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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: PAPAKĀINGA 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 lwi 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-	Support/Support	Submission	Relief sought	
section/Provision	in Part/Oppose	(Explain the reasons why you	(Give precise details of the decision you want the	
		support/support in part/oppose the	Council to make. To mark up changes to a provision	
		specific provisions or wish to have them	strike through text you want to remove and underline	
		amended.)	test you want to add)	
Definitions -	Oppose	The Plan Change proposes to introduce a	Remove the definition of Ancestral Land	
ANCESTRAL LAND		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.		
Definitions – GENERAL	Support in Part	The Plan Change introduces a definition	Amend the definition of General Title Land to exclude	
TITLE LAND		for General Title Land as follows:	a range of other typical mana whenua iwi, hapū or	
			whānau ownership structures or titles.	
		GENERAL TITLE LAND (IN RELATION TO		
		PAPAKĀINGA DEVELOPMENT): means	Potential wording for the definition as follows:	
		land that is owned by Māori but which is	_	
		not held under Te Ture Whenua Māori Act	,	
		1993/Māori Land Act 1993.	DEVELOPMENT): means land that is owned by Māori	
			but which is not <u>:</u>	
		This definition needs to include a	1. held under Te Ture Whenua Māori Act 1993/Māori	
		number of other exclusions for general	Land Act 1993 .; or	
		title land to recognise properties	2. General Land that ceased to be Māori Freehold	
		returned through Treaty Settlement	Land under Part 1 of the Māori Affairs Amendmen	
		Process, or that remain in iwi, hapū or	Act 1967; and which is still owned by the persons	
		whānau ownership.	or their descendants, who owned the land	

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		specific provisions or wish to have them	strike through text you want to remove and underline		
		amended.)	test you want to add)		
			immediately before the land ceased to be Māori		
			Freehold Land; or		
			3. 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		
			4. General land owned by a legally incorporated		
			<u>Hapū entity; or</u>		
			5. General land owned by an Iwi Authority,		
			settlement trust or subsidiary entity; or		
			6. <u>Cultural redress properties; or</u>		
			7. Commercial redress properties including:		
			a. <u>Properties returned via deferred</u>		
			selection,		
			b. <u>Properties transferred to other iwi,</u>		
			hapū or whānau entities associated		
			with the claimant group; and c. Properties transferred to a company in which the claimant group holds a controlling interest. And any other consequential changes or amendments to the plan in accordance with this		
			relief.		

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section/Provision	in Part/Oppose	(Explain the reasons why you	(Give precise details of the decision you want the		
		support/support in part/oppose the	Council to make. To mark up changes to a provision		
		specific provisions or wish to have them	strike through text you want to remove and underline		
		amended.)	test you want to add)		
Definitions -	Support in Part	Papakāinga Development is defined as	Amend the definition of Papakāinga Development to		
PAPAKĀINGA		follows:	be inclusive of a range of other typical mana whenua		
DEVELOPMENT			iwi, hapū or whānau ownership structures or titles.		
		PAPAKĀINGA DEVELOPMENT: means			
		the integrated development of multiple	Potential amended wording as follows:		
		DWELLING UNITS, that may include			
		Marae, supporting cultural	PAPAKĀINGA DEVELOPMENT: means the integrated		
		information/tourism centres and other	development of multiple DWELLING UNITS, that may		
		community building and recreation	include Marae, supporting cultural		
		facilities on Māori freehold land, Māori	information/tourism centres and other community		
		customary land and Crown land	building and recreation facilities on:		
		reserved for Māori (as defined in Te Ture	 Māori freehold land, Māori customary land 		
		Whenua Māori Act 1993/Māori Land Act	and Crown land reserved for Māori (as		
		1993).	defined in Te Ture Whenua Māori Act		
			1993/Māori Land Act 1993) <u>; or</u>		
		This definition must be amended to	2. General Land that ceased to be Māori		
		provide for a range of other land tenures	Freehold Land under Part 1 of the Māori		
		associated with mana whenua iwi, hapū	Affairs Amendment Act 1967; and which is		
		or whānau entities within the District to	still owned by the persons or their descendants, who owned the land		
		develop Papakāinga within the scope of			
		this definition.	immediately before the land ceased to be		
			<u>Māori Freehold Land; or</u>		
			3. General land that is beneficially owned by 10		
			<u>or more Māori – either individually or through</u>		
			whānau trust, Māori incorporation, Māori		

