity status, however, this should also cover papakāinga on general title land. In addition, some of the matters of control are too broad, in particular 4.1.2 (iii) creates uncertainty to applicants and provides Council too much discretion for a Controlled Activity. In addition, the definition of Papakāinga as provided by Council may conflict with the existing residential character of most areas and is therefore inappropriate. Matters 4.1.2 (i) and (ii) provides Council scope to address these effects, while also providing certainty for the applicant. Kāinga Ora seeks for matter 3.1.2 (iii) to be removed from the rule. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication <i>Analysis of District Plan Papakāinga Rules</i> dated 30 April 2024.	<p>Amend as follows:</p> <p>None.</p> <p>a) Papakāinga developments <u>on land held under Te Ture Whenua Māori Act 1993</u> 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 access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its control:</p> <p>(i) Site Layout.</p> <p>(ii) Scale and design of buildings.</p> <p>(iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</p> <p>(iv) Location, function and amenity of on-site open space.</p> <p>(v) Access, extent of impervious surfaces and landscaping.</p>
18.	Residential Zone Rules	4.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Delete: <p>f) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 4.2</p>

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					<p>Matters to which the Council restricts its discretion:</p> <p>(i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(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.</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.</p> <p>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;</p> <p>(b) Any other matter related to tikanga Māori.</p>
19.	Residential Zone Rules	4.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be treated as a permitted or controlled activity and the deletion of this rule.	<p>g) 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 access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. Matters include:</p> <p>(i) Site Layout</p> <p>(ii) Scale and design of buildings.</p> <p>(iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</p> <p>(iv) Location, function and amenity of on-site open space.</p>

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					<p><i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</p> <p>(v) Access, extent of impervious surfaces and landscaping.</p> <p>(ii) Effects on residential character and amenity values.</p> <p>(iii) Connections to services.</p> <p>In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(v) 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;</p> <p>(b) Any other matter related to tikanga Māori.</p>
20.	Residential Zone Rules	Performance Standards – Permitted Activities 4.2.1 Net Site Area	Support	Kāinga Ora supports that there are no density requirements for papakāinga.	Retain as notified.
21.	Township Zone Rules	5.1.1 Permitted Activities	Support in part	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted activity on general title as well.	(e) Papakāinga development on land held under Te Ture Whenua Māori Act 1993 <u>and on general title land.</u>
22.	Township Zone Rules	5.1.2 Controlled Activities	Support in part	Kāinga Ora support the activity status as a Controlled activity, however, this should also cover papakāinga on general title land. Some of the matters of control are too broad, in particular 5.1.2 (a)(ii) creates uncertainty to applicants and provides Council too much discretion for a Controlled Activity. Matters 5.1.2 (a)(i) provides Council scope to address these effects, while also providing certainty for the applicant. Kāinga Ora seeks for matter 5.1.2 (a)(ii) to be removed from the rule. Discussion on this is provided in section 5.7 of the	Amend as follows: None. (a) Papakāinga developments <u>on land held under Te Ture Whenua Māori Act 1993</u> 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:

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				Te Puni Kōkiri publication <i>Analysis of District Plan Papakāinga Rules</i> dated 30 April 2024.	(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. <u>(ii) Effects on character and amenity values.</u> (iii) Connection to services.
23.	Township Zone Rules	5.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Delete: <u>(f) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 5.2.</u> <u>Matters to which the Council restricts its discretion:</u> (i) <u>Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</u> (ii) <u>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> <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.</u> <u>The matters that Council will seek advice from iwi authorities on include:</u> (a) <u>Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</u> (b) <u>Any other matter related to tikanga Māori</u>
24.	Township Zone Rules	5.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Delete <u>(g) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 5.2.</u> <u>Matters to which the Council restricts its discretion:</u> <u>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</u>

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					<p><i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</p> <p>(ii) Effects on character and amenity values.</p> <p>(iii) Connection to services.</p> <p>In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(iv) Connection to services.</p> <p>In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>v) 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;</p> <p>(b) Any other matter related to tikanga Māori.</p>
25.	Township Zone Rules	5.2.1 Number of Dwelling Units and Minimum Site Area	Support	Kāinga Ora supports that papakāinga is exempt from any density standards.	Retain as notified.
26.	Commercial	6.1.1 Permitted Activities	Support in part	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted activity on general title as well.	(xiv) Papakāinga development on land held under Te Ture Whenua Māori Act 1993.
27.	Commercial	6.1.2 Controlled Activities	Support in part	Kāinga Ora support the activity status as a Controlled activity, however, this should also cover papakāinga on general title. Some of the matters of control are too broad, in particular 6.1.2 (b)(ii) creates uncertainty to applicants and provides Council too much discretion for a Controlled Activity. Matters 6.1.2 (b)(i) provides Council scope to address these effects, while also providing certainty for the applicant. Kāinga Ora seeks for matter 6.1.2 (b)(ii) to be	(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:

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought <i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as <u>strikethrough</u> for deletion and <u>underlined</u> for proposed additional text</i>
				removed from the rule. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication <i>Analysis of District Plan Papakāinga Rules</i> dated 30 April 2024.	<ul style="list-style-type: none"> (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) — Effects on character and amenity values. (iii) Connection to services.
28.	Commercial	6.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Delete (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) 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 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: (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
29.	Commercial	6.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Delete (f) Papakāinga developments 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 noncompliance with the particular performance standard(s) that is not met. (iv) — Effects on character and amenity values.

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought <i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as <u>strikethrough</u> for deletion and <u>underlined</u> for proposed additional text</i>
					<p>(v) — Connection to services.</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.</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;</p> <p>(b) Any other matter related to tikanga Māori.</p>
30.	Resource Consent Information Requirements and Assessment Matters	20.5 Assessment Matters	Support in part.	Kāinga Ora support the matters of assessment, however, the maintenance of the land title is a private matter and is inappropriate matter for Council to assess this as part of a resource consent. Kāinga Ora seeks that this should be removed from the assessment matters.	<p>(f) For applications on General Title Land, whether evidence of an ancestral connection to the land <u>and maintenance of the land title</u> has been demonstrated.</p> <p>Appropriate legal mechanisms to demonstrate this may include:</p> <p>(i) Historic Record of Titles.</p> <p>(ii) Managing the land via a Trust.</p>

