

District Plan Review

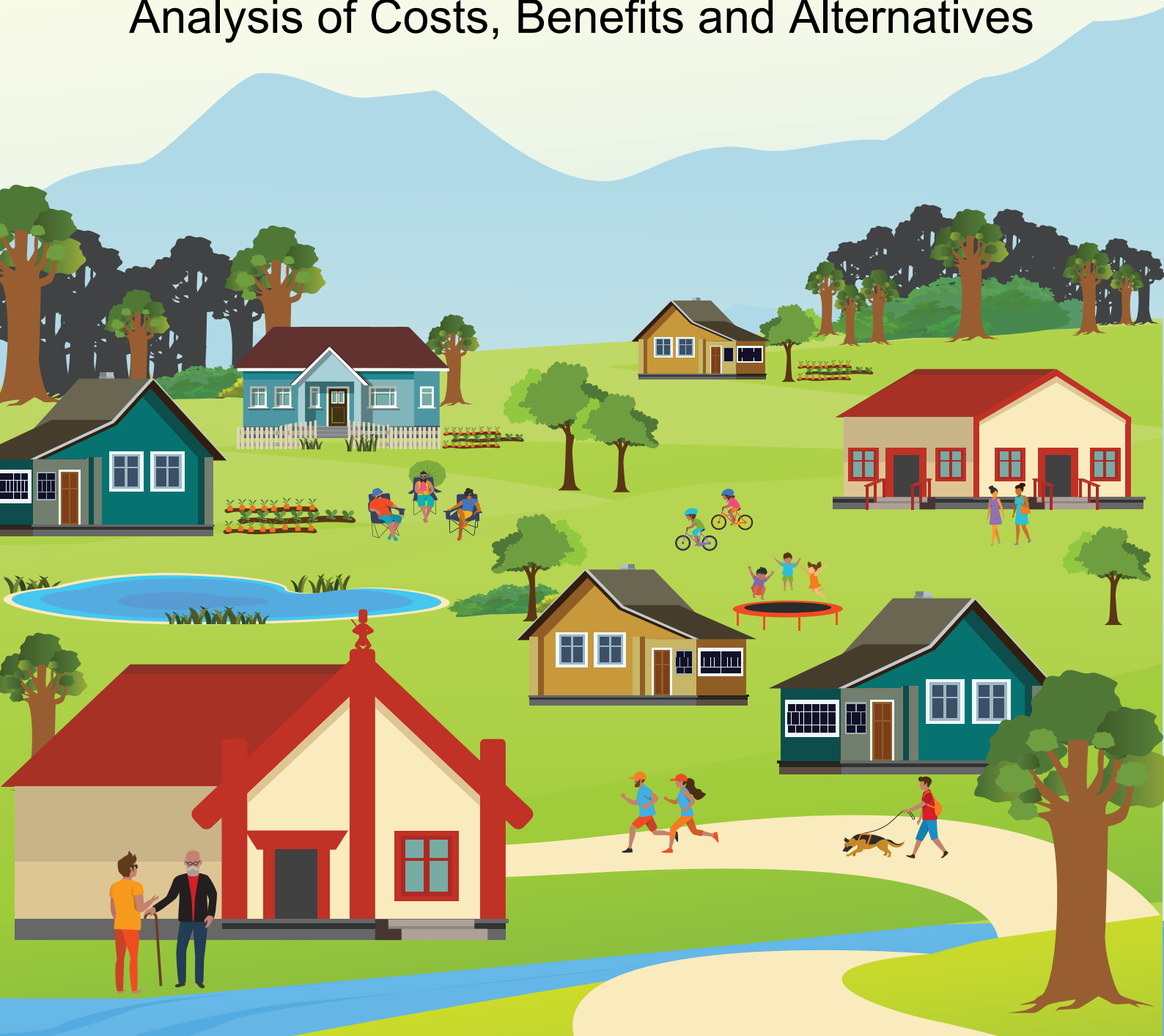
Plan Change 54

Papakāinga

Proposed Plan Change and Section 32

Report

Analysis of Costs, Benefits and Alternatives



Te kaunihera ā-rohe o
matamata-piako
district council

 mpdc.govt.nz

 35 Kenrick Street

 07 884 00 60


 PO Box 266, Te aroha 3342

Table of Contents

1. Introduction and Purpose.....	4
1.1 Overview.....	4
1.2 Purpose	4
2. Statutory and Policy Context	6
2.1 Part 2 of the RMA	6
2.2 Functions of Territorial Authorities.....	7
2.3 Preparation / Change of District Plans	8
2.4 Matters to be Considered.....	9
2.5 District Plan Content	10
2.6 Section 32 Evaluation	11
3. Background.....	13
3.1 Overview.....	13
3.2 Māori Land and Te Ture Whenua Māori Act 1993 (TTWMA).....	14
3.3 Māori Land in the Matamata-Piako District.....	17
3.4 Treaty Settlement Land.....	19
4. Key Resource Management Issues	22
4.1 Operative District Plan	24
4.2 Effectiveness of the Operative District Plan Approach.....	26
4.3 Summary of Issues	27
5. Consultation / Engagement.....	28
5.1 Overview.....	28
5.2 Project Launch Hui / Issues and Options.....	29
5.3 Iwi Working Group	29
5.4 Site Visit.....	32
5.5 Engagement with other District Councils	32
5.6 Te Manawhenua Forum	33
5.7 Other Stakeholders	33
5.8 Engagement with Marae	34
5.9 Engagement on the Draft Plan Change.....	35
6. Proposed District Plan Provisions.....	37
6.1 Māori Purpose Zone	37
6.2 District-wide Provisions	40
6.3 Definitions	40
6.4 Other Methods	42

7. Statutory Assessment	43
7.1 Part 2 of the RMA	43
7.2 National Policy Statements	44
7.3 National Environmental Standards	46
7.4 National Planning Standards.....	47
7.5 Waikato Regional Policy Statement (Te Tauāki Kaupapahere Te-Rohe O Waikato).....	48
7.6 Iwi Environmental Management Plans	51
8. Section 32 Evaluation	55
8.1 Overview.....	55
8.2 Evaluation of Scale and Significance	55
8.3 Evaluation of Objectives.....	57
8.4 Evaluation of Zoning and Provisions	60
9. Summary	80

Appendices

Appendix A: Marae in the Matamata-Piako District

Appendix B: Māori Freehold Land in the Matamata-Piako District

Appendix C: Issues and Options Paper

Appendix D: Research from other District Plans

Appendix E: Proposed Plan Provisions

Appendix F: Re-zoning Maps

Appendix G: Analysis of Sites for Re-zoning

1. Introduction and Purpose

1.1 Overview

This report sets out the proposed changes to the zoning and provisions of the Matamata-Piako District Plan (“**District Plan**”) for Plan Change 54 relating to papakāinga. It provides a summary of the evaluation of the costs, benefits, and options considered during the preparation of Plan Change 54 (“**PC54**”), as required under Section 32 of the Resource Management Act 1991 (“**RMA**”).

The primary purpose of PC54 is to enable papakāinga to meet the needs, desires and values of tangata whenua, while also managing potential adverse effects on the environment. Provision for papakāinga development is important to promote the economic, cultural and social health and wellbeing of the Māori community, and to achieve the matter of national importance of enabling Māori to establish and maintain their relationship, cultures and traditions with their ancestral lands.

The proposed changes to the District Plan are limited to provisions (objectives, policies and rules) that relate to papakāinga development on Māori Freehold Land, General Land owned by Māori and Treaty Settlement Land. In accordance with the National Planning Standards, a new special purpose zone has also been introduced, which is known as the Māori Purpose Zone (“**MPZ**”). This zoning relates to areas that have existing marae, and adjoining Māori Freehold Land blocks, as well as existing papakāinga.

Importantly, PC54 has been developed in collaboration with iwi. Council developed an Iwi Working Group (“**IWG**”) comprising of representatives from each Iwi Authority in the District to provide input on the plan change. Council has also endeavoured to get a critical understanding of the wider context and resource management issues that create barriers to papakāinga. Therefore, the IWG included representatives from the Māori Land Court (“**MLC**”), Te Puni Kōkōri (“**TPK**”) and Waikato Regional Council (“**WRC**”). Council has engaged directly with each of the marae in the district, with key stakeholders, and with the wider public on the draft plan change provisions.

It is recognised that the public and stakeholders have an important contribution to make through the submissions and hearing process. This report, along with submissions received during notification, will assist the Council in its deliberations, prior to making its final decision on PC54.

When Council makes its decisions, a supplement to this report will be prepared to summarise the process undertaken by Council during its deliberations, and its rationale for any changes made to the proposed plan provisions as a result of the submissions.

1.2 Purpose

The District Plan helps to shape the direction and outcomes for the sustainable management of the district’s natural and physical resources. This is a key part of the statutory framework provided by the RMA. The District Plan describes the resource management issues for the district and determines how we deal with those issues through

policies and methods, to meet the objectives of the District Plan. The methods include rules that determine when activities are permitted and when resource consents are required. Where activities require resource consents, the District Plan provides guidance to ensure that we avoid, remedy, or mitigate adverse effects on the environment.

Since our District Plan was first notified, we have experienced population growth, coupled with new development and land use change. However, many areas of multiple-owned Māori Land in the District are underutilised, meaning that the potential of this land to support and enhance the social, cultural and economic wellbeing of tangata whenua is yet to be fully unlocked.

There have also been legislative changes and new policy guidance that mandate us to make changes to our District Plan. The Waikato Regional Policy Statement (“**WRPS**”) became operative in 2016 and now includes objectives and policies that direct territorial authorities to provide for the ongoing use of marae and papakāinga.

The RMA requires every district to have a District Plan which, once operative, has to be reviewed every ten years. Our current District Plan became operative in 2005. The option of a “rolling review” was enabled through legislative changes when the Resource Management (Simplifying and Streamlining) Amendment Act 2009 came into force on 1 October 2009. PC54 is part of Council’s rolling review of the District Plan.

The structure of this report is as follows:

- Section 1 – Introduction and Purpose
- Section 2 – Statutory and Policy Context
- Section 3 – Background
- Section 4 – Key Resource Management Issues
- Section 5 – Consultation and Engagement
- Section 6 – Proposed District Plan Provisions
- Section 7 – Statutory Assessment
- Section 8 – Section 32 Evaluation
- Section 9 – Summary

2. Statutory and Policy Context

In undertaking this District Plan review and preparing PC54 there are number of legislative requirements that have been considered. Those which are most relevant to PC54 are outlined in this section. An assessment against the relevant statutory documents is provided in Section 7 of this report.

2.1 Part 2 of the RMA

The overriding framework that guides all decision-making under the RMA is embodied in the purpose and principles of the Act, as stated in Part 2 (sections 5 – 8). The purpose of the RMA is to promote the sustainable management of natural and physical resources. The RMA defines sustainable management as:

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 6 identifies matters of national importance, and states that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for these matters. The matters of national importance are:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights:

(h) the management of significant risks from natural hazards.

Section 7 identifies “other matters” that in achieving the purpose of the RMA, all persons exercising functions and powers under the Act shall have particular regard to in relation to managing the use, development, and protection of natural and physical resources. The “other matters” are:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

In achieving the purpose of the Act, decision makers should also take into account the principles of the Treaty of Waitangi (Section 8 of the Act):

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

2.2 Functions of Territorial Authorities

A district plan is a method to assist territorial authorities to carry out their functions. A district plan must be confined to matters that fall within the scope of a territorial authority’s functions. The functions of territorial authorities are set out in Section 31:

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(i) the avoidance or mitigation of natural hazards; and

(ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and

(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:

(iii) the maintenance of indigenous biological diversity:

(d) the control of the emission of noise and the mitigation of the effects of noise:

(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

(f) any other functions specified in this Act.

(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.

2.3 Preparation / Change of District Plans

Section 73 requires a territorial authority to have a district plan in place at all times and gives authority to the Council to change its district plan in accordance with the provisions in Schedule 1¹ of the RMA. It mandates the Council to change its district plan to give effect to an operative regional policy statement. Section 73 of the RMA states:

(1) There must at all times be 1 district plan for each district, prepared in the manner set out in the relevant Part of Schedule 1.

(1A) A district plan may be changed in the manner set out in the relevant Part of Schedule 1.

(1B) A territorial authority given a direction under section 25A(2) must prepare a change to its district plan in a way that implements the direction.

(2) Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Part 2 or 5 of Schedule 1.

(2A) A request for a plan change may be made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 if the territorial authority—

(a) is also the administering body in which the recreation reserve land is vested; and

(b) agrees that the request and application may be made jointly.

(3) A district plan may be prepared in territorial sections.

(4) A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—

(a) the statement contains a provision to which the plan does not give effect; and

(b) one of the following occurs:

(i) the statement is reviewed under section 79 and not changed or replaced; or

¹ Schedule 1 sets out the procedural requirements for the Plan Change process including time limits, consultation, submissions, hearings, notification of decisions, and appeals.

- (ii) the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or*
- (iii) the statement is changed or varied and becomes operative.*

(5) A local authority must comply with subsection (4)—

- (a) within the time specified in the statement, if a time is specified; or*
- (b) as soon as reasonably practicable, in any other case.*

Section 79 of the RMA states that a local authority must commence a review of a provision of any of the following documents it has, if the provision has not been a subject of a proposed policy statement or plan, a review, or a change by the local authority during the previous 10 years:

- (a) A regional policy statement:*
- (b) A regional plan:*
- (c) A district plan.*

If after reviewing the provision, the local authority considers that it requires alteration, the local authority must propose to alter the provision.

2.4 Matters to be Considered

Section 74 of the RMA sets out the matters to be considered when changing district plans. It states:

(1) A territorial authority must prepare and change its district plan in accordance with—

- (a) its functions under section 31; and*
- (b) the provisions of Part 2; and*
- (c) a direction given under section 25A(2); and*
- (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
- (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
- (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*
- (f) any regulations.*

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—

- (a) any—*
 - (i) proposed regional policy statement; or*
 - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*

(b) any—

- (i) management plans and strategies prepared under other Acts; and*
- (iia) relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
- (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and*
- (iv) relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies,— to the extent that their content has a bearing on resource management issues of the district; and*

(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

2.5 District Plan Content

Section 75 determines the contents of district plans, planning instruments that a district plan must give effect to, and that it must not be inconsistent with. It states:

(1) A district plan must state—

- (a) the objectives for the district; and*
- (b) the policies to implement the objectives; and*
- (c) the rules (if any) to implement the policies.*

(2) A district plan may state—

- (a) the significant resource management issues for the district; and*
- (b) the methods, other than rules, for implementing the policies for the district; and*
- (c) the principal reasons for adopting the policies and methods; and*
- (d) the environmental results expected from the policies and methods; and*
- (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
- (f) the processes for dealing with issues that cross territorial authority boundaries; and*
- (g) the information to be included with an application for a resource consent; and*

(h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.

- (3) *A district plan must give effect to—*
- (a) any national policy statement; and*
 - (b) any New Zealand coastal policy statement; and*
 - (ba) a national planning standard; and*
 - (c) any regional policy statement.*
- (4) *A district plan must not be inconsistent with—*
- (a) a water conservation order; or*
 - (b) a regional plan for any matter specified in section 30(1).*
- (5) *A district plan may incorporate material by reference under Part 3 of Schedule 1.*

Sections 76 – 77 set out the rules that may be included within District Plans.

2.6 Section 32 Evaluation

Section 32 of the RMA requires the Council, before a plan change is notified, to evaluate alternative options for dealing with the district's resource management issues. It states:

- (1) *An evaluation report required under this Act must—*
- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions; and*
 - (c) 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.*

The scope and matters that Council must take into account during its evaluation, is described in Section 32(2):

- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Section 32(4A) and clause 3B and 4A of Schedule 1 of the RMA require that Council consults with iwi authorities, including enabling iwi authorities to identify resource management issues of concern to them, and indicating how those issues have been or are to be addressed. The Council must also provide a copy of the relevant draft plan change to iwi authorities and have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

3. Background

3.1 Overview

The iwi with rohe in the Matamata-Piako District are represented by Ngāti Hako, Ngāti Hauā, Ngāti Hinerangi, Ngāti Korokī Kahukura, Ngāti Maru, Ngāti Pāoa, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngāti Whanaunga, Raukawa, and Waikato Tainui.

There are 13 marae in the Matamata-Piako District, which are outlined in Table 1, and shown in Figure 1 and **Appendix A**. Each of the marae are located on Māori Freehold Land and therefore administered under Te Ture Whenua Māori Act (“**TTWMA**”).

Table 1: Existing marae in the Matamata-Piako District

Marae Name	Iwi	Location
Paeahi	Ngāti Hako	5876 SH26, Waitoki
Raungaiti	Ngāti Hauā	6425 SH27, Waharoa
Kai-a-te-mata	Ngāti Hauā	1 Kereone Road, Morrinsville
Rukumoana	Ngāti Hauā	536 Morrinsville-Walton Road, Morrinsville
Te Ōhākī	Ngāti Hinerangi	31A Douglas Road, Okauia
Hinerangi Tawhaki	Ngāti Hinerangi	96 Douglas Road, Okauia
Tamapango	Ngāti Hinerangi	151 Douglas Road, Okauia
Waiti	Ngāti Pāoa	95 Waiti Road, Tahuna
Tumutumu (Tui Pā)	Ngāti Rāhiri Tumutumu	57 Tui Pā Road, Te Aroha
Tangata	Raukawa	206 Douglas Road, Okauia
Te Omeka	Raukawa	1133 Tauranga Road, Te Poi
Te Ūkaipō	Raukawa	3535 SH29, Te Poi
Rengarenga ²	Raukawa	1 Papatangi Road, Te Poi

² Rengarenga marae does not currently have a whareniui, however there are aspirations to rebuild.