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

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		specific provisions or wish to have them	strike through text you want to remove and underline
		amended.)	test you want to add)
		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.	
		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.	
Rural Zone Rules –	Oppose	The plan change proposes to amend the	Retain the operative plan rule which reads as follows:
Rule 3.1.1(f)		rule to read as follows:	
			Papakāinga development
		Papakāinga development <u>on land held</u>	
		under Te Ture Whenua Māori Act 1993.	
		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	

Section/Sub-	Support/Support	Submission	Relief sought	
section/Provision	in Part/Oppose	(Explain the reasons why you	(Give precise details of the decision you want the	
		support/support in part/oppose the	Council to make. To mark up changes to a provision	
		specific provisions or wish to have them	strike through text you want to remove and underline	
		amended.)	test you want to add)	
		are able to be established as permitted		
		activities.		
Rural Zone Rules –	Support in Part	The Plan change introduces a new sub-	Amend the rule as follows:	
Rule 3.1.2(b)		rule that reads as follows:		
			(b) Papakāinga developments on land held under Te	
		(b) Papakāinga developments on land	Ture Whenua Māori Act 1993 that do not comply with	
		held under Te Ture Whenua Māori Act	one or more of the permitted activity performance	
		1993 that do not comply with one or	standards in Section 3.2.	
		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	
		Matters to which the Council restricts its	actual or potential effects deriving from	
		control:	noncompliance with the particular	
		(i) Avoiding, remedying or	performance standard(s) that is not met.	
		mitigating of actual or	(ii) Effects on character and amenity values.	
		potential effects deriving	(iii) Measures proposed to avoid or mitigate	
		from noncompliance with the	potential reverse sensitivity effects.	
		particular performance	(iv) Connection to services.	
		standard(s) that is not met.	(v) In areas not serviced by reticulated	
		(ii) Effects on character and	wastewater, stormwater and water	
		amenity values.	supply, on-site wastewater, water supply	
		(iii) Measures proposed to avoid	and stormwater systems are developed to	
		or mitigate potential reverse	serve the entire papakāinga.	
		sensitivity effects.	oorvo trio oritiro papakarriga.	
		(iv) Connection to services.		

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section/Provision	in Part/Oppose	(Explain the reasons why you	(Give precise details of the decision you want the	
		support/support in part/oppose the	Council to make. To mark up changes to a provision	
		specific provisions or wish to have them	strike through text you want to remove and underline	
		amended.)	test you want to add)	
		(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.		
		Amendments to the rule is required		
		consistent with the changes to		
		definitions outlined above.		
Residential Zone	Oppose	The plan change proposes to amend the	Retain the operative plan rule which reads as follows:	
Rules – Rule 4.1.1(e)		rule to read as follows:		
			Papakāinga development	
		Papakāinga development <u>on land held</u>		
		<u>under Te Ture Whenua Māori Act 1993.</u>		
		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.		

Section/Sub-	Support/Support	Submission	Relief sought		
section/Provision	in Part/Oppose	(Explain the reasons why you	(Give precise details of the decision you want the		
		support/support in part/oppose the	Council to make. To mark up changes to a provision		
		specific provisions or wish to have them	strike through text you want to remove and underline		
		amended.)	test you want to add)		
Residential Zone	Support in Part	The Plan change proposes to add the	Amend the rule as follows:		
Rules – Rule 4.1.2(a)		following controlled activity:			
			(a) Papakāinga developments on land held under		
		(a) Papakāinga developments on	Te Ture Whenua Māori Act 1993 that do not		
		land held under Te Ture Whenua	comply with one or more of the permitted		
		Māori Act 1993 that do not	activity performance standards for bulk and		
		comply with one or more of the	location (Rule 4.2.2), private outdoor living		
		permitted activity performance	area (Rule 4.2.3) or access and roading		
		standards for bulk and location	requirements (Rule 4.2.9).		
		(Rule 4.2.2), private outdoor living			
		area (Rule 4.2.3) or access and	Matters to which the Council restricts its		
		roading requirements (Rule	control:		
		4.2.9).	(vi) Site Layout.		
			(vii) Scale and design of buildings.		
		Matters to which the Council	(viii) Effects on existing residential		
		restricts its control:	character and amenity, including		
		(i) Site Layout.	privacy, loss of healthy mature trees		
		(ii) Scale and design of	and shading on neighbouring		
		buildings.	properties.		
		(iii) Effects on existing	(ix) Location, function and amenity of on-		
		residential character and	site open space.		
		amenity, including	(x) Access, extent of impervious surfaces		
		privacy, loss of healthy	and landscaping.		
		mature trees and shading			
		on neighbouring			
		properties.			

