

South Taranaki District Council
Private Bag 902
Te Hāwera 4640

BY EMAIL: planchange@stdc.govt.nz

Tēnā koe,

RE: SUBMISSION TO SOUTH TARANAKI DISTRICT COUNCIL – PLAN CHANGE 3: PAPAĀINGA DEVELOPMENT

This submission is prepared on behalf of Te Kāhui o Taranaki Trust (TKOTT) in relation Plan Change 3: Papakāinga Development

TKOTT, as the Post-Settlement Governance Entity (PSGE) for Taranaki Iwi, operates under the Taranaki Iwi Claims Settlement Act 2017, which delineates the boundaries of the Taranaki Iwi settlement area. Our primary function is to uphold and bolster the autonomy, independence, and self-governance of marae/pā and hapū, collectively referred to as Taranaki Iwi.

It is crucial to clarify that TKOTT does not possess authority over any hapū within the Taranaki Iwi area. Our role is one of support and facilitation, respecting the sovereign decision-making rights of each hapū in relation to the taiao, and their cultural and historical values.

This submission does not usurp or reduce the mana motuhake of each Marae/Pā/Hapū and as such they shall also provide their own submission.

Please see the below table regarding the amendments and feedback.

Nāku noa,



Ngawai Terry
Pou Taiao
Te Kāhui o Taranaki Trust

Te Kāhui o Taranaki Trust

The specific submissions and the decisions sought for Plan Change 3: Papakāinga Development are as follows:

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
Definitions – ANCESTRAL LAND	Oppose	The Plan Change proposes to introduce a definition of Ancestral Land, however this is the only place within the plan where this term is used, and it is not clear what the role of this definition is in respect to the Plan Change.	Remove the definition of Ancestral Land
Definitions – GENERAL TITLE LAND	Support in Part	<p>The Plan Change introduces a definition for General Title Land as follows:</p> <p><i>GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.</i></p> <p>This definition needs to include a number of other exclusions for general title land to recognise properties returned through Treaty Settlement Process, or that remain in iwi, hapū or whānau ownership.</p>	<p>Amend the definition of General Title Land to exclude a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles.</p> <p>Potential wording for the definition as follows:</p> <p><i>GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not:</i></p> <ol style="list-style-type: none"> 1. <i>held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993; or</i> 2. <i><u>General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land</u></i>

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			<p><u>immediately before the land ceased to be Māori Freehold Land; or</u></p> <p>3. <u>General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori trust board, Marae committee or other similar legally incorporated Māori entity; or</u></p> <p>4. <u>General land owned by a legally incorporated Hapū entity; or</u></p> <p>5. <u>General land owned by an Iwi Authority, settlement trust or subsidiary entity; or</u></p> <p>6. <u>Cultural redress properties; or</u></p> <p>7. <u>Commercial redress properties including:</u></p> <ul style="list-style-type: none"> a. <u>Properties returned via deferred selection,</u> b. <u>Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and</u> c. <u>Properties transferred to a company in which the claimant group holds a controlling interest.</u> <p>And any other consequential changes or amendments to the plan in accordance with this relief.</p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
Definitions – PAPAĀINGA DEVELOPMENT	Support in Part	<p>Papakāinga Development is defined as follows:</p> <p><i>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 Māori Act 1993/Māori Land Act 1993).</i></p> <p>This definition must be amended to provide for a range of other land tenures associated with mana whenua iwi, hapū or whānau entities within the District to develop Papakāinga within the scope of this definition.</p>	<p>Amend the definition of Papakāinga Development to be inclusive of a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles.</p> <p>Potential amended wording as follows:</p> <p><i>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:</i></p> <ol style="list-style-type: none"> <i>1. 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>or</u></i> <i>2. <u>General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land immediately before the land ceased to be Māori Freehold Land; or</u></i> <i>3. <u>General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission (Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)	Relief sought (Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)
			<p><u>trust board, Marae committee or other similar legally incorporated Māori entity; or</u></p> <p>4. <u>General land owned by a legally incorporated Hapū entity; or</u></p> <p>5. <u>General land owned by an Iwi Authority, settlement trust or subsidiary entity; or</u></p> <p>6. <u>Cultural redress properties; or</u></p> <p>7. <u>Commercial redress properties including:</u></p> <p style="padding-left: 20px;">a. <u>Properties returned via deferred selection.</u></p> <p style="padding-left: 20px;">b. <u>Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and</u></p> <p style="padding-left: 20px;">c. <u>Properties transferred to a company in which the claimant group holds a controlling interest.</u></p> <p>And any other consequential changes or amendments to the plan in accordance with this relief.</p>
Definitions – PAPA KĀINGA DEVELOPMENT ON GENERAL TITLE LAND	Support	A new definition for Papakāinga Development on General Title Land is introduced as follows:	Retain the definition of Papakāinga Development on General Title.