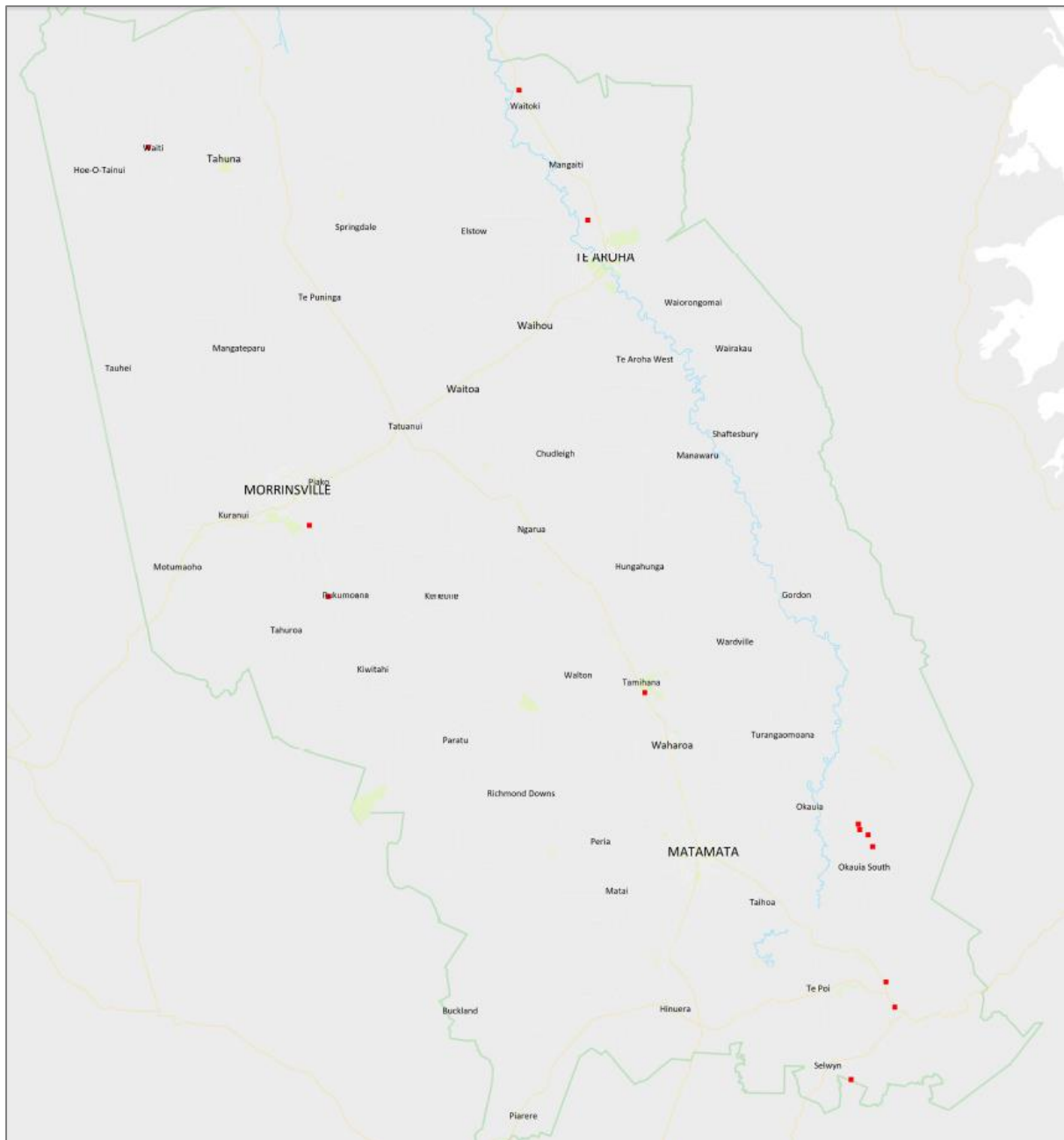


Figure 1: Existing marae in the Matamata-Piako District (note: the red dots represent individual marae and the green outline is the boundary of the district).

3.2 Māori Land and Te Ture Whenua Māori Act 1993 (TTWMA)

Prior to colonisation, Māori had collective ownership and tino rangatiratanga for the land in their territory. The arrival of European settlers brought the individual title system of land ownership favoured by British Laws into New Zealand. These differences in land management/ownership have caused conflict and resulted in alienation of Māori Land since the signing of the Treaty of Waitangi in 1840.

TTWMA is the primary legislation for the administration of Māori Land. Predecessor legislation such as the Native Land Act 1862 were geared towards individualisation of land

tenure to facilitate dispossession and alienation. Nowadays, the primary objective of TTWMA is to:

- Promote the retention and use of Māori Land; and
- Facilitate the occupation, development and use of that Land; and
- Ensure decisions made about Māori land are fair and balanced, taking into account the needs of all the owners and their beneficiaries.

Māori land generally has multiple owners, with descendants inheriting ownership as owners die (via applying to the Māori Land Court). This means that over time, there can be more and more owners in a block of land, with some blocks now having hundreds of owners. This ownership framework can make it difficult to make decisions about the land and therefore there are regulations in place to manage this.

Under TTWMA, all land has a particular status, which is set out in the following table.

Table 2: Types of land status under Section 129 of Te Ture Whenua Māori Act 1993

Type of land	Meaning under TTWMA
Māori Customary Land	Land that is held by Māori in accordance with tikanga Māori shall have the status of Māori Customary Land.
Māori Freehold Land	Land, the beneficial ownership of which has been determined by the Māori Land Court by freehold order, shall have the status of Māori Freehold Land.
General Land Owned by Māori	Land (other than Māori 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 Māori or by a group of persons of whom a majority are Māori, have the status of General Land Owned by Māori.
General Land	Land (other than Māori Freehold Land and General Land Owned by Māori) that has been alienated from the Crown for a subsisting estate in fee simple shall have the status of General Land.
Crown Land	Land (other than Māori Customary Land and Crown Land Reserved for Māori) that has not been alienated from the Crown for a subsisting estate in fee simple shall have the status of Crown Land.
Crown Land Reserved for Māori	Land (other than Māori 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 Māori shall have the status of Crown Land Reserved for Māori.

As the majority of Māori Land is held in multiple ownership, owners can apply to the Māori Land Court to establish a management structure over the land. The types of management structures are outlined in Table 3. The main advantages of structures under TTWMA are:

- Māori Land Court involvement ensures accountability and protection.
- High level of beneficiary participation.
- The restrictions on alienation.

Table 3: Types of management structures

Type of trust	Description
Ahu Whenua Trust	This is the most common Māori land trust. The purpose of an Ahu Whenua Trust is to promote the use and administration of the land in the interest of the landowners. These trusts are often used for commercial purposes. This is a land management trust and involves whole blocks of land.
Whenua Tōpū Trust	This is an iwi or hapū based trust. It is designed to facilitate the use and administration of the land in the interest of the iwi or hapū. This type of trust is also used for receiving Crown land as part of any settlement. This is a land management trust and involves whole blocks of land.
Whānau Trust	This is a whānau oriented trust. It allows the whānau to bring together their Māori land interests for the benefit of the whānau and their descendants. This is a share management trust and relates primarily to specified shares in land.
Pūtea Trust	A Pūtea Trust allows the landowners of small and uneconomical interests to pool their interests together. This is a share management trust and relates primarily to specified shares in land.
Kaitiaki Trust	A Kaitiaki Trust relates solely to an individual who is a minor or has a disability and is unable to manage their affairs. This trust can include all of an individual's assets.
Māori Reservations	A Māori Reservation sets aside Māori land or General Land for a specific community purpose. For example, a marae, urupā or papakāinga. It is possible to establish a Māori Reservation over part of a block.
Māori Incorporations	A Māori Incorporation is a structure similar to a company. Its purpose is to facilitate and promote the use and administration of Māori Freehold Land on behalf of the owners. Māori Incorporations are designed to manage whole blocks of land and are the most commercial of all Māori land management structures. A Māori incorporation can include one or more blocks of Māori Freehold Land, if at least one of the blocks has more than two owners.

The ability to use or develop Māori land is dependent on three factors:

- The number of shares a person holds in the land.

- The permission or agreement from other owners of the land.
- The permission or agreement from any trustees appointed to manage the land.

The formal instruments under TTWMA that allow owners to use or develop Māori Land are set out in Table 4.

Table 4: Types of formal instruments used to occupy Māori Land

Type of instrument	Authority	Comment
Lease (includes cross lease)	Owner	A lease is an agreement between a person and the owners to use land for an agreed purpose, term, and payment. It is granted by the owners; or the trustees of an Ahu Whenua Trust or Whānau Trust; or the Committee of Management of a Māori Incorporation.
Licence to Occupy	Owner	A licence to Occupy is a contract between a person and the owners which allows a particular activity to occur on the land or on part of the land. It is granted by the owners; or the trustees of an Ahu Whenua Trust or Whānau Trust; or the Committee of Management of a Māori Incorporation.
Occupation Order	Court	An owner may seek an Occupation Order to exclusively occupy a certain part of any Māori Land. This is ordered by the Court, if the requirements of Section 328 of Te Ture Whenua Māori are met.
Partition Order	Court	A partition is the division of the land between its owners to create new titles or blocks. This is ordered by the Court, if the requirements of section 296 of Te Ture Whenua Māori are met.

3.3 Māori Land in the Matamata-Piako District

The Māori Freehold Land blocks in the Matamata-Piako District are shown in Figure 2 below and **Appendix B**. Based on 2021 data, it is estimated that around 2% (3,594 hectares) of the district's total land area (175,000 hectares) is made up of Māori Freehold Land³. The land is all located within rural, or rural-residential areas. The average block size is 19 hectares (ranging from 0.0055 hectares to 557 hectares) and the average number of owners is 107 (ranging from 1 to 1064). There is no Māori Customary Land in the district.

³ Note: the information has been estimated based on existing records obtained from the Māori Land Court. This data is intended to provide a general overview only and should not be relied on.

It is recognised that not all Māori Freehold Land in the district is developable land. Many of these blocks have existing constraints. For example:

- Some blocks have Māori Reservations that may restrict further development (for example: marae or urupā);
- Some blocks have access issues;
- Some have long term leases (for example for forestry or farming); and
- Some is conservation land.

Out of the 3,594 hectares of Māori Freehold Land, 386 hectares (10.7%) are proposed to be re-zoned as part of PC54.

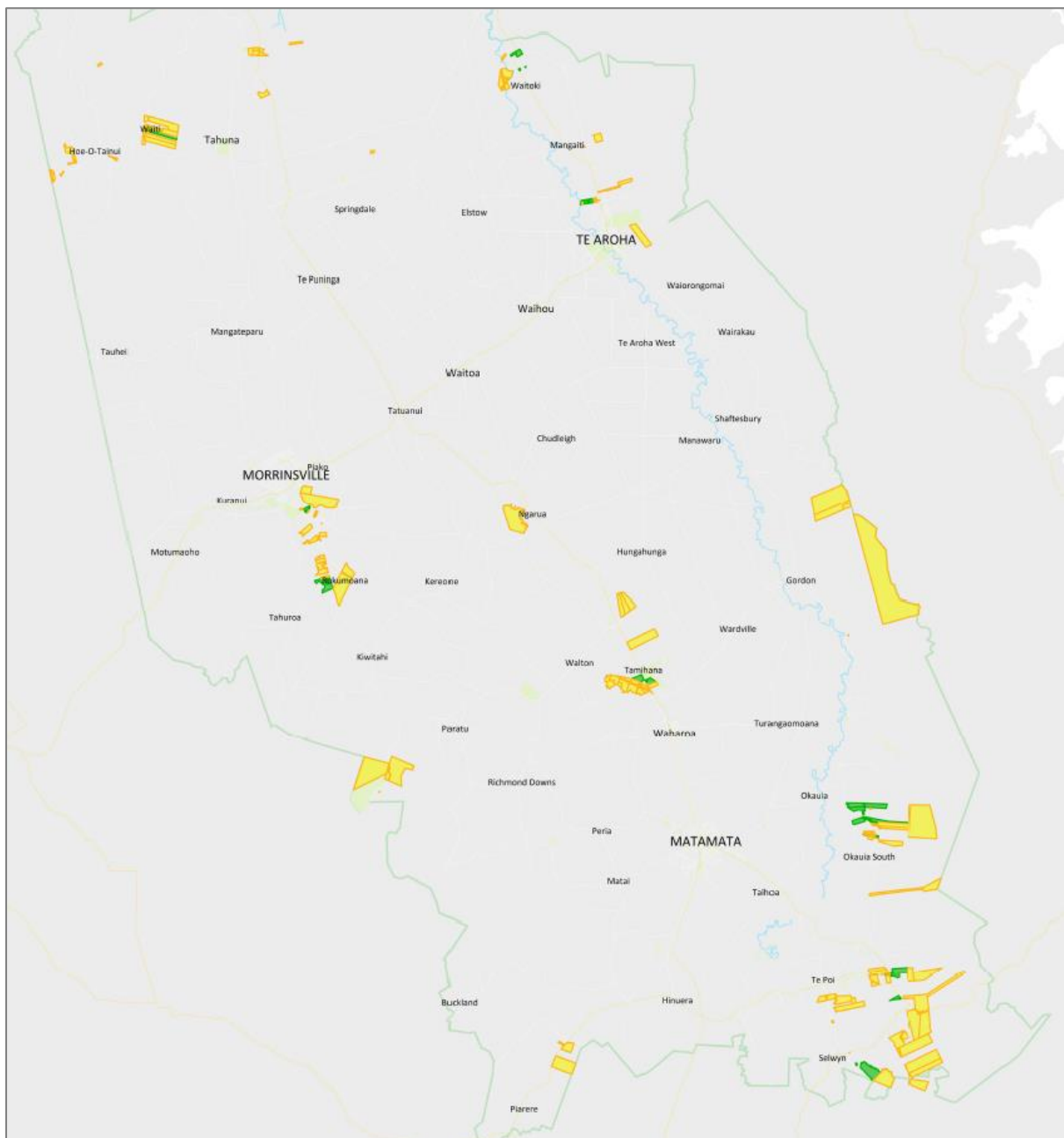


Figure 2: Existing Māori Freehold Land in the Matamata-Piako District (note: the green blocks are the Māori Freehold Land proposed to be re-zoned and the yellow blocks are the remainder of the Māori Freehold Land).

3.4 Treaty Settlement Land

In recent years, a number of iwi and hapū in the Matamata-Piako District have settled claims with the Crown for breaches of the Treaty of Waitangi. Other iwi are at various stages of negotiations, including Agreements in Principle and Deeds of Settlement. Treaty Settlement legislation addresses historic breaches of the Treaty through an apology, a range of acknowledgements, and the transfer of Crown-owned land parcels to claimants. Some land is acquired as 'cultural redress' (generally reserves), and other land is acquired as commercial redress. Commercial redress is intended to form an economic base for the iwi/hapū.

The iwi with rohe in the Matamata-Piako District who have settled their Treaty of Waitangi claims with deeds of settlement signed between the Iwi and the Crown are:

- Ngāti Hauā – Ngāti Hauā Claims Settlement Act 2014
- Raukawa – Raukawa Claims Settlement Act 2014
- Ngāti Korokī Kahukura – Ngāti Koroki Kahukura Claims Settlement Act 2014
- Ngāti Hinerangi – Ngāti Hinerangi Claims Settlement Act 2021
- Waikato-Tainui – Waikato Raupatu Claims Settlement Act 1995
- Waikato-Tainui – Raupatu Claims (Waikato River) Settlement Act 2010

In 2009, the 12 iwi of Hauraki formed the Pare Hauraki Collective for the purpose of negotiating a Treaty settlement. The Pare Hauraki Collective is made up of Ngāi Tai ki Tamaki, Ngāti Hako, Ngāti Hei, Ngāti Maru, Ngāti Pāoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngāti Whanaunga and Te Patukirikiri. On 22 December 2016, the Crown and the Pare Hauraki Collective initialled the Pare Hauraki Collective Redress Deed (the Deed). The Deed has been ratified by the members of the Iwi of Hauraki, however the legislation has not yet been enacted (at the time of writing this report).

Settlement of Treaty claims between the crown and tangata whenua are resulting in increased Māori land ownership throughout New Zealand and providing Māori with access to greater financial resources, enabling them to fulfil their social, cultural and economic aspirations.

3.4.1 Statutory Acknowledgements and Deeds of Recognitions

As part of the deed of settlement are statutory acknowledgements. These are required to be included as appendices in the District Plan.

Statutory Acknowledgements acknowledge areas or sites with which iwi have a special relationship, and will be recognised in any relevant proceedings under the RMA. These provisions aim to avoid past problems where areas of significance to Māori, such as burial grounds, were cleared or excavated for public works or similar purposes without permission or consultation with iwi. Deeds of Recognition set out an agreement between the administering Crown body (the Minister of Conservation) and a claimant group in

recognition of their special association with a site and specify the nature of their input into the management of the site.