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section/Provision	in Part/Oppose	(Explain the reasons why you	(Give precise details of the decision you want the	
		support/support in part/oppose the	Council to make. To mark up changes to a provision	
		specific provisions or wish to have them	strike through text you want to remove and underline	
		amended.)	test you want to add)	
		(iv) Location, function and		
		amenity of on-site open		
		space.		
		(v) Access, extent of		
		impervious surfaces and		
		landscaping.		
		Amendments to the rule is required		
		consistent with the changes to		
		definitions outlined above.		
Township Zone Rules –	Oppose	The plan change proposes to amend the	Retain the operative plan rule which reads as follows:	
Rule 5.1.1(e)		rule to read as follows:		
			Papakāinga development	
		Papakāinga development <u>on land held</u>		
		under Te Ture Whenua Māori Act 1993.		
		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.		

Section/Sub-	Support/Support	Submission	Relief sought		
section/Provision	in Part/Oppose	(Explain the reasons why you	(Give precise details of the decision you want the		
		support/support in part/oppose the	Council to make. To mark up changes to a provision		
		specific provisions or wish to have them	strike through text you want to remove and underline		
		amended.)	test you want to add)		
Township Zone Rules –	Support in Part	The Plan change proposes to add the	Amend the rule as follows:		
Rule 5.1.2(a)		following controlled activity:			
			(a) Papakāinga developments on land held under Te		
		(a) Papakāinga developments on land	Ture Whenua Māori Act 1993 that do not comply with		
		held under Te Ture Whenua Māori Act	one or more of the permitted activity performance		
		1993 that do not comply with one or	standards in Section 5.2.		
		more of the permitted activity	Matters to which the Council restricts its control:		
		performance standards in Section 5.2.	(i) Avoiding, remedying or mitigating of		
		Matters to which the Council restricts its	actual or potential effects deriving from		
		control:	noncompliance with the particular		
		(i) Avoiding, remedying or	performance standard(s) that is not met.		
		mitigating of actual or	(ii) Effects on character and amenity values.		
		potential effects deriving	(iii) Connection to services.		
		from noncompliance with the	()		
		particular performance			
		standard(s) that is not met.			
		(ii) Effects on character and			
		amenity values.			
		(iii) Connection to services.			
		(III) Confidential to services.			
<u> </u>		Amendments to the rule is required			
		consistent with the changes to			
		definitions outlined above.			
		dominions outlined above.			
Commercial Zone	Oppose	The plan change proposes to amend the	Retain the operative plan rule which reads as follows:		
Rules – Rule 6.1.1(xiv)	- 555000	rule to read as follows:	inclide the inclining operative plantitude willouteaus as follows.		

Section/Sub-	Support/Support	Submission	Relief sought	
section/Provision	in Part/Oppose	(Explain the reasons why you	(Give precise details of the decision you want the	
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		specific provisions or wish to have them	strike through text you want to remove and underline	
		amended.)	test you want to add)	
			Papakāinga development	
		Papakāinga development <u>on land held</u>		
		under Te Ture Whenua Māori Act 1993.		
		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.		
Commercial Zone	Support in Part	The Plan change proposes to add the	Amend the rule as follows:	
Rules - Rule 6.1.2(b)		following controlled activity:		
			(a) Papakāinga developments on land held under	
		(b) Papakāinga developments on	Te Ture Whenua Māori Act 1993 that do not	
		land held under Te Ture Whenua	comply with one or more of the permitted	
		Māori Act 1993 that do not	activity performance standards in Section 6.2.	
		comply with one or more of the		
		permitted activity performance	Matters to which the Council restricts its	
		standards in Section 6.2.	control:	
			(iv) Avoiding, remedying or mitigating of	
		Matters to which the Council	actual or potential effects deriving	
		restricts its control:	from noncompliance with the	
		(i) Avoiding, remedying or	particular performance standard(s)	
		mitigating of actual or	that is not met.	
		potential effects deriving		

Section/Sub-	Support/Support	Submission		Relief sough	t	
section/Provision	in Part/Oppose	(Explain the reasons why you		(Give precise details of the decision you want the		
		support/support in part/oppose the		Council to m	Council to make. To mark up changes to a provision	
		specific provisions or wish to have them		strike through text you want to remove and underline		
		amended.)		test you wan	t to add)	
			from noncompliance with	(v)	Effects on character and amenity	
			the particular		values.	
		performance standard(s)		(vi)	Connection to services.	
			that is not met.			
		(ii)	Effects on character and			
			amenity values.			
		(iii)	Connection to services.			
		consistent w	s to the rule is required ith the changes to utlined above.			