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		<p><i>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.</i></p> <p>This is supported with the caveat that amendment to General Title Land definitions are made to enable papakāinga to be built on the range of land tenures associated with mana whenua iwi, hapū or whānau.</p>	
Rural Zone Rules – Rule 3.1.1(f)	Oppose	<p>The plan change proposes to amend the rule to read as follows:</p> <p><i><u>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</u></i></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
		are able to be established as permitted activities.	
Rural Zone Rules – Rule 3.1.2(b)	Support in Part	<p>The Plan change introduces a new sub-rule that reads as follows:</p> <p><i>(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.</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <ul style="list-style-type: none"> <i>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i> <i>(ii) Effects on character and amenity values.</i> <i>(iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.</i> <i>(iv) Connection to services.</i> 	<p>Amend the rule as follows:</p> <p>(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.</p> <p>Matters to which the Council restricts its control:</p> <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) 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.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
		<p>(v) <i>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.</i></p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	
Residential Zone Rules – Rule 4.1.1(e)	Oppose	<p>The plan change proposes to amend the rule to read as follows:</p> <p><i><u>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</u></i></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
Residential Zone Rules – Rule 4.1.2(a)	Support in Part	<p>The Plan change proposes to add the following controlled activity:</p> <p><i>(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 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).</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <p><i>(i) Site Layout.</i></p> <p><i>(ii) Scale and design of buildings.</i></p> <p><i>(iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</i></p>	<p>Amend the rule as follows:</p> <p>(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 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>(vi) Site Layout.</p> <p>(vii) Scale and design of buildings.</p> <p>(viii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</p> <p>(ix) Location, function and amenity of on-site open space.</p> <p>(x) Access, extent of impervious surfaces and landscaping.</p>

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		<p>(iv) <i>Location, function and amenity of on-site open space.</i></p> <p>(v) <i>Access, extent of impervious surfaces and landscaping.</i></p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	
Township Zone Rules – Rule 5.1.1(e)	Oppose	<p>The plan change proposes to amend the rule to read as follows:</p> <p><i><u>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</u></i></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>

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Township Zone Rules – Rule 5.1.2(a)	Support in Part	<p>The Plan change proposes to add the following controlled activity:</p> <p><i>(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.</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <ul style="list-style-type: none"> <i>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i> <i>(ii) Effects on character and amenity values.</i> <i>(iii) Connection to services.</i> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	<p>Amend the rule as follows:</p> <p>(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.</p> <p>Matters to which the Council restricts its control:</p> <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.
Commercial Zone Rules – Rule 6.1.1(xiv)	Oppose	The plan change proposes to amend the rule to read as follows:	Retain the operative plan rule which reads as follows:

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		<p><i>Papakāinga development <u>on land held under Te Ture Whenua Māori Act 1993.</u></i></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	<p><i>Papakāinga development</i></p>
<p>Commercial Zone Rules – Rule 6.1.2(b)</p>	<p>Support in Part</p>	<p>The Plan change proposes to add the following controlled activity:</p> <p><i>(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.</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <p><i>(i) Avoiding, remedying or mitigating of actual or potential effects deriving</i></p>	<p>Amend the rule as follows:</p> <p><i>(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 6.2.</i></p> <p>Matters to which the Council restricts its control:</p> <p><i>(iv) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i></p>

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		<p><i>from noncompliance with the particular performance standard(s) that is not met.</i></p> <p><i>(ii) Effects on character and amenity values.</i></p> <p><i>(iii) Connection to services.</i></p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	<p>(v) Effects on character and amenity values.</p> <p>(vi) Connection to services.</p>