Statutory Acknowledgements and Deeds of Recognition are nonexclusive redress, meaning more than one iwi can have a Statutory Acknowledgement or Deed of Recognition over the same site. The areas in relation to the Matamata-Piako District are set out in table 5.

Table 5: Statutory acknowledgement areas and deeds of recognition within the Matamata-Piako District

Iwi	Areas subject only to a statutory acknowledgement	Areas also subject to a deed of recognition
Raukawa	<ul style="list-style-type: none"> • Part Kaimai Mamaku Conservation Park as shown on OTS-113-17 • Okauia geothermal field as shown on OTS-113-32 • Taihoa geothermal field as shown on OTS-113-32 	<ul style="list-style-type: none"> • (Part of) Waihou River and its tributaries as shown on OTS-113-18 • (Part of) Lake Karapiro as shown on OTS-113-30
Ngāti Hauā	<ul style="list-style-type: none"> • Te Wairere (being Wairere Falls Scenic Reserve, part of Gordon Park Scenic Reserve, and part of Kaimai Mamaku Conservation Park) as shown on OTS-190-04 • Te Weraiti (being part of Kaimai Mamaku Conservation Park) as shown on OTS-190-05 • Ngatamahinerua (being part of Kaimai Mamaku Conservation Park and part of Maurihero Scenic Reserve) as shown on OTS-190-03 • Waiorongomai (being part of Kaimai Mamaku Conservation Park) as shown on OTS-190-02 	<ul style="list-style-type: none"> • Waikato River and tributaries within the Ngāti Hauā Area of Interest as shown on OTS-190-08
Ngāti Koroki Kahukura	N/A	<ul style="list-style-type: none"> • Waikato River and its tributaries within the area of interest as shown on OTS-180-27 • Lake Karapiro as shown on OTS-180-29
Ngāti Hinerangi	<ul style="list-style-type: none"> • Kaimai range ridgeline as shown on OTS-135-18 • Part Kaimai Range (including part Kaimai Mamaku Conservation Park, part Gordon Park Scenic Reserve, part Wairere Falls Scenic Reserve, and part Maurihero Scenic Reserve) as shown on OTS-135-19 • Te Ara o Maurihero (Thompson's Track) as shown on OTS-135-21 	<ul style="list-style-type: none"> • Waianuanu (being part Kaimai Mamaku Conservation Park and part Gordon Park Scenic Reserve) as shown on OTS-135-23

	<ul style="list-style-type: none">• Te Tapui Scenic Reserve within the area of interest as shown on OTS-135-22• Waihou River and its tributaries within the area of interest as shown on OTS-135-24• Ōkaiua Geothermal Resource as shown on OTS-135-17• Taihoa Geothermal Resource as shown on OTS-135-17	
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

4. Key Resource Management Issues

At the beginning of the plan change process (May 2019), Council held a project launch hui to gain an understanding on the following matters:

- The issues and challenges facing tangata whenua regarding the development of their land; and
- The aspirations of tangata whenua to develop Māori Land in the Matamata-Piako District.

The hui was attended by Matamata-Piako District Council elected members, planning staff, Boffa Miskell consultants and representatives from various iwi authorities⁴, including Ngāti Hauā, Ngāti Paoa, Ngāti Hinerangi, Ngāti Korokī Kahukura, Raukawa and a representative from Te Puni Kōkiri.

The issues discussed at this hui are summarised in the following table. It is recognised that these issues have wider strategic importance (ie. are not limited to PC54). Not all of these issues can be addressed through changes to the District Plan alone, and should be addressed through a joint regulatory and non-regulatory approach.

Table 6: Key issues summarised from the project launch hui

Key Issue	Comment
Growing Māori population and a shortage of quality affordable housing / inability to live on ancestral land.	<ul style="list-style-type: none"> • Whānau – many of whom are skilled workers – are keen to return home and live on whānau / ancestral land. • The Māori population in the District is growing, and is expected to continue to grow. According to the 2018 census, the Matamata-Piako District had a population of 34,404. Of these people, 5,733 (or 16.6%) identify as Māori. This is an increase from 14.2% in 2013 and 12.7% in 2006. • There has been a growth in young Māori population. A large proportion of Māori in the District are aged under 20 years. • With a shortage of quality and affordable housing options, many Māori are living in rental accommodation. Rental accommodation can be difficult to secure for large whānau and thus overcrowded, which has implications on wellbeing.
Inadequate recognition of kaupapa and mātauranga Māori in resource management planning and decision-making.	<ul style="list-style-type: none"> • Māori have a holistic and interconnected relationship with natural and physical resources. In recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga, it should be recognised that there are clear links between healthy ecosystems (with greater life-supporting capacity) and people's cultural and spiritual wellbeing (i.e. the environment

⁴ An invite was sent out to all iwi authority representatives in the district.

	<p>needs to be healthy before tangata whenua can live there). The plan change should consider housing from the Māori worldview.</p> <ul style="list-style-type: none"> • Inadequate recognition of tangata whenua values, interests and relationship with marae, urupā and ancestral lands in planning documents. As such, restrictions and controls often do not recognise kaupapa Māori and tikanga and can unfairly disadvantage the ability to use and develop underutilised Māori land (e.g. minimum setbacks between boundaries and buildings does not enable Māori to pursue a quality of life consistent with their traditional and cultural values and customs, e.g. use of shared space, grouping and orienting of whare together). • Time, costs, resources and associated uncertainty with resource consent processes (e.g. notification, opposition from neighbours or community, hearings processes). • Plan provisions are complex, difficult to interpret, navigate and apply. • Frustrations regarding a need to repeatedly explain how kaupapa Māori works (e.g. to council officers during processing of resource consent applications). • District planning provisions are perceived as being applied inequitably across different types of development. For example, despite a hotel or motel with multiple units being a discretionary activity in all zones throughout the Matamata-Piako District, it would be easier to consent or better provided for in the planning rules than papakāinga.
<p>Multiple ownership of land and associated challenges.</p>	<ul style="list-style-type: none"> • Additional legislative requirements and controls under Te Ture Whenua Māori Act 1993. • Lack of ability to finance and/or access funding for development. Obtaining finance for development can be challenging with multiple owners (especially for Māori Freehold and Māori Customary Land). • Decision-making and co-operation between multiple landowners and trustees to agree on a shared vision. • Uncertainty or ambiguity around the definition of Māori owned land.
<p>Limited resources, capacity or capability to navigate process to develop papakāinga.</p>	<ul style="list-style-type: none"> • The processes / stages to develop papakāinga involve whānau planning, workshops/research, project feasibility, due diligence, consents, project/building management and housing operations. • These processes are complex, time-consuming and difficult to navigate.
<p>Lack of servicing and other infrastructure.</p>	<ul style="list-style-type: none"> • Infrastructure and service provision is limited (e.g. wastewater, water, stormwater systems, electricity and telecommunications connections) especially when land

	<p>is located in rural areas (e.g. all of the marae in the District).</p> <ul style="list-style-type: none"> • Future papakāinga developments may need to be self-serviced. • Opportunities for innovative infrastructure solutions, but the costs can be high and would need to be evenly shared (so to not place an unfair burden on those who are first to develop their papakāinga).
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

In addition to the issues identified above, through consultation (as discussed in Section 5 of this report) another issue was identified. This is, that the Māori Freehold Land in the district is located in rural areas, which is generally characterised by low density-built form and open space. New papakāinga development within these areas is likely to change the character and amenity currently experienced in the Rural Zone.

4.1 Operative District Plan

The current District Plan became operative in 2005. It contains rules for “marae, wharenuī and housing developments”. The activity status for these types of activities and development for each zone is outlined in Table 7.

Table 7: Activity status for marae, wharenuī and housing developments under the District Plan

Activity ⁵	Zones					
	Rural	Rural-Residential	Residential	Industrial	Business	Kaitiaki
Iwi housing and marae subject to an Iwi Housing and Marae Development Plan	P	P	P	NC	D	NC
Preparation and variation of an Iwi housing and Marae Development Plan	D	D	D	NC	D	NC
Marae, wharenuī and housing developments where there is no approved Iwi Housing and Marae Development Plan or where the development is not in accordance with an approved Plan	D	D	D	NC	D	NC

⁵ Note: P refers to a permitted activity, D refers to a discretionary activity and NC refers to a non-complying activity.

In addition to the underlying zone rules, the specific activity related performance standards for marae, wharenui and housing developments (contained in Section 4.4) are:

- The development shall be on allotments on or adjoining a Marae.
- The development shall not exceed a maximum of 25 dwelling units.
- The development shall not exceed a density of one dwelling per 2,000m² of net site area in the area covered by the application.

The development would also need to meet the relevant performance standards for the zone as listed under Section 3.

There are no objectives, policies or definitions in the District Plan that directly relate to “marae, wharenui and housing developments”. There are also no objectives and policies relating to tangata whenua. Section 2.3.3 of the District Plan recognises this as a significant resource management issue and states:

“There has been to date limited partnership in the management of the District’s resources and thereby limited recognition in planning rules of the needs of the tangata whenua particularly their desire to return to their lands for housing and employment opportunities.”

Table 8 below sets out the generic objectives and policies that would be most relevant for marae, wharenui and housing developments. It is noted that the District Plan does not contain objectives and policies for specific zones, but rather categorises the objectives and policies by themes.

Table 8: Relevant objectives and policies of the District Plan

Theme	Objective / Policy
Character and amenity	3.5.2.1.O1: To maintain and enhance a high standard of amenity in the built environment without constraining development innovation and building variety.
	3.5.2.1.O2: To minimise the adverse effects created by building scale or dominance, shading, building location and site layout.
	3.5.2.1.P1: To ensure that development in residential and rural areas achieves adequate levels of daylight admission, privacy and open space for development sites and adjacent properties.
	3.5.2.1.P3: To maintain the open space character of residential and rural areas by ensuring that development is compatible in scale to surrounding activities and structures.
	3.5.2.2.O3: To ensure that the design of subdivisions and the potential future development maintains or enhances the rural character, landscape and amenity of the zone and the surrounding area.
	3.5.2.2.P7: To ensure that the rural landscape, character and amenity values are maintained by avoiding inappropriate adverse effects,

	including cumulative adverse effects, from subdivision and potential future development.
	3.5.2.2.P8: To ensure that the placement of new lots and/or building platforms are not located on prominent ridgelines or hillside faces where the visibility of future development can adversely affect the rural landscape and character.
	3.5.2.2.P9: Subdivision, use and development that is not primarily related to productive rural activities or requiring a rural location shall occur predominately in urban areas.
	3.5.2.3.O3: To recognise the existing character of rural areas and acknowledge that some adverse effects will arise from rural activities that may require management.
	3.5.2.3.O4: To ensure that lawfully established activities which generate minor nuisance effects are not unreasonably compromised by the proximity or action of neighbouring land-users or non-rural activities.
	3.5.2.3.O6: To ensure that subdivision and land use activities are located and sited in a manner that recognises existing and planned infrastructure networks and avoids, remedies, or mitigates any potential reverse-sensitivity effects on those infrastructure networks.
	3.5.2.3.P5: To maintain rural amenity while acknowledging that lawfully established activities in the rural area may generate effects such as odour, noise, dust and vibration which are generally not anticipated in urban areas.
	3.5.2.3. P6: To ensure that appropriate buffers and other mitigation measures are established between incompatible activities and zones.
Land and development	3.3.2.1.O2: To manage all activities in a manner that maintains and enhances the District's high quality soils and to ensure that the productive capability of rural land is not compromised.
	3.3.2.1.P5: To limit fragmentation of rural land by limiting opportunities for residential or rural-residential subdivision in the Rural zone to conserve the land for the use of future generations.
	3.3.2.1.P7: To ensure that the productive potential of high quality soils in the Rural zone is retained by promoting large lot sizes that provide for a range of productive rural uses.

4.2 Effectiveness of the Operative District Plan Approach

The main issues with the Operative District Plan that limit its effectiveness are:

- Although the District Plan lists “iwi housing and marae” as a permitted activity, the approach requires that an “Iwi Housing and Marae Development Plan” is approved through a discretionary activity resource consent process, prior to any development occurring. This means technically all proposed iwi housing and marae activities requires resource consent.
- The rules only allow iwi housing on “allotments on or adjoining a Marae”. There is no provision to develop on other multiple owned Māori land that does not contain a Marae on the allotment or adjacent to it.

- There are no specific rules that enable development of papakāinga on general land or Treaty Settlement land.
- There are no specific rules relating to ancillary activities such as community or healthcare facilities.
- There are no specific rules relating to the expansion or creation of new urupā.
- No strong policy framework to support the use and development of marae and papakāinga (instead reliance on generic objectives and policies relating to amenity values). This gives no direction to applicants or Council when processing resource consents. Therefore, there is a high potential that resource consents could be a complex and costly process, with potential for notification or the consent application being declined.
- The District Plan does not provide a definition for “iwi housing and marae” creating uncertainty as to the nature and scale of activities or development covered by this term and rule.
- Although some provisions give effect to higher order documents, such as the WRPS and Part 2 of the RMA, they are not as enabling or effective as they could be.

Until recently, Council had not received any applications for papakāinga under the current district plan provisions. Council has also received queries from hapū and whānau who are interested in developing papakāinga. In particular, Council has received numerous queries around further housing at Rukumoana Road, Kutia Road and Gillet Road.

4.3 Summary of Issues

In summary, the three main issues have been identified as:

- Issue 1: There is a growing Māori population in the Matamata-Piako District and there is limited ability to live on ancestral lands.
- Issue 2: There is inadequate recognition of kaupapa and mātauranga Māori within the operative District Plan.
- Issue 3: The Māori Freehold Land in the Matamata-Piako District is located in rural areas, which is generally characterised by low density-built form and open space. New development within these areas is likely to change the character and amenity currently experienced in the Rural Zone.

5. Consultation / Engagement

5.1 Overview

S32(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 required to:

- Provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 of the RMA 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.

Extensive engagement has been undertaken in relation to the development of PC54. In summary, Council has undertaken the following:

- Held a project launch hui with tangata whenua to understand the aspirations and issues being faced when developing land for papakāinga.
- Prepared and consulted on an “Issues and Options” paper.
- Developed an IWG comprising of representatives from each Iwi Authority in the District. Council facilitated eight hui with the IWG in order to provide recommendations on PC54.
- Undertook a site visit with the IWG to observe a papakāinga recently built by whānau of Ngāti Korokī Kahukura. This also involved a presentation by Ngāti Korokī Kahukura to discuss the challenges faced during their resource consent process.
- Engaged with and sought advice from other District Councils regarding the development and implementation of their papakāinga provisions (including Christchurch City Council, Waipa District Council, South Taranaki District Council, Tauranga City Council, Waikato District Council and Whangarei District Council).
- Engaged with and sought advice from other agencies including Te Kōti Whenua Māori (Māori Land Court), Te Puni Kōkiri (Ministry of Māori Development), Waikato Regional Council, Waka Kotahi, Kāinga Ora, Horticulture New Zealand, and Federated Farmers.
- An invitation was made to all marae in the district to present on the plan change (although some were combined hui).
- Letter drop to all properties proposed to be re-zoned as MPZ and all properties directly adjacent to the proposed MPZ.

- The draft plan change provisions and re-zoning maps were listed on the Council website for the public to provide feedback. This was advertised through Council channels, in the local newspaper, social media and letters (as identified above).
- One-on-one engagement sessions with the public once the draft plan change had been released.
- Ongoing engagement with the Te Manawhenua Forum.

5.2 Project Launch Hui / Issues and Options

As outlined in Section 4, Council facilitated a project launch hui at the beginning of the plan change process. Following this hui, an “Issues and Options” paper was prepared which outlined the key issues, challenges, aspirations and outcomes that were identified and discussed at the hui and set out some high-level options to begin to address these issues. This paper is attached as **Appendix C**. The following options were set out:

- **Option A:** Provide general district-wide provisions with rules that are structured based on Māori land tenure.
- **Option B:** Provide general district-wide provisions with rules that are structured based on number of houses.
- **Option C:** Identify a Special Purpose – Māori Purpose Zone on planning maps.
- **Option D:** Identify a Special Purpose – Māori Purpose Zone on planning maps and provide general district-wide provisions for areas that are not included as part of the Māori Purpose Zone.

Further engagement was undertaken on the “Issues and Options” paper with the iwi representatives that attended the project launch hui and with the Te Manawhenua Forum. A decision was made collectively to proceed with Option D. This option was considered the most enabling approach to develop papakāinga as no land would be left out.

5.3 Iwi Working Group

Following the project launch hui and decision to proceed with Option D, Council developed an IWG comprising of representatives from each Iwi Authority in the District. The IWG also included representatives from WRC, MLC and TPK. The IWG met on eight different occasions and general themes discussed are summarised in Table 9.

Table 9: Summary of IWG hui

Date	Discussion themes
11 August 2020	<ul style="list-style-type: none"> • Discussion around the “Issues and Options” paper. • Existing District Plan provisions and their limitations. • General overview of other District Plan examples. • A request was put out to the IWG to identify land that could potentially be included as part of the MPZ.

	<p><u>Summary of advice received from iwi:</u></p> <ul style="list-style-type: none"> Existing District Plan provisions are limiting. Would like to see provisions that allow for papakāinga on general land, and on land that is not adjoining a marae. Would like further information on regional plan provisions and wastewater systems.
8 September 2020	<ul style="list-style-type: none"> Specific papakāinga provision examples provided from the Whangarei District Plan, the Tauranga City Plan and the Western Bay of Plenty District Plan. Presentation by TPK regarding papakāinga development in the Waikato region. This included discussion around the development of a papakāinga toolkit for MPDC. Presentation by MPDC on the development contribution policy and how this would relate to papakāinga. Further request to identify land to be included as part of the MPZ. <p><u>Summary of advice received from iwi:</u></p> <ul style="list-style-type: none"> Would like to see a toolkit prepared for MPDC. Would like MPDC to see how the development contribution policy could better cater for papakāinga. For example, providing a special assessment within the development contribution policy.
13 October 2020	<ul style="list-style-type: none"> Presentation by WRC on additional consents that could be required for papakāinga – mainly relating to wastewater systems and discharges. Presentation by MPDC on how Māori Land is rated in the district. Papakāinga definition to be included in the District Plan. Use of the term “tangata whenua” or mana whenua” in the District Plan. Requirements under the National Planning Standards. Structure of the proposed provisions including the MPZ and district-wide provisions. Potential to use precincts within the MPZ (eg. A rural precinct, commercial precinct etc.). <p><u>Summary of advice received from iwi:</u></p> <ul style="list-style-type: none"> Agreement to adopt the proposed papakāinga definition. Agreement that tangata whenua would be the most appropriate terminology for this plan change, however further discussion needs to be had for the “tangata whenua” chapter as required by the National Planning Standards. Agreement that the precinct approach would require too much detail up front and may end up restricting development rather than enabling it. Recommendation to use the MPZ without the separate precincts for specific activities (ie. Rural, commercial etc.). Agreement that a combination of density provisions and land tenure provisions would be the best approach.

1 December 2020	<ul style="list-style-type: none"> • Development contributions • Discussion around the site visit undertaken on 2 November (discussed in Section 5.4 of this report). • Further discussion around the use of the term “tangata whenua” or “mana whenua”. Council decided to facilitate a separate working group to determine conclusion on this matter. • Land tenure under TTWMA. • Brainstorming session to understand the types of activities that could be provided for in the MPZ. <p><u>Summary of advice received from iwi:</u></p> <ul style="list-style-type: none"> • Activities that should be provided for in the MPZ include; dwellings, community facilities, education/childcare/kōhanga reo, home businesses, horticulture, commercial (eg. home based consultancy or selling vegetables), marae based activities (eg. Hui, tangi, overnight accommodation, events and gatherings, kapa haka, school visits).
13 April 2021	<ul style="list-style-type: none"> • Feedback regarding the first round of consultation with individual marae (Raungaiti). • Potential to include existing papakāinga as part of the plan change. A request was put out to the IWG to determine these areas in the district. • Examples of papakāinga toolkits. • Request put out to IWG members to arrange hui with individual marae/groups. <p><u>Summary of advice received from iwi:</u></p> <ul style="list-style-type: none"> • Agreement in principle by the IWG to include all marae as part of the MPZ. Adjoining Māori freehold blocks need to be consulted on. • Agreement to proceed with proposed objectives and definitions. • General feedback that existing land use rights (as per rural zone) should continue. • Request that a letter is drafted for consultation purposes to go out to marae trusts.
16 November 2021	<ul style="list-style-type: none"> • Engagement had been put on hold due to COVID-19 and lockdowns. • Plan for engagement going forward. This included different options based on COVID alert levels (ie. Wait to undertake engagement in person, or hold sessions online). <p><u>Summary of advice received from iwi:</u></p> <ul style="list-style-type: none"> • Agreement that the draft provisions and re-zoning maps could be released for public feedback. • Agreement to continue with engagement online where possible. • Input into Council’s branding and images to be used for the plan change.
31 May 2022	<ul style="list-style-type: none"> • Summary of engagement since draft plan change was published online.

	<ul style="list-style-type: none"> • Proposed changes to the plan following public feedback. • Infrastructure upgrades that would be required. Key areas are Kutia Road, Gillet Road, Rukumoana Road and Douglas Road. • Rates on Māori Land, in relation to the Local Government (rating of Whenua Māori) Land Amendment Act 2021. <p><u>Summary of advice received from iwi:</u></p> <ul style="list-style-type: none"> • Agreement to have a 10m setback provision from urupā. • Would like a meeting with Kainga Ora to discuss their feedback. • In principle, the IWG is happy to proceed with notification of the plan change.
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5.4 Site Visit

A site visit was undertaken to the Ngāti Korokī Kahukura papakāinga near Pohara Marae, in Maungatautari. This papakāinga was located on general land and involved 10 homes to be subdivided. A presentation was given by the project manager for the development regarding their resource consent process. The barriers they faced during consenting included:

- Papakāinga was a new concept to some of the Council planners and neighbours. This meant there was a lot of uncertainty around the development.
- The resource consent was limited notified and was an extremely costly process.
- Although there was a consenting pathway for papakāinga, the District Plan did not have objectives and policies that supported papakāinga. Furthermore, subdivision was particularly challenging due to the large rural lot sizes anticipated in the rural zone.
- Funding was a challenge, and the subdivision of general land was necessary to be able to receive mortgages.

5.5 Engagement with other District Councils

The approaches to papakāinga development by other district councils has been taken into consideration as part of the development of PC54. This involved reviewing the relevant objectives, policies and methods/rules used in other District Plans, and guidance documents prepared by other District Councils. A summary of this research is attached as **Appendix D**.

Furthermore, engagement with planning staff regarding the development and implementation of their papakāinga provisions was undertaken with Christchurch City Council, Waipa District Council, South Taranaki District Council, Tauranga City Council, Waikato District Council and Whangarei District Council). A summary of the feedback received is as follows:

- Whilst the District Plans provided a more enabling framework, uptake for papakāinga is still slow. This has mainly been attributed to infrastructure costs, financial approvals, challenges to developing multiple owned land, and requirements under TTWMA.
- No Council allowed for papakāinga as a permitted activity on General Land, although most Council's noted there is desire to develop General Land for papakāinga (for example, the Ngāti Korokī Kahukura papakāinga as mentioned above).
- Advice from other Council's was to really understand Māori Land tenure and the challenges this brings.
- Those Councils with mapped areas said there was still desire to develop papakāinga outside of those areas. The district wide framework is generally seen as much more enabling.

5.6 Te Manawhenua Forum

Council has an established Te Manawhenua Forum with a purpose to “facilitate tangata whenua contribution to Council’s decision making.” The forum considers matters to sustainably promote the social, economic, environmental and cultural wellbeing of Māori communities and is made up of representatives from Council, Ngāti Hauā, Ngāti Rahiri-Tumutumu, Raukawa, Ngāti Maru, Ngāti Whanaunga, Ngāti Paoa and Ngāti Hinerangi.

Throughout the development of the Plan Change, the Te Manawhenua Forum has been consulted. There is also a representative of the Te Manawhenua Forum on the IWG.

5.7 Other Stakeholders

Council met with the following stakeholders at the beginning of the plan change process:

- Kāinga Ora
- Horticulture NZ
- Waka Kotahi
- Federated Farmers

Council also sent a letter to each of these stakeholders once the draft plan change provisions had been released. Further feedback was received from Kāinga Ora and Waka Kotahi on the draft plan change provisions. This feedback is summarised below:

- Waka Kotahi supports the plan change, with amendments relating to better walking and cycling connections.
- Kāinga Ora supports the plan change in principle, but recommended numerous amendments to better provide for tangata whenua interests. This included the following:
 - Remove density limits and adopt an approach to papakāinga based on the carrying capacity of the land.
 - Incorporate the need for community buildings.
 - Include provisions for mixed-use development.

- Provide for papakāinga as a permitted activity on Māori Land, Land converted to General Title through the Māori Affairs Amendment Act 1967 and Treaty Settlement Land.

This feedback has been taken into consideration prior to notification of the plan change. In particular, Council has made some changes to the density provisions (refer to Section 5.9 below), as well as some changes to the objectives, policies, and matters of discretion. Ancillary activities such as community buildings and mixed use development are already provided as a permitted activity.

5.8 Engagement with Marae

An invitation was made to all marae in the district to present on the plan change. The preference for engagement was kanohi te kanohi (face to face), however unfortunately due to COVID-19 restrictions, some engagement was undertaken online and subsequently did not have as large attendance as the “in person” hui. Some hui were also grouped together (for example all Raukawa marae) given their close proximity and overlapping of whānau. The dates of each hui were as follows:

- Raungaiti marae – 30 March 2021
- Rukumoana marae – 8 June 2021
- Raukawa rohe hui (Te Omeka marae, Tangata marae, Te Ūkaipō marae, Rengarenga marae) – 5 August 2021
- Hinerangi Webinar Hui (Hinerangi Tāwhaki marae, Te Ōhākī marae, Tamapango marae, Tangata marae) – 16 September 2021
- Hauraki Webinar Hui (Paeahi marae, Tui Pā marae, Waiti marae) – 17 September 2021

Feedback from these hui were very supportive about the general direction of the plan change, with most people mainly wanting to get a better understanding on what the plan change actually means, and how they could develop papakāinga. A representative from the MLC and from TPK attended these sessions, to help answer questions relating to funding opportunities and setting up trusts. A summary of the feedback is as follows:

- During the first hui at Raungaiti marae, there were numerous queries about providing additional housing on the sites at Kutia Road, Gillet Road and Rukumoana Road⁶. This is something that has been requested for many years.
- Requests around including additional land as part of the MPZ.
- Strong support relating to 10 houses on sites adjoining a marae.
- Strong support relating to providing ancillary activities.
- Strong support for district-wide provisions and providing a consenting pathway for papakāinga on General Land Owned by Māori.

⁶ Note: this was prior to Council proposing provisions relating to the MPZ-PREC2

5.9 Engagement on the Draft Plan Change

Council released the draft plan change on 25 January 2022 and advertised this through the local newspaper, council website and social media. Letters were also sent out to all properties proposed to be re-zoned as Māori Purpose Zone, as well as all properties directly adjacent to the Māori Purpose Zone. The letter offered an invitation to meet with Council to discuss feedback, and/or to provide written feedback to Council on the draft plan change. This consultation phase was open from 25 January 2022 to 4 March 2022.

Council held 24 consultation meetings with groups and individuals and received 49 written feedback forms⁷. Feedback was received from people who had a direct interest in papakāinga, as well as neighbours who were adjacent to a Māori Purpose Zone. Feedback was also received from Heritage New Zealand Pouhere Taonga, Waka Kotahi, Fire and Emergency NZ and Kainga Ora. Similar to the marae presentations, most of the feedback from iwi was supportive, with most people mainly wanting to get a better understanding on what the plan change actually means, and how they could develop papakāinga. The feedback (largely from neighbours) is summarised briefly below:

- Traffic safety (particularly as most of these sites adjoin a State Highway or railway). There were also concerns about how the local rural roads would be able to cater for this increase in development.
- Concerns over rubbish management with a large increase in housing. Currently no rubbish collection in most of these areas.
- Potential effects on rural character / amenity. Particularly for areas that have multiple marae or multiple Māori Freehold blocks on one road.
- Reverse sensitivity effects on existing farming operations, including increase in dogs.
- Concerns around the quality of new housing.
- Some support in principle, although not in the right location.
- Infrastructure issues (stormwater, wastewater, water).
- Flooding issues in some areas.

Upon receiving this feedback, the following changes were made to the provisions:

- Increase in building setback from 10m to 20m (unless there is an agreement with the neighbour). This larger setback is to minimise reverse sensitivity effects.
- Added urupā as a permitted activity in the MPZ. This was largely requested throughout consultation and required to align with the Waikato Regional Policy Statement.
- Added “communal living arrangement” as a discretionary activity. This type of living arrangement was discussed during consultation and is a different type of papakāinga. Essentially, rather than providing individual residential units, there may be a shared communal space (such as a kitchen and bathrooms) and individual bedroom units surrounding these spaces.

⁷ Note: Some individuals attended a meeting and also provided written feedback.

- Added “commercial activities” as a discretionary activity in the MPZ.
- Added performance standards relating to solid waste storage areas to assist with rubbish management.
- Some small changes to matters of discretion and objectives and policies to better guide decision makers.
- New rule for papakāinga on land that is converted to Māori Freehold Land after the date of the plan change (as a discretionary activity). Council has assessed the external effects on infrastructure (such as the roading network), based on the potential development that could be undertaken as a permitted activity at the date of the plan change. This is based on the existing Māori Freehold Land in the District. As these areas are located rurally, the roading infrastructure may not be suitable for a large increase in development. Any further development that Council has not anticipated can be considered through a resource consent process.
- Amendments to rules to include the date of the plan notification. This is to avoid owners subdividing their lots and creating another development potential for more residential units.
- Changes to density:
 - In the MPZ – A density limit of one residential unit per 5000m² of site area, up to a maximum of ten residential units.
 - On Māori Freehold Land in the Rural and Rural-Residential Zones – A density limit of one residential unit per hectare, up to a maximum of five residential units.

In addition to the above, Council’s roading and assets team are currently investigating areas where development may be clustered. This includes Kutia Road, Gillet Road and Douglas Road. Due to the level of development that could be undertaken in these areas as a permitted activity, Council is aware that the roading infrastructure is required to be upgraded. There may be scope to include the upgrades of these roads through the Long-Term Plan via development contributions, which is reviewed every three years. In addition to the above, Council’s roading team has also investigated the access at Kai-a-te-mata marae. Through consultation, it was raised that there may be safety issues due to the proximity of the existing access to the railway crossing. Council has taken an enabling approach to re-zoning this area, noting that a resource consent will be required for papakāinga to address traffic safety concerns.

It is noted that not all of the issues raised can be addressed through District Plan provisions (for example: quality of new housing). Council is working with iwi to investigate whether there are other methods to promote quality papakāinga developments. This could include design guides that are developed at the hapū level.

6. Proposed District Plan Provisions

The proposed provisions are set out in **Appendix E** and summarised below. The re-zoning maps are also attached as **Appendix F**.

6.1 Māori Purpose Zone

One of the key aspects of PC54 is the creation of a new zone. The MPZ is proposed to have two separate precincts. These are summarised below.

6.1.1 MPZ-PREC1-Papakāinga Tahī

Sites that are proposed to be re-zoned as MPZ-PREC1-Papakāinga Tahī (MPZ-PREC1) have existing marae and are located on Māori Freehold land. These sites were chosen by iwi to be the centres of the zones, as the marae are the focal points for Māori communities. It is recognised that most of the marae sites are limited in size and have a number of existing buildings, and therefore may not be suitable for additional development. Therefore, additional sites were included that meet the following criteria:

- Have Māori Freehold Land status under TTWMA; and
- Are directly adjoining the marae; and
- Have access to a road (ie. Not land locked); and
- Are large enough, so that papakāinga could be developed as a permitted activity.

An analysis of these sites is attached as **Appendix G**. All of these sites are zoned Rural or Rural-Residential under the Operative District Plan. Council's water and wastewater services are limited in these areas and are only currently provided to Tui Pa marae, Rukumoana marae and Kai-a-te-mata marae. Council recognises that some areas may have existing constraints (such as flooding) and further investigations will need to be undertaken by the owner / developer to determine development suitability. Additional resource consents may be required when developing these areas, if they do not comply with the general requirements of the District Plan.

The intent of the MPZ-PREC1 is to provide the most enabling provisions for papakāinga where the marae is at the centre of the development. In summary, the provisions will allow for the following activities as a permitted activity:

- Marae
- Marae-related activities
- One residential unit per 5000m² of site area, up to a maximum of 10 residential units
- Home businesses
- Community facilities
- Education facilities
- Healthcare facilities

- Urupā
- Relocatable buildings
- Accessory buildings
- Earthworks
- Any activity which is currently permitted in the Rural Zone

6.1.2 MPZ-PREC2-Papakāinga Rua

Sites that are proposed to be re-zoned as MPZ-PREC2-Papakāinga Rua (MPZ-PREC2) have existing papakāinga. These areas have been identified by the IWG and include the following sites:

- Rukumoana Road (refer Figure 3);
- Kutia Road (refer Figure 4); and
- Gillett Road (refer Figure 4); and
- 4 properties located on State Highway 27 adjacent to the marae (refer Figure 4).

These sites range in size from 809m² – 2,898m². Although located rurally, they are connected to Council's water and wastewater services and there is capacity in these networks to provide for further housing. These sites are also currently serviced by the Council's rubbish collection. These sites are on General Land⁸, however, were subject to The Māori Affairs Amendment Act 1967. This Act introduced compulsory conversion of Māori Freehold Land with four or fewer owners into General Land.

The proposed provisions will continue to provide for one residential unit per site as a permitted activity. However, it is also proposed to allow one residential unit per 500m² of site area if the owners either:

- Change status to Māori Freehold Land; or
- Put a legal mechanism in place to ensure the land is maintained in whānau ownership in perpetuity.

The reasoning behind the above is that these sites were previously Māori Freehold Land. Council recognises that Māori land is a taonga which is handed from generation to generation. Therefore, any future development that is enabled on these sites should be for the benefit of the hapū/whānau that whakapapa to this land.

⁸ Aside from two properties which are Māori Freehold Land



Figure 3: Sites proposed to be re-zoned as MPZ-PREC2 on Rukumoana Road



Figure 4: Sites proposed to be re-zoned as MPZ-PREC2 on Kutia Road, Gillett Road and SH27

6.2 District-wide Provisions

For sites that are not included in the new Māori Purpose Zone, there are provisions proposed for papakāinga development on Māori Freehold Land, Treaty Settlement Land, and General Land owned by Māori (where it can be demonstrated there is an ancestral connection to the whenua and a legal mechanism is put in place to ensure the land is maintained in whānau ownership in perpetuity). In summary, this includes the following within the Rural and Rural-Residential Zones:

- For Māori Freehold Land in the Rural and Rural-Residential Zone, one residential unit per hectare, up to a maximum of five residential units is permitted. Any further residential units will require resource consent as a discretionary activity.
- For General Land Owned by Māori, Treaty Settlement Land, and Land that is converted to Māori Freehold Land after the date of the plan notification, two or more residential units will require resource consent as a discretionary activity (noting that one residential unit is already a permitted activity in the zone). For General Land Owned by Māori, it needs to be demonstrated that there is an ancestral connection to the land.
- Papakāinga in the Industrial, Business and Kaitiaki Zones is a non-complying activity.
- For papakāinga in the Residential Zone, the existing Residential Zone rules will apply as these are considered to be enabling for papakāinga.
- Marae is permitted on Māori Freehold Land.

6.3 Definitions

The following new definitions are proposed:

- **Communal living arrangement:** Living accommodation which is served by one or more communal living areas, including kitchens and provides for more than one immediate family unit. For example: a communal kitchen and bathroom which services individual cabins / bedrooms.
- **General Land Owned by Māori:** Land which is an estate in fee simple which is beneficially owned by a Māori or by a group of persons of whom a majority are Māori. See section 129, Te Ture Whenua Māori Act 1993.
- **Whare Hauora (Healthcare facilities):** Facilities used for the provision of professional and/or associated services to care for the physical and mental well-being of people. Services could include but is not limited to medical practitioners, social workers and counselling, laboratories, midwives, and providers of health and well-being services.
- **Marae:** A communal facility and traditional meeting place hosted by local whānau, hapū or iwi (predominantly hapū led). A marae complex comprises a whareniui (meeting hall), whare tūpuna, whare moe wharekai (dining hall) and marae ātea (open courtyard).
- **Marae-related activities:** Traditional cultural activities and events undertaken on a marae that could include: whānau, hapū and iwi hui, tangi, kapa haka, education visits and overnight accommodation associated with these activities.

- **Māori Freehold Land:** Land where the beneficial ownership has been determined by the Māori Land Court by freehold order. See section 129, Te Ture Whenua Māori Act 1993.
- **Papakāinga:** A development by tangata whenua on ancestral lands in their traditional rohe and established to be occupied by tangata whenua for residential activities and ancillary social, cultural, economic, conservation and/or recreation activities to support the cultural, environmental and economic wellbeing of tangata whenua.
- **Treaty Settlement Land:** Land that has been acquired by a post settlement governance entity through treaty settlement legislation.

Reference:

- Raukawa Claims Settlement Act 2014
- Ngāti Hauā Claims Settlement Act 2014
- Ngāti Korokī Kahukura Settlements Act 2014
- Ngāti Hinerangi Claims Settlement Act 2021

Note: Does not include land returned through Right of First Refusal or Investment lands.

- **Urupā:** A cemetery or burial site.

In addition to the above, the following definitions have also been adopted from the National Planning Standards:

- Accessory building
- Building
- Building coverage
- Building footprint
- Commercial activity
- Community facility
- Earthworks
- Gross floor area
- Height
- Height in relation to boundary
- Home business
- Residential unit
- Site
- Visitor accommodation

To avoid causing conflict with the remainder of the District Plan, these new definitions are only relevant to PC54.

6.4 Other Methods

Council is currently preparing a 'Papakāinga Toolkit' to support whānau, hapū and iwi with developing papakāinga in the Matamata-Piako District. It is intended to be read alongside the toolkit prepared by Te Puni Kōkiri, with local level information provided.

7. Statutory Assessment

7.1 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the Act. The purpose of the RMA is to promote the sustainable management of natural and physical resources, with sustainable management being defined in Section 5(2).

Under Section 74(1)(b) of the RMA, the Council must prepare and change the District Plan in accordance with the provisions of Part 2 of the RMA. In carrying out a Section 32 analysis, an evaluation is required to assess how the proposal achieves the purpose and principles contained in Part 2 of the RMA. This is discussed in the following sections.

7.1.1 Section 6 – Matters of National Importance

The “Matters of National Importance” that are most relevant to PC54 include:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use and development:

(h) the management of significant risk from natural hazards.

The intent of PC54 is to enable papakāinga to meet the needs, desires and values of tangata whenua. The provisions will allow tangata whenua to return to traditional ways of living and will promote the economic, cultural and social health and wellbeing of the Māori community. Therefore, the plan change is directly giving effect to Section 6(e) of the RMA.

There are existing district plan provisions and overlays that will continue to be applicable for PC54 that give effect to Sections 6(b), 6(c), 6(f) and 6(h). For example, there are flooding overlays and related rules that manage the risk from natural hazards.

7.1.2 Section 7 – Other Matters

The “Other Matters” that are most relevant to PC54 include:

(a) Kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:

(d) maintenance and enhancement of the quality of the environment.

PC54 provides tangata whenua the opportunity to exercise kaitiakitanga over their ancestral lands, by giving more flexibility and opportunities as to how the land is developed.

Although it is recognised that the increased development potential may change the character of some areas, the proposed provisions seek to maintain the amenity values through controls such as building setbacks, maximum height limits, height in relation to boundary, and density. In addition, PC54 includes objectives, policies, assessment criteria and matters of discretion that guide decision-makers to take into account amenity values when assessing resource consent applications.

There are also controls in place to manage the scale of the development (for example: housing density and maximum gross floor area of non-residential activities) in accordance with the carrying capacity of the land. This represents the efficient use and development of natural and physical resources, and will maintain the quality of the environment.

7.1.3 Section 8 – Tiriti o Waitangi (Treaty of Waitangi)

The Tiriti o Waitangi (Treaty of Waitangi) principles have been determined through the Waitangi Tribunal case law to include consultation, acting in good faith and co-operation. As the Tiriti o Waitangi is an agreement between the Crown and Māori, it is relevant to local authorities when undertaking functions under the RMA which have been delegated from the Crown.

As outlined in Section 5 of this report, Council has developed PC54 in collaboration with iwi. Council has created an IWG to actively participate in the development of the provisions and the identification of sites for re-zoning. Throughout the plan change process, Council has also undertaken consultation with representatives for marae and with whanau and individuals to provide iwi with information on the plan change. During this consultation, Council also provided additional resources to iwi to assist in the development of papakāinga (for example: expertise from the WRC, MLC and TPK).

Overall, the principles of Te Tiriti o Waitangi have been taken into account throughout the development of PC54.

7.2 National Policy Statements

Issued under the RMA, National Policy Statements (NPS's) provide national direction for matters of national significance relevant to sustainable management. There are currently five operative NPS's:

- National Policy Statement for Freshwater Management (NPS-FM)
- National Policy Statement for Renewable Electricity Generation (NPS-REG)
- National Policy Statement on Electricity Transmission (NPS-ET)
- National Policy Statement on Urban Development (NPS-UD)
- New Zealand Coastal Policy Statement (NZCPS)

Section 75(3) of the RMA states that the District Plan must give effect to NPS's. The following sections provide comments on each of the relevant National Policy Statements. As the district is not located within a coastal area, the NZCPS is not applicable.

7.2.1 National Policy Statement for Freshwater Management

The NPS-FM applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments. The NPS-FM is based around the concept of 'Te Mana o te Wai'; which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment.

The areas in the district that are relevant to PC54 may contain existing waterbodies including rivers, streams, drains, lakes, ponds, wetlands and flood hazard areas. Whilst freshwater is predominantly managed by the Waikato Regional Council, there may be impacts on freshwater as a result of PC54 including:

- Increased demand for freshwater supply as a result of providing increased housing development as a permitted activity.
- Increased stormwater runoff as a result of further development.
- Increased discharges of treated wastewater to ground as most of these areas are not serviced by reticulated wastewater infrastructure.
- Increased likelihood that development could occur near waterbodies.

There are a range of operative provisions in the District Plan that manage these effects. Furthermore, new rules have been added in relation to the new MPZ to manage these effects. These provisions include:

- Policies and rules that require all new development to provide on-site stormwater and wastewater disposal, where reticulated services are not provided.
- Rules relating to building coverage and density to control stormwater runoff.
- Requirements for buildings and structures to be setback from waterbodies.
- Flood hazard rules.

Overall, although there is potential for PC54 to have adverse effects on freshwater, the existing and proposed provisions (in combination with the Waikato Regional Plan) will manage these effects. Therefore, PC54 has given effect to the NPS-FM.

7.2.2 National Policy Statement on Electricity Transmission

The NPS-ET applies to both existing and new infrastructure and sets objectives and policies that recognise the national significance of the electricity transmission network, while managing environmental effects of the network, and of other activities on the network.

The areas in the district that are relevant to PC54 may contain existing electricity transmission activities. It is noted that none of the areas proposed to be re-zoned are in

close proximity to the National Grid, however Council has not undertaken an assessment of all the Māori Freehold Land, General Land Owned by Māori and Treaty Settlement Land in Rural and Rural-Residential Zones.

The NPS-ET requires that *“decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised”* (Policy 10).

There are existing rules in Sections 3.5 and 3.6 of the District Plan to manage activities adjacent to the National Grid Yard in all zones. These rules will also apply to any new development enabled by PC54. Therefore, PC54 has given effect to the NPS-ET.

7.2.3 National Policy Statement on Urban Development

The NPS-UD sets objectives and policies to ensure New Zealand’s towns and cities are well-functioning urban environments that meet the changing needs of diverse communities.

Matamata-Piako District Council is a Tier 3 Council in accordance with the NPS-UD. However, as PC54 is limited to rural and rural-residential areas, there are no directions within the NPS-UD that are relevant.

7.3 National Environmental Standards

National Environmental Standards (NES’s) are nationally consistent regulations made under the RMA. They set out planning requirements and technical standards on a variety of specified activities that affect the environment. There are currently nine operative NES’s:

- National Environmental Standards for Freshwater (NES-F)
- National Environmental Standards for Plantation Forestry (NES-PF)
- National Environmental Standards for Air Quality (NES-AQ)
- National Environmental Standards for Sources of Drinking Water (NES-DW)
- National Environmental Standards for Telecommunication Facilities (NES-TF)
- National Environmental Standards for Electricity Transmission Activities (NES-ETA)
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)
- National Environmental Standards for Marine Aquaculture (NES-MA)
- National Environmental Standards for Storing Tyres Outdoors (NES-Tyres)

Sections 43-43B of the RMA prescribe the relationship between the national environmental standards and plan rules. The overriding principle is that plans have to adopt and give effect to the national environmental standards and can only deviate from the standards if there is provision to do so under the respective standards.

The following assessment has been made of the relevant national environmental standards.

- The NES-F may be applicable for land related to PC54 that has existing wetlands, rivers and streams, and farming activities. Activities associated with the development of papakāinga (for example: earthworks) may trigger the need for resource consent under the NES-F. There are no specific provisions that have been proposed for PC54 that would conflict with the regulations in the NES-F.
- The NES-CS may be applicable for land related to PC54 that is contaminated. Earthworks associated with the development of papakāinga may trigger the need for resource consent under the NES-CS. There are no specific provisions that have been proposed for PC54 that would conflict with the regulations in the NES-CS.

Overall, PC54 is not inconsistent with any of the National Environmental Standards.

7.4 National Planning Standards

The Minister for the Environment introduced National Planning Standards to make council plans and policy statements easier to prepare, understand and comply with. The first set of planning standards came into force on 3 May 2019, with the most updated set in November 2019. Sections 58B – 58J of the RMA require local authorities to prepare plans in accordance with the National Planning Standards.

The directions in the standards that are relevant to PC54 include:

- **Structure and format:** The proposed MPZ chapter is required to follow the relevant structure and format as outlined in the National Planning Standards. This includes; appropriate abbreviations, structuring of rules, numbering of issues, objectives, policies, rules, methods. For simplicity, the changes to the existing District Plan provisions will follow the same format as the operative plan. These will be updated to the National Planning Standards Format when the remainder of the plan is reviewed.
- **Definitions:** As outlined in Section 6.3 of this report, a number of definitions have been adopted from the National Planning Standards. These are only relevant to PC54.
- **Zones and precincts:** The District Plan must only contain zones that are listed within the National Planning Standards. This includes a Māori Purpose Zone which the National Planning Standards describe as “Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities.” The Māori Purpose Zone must use the abbreviation “MPZ”. The proposed zone is consistent with this.
- **Tangata whenua:** An appropriate term must be used wherever tangata whenua/mana whenua is shown in the planning standards. The appropriate term must be determined through engagement with affected groups, and may vary depending on the context. If agreement on an appropriate term cannot be reached through engagement, local authorities must use the term ‘tangata whenua’. An agreement was made by the IWG for this plan change to use the term ‘tangata whenua’ where applicable.

Overall, PC54 is consistent with the directions as set out in the National Planning Standards.

7.5 Waikato Regional Policy Statement (Te Tauāki Kaupapahere Te-Rohe O Waikato)

Under Section 75(3)(c) of the RMA, the Proposed Plan Change must give effect to the Waikato Regional Policy Statement (WRPS). The WRPS sets the overall regional direction for the Waikato by providing a sustainable framework to help achieve community aspirations. The most relevant objectives and policies of the WRPS are set out below.

Table 10: Assessment against the relevant objectives and policies of the WRPS

Objective / Policy	Comment
<p>Objective 3.9 Relationship of tāngata whenua with the environment The relationship of tāngata whenua with the environment is recognised and provided for, including:</p> <ul style="list-style-type: none"> a) the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and b) the role of tāngata whenua as kaitiaki. 	<p>PC54 will enable tangata whenua to return to their ancestral lands to live and work in accordance with tikanga. In doing so, this provides tangata whenua the opportunity to exercise kaitiakitanga over their lands.</p>
<p>Policy 4.3 Tāngata whenua Tāngata whenua are provided appropriate opportunities to express, maintain and enhance the relationship with their rohe through resource management and other local authority processes.</p>	<p>Throughout the development of the plan change, tangata whenua have been given opportunities to maintain and enhance the relationship with their rohe. This is discussed in detail within Section 5 of this report.</p>
<p>Implementation method 4.3.2 Tāngata whenua involvement Local authorities should ensure that tāngata whenua have appropriate opportunities to be involved in relevant resource management processes, including:</p> <ul style="list-style-type: none"> a) developing and implementing plans and strategies; b) developing and implementing monitoring and enhancement programmes; c) decision making; and d) by establishing formal arrangements such as joint management agreements or memoranda of understanding or co-management. 	<p>The main reason that Council has set a density limit within this plan change is to ensure that development occurs in a sustainable manner. This is particularly important as these areas are located rurally, where the permitted baseline is currently one dwelling per site. Council recognises that some roads may need to be upgraded to ensure they are safe.</p> <p>There are existing district plan provisions that will protect indigenous biodiversity, natural character, outstanding natural features and landscapes from</p>
<p>Objective 3.12 Built environment Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:</p> <ul style="list-style-type: none"> a) promoting positive indigenous biodiversity outcomes; b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development; c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors; d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth; 	<p>The main reason that Council has set a density limit within this plan change is to ensure that development occurs in a sustainable manner. This is particularly important as these areas are located rurally, where the permitted baseline is currently one dwelling per site. Council recognises that some roads may need to be upgraded to ensure they are safe.</p> <p>There are existing district plan provisions that will protect indigenous biodiversity, natural character, outstanding natural features and landscapes from</p>

<ul style="list-style-type: none"> e) recognising and protecting the value and long-term benefits of regionally significant infrastructure; f) protecting access to identified significant mineral resources; g) minimising land use conflicts, including minimising potential for reverse sensitivity; h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region; i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation; j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and k) providing for a range of commercial development to support the social and economic wellbeing of the region. 	<p>inappropriate subdivision, use, and development.</p> <p>Appropriate setbacks have been included to manage reverse sensitivity effects.</p> <p>Home businesses are provided for as a permitted activity to support the social and economic wellbeing of individuals and the community.</p>
<p>Policy 6.1 Planned and co-ordinated subdivision, use and development</p> <p>Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:</p> <ul style="list-style-type: none"> a) has regard to the principles in Section 6A; b) recognises and addresses potential cumulative effects of subdivision, use and development; c) is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and d) has regard to the existing built environment. 	<p>Council has considered the cumulative effects of the level of development that could occur as a permitted activity as a result of this plan change. This has predominantly focused on effects on the transportation network. Therefore, a density limit has been set to manage these effects. Activities that exceed the density limit will require a resource consent, where effects on infrastructure will be considered through that process.</p>
<p>Implementation method 6.1.2 Reverse sensitivity</p> <p>Local authorities should have particular regard to the potential for reverse sensitivity when assessing resource consent applications, preparing, reviewing or changing district or regional plans and development planning mechanisms such as structure plans and growth strategies. In particular, consideration should be given to discouraging new sensitive activities, locating near existing and planned land uses or activities that could be subject to effects including the discharge of substances, odour, smoke, noise, light spill, or dust which could affect the health of people and / or lower the amenity values of the surrounding area.</p>	<p>As all of the Māori Freehold Land in the district is located within rural or rural-residential areas, there is high potential for reverse sensitivity effects on existing rural operations. Council has proposed a larger setback for papakāinga (20m) than what is currently provided for in the Rural Zone (10m). This is because there will be a higher density of dwellings provided for as a permitted activity. There is opportunity to reduce the setback with neighbours approval.</p>
<p>Policy 6.3 Co-ordinating growth and infrastructure</p> <p>Management of the built environment ensures:</p> <ul style="list-style-type: none"> a) the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to: <ul style="list-style-type: none"> i. optimise the efficient and affordable provision of both the development and the infrastructure; 	<p>It is noted that the areas relevant to PC54 are located rurally and therefore have limited infrastructure servicing. Therefore, new developments will need to provide on-site services for stormwater, wastewater and water. The sites located within MPZ-PREC2 are connected to Council services and there is capacity within these services to provide for</p>

<ul style="list-style-type: none"> ii. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure; iii. protect investment in existing infrastructure; and iv. ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place; <p>b) the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated;</p> <p>c) the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and</p> <p>d) a co-ordinated and integrated approach across regional and district boundaries and between agencies; and</p> <p>e) that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies.</p>	<p>additional housing. However, for MPZ-PREC1, these sites will need to enquire with Council.</p> <p>In regard to transportation infrastructure, Council recognises that some of the roads where clustered development may occur as a permitted activity, may need to be upgraded to meet these requirements.</p>
<p>Policy 6.4 Marae and papakāinga To recognise the historical, cultural and social importance of marae and papakāinga and to provide for their ongoing use and development.</p>	<p>PC54 has provided for the development and ongoing use of marae and papakāinga. Specifically, within the MPZ, social services, urupā and healthcare services have been provided for as a permitted activity.</p>
<p>Implementation method 6.4.1 Provision for marae and papakāinga District plans shall make appropriate provision for development of marae and papakāinga.</p>	
<p>Implementation method 6.4.2 Sustainability of marae and papakāinga Territorial authorities should support the sustainable development, restoration or enhancement of marae and papakāinga, including by taking into account the need to address the following when preparing district plans:</p> <ul style="list-style-type: none"> a) infrastructure and utilities requirements; b) social services, such as kōhanga, kura and wānanga, urupā and health services; c) associated customary activities; and d) the relationship of marae and papakāinga to the wider environment, wāhi tapu and sites of significance to Māori, including by management of important view shafts. 	
<p>Objective 3.18 Historic and cultural heritage Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region's and New Zealand's history and culture.</p>	<p>Existing provisions within the District Plan ensure that sites of significance are protected.</p>
<p>Objective 3.21 Amenity The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.</p>	<p>It is recognised that there may be a change in character and amenity as a result of PC54. However, performance standards have been included to minimise these effects (for example: setbacks, density controls, height limits, building</p>

	coverage). In particular, a low building coverage standard has been set to maintain areas of open space.
<p>Objective 3.26 High class soils</p> <p>The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.</p>	<p>As part of the MPZ, any activity that is currently permitted within the Rural Zone will continue to be permitted. This recognises that many of these areas will continue to be used for farming, which will maintain the value of high class soils.</p>

Overall, PC54 is consistent with the objectives and policies of the WRPS.

7.6 Iwi Environmental Management Plans

For the purposes of the District Plan Review and PC54, Iwi Environmental Management Plans must be taken into account under Section 74(2A) of the RMA. The iwi with rohe in the Matamata-Piako District who have prepared Iwi Environmental Management Plans are Ngāti Hauā, Raukawa and Waikato-Tainui. The scope and objectives of these plans are outlined in the following sections.

7.6.1 Te Rautaki Tāmata Ao Turua o Hauā - Ngāti Hauā Environmental Management Plan 2018

Te Rautaki Tāmata Ao Turua o Hauā is an environmentally focused plan that articulates the values, frustrations, aspirations and position statements of Ngāti Hauā. The plan has been developed by Ngāti Hauā Iwi Trust in partnership with Ngāti Hauā marae. Section 10 of the plan sets out the aspirations for use and development of Ngāti Hauā land. It states:

“Within our rohe, multiple-owned Māori land is used for our marae, our urupā, our papakāinga and for productive purposes (e.g. farming). In this context, we are both kaitiaki and land managers. In some areas, our lands are underutilised meaning their potential has yet to be unlocked. We also know that there is a strong desire for whānau to live on and/ or develop ancestral lands to enhance the social, economic and cultural well-being of our people. It is important to note that Ngāti Hauā also have commercial interests on General Land.”

The following objectives, policies and methods are relevant to PC54.

Table 11: Assessment against the relevant objectives, policies and methods of Te Rautaki Tāmata Ao Turua o Hauā

Objective / Policy / Method	Comment
<p>Objective 10.2.1</p> <p>Our cultural and social wellbeing is enhanced in ways that recognise the importance of:</p> <p>a) Marae to Ngāti Hauā and local communities.</p> <p>b) Urupā to Ngāti Hauā.</p>	<p>PC54 recognises that marae are the focal points for Māori communities. Therefore, there are rules to enable the development of marae and the use of marae as a permitted activity in the MPZ. There are also rules to enable the</p>

	creation of new urupā and the expansion of existing urupā as a permitted activity within the MPZ.
<p>Objective 10.2.2</p> <p>Our cultural, social and economic wellbeing is enhanced in ways that recognise the need for:</p> <ul style="list-style-type: none"> a) Affordable housing for whānau. b) Whānau to learn and/or work on whānau land. c) Self-sustaining and environmentally friendly marae and papakāinga. d) Promote the sustainable and productive use and development of Māori Land. 	PC54 provides for up to ten houses as a permitted activity within the MPZ and up to five houses on Māori Freehold Land in the Rural and Rural-Residential Zones as a permitted activity. This will allow whānau to live and work on ancestral lands. Unlocking the potential of Māori Land may also assist in affordable housing, due to providing more available land for development.
<p>Policy 10A</p> <p>Provide for a range of uses and activities on Māori Land including urupā, papakāinga, marae and associated facilities, customary use as well as social, cultural and commercial activities.</p>	These activities have all been provided for as part of the MPZ.
<p>Method 10A.2</p> <p>Work with District Councils to:</p> <ul style="list-style-type: none"> a) Ensure that District Plan provisions: <ul style="list-style-type: none"> i. Permit new urupā next to existing urupā. ii. Provide for papakāinga and new urupā on Māori Land. b) Investigate the option of the contribution of reserve land for urupā. 	<p>Engagement has been undertaken with Ngāti Hauā throughout the development of PC54. In particular, there are representatives from Ngāti Hauā on the IWG, and Council has been to each of the marae in the district to discuss the plan change.</p> <p>Council has provided for papakāinga and urupā as a permitted activity.</p>
<p>Method 10A.4</p> <p>Work with District Councils and local communities to promote the co-location of services and activities around our marae. This includes, but is not limited to:</p> <ul style="list-style-type: none"> a) Educational facilities. b) Care centres, including kohanga reo. c) Cultural activities. d) Small scale commercial and/or tourism activities. e) Healthcare services f) Organises sport and recreation. 	These activities have all been provided for as part of the MPZ.

Overall, PC54 is consistent with the objectives, policies and methods set out in Te Rautaki Tāmata Ao Turua o Hauā.

7.6.2 Te Rautaki Taia a Raukawa – Raukawa Environmental Management Plan 2014

The purpose of Te Rautaki Taia a Raukawa is two-fold. Firstly, the plan provides a statement of Raukawa values, experiences, and aspirations pertaining to the use and management of the environment. Secondly, the Plan is a living and practical document that will assist Raukawa to proactively and effectively engage in and shape: current and future policy, planning processes, and resource management decisions. It has been

prepared by Raukawa Charitable Trust, as mandated by Raukawa Settlement Trust, on behalf of ngā uri o Raukawa. It states:

“Our marae underpin our cultural identity. Maintaining and enhancing the mana and mauri of our marae has both tangible and intangible benefits for Raukawa as a strong and healthy iwi. In effect, breathing life into our marae breathes life into us – we benefit as individuals, as whānau, hapū and as an iwi. A number of our marae currently have associated papakāinga, some have aspirations for maintaining and enhancing our wharenui, some wish to build wharenui, wharekai and/or wharemoae, and all seek to provide quality housing and infrastructure as a means for promoting our manaakitanga, whānaungatanga, mana whenua, and ahi kā roa status”

Of most relevance to PC54 is Section 2.7 which sets out issues and objectives in relation to marae and papakāinga development. The following points are made in relation to this section of the plan.

Table 12: Assessment against the relevant objectives, policies and methods of Te Rautaki Taia a Raukawa

Objective / Policy / Method	Comment
<p>2.7.3 Objective Raukawa marae and papakāinga developments lead best practice and demonstrate sustainability.</p>	<p>Council has proposed some provisions to ensure papakāinga is developed sustainably (for example: a density limit). Council is also working with iwi to develop other methods to promote quality papakāinga developments.</p>
<p>2.7.5 Method M7 RCT will advocate for rules in district and regional plans that enable papakāinga development on multiply owned land.</p>	<p>The proposed provisions will enable papakāinga on multiply owned land.</p>
<p>2.7.5 Method M14 Local authorities should develop policies, rules and codes of practice that enable the redevelopment and development of papakāinga and marae that reflects the preferences of Raukawa, including providing for:</p> <ul style="list-style-type: none"> a) Infrastructure and utilities requirements. b) Economic opportunities and social services, such as kōhanga, kura and wānanga, urupā, health services, and tourism etc. c) Associated customary activities. 	<p>The proposed provisions will enable the ongoing use and development of marae, as well as new papakāinga, community facilities, health facilities, education facilities, commercial activities and associated customary activities.</p>

Overall, PC54 is consistent with the objectives, policies and methods set out in the Raukawa Environmental Management Plan.

7.6.3 Waikato-Tainui Environmental Plan (Tai Tumu Tai Pari Tai Ao) 2013

The Waikato-Tainui Environmental Plan is designed to enhance Waikato-Tainui participation in resource and environmental management. It sets out issues, objectives,

policies and methods associated with natural resources and environmental management that apply across the Waikato-Tainui rohe.

Waikato-Tainui does not have any marae in the Matamata-Piako District. Nonetheless, the following issues, objectives and policies have been taken into consideration as part of the development of PC54.

- *Issue 13.2.1: It could be argued that the intensity of development for marae and associated papakaainga is more aligned to residential development than rural. The main limiting factor to development will be the ability to service development with water supply, stormwater, and wastewater treatment and disposal services; and this may mean that papakaainga development requires a resource consent.*
- *Issue 13.2.2: Most existing marae are within rural areas, where the anticipated density of settlement is less than that associated with traditional papakaainga settlements.*
- *Issue 13.2.3: Marae and papakaainga that are or may be developed may be subject to resistance from people who do not wish this type of development in their neighbourhood.*
- *Objective 13.3.1: Papakaainga development is sustainable and supported.*
- *Policy 13.3.1.1: To ensure that papakaainga development is sustainable and supported.*
- *Policy 13.3.1.2: To ensure that papakaainga are able to be developed within rural and urban areas.*

The proposed provisions related to PC54 are consistent with the objectives and policies as set out in the Waikato-Tainui Environmental Plan.

8. Section 32 Evaluation

8.1 Overview

As part of the plan change process, Council must provide an evaluation under Section 32 of the RMA. The requirements under Section 32 are outlined in Section 2 of this report. In broad terms, the purpose of the Section 32 analysis is to ensure:

- That decision makers have the necessary policy analysis on which to base their decisions.
- That the costs borne by individuals and the community are the least practicable and consistent with achieving the purpose of the RMA.
- That the proposed plan provisions are necessary and more appropriate (efficient and effective) than the alternatives.

The following sections have been prepared to capture the cost-benefit analysis that has been prepared for PC54. This analysis takes into account the following:

- The statutory framework and purpose and principles of the RMA.
- Review of existing District Plan provisions.
- Assessment of other planning instruments, and in particular the Waikato Regional Policy Statement.
- Assessment of services and infrastructure information.
- Consultation and feedback from the community.
- Direct engagement with stakeholders.
- Feedback and input from land development professionals.
- Guidance and political leadership from Councillors.
- Review and assessment of other planning documents and best practice guidelines.
- Input from Council technical staff.

8.2 Evaluation of Scale and Significance

Section 32(1)(a) of the RMA requires that a Section 32 report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal.

The level of detail undertaken for this evaluation has been determined by assessing the scale and significance of the environmental, economic, social and cultural effects anticipated through introducing and implementing the proposed provisions (i.e. objectives, policies and rules) relative to a series of key criteria. Based on this, the scale and significance of anticipated effects associated with this proposal are identified below.

Table 13: Evaluation of the scale and significance of the proposal

Criteria	Scale/Significance			Comment
	Low	Medium	High	
Reasons for the change			✓	<ul style="list-style-type: none"> The Te Manawhenua Forum of Council has identified the need for a papakāinga plan change for several years. Tangata whenua have expressed aspirations to develop papakāinga in the district and the existing planning provisions have been identified as a barrier to developing papakāinga. The District Plan is subject to a rolling review and the provisions for marae and papakāinga have not been reviewed since the District Plan became operative in 2005.
Degree or shift from the status quo		✓		<ul style="list-style-type: none"> The Māori Purpose Zone provisions represent a low degree of change from the status quo. This is because the zone is centred around existing marae developments. There are also provisions in the District Plan to allow for papakāinga adjacent to the marae blocks (although a resource consent is required). The district wide provisions represent a medium degree of change from the status quo. This is because papakāinga is not currently provided for in the District, where it is not adjoining a marae.
Who and how many people will be affected / geographical scale of impacts	✓			<ul style="list-style-type: none"> Māori Land in the District represents around 2% of the total land area. Furthermore, a large majority of this land would not be developable due to existing constraints. Those effected will primarily relate to neighbours adjoining a MPZ or a potential development site in the Rural and Rural-Residential Zones. These areas will likely experience a change in character and amenity.
Degree of impact on, or interest from iwi/Māori			✓	<ul style="list-style-type: none"> Providing for papakāinga is of high interest to tangata whenua, and will have a positive impact.
When will effects occur?	✓			<ul style="list-style-type: none"> The potential for effects to occur will arise from the time the District Plan rules become operative. However, through discussions with other Councils and organisations such as the MLC and TPK, papakāinga uptake is generally slow. This is because there are many other barriers to developing

				<p>papakāinga, including funding, and navigating the requirements under TTWMA.</p> <ul style="list-style-type: none"> • The effects of papakāinga will be permanent, however there will be some temporary effects associated with construction.
Degree of policy risk, implementation risk, or uncertainty		✓		<ul style="list-style-type: none"> • Although the papakāinga provisions and MPZ will be new to the Matamata-Piako District, similar provisions have already been adopted by other Councils around the country. • The provisions have been developed in collaboration with iwi and therefore there is a level of certainty that it is generally supported by iwi. • There has been some negative feedback from neighbours regarding the proposed provisions and therefore there is some risk regarding implementation.

Overall, it is considered that the scale and significance of the proposal is moderate-high. The potential effects of the proposal are considered moderate, however the outcomes are extremely important to tangata whenua, will achieve a matter of national importance under the RMA, and will give effect to the WRPS. The level of detail in this section 32 evaluation report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of the provisions.

8.3 Evaluation of Objectives

Section 32(1)(a) requires an evaluation of whether each objective is the most appropriate way to achieve the purpose of the RMA. This is considered to be primarily achieved through an assessment of the proposed objectives in terms of the higher order national and regional plans.

The higher order plans have been discussed in Section 7 of this report. The following discussion complements the assessment already provided and discusses more specifically the actual objectives which are proposed. It should also be noted that both the MPZ and general papakāinga provisions link to many other sections of the District Plan, and these sections are supported by objectives and policies set out in Part A of the District Plan (for example, natural hazards).

An examination of the proposed objectives is included in Table 13, 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 tangata 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?)

Table 14: Evaluation of objectives

Proposed Objective	Appropriateness to achieve the purpose of the RMA
<p>Objective 1: Enable Māori to maintain and enhance their traditional and cultural relationship with their ancestral land and to enhance their social, economic and cultural wellbeing.</p>	<p>Relevance</p> <ul style="list-style-type: none"> • Objective 1 gives direct effect to Section 6(e) of the RMA which is a matter of national importance. It also gives effect to Section 7(a) of the RMA as it allows tangata whenua to express kaitiakitanga over their ancestral land. • Objective 1 gives effect to Objective 3.9 of the WRPS which seeks to provide for the relationship of tāngata whenua with the environment. • Objective 1 addresses resource management issues 1 and 2. • Objective 1 gives effect to the relevant Iwi Management Plans. <p>Usefulness</p> <ul style="list-style-type: none"> • The objective will guide decision making when considering the benefits of papakāinga through a resource consent process, including the specific cultural needs of the Māori community. • The objective encourages Council to consider social, economic, and cultural wellbeing. <p>Reasonableness</p> <ul style="list-style-type: none"> • The objective seeks to increase development opportunities for iwi. This will therefore reduce regulatory costs for undertaking cultural activities. On balance with Objective 3, it will not result in unjustifiably high costs to the wider community. • It is reasonable to recognise specific Māori aspirations for land use and development and to provide for land uses and forms of development which meet these aspirations. • The objective has been accepted by the IWG and therefore there is a level of certainty that it is generally supported by iwi. <p>Achievability</p> <ul style="list-style-type: none"> • Council can achieve this objective through its power as a consenting authority to grant or refuse resource consent applications.

<p>Objective 2: Enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga.</p>	<p>Relevance</p> <ul style="list-style-type: none"> • Objective 2 gives effect to Section 6(e) of the RMA which is a matter of national importance. • Objective 2 gives effect to Objective 3.9 of the WRPS which seeks to provide for the relationship of tāngata whenua with the environment and Policy 6.4 which seeks to provide for marae and papakāinga development. • Objective 2 addresses resource management issues 1 and 2. • Objective 2 gives effect to the relevant Iwi Management Plans. <p>Usefulness</p> <ul style="list-style-type: none"> • The objective will guide decision making when considering the benefits of papakāinga through a resource consent application. • The objective creates opportunity for Council planners to consider Māori concepts such as Kaupapa Māori and tikanga. It is appropriate for these matters to be considered when assessing papakāinga. <p>Reasonableness</p> <ul style="list-style-type: none"> • The objective seeks to increase development opportunities for iwi. This will therefore reduce regulatory costs for undertaking cultural activities. On balance with Objective 3, it will not result in unjustifiably high costs to the wider community. • The objective has been accepted by the IWG and therefore there is a level of certainty that it is generally supported by iwi. <p>Achievability</p> <ul style="list-style-type: none"> • Council can achieve this objective through its power as a consenting authority to grant or refuse resource consent applications.
<p>Objective 3: Manage adverse effects of buildings, structures and activities on the amenity values and quality of the surrounding environment, including reverse sensitivity effects.</p>	<p>Relevance</p> <ul style="list-style-type: none"> • Objective 3 gives effect to Section 5 of the RMA which seeks to avoid, remedy, or mitigate adverse effects of activities on the environment. It also gives effect to Sections 7(c) and 7(f) of the RMA which seek to control amenity and the quality of the environment. • Objective 3 gives effect to Objective 3.21 of the WRPS which seeks to control amenity. • Objective 3 addresses resource management issue 3. <p>Usefulness</p> <ul style="list-style-type: none"> • The objective will guide decision making when considering the adverse effects of papakāinga through a resource consent application. • Objective is drafted in plain English, so it is easy to understand.

	<p>Reasonableness</p> <ul style="list-style-type: none"> • The objective seeks to control the off-site effects of papakāinga, to minimise the impacts imposed on individuals and the wider community. • The objective has been accepted by the IWG and therefore there is a level of certainty that it is generally supported by iwi. <p>Achievability</p> <ul style="list-style-type: none"> • Council can achieve this objective through its power as a consenting authority to grant or refuse resource consent applications.
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Overall, the objectives are considered appropriate to achieve the purpose of the RMA, taking into account the higher order plans at a national and regional level.

8.4 Evaluation of Zoning and Provisions

In accordance with Section 32(1)(b) of the RMA, reasonably practicable options to achieve the objectives associated with PC54 need to be identified and examined. This section of the report evaluates the proposed policies and rules, as they relate to the associated objectives. It assesses the environmental, economic, social and cultural costs and benefits.

It is noted that the “Issues and Options” paper attached as **Appendix C**, evaluated different approaches for zoning. Some of this evaluation draws on the initial assessment undertaken as part of that process.

8.4.1 MPZ-PREC1-Papakāinga Tahī

Table 15 provides an evaluation of the MPZ-PREC1, including the rules and policies. Along with the proposed provisions, Council has also identified reasonably practicable alternatives to achieve the objectives. This includes the following:

- **Option one: The status quo.** This evaluates the existing District Plan provisions, which are set out in Section 4 of this report.
- **Option two: The proposed rules and policies relating to the MPZ-PREC1.** These are outlined in Section 6.1.1 of this report.
- **Option three: Rely on new district-wide provisions, rather than creating a new zone.** These provisions are outlined in Section 6.2 of this report.

Table 15: Evaluation of the provisions relating to MPZ-PREC1-Papakāinga Tahī

	Option 1 – Status Quo	Option 2 – New MPZ-PREC1	Option 3 – Alternatives considered
Description	<ul style="list-style-type: none"> Marae and papakāinga development subject to existing Rural and Rural-Residential provisions. 	<ul style="list-style-type: none"> New MPZ-PREC1 including rules and policies as outlined in Section 6.1.1 of this report. 	<ul style="list-style-type: none"> Rely on new district-wide provisions (as outlined in Section 6.2 of this report), rather than re-zoning any areas.
Costs	<p>Environmental</p> <ul style="list-style-type: none"> No direct or indirect environmental costs have been identified. One resource consent application for a papakāinga development has occurred under the operative district plan provisions (ie. status quo). <p>Economic</p> <ul style="list-style-type: none"> There is technically no papakāinga development that is permitted under the existing District Plan rules. Therefore, there is a cost to landowners who want to develop papakāinga as a resource consent would be required. The existing objective and policy framework within the District Plan does not directly provide for papakāinga (or for tangata whenua at all). Therefore, if a resource consent was applied for, an assessment would need to be made against the existing objectives and policies relating to amenity within the 	<p>Environmental</p> <ul style="list-style-type: none"> As the development potential is increased, it is likely that the character and amenity values of these areas will change. These effects will be minimised through the use of performance standards (such as setbacks, height limits, building coverage etc.). The policies also guide decision makers to consider character and amenity through a resource consent process. Higher risk for reverse sensitivity effects on existing rural operations due to providing more sensitive activities within the Rural Zone. A 20m setback has been proposed to mitigate this risk (unless there is agreement with the neighbour). Increased housing and non-residential activities may have impacts on existing roading infrastructure and safety due to a large increase in traffic. In particular, some areas have multiple marae (and therefore multiple sites to be re-zoned) 	<p>Environmental</p> <ul style="list-style-type: none"> Similar adverse effects would be relevant as per Option 2, however reduced in scale as the district-wide provisions are not as enabling and do not allow for non-residential activities (above what is already permitted in the Rural or Rural-Residential Zone). <p>Economic</p> <ul style="list-style-type: none"> Although the district-wide provisions are much more enabling than the status quo, development is not as enabling as the MPZ. Therefore, the “medium scale” papakāinga (5-10 residential units) and non-residential activities still require resource consent. This will result in costs to the landowners / developers. Papakāinga development will be subject to rates and to the development contribution policy. This will impose costs on tangata

	<p>Rural Zone. There is potential for the process to be notified or declined, which would be very costly.</p> <ul style="list-style-type: none"> • A lack of papakāinga development under the status quo has resulted in broader economic growth and employment related opportunity costs, as a result of reduced development activity, and a reduced ability for tangata whenua to undertake a range of commercial activities on their ancestral land. <p>Social</p> <ul style="list-style-type: none"> • Existing Māori Land in the District is currently underutilised. With a shortage of quality and affordable housing options, many Māori are living in rental accommodation. Rental accommodation can be difficult to secure for large whānau and thus overcrowded, which has implications on wellbeing and wider social effects. • A lack of affordable housing options has also meant that some individuals and whanau have had to leave the district. This has reduced the ability for tangata whenua to participate in the community more broadly. <p>Cultural</p> <ul style="list-style-type: none"> • The existing District Plan does not recognise and provide for the 	<p>on one road. Non-residential activities are restricted through the use of gross floor area standards, and housing is restricted through a density standard. Any adverse effects generated above this would be considered through a resource consent process. A policy has also been included to guide decision makers on the scale of development.</p> <ul style="list-style-type: none"> • Increased development may have impacts on the natural environment, for example adverse effects on water bodies and extra demand on drinking water supply. These aspects will be managed through the Waikato Regional Plan provisions and the provisions of the NES-F. A setback from waterbodies is also included. • An increase in non-residential activities (for example: community facilities and education facilities) may generate noise effects. However, these will be subject to the existing noise provisions of the District Plan. <p>Economic</p> <ul style="list-style-type: none"> • Papakāinga development will be subject to rates and to the development contribution policy. This will impose costs on tangata whenua while offsetting costs to Council of providing infrastructure to support papakāinga development. 	<p>whenua while offsetting costs to Council of providing infrastructure to support papakāinga development.</p> <ul style="list-style-type: none"> • Applicants will need to prepare a Papakāinga Development Plan to submit at building consent stage. This will impose costs on tangata whenua. • This option is limited for economic growth and employment as non-residential activities are not provided for. <p>Social</p> <ul style="list-style-type: none"> • No direct or indirect social effects identified. <p>Cultural</p> <ul style="list-style-type: none"> • This would have some cultural effects, as non-residential activities are not provided for, there would be limited ability to live and work on ancestral lands.
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>relationship of Māori with their ancestral lands. This has led to an inability to develop Māori Land in accordance with tikanga.</p> <ul style="list-style-type: none"> The District Plan has identified (as a significant resource management issue) that there has been limited partnership to date with tangata whenua. Therefore, maintaining the status quo may adversely impact the relationship between Council and iwi. 	<ul style="list-style-type: none"> Applicants will need to prepare a Papakāinga Development Plan to submit at building consent stage. This will impose costs on tangata whenua. Depending on the uptake to papakāinga, Council may have to upgrade roads in areas where there is potential for clustered development. Although the proposed provisions are much more enabling than the status quo, some developments may still require resource consent which will result in costs to the land owners / developers. No direct or indirect economic growth/employment related costs have been identified. <p>Social</p> <ul style="list-style-type: none"> It is unlikely there will be many social costs as a direct result of these provisions. However, there is some potential for the more enabling provisions to cause social changes where they are undertaken in an established neighbourhood. This was brought up through consultation with neighbours. Performance standards to manage the adverse environmental effects should manage this. <p>Cultural</p>	
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

		<ul style="list-style-type: none"> No direct or indirect cultural costs have been identified. 	
Benefits	<p>Environmental</p> <ul style="list-style-type: none"> The existing provisions of the Rural and Rural-Residential Zone are fairly conservative. This provides Council with the ability to exercise discretion of a large range of environmental effects on a case-by-case basis through a resource consent process. Maintaining the status quo is likely to result in limited papakāinga development, which in turn is likely to result in limited impacts on existing character and amenity values. <p>Economic</p> <ul style="list-style-type: none"> No direct or indirect economic benefits have been identified with maintaining the status quo. <p>Social</p> <ul style="list-style-type: none"> No direct or indirect social benefits have been identified with maintaining the status quo. <p>Cultural</p> <ul style="list-style-type: none"> No direct or indirect cultural benefits have been identified with maintaining the status quo. 	<p>Environmental</p> <ul style="list-style-type: none"> Greater flexibility and opportunities for tangata whenua to exercise kaitiakitanga and develop land in accordance with tikanga Maori. Potentially inappropriate activities will be managed through a resource consent process to ensure environmental effects are avoided, remedied or mitigated. <p>Economic</p> <ul style="list-style-type: none"> The provisions are likely to result in increased economic growth and employment opportunities due to providing for non-residential activities. The provisions would likely result in reduced consenting costs for tangata whenua looking to undertake papakāinga development due to providing more permitted activities. In addition to the benefits noted above, increased development enabled under the provisions is likely to lead to employment related benefits in terms of construction activity. <p>Social</p> <ul style="list-style-type: none"> The proposed provisions would likely result in enhanced well-being through increased self-reliance, and through 	<p>Environmental</p> <ul style="list-style-type: none"> Adverse effects would be reduced in scale compared to the MPZ, providing Council with greater control over environmental effects. <p>Economic</p> <ul style="list-style-type: none"> The provisions would likely result in reduced consenting costs for tangata whenua looking to undertake papakāinga development (in comparison to the status quo). <p>Social</p> <ul style="list-style-type: none"> The same benefits would be relevant as per Option 2, however reduced in scale as the district wide provisions are not as enabling. <p>Cultural</p> <ul style="list-style-type: none"> The same benefits would be relevant as per Option 2, however reduced in scale as the district-wide provisions are not as enabling.

		<p>enabling more affordable housing opportunities. There is also explicit provision for community facilities which would enhance community wellbeing and whanaungatanga.</p> <ul style="list-style-type: none"> • Enabling economic and employment activities, including small commercial and home-based business activity, would likely enhance socio-economic wellbeing. • Enabling the development of papakāinga on ancestral land held in long-term Māori ownership is likely to increase the security of tenure for tangata whenua within their communities. <p>Cultural</p> <ul style="list-style-type: none"> • These provisions are likely to result in enhanced cultural wellbeing by enabling the use and development of ancestral lands, as well as enabling kaitiakitanga, whanaungatanga and rangatiratanga. • The MPZ seeks to strengthen the partnership between iwi and the Council by recognising the role of tangata whenua in the use and development of their ancestral land. 	
<p>Effectiveness / Efficiency</p>	<ul style="list-style-type: none"> • The existing provisions are considered to be ineffective and inefficient. This is discussed in detail in Section 4.2 of this report. 	<ul style="list-style-type: none"> • The proposed MPZ is supported under the National Planning Standards. • The proposed provisions are the most effective method of meeting the 	<ul style="list-style-type: none"> • It was determined through consultation that this approach would not be effective. This is because the MPZ would provide for

		<p>objectives given they will provide increased economic, social and cultural benefits as outlined above while maintaining character and amenity.</p> <ul style="list-style-type: none"> • The proposed provisions are considered the most efficient method of meeting the objectives given the benefits identified above. They will reduce costs associated with developing ancestral lands. • Re-zoning specific areas sets clear directions for decision makers that this area is to be used for “Māori purposes”. Therefore, should a resource consent be applied for, it may be an easier consenting pathway as opposed to an application in the Rural or Rural-Residential Zone. 	<p>more enabling activities than the district-wide provisions.</p>
<p>Risks of Acting/ Not Acting - uncertain or insufficient information</p>	<ul style="list-style-type: none"> • It is considered that there is certain and sufficient information on which to assess the status quo provisions as they have been in place for a long time, and their adequacy has been canvassed through community engagement. 	<ul style="list-style-type: none"> • It is considered that there is certain and sufficient information on which to assess the proposed provisions as they have been developed in collaboration with iwi and there has been significant community engagement. There will be some change in character and amenity effects which may have an effect on the neighbours, however these are managed through proposed performance standards, and therefore the benefits outweigh the costs. 	<ul style="list-style-type: none"> • It is considered that there is certain and sufficient information on which to assess these provisions as tangata whenua have advised that this is not the preferred approach.

The above assessment has demonstrated that Option 2 is the most appropriate way to achieve the preferred objectives. This is because:

- The MPZ is aligned with the National Planning Standards and will allow appropriate activities to establish and operate in this zone.
- The MPZ will be the most enabling for areas that are adjoining the marae. These areas have been identified as focal points for the communities and therefore it is suitable that these areas provide for the most development, including for non-residential activities.
- Re-zoning these sites provides clear direction for decision makers that these areas should be for “Māori purposes”.

8.4.2 MPZ-PREC2-Papakāinga Rua

Table 16 provides an evaluation of the MPZ-PREC2, including the rules and policies. Along with the proposed provisions, Council has also identified reasonably practicable alternatives to achieve the objectives. This includes the following:

- **Option one: The status quo.** This evaluates the existing District Plan provisions, which are set out in Section 4 of this report.
- **Option two: The proposed rules and policies relating to the MPZ-PREC2.** These are outlined in Section 6 of this report.
- **Option three: Enable additional housing on these sites, however do not require that the land is changed to Māori Freehold Land.** This option would provide the exact same rules and zoning as Option 2, however would remove the requirement to convert to Māori Freehold Land.

Table 16: Evaluation of the provisions relating to MPZ-PREC2-Papakāinga Rua

	Option 1 – Status Quo	Option 2 – New MPZ-PREC2	Option 3 – Alternatives considered
Description	<ul style="list-style-type: none"> New development subject to existing Rural Zone provisions. 	<ul style="list-style-type: none"> New MPZ-PREC2, including rules and policies as outlined in Section 6.1.2 of this report. 	<ul style="list-style-type: none"> Enable additional housing on these sites, however do not require that the land is changed to Māori Freehold Land. This option would provide the exact same rules and zoning as Option 2, however would remove the requirement to convert to Māori Freehold Land.
Costs	<p>Environmental</p> <ul style="list-style-type: none"> No direct or indirect environmental costs have been identified. No additional development has occurred in these areas under the operative district plan provisions (ie. status quo). <p>Economic</p> <ul style="list-style-type: none"> Only one residential unit per title is currently permitted under the existing District Plan provisions. Therefore, there is a cost to landowners who want to develop additional housing as a resource consent would be required. The existing objective and policy framework within the District Plan does not support more than one house per title within the Rural Zone. Therefore, if a resource consent was applied for, an assessment would need to be made against the existing objectives and 	<p>Environmental</p> <ul style="list-style-type: none"> As the development potential is increased, it is likely that the character and amenity values of these areas will change. These effects will be minimised through the use of performance standards (such as setbacks, height limits, height in relation to boundary, building coverage etc.). Higher risk for reverse sensitivity effects on existing farming operations due to providing more sensitive activities adjacent to the Rural Zone. Increased housing may have impacts on existing roading infrastructure and safety due to a large increase in traffic. Increased development may have impacts on Council services for wastewater, water and stormwater. <p>Economic</p>	<p>Environmental</p> <ul style="list-style-type: none"> The same adverse environmental effects would be relevant as per Option 2. <p>Economic</p> <ul style="list-style-type: none"> The same economic costs would be relevant as per Option 2. <p>Social</p> <ul style="list-style-type: none"> The same social costs would be relevant as per Option 2. <p>Cultural</p> <ul style="list-style-type: none"> These sites could be developed and on-sold outside of the whanau / hapū. This would have adverse cultural effects as the intent of the plan change is to provide further opportunities for tangata whenua (rather than for developers).

	<p>policies relating to amenity within the Rural Zone. There is potential for the process to be notified or declined, which would be very costly.</p> <p>Social</p> <ul style="list-style-type: none"> • With a shortage of quality and affordable housing options, many Māori are living in rental accommodation. Rental accommodation can be difficult to secure for large whānau and thus overcrowded, which has implications on wellbeing and wider social effects. • There have been numerous requests from the community to put additional houses on these sites. <p>Cultural</p> <ul style="list-style-type: none"> • The existing District Plan does not recognise and provide for the relationship of Māori with their ancestral lands. This has led to an inability to develop these existing papakāinga. 	<ul style="list-style-type: none"> • New housing will be subject to rates and to the development contribution policy. This will impose costs on tangata whenua while offsetting costs to Council of providing infrastructure to support papakāinga development. • Depending on the uptake to papakāinga, Council may have to upgrade the roads in areas where there is potential for clustered development. • Although the proposed provisions are much more enabling than the status quo, some developments may still require resource consent which will result in costs to the land owners / developers. • No direct or indirect economic growth/employment related costs have been identified. • It may be more difficult to secure a mortgage once the land is converted to Māori Freehold Land. • In order to develop ancestral land for papakāinga under this option, tangata whenua would be required to convert general title land into Māori Freehold Land. While this may be desirable for some groups, this option would impose costs on tangata whenua in the form of regulatory costs, legal and process costs, time costs and add complexity to the development process. 	
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

		<p>Social</p> <ul style="list-style-type: none"> It is unlikely there will be many social costs as a direct result of these provisions. However, there is some potential for the provisions to cause social changes where they are undertaken in an established neighbourhood. This was brought up through consultation with neighbours. <p>Cultural</p> <ul style="list-style-type: none"> No direct or indirect cultural costs have been identified. 	
Benefits	<p>Environmental</p> <ul style="list-style-type: none"> The existing provisions of the Rural Zone are fairly conservative. This provides Council with the ability to exercise discretion of a large range of environmental effects on a case-by-case basis through a resource consent process. Maintaining the status quo is likely to result in limited development, which in turn is likely to result in limited impacts on existing character and amenity values. <p>Economic</p> <ul style="list-style-type: none"> No direct or indirect economic benefits have been identified with maintaining the status quo. 	<p>Environmental</p> <ul style="list-style-type: none"> Potentially inappropriate activities will be managed through a resource consent process to ensure environmental effects are avoided, remedied or mitigated. <p>Economic</p> <ul style="list-style-type: none"> The provisions would likely result in reduced consenting costs for tangata whenua looking to build a second house due to providing this as a permitted activity. In addition to the benefits noted above, increased development enabled under the provisions is likely to lead to employment related benefits in terms of construction activity. <p>Social</p>	<p>Environmental</p> <ul style="list-style-type: none"> The same environmental benefits would be relevant as per Option 2. <p>Economic</p> <ul style="list-style-type: none"> This option may be easier for individuals to apply for mortgages. <p>Social</p> <ul style="list-style-type: none"> The same benefits would be relevant as per Option 2. <p>Cultural</p> <ul style="list-style-type: none"> The same benefits would be relevant as per Option 2.

	<p>Social</p> <ul style="list-style-type: none"> No direct or indirect social benefits have been identified with maintaining the status quo. <p>Cultural</p> <ul style="list-style-type: none"> No direct or indirect cultural benefits have been identified with maintaining the status quo. 	<ul style="list-style-type: none"> The proposed provisions would likely result in enhanced well-being through increased self-reliance, and through enabling more affordable housing opportunities. By allowing a second house on the property, this could provide for kaumatua who are looking to retire, or dependent persons. Enabling further housing on ancestral land held in long-term Māori ownership is likely to increase the security of tenure for tangata whenua within their communities. <p>Cultural</p> <ul style="list-style-type: none"> These provisions are likely to result in enhanced cultural welling by enabling the use and development of ancestral lands, as well as enabling kaitiakitanga, whanaungatanga and rangatiratanga. 	
<p>Effectiveness / Efficiency</p>	<ul style="list-style-type: none"> The existing provisions are considered to be ineffective and inefficient. These sites range in size from 1,011m² – 2,898m² and therefore are not typical rural sites. The rural provisions do not cater for the current land use and activities. 	<ul style="list-style-type: none"> The proposed MPZ is supported under the National Planning Standards. Improved outcomes by recognising the type and nature of existing land use. The proposed provisions are the most effective method of meeting the objectives given they will provide increased social and cultural benefits as outlined above while maintaining relevant zone character and amenity. 	<ul style="list-style-type: none"> Improved outcomes by recognising the type and nature of existing land use. Will not be as effective from a cultural perspective as the sites could be on-sold.

		<ul style="list-style-type: none"> The proposed provisions are considered the most efficient method of meeting the objectives given the benefits identified above. They will reduce costs associated with developing ancestral lands. 	
Risks of Acting/ Not Acting - uncertain or insufficient information	<ul style="list-style-type: none"> It is considered that there is certain and sufficient information on which to assess the status quo provisions as they have been in place for a long time, and their adequacy has been canvassed through community engagement. 	<ul style="list-style-type: none"> It is considered that there is certain and sufficient information on which to assess the proposed provisions as they have been developed in collaboration with iwi and there has been significant community engagement. There will be some change in character and amenity effects which may have an effect on the neighbours, however the benefits outweigh the costs. Input has been sought from the MLC on these provisions. 	<ul style="list-style-type: none"> It is considered that there is certain and sufficient information on which to assess these provisions as they have been developed in collaboration with iwi and there has been significant community engagement. Input has been sought from the MLC on these provisions.

The above assessment has demonstrated that Option 2 is the most appropriate way to achieve the preferred objectives. This is because:

- The MPZ is aligned with the National Planning Standards and will allow appropriate activities to establish and operate in this zone.
- The MPZ-PREC2 will allow for additional housing, which has been largely requested by the community.
- Input has been sought from the MLC in relation to converting the status of the land back to Māori Freehold Land.

8.4.3 District-wide provisions

Table 17 provides an evaluation of the district-wide provisions, including the rules and policies. Along with the proposed provisions, Council has also identified reasonably practicable alternatives to achieve the objectives. This includes the following:

- **Option one: The status quo.** This evaluates the existing District Plan provisions, which are set out in Section 4 of this report.
- **Option two: The proposed district wide provisions.** These are outlined in Section 6.2 of this report.
- **Option three: Enable papakāinga but limit it to Māori Freehold Land.**

Table 17: Evaluation of district-wide provisions

	Option 1 – Status Quo	Option 2 – New district-wide provisions	Option 3 – Alternatives considered
Description	<ul style="list-style-type: none"> Marae and papakāinga development subject to existing Rural and Rural-Residential provisions. 	<ul style="list-style-type: none"> New district-wide provisions, including rules and policies as outlined in Section 6.2 of this report. 	<ul style="list-style-type: none"> Enable papakāinga but limit it to Māori Freehold Land.
Costs	<p>Environmental</p> <ul style="list-style-type: none"> No direct or indirect environmental costs have been identified. No papakāinga developments have occurred under the operative district plan provisions (ie. status quo). <p>Economic</p> <ul style="list-style-type: none"> There is technically no papakāinga development that is permitted under the existing District Plan rules. Therefore, there is a cost to landowners who want to develop papakāinga as a resource consent would be required. The existing objective and policy framework within the District Plan does not provide for papakāinga (or for tangata whenua at all). Therefore, if a resource consent was applied for, an assessment would need to be made against the existing objectives and policies relating to amenity within the Rural Zone. There is potential for the 	<p>Environmental</p> <ul style="list-style-type: none"> As the development potential is increased, it is likely that the character and amenity values of these areas will change. These effects will be minimised through the use of performance standards (such as setbacks, height limits, building coverage etc.). The policies also guide decision makers to consider character and amenity through a resource consent process. Higher risk for reverse sensitivity effects on existing farming operations due to providing more sensitive activities within the Rural Zone. A 20m setback has been proposed to mitigate this risk (unless there is agreement with the neighbour). Increased housing may have impacts on existing roading infrastructure and safety due to a large increase in traffic. In particular, some areas have multiple Māori Freehold Land blocks on one road. The number of houses is therefore restricted through a density standard. 	<p>Environmental</p> <ul style="list-style-type: none"> Similar adverse effects would be relevant as per Option 2, however reduced in scale as not as many areas within the district would be developed. <p>Economic</p> <ul style="list-style-type: none"> In order to develop ancestral land for papakāinga under this option, tangata whenua would be required to convert general title land into Māori Freehold Land. While this may be desirable for some groups, this option would impose costs on tangata whenua in the form of regulatory costs, legal and process costs, time costs and add complexity to the development process. Papakāinga development will be subject to rates and to the development contribution policy. This will impose costs on tangata whenua while offsetting costs to

	<p>process to be notified or declined, which would be very costly.</p> <ul style="list-style-type: none"> • A lack of papakāinga development under the status quo has resulted in broader economic growth and employment related opportunity costs, as a result of reduced development activity, and a reduced ability for tangata whenua to undertake commercial activities on their ancestral land. <p>Social</p> <ul style="list-style-type: none"> • Existing Māori Land in the District is currently underutilised. With a shortage of quality and affordable housing options, many Māori are living in rental accommodation. Rental accommodation can be difficult to secure for large whānau and thus overcrowded, which has implications on wellbeing and wider social effects. • A lack of affordable housing options has also meant that some individuals and whanau have had to leave the district. This has reduced the ability for tangata whenua to participate in the community more broadly. <p>Cultural</p> <ul style="list-style-type: none"> • The existing District Plan does not recognise and provide for the relationship of Māori with their 	<p>Any adverse effects generated above this density would be considered through a resource consent process. A policy has also been included to guide decision makers on the scale of development.</p> <ul style="list-style-type: none"> • Increased development may have impacts on the natural environment, for example adverse effects on water bodies and extra demand on drinking water supply. These aspects will be managed through the Waikato Regional Plan provisions and the provisions of the NES-F. A setback from waterbodies is also included. <p>Economic</p> <ul style="list-style-type: none"> • Papakāinga development will be subject to rates and to the development contribution policy. This will impose costs on tangata whenua while offsetting costs to Council of providing infrastructure to support papakāinga development. • Applicants will need to prepare a Papakāinga Development Plan to submit at building consent stage. This will impose costs on tangata whenua. • Depending on the uptake to papakāinga, Council may have to upgrade roads in areas where there is potential for clustered development. • Although the proposed provisions are much more enabling than the status quo, 	<p>Council of providing infrastructure to support papakāinga development.</p> <ul style="list-style-type: none"> • Applicants will need to prepare a Papakāinga Development Plan to submit at building consent stage. This will impose costs on tangata whenua. • This option is limited for economic growth and employment as non-residential activities are not provided for. <p>Social</p> <ul style="list-style-type: none"> • The same social costs would be relevant as per option 2. <p>Cultural</p> <ul style="list-style-type: none"> • This would have some cultural effects, as there would be limited ability to live and work on General Land Owned by Māori and Treaty Settlement Land, which are ancestral lands.
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>ancestral lands. This has led to an inability to develop Māori Land in accordance with tikanga.</p> <ul style="list-style-type: none"> The District Plan has identified (as a significant resource management issue) that there has been limited partnership to date with tangata whenua. Therefore, maintaining the status quo may adversely impact the relationship between Council and iwi. 	<p>some developments may still require resource consent which will result in costs to the land owners / developers.</p> <ul style="list-style-type: none"> Non-residential activities (such as community facilities and healthcare facilities) are subject to the underlying zone standards. Therefore, these activities would likely need a resource consent. This could limit economic growth and employment opportunities. <p>Social</p> <ul style="list-style-type: none"> It is unlikely there will be many social costs as a direct result of these provisions. However, there is some potential for the more enabling provisions to cause social changes where they are undertaken in an established neighbourhood. This was brought up through consultation with neighbours. Performance standards to manage the adverse environmental effects should manage this. <p>Cultural</p> <ul style="list-style-type: none"> This would have some cultural effects, as non-residential activities are not provided for, there would be limited ability to live and work on ancestral lands. 	
Benefits	<p>Environmental</p> <ul style="list-style-type: none"> The existing provisions of the Rural and Rural-Residential Zone are fairly 	<p>Environmental</p> <ul style="list-style-type: none"> Greater flexibility and opportunities for tangata whenua to exercise kaitiakitanga 	<p>Environmental</p> <ul style="list-style-type: none"> Adverse effects would be reduced in scale compared to Option 2,

	<p>conservative. This provides Council with the ability to exercise discretion of a large range of environmental effects on a case-by-case basis through a resource consent process.</p> <ul style="list-style-type: none"> Maintaining the status quo is likely to result in limited papakāinga development, which in turn is likely to result in limited impacts on existing character and amenity values. <p>Economic</p> <ul style="list-style-type: none"> No direct or indirect economic benefits have been identified with maintaining the status quo. <p>Social</p> <ul style="list-style-type: none"> No direct or indirect social benefits have been identified with maintaining the status quo. <p>Cultural</p> <ul style="list-style-type: none"> No direct or indirect cultural benefits have been identified with maintaining the status quo. 	<p>and develop land in accordance with tikanga Maori.</p> <ul style="list-style-type: none"> Potentially inappropriate activities will be managed through a resource consent process to ensure environmental effects are avoided, remedied or mitigated. <p>Economic</p> <ul style="list-style-type: none"> The provisions would likely result in reduced consenting costs for tangata whenua looking to undertake papakāinga development due to providing more permitted activities. In addition to the benefits noted above, increased development enabled under the provisions is likely to lead to employment related benefits in terms of construction activity. <p>Social</p> <ul style="list-style-type: none"> The proposed provisions would likely result in enhanced well-being through enabling more affordable housing opportunities. Enabling the development of papakāinga on ancestral land held in long-term Māori ownership is likely to increase the security of tenure for tangata whenua within their communities. <p>Cultural</p> <ul style="list-style-type: none"> These provisions are likely to result in enhanced cultural wellbeing by enabling the use and development of ancestral 	<p>providing Council with greater control over environmental effects.</p> <p>Economic</p> <ul style="list-style-type: none"> The provisions would likely result in reduced consenting costs for tangata whenua looking to undertake papakāinga development (in comparison to the status quo). <p>Social</p> <ul style="list-style-type: none"> The same benefits would be relevant as per Option 2, however reduced in scale as the provisions are not as enabling. <p>Cultural</p> <ul style="list-style-type: none"> The same benefits would be relevant as per Option 2, however reduced in scale as the provisions are not as enabling.
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		lands, as well as enabling kaitiakitanga, whanaungatanga and rangatiratanga.	
Effectiveness / Efficiency	<ul style="list-style-type: none"> The existing provisions are considered to be ineffective and inefficient. This is discussed in detail in Section 4.2 of this report. 	<ul style="list-style-type: none"> The proposed provisions are the most effective method of meeting the objectives given they will provide increased economic, social and cultural benefits as outlined above while maintaining character and amenity. The proposed provisions are considered the most efficient method of meeting the objectives given the benefits identified above. They will reduce costs associated with developing ancestral lands. 	<ul style="list-style-type: none"> It was determined through consultation that this approach would not be effective. This is because there were aspirations to develop on General Land as well as Māori Freehold Land.
Risks of Acting/ Not Acting - uncertain or insufficient information	<ul style="list-style-type: none"> It is considered that there is certain and sufficient information on which to assess the status quo provisions as they have been in place for a long time, and their adequacy has been canvassed through community engagement. 	<ul style="list-style-type: none"> It is considered that there is certain and sufficient information on which to assess the proposed provisions as they have been developed in collaboration with iwi and there has been significant community engagement. There will be some change in character and amenity effects which may have an effect on the neighbours, however the benefits outweigh the costs. 	<ul style="list-style-type: none"> It is considered that there is certain and sufficient information on which to assess these provisions as tangata whenua have advised that this is not the preferred approach.

The above assessment has demonstrated that Option 2 is the most appropriate way to achieve the preferred objectives. This is because:

- The proposed provisions will allow for development to occur on Māori Freehold Land, General Land Owned by Māori and Treaty Settlement Land.
- This option will give effect to Section 6(e) of the RMA.

8.4.4 Quantification

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. Given the assessment of the scale and significance of the proposed changes above it is considered that further quantifying costs and benefits would add significant time and cost to the Section 32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs was not considered necessary, beneficial or practicable. Furthermore, 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. That is, it is not possible to put a dollar value on outcomes such as enabling Kaupapa Māori.

9. Summary

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:

- The proposed objectives, policies and rules give effect to higher order documents including Part 2 of the RMA, National Policy Statements, National Planning Standards and the Waikato Regional Policy Statement.
- The proposed zoning will cluster development around the marae, creating a focal point for communities.
- The rules will enable papakāinga development in multiple areas of the district, including Māori Freehold Land, General Land Owned by Māori and Treaty Settlement Land.

Overall, it is considered that the set of proposed provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the proposed provisions. The risks of acting are also clearly identifiable and limited in their extent.