



District Plan Review

Plan Change 54

Papakāinga

Proposed Plan Change and Section 32 Report

Analysis of Costs, Benefits and Alternatives

Date July 2022

Ref: PC54

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.....	34
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: Draft Plan Provisions

Appendix F: Proposed Plan Provisions

Appendix G: Re-zoning Maps

Appendix H: 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 papākainga 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 Kōkiri (“**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 Māori 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 1**. 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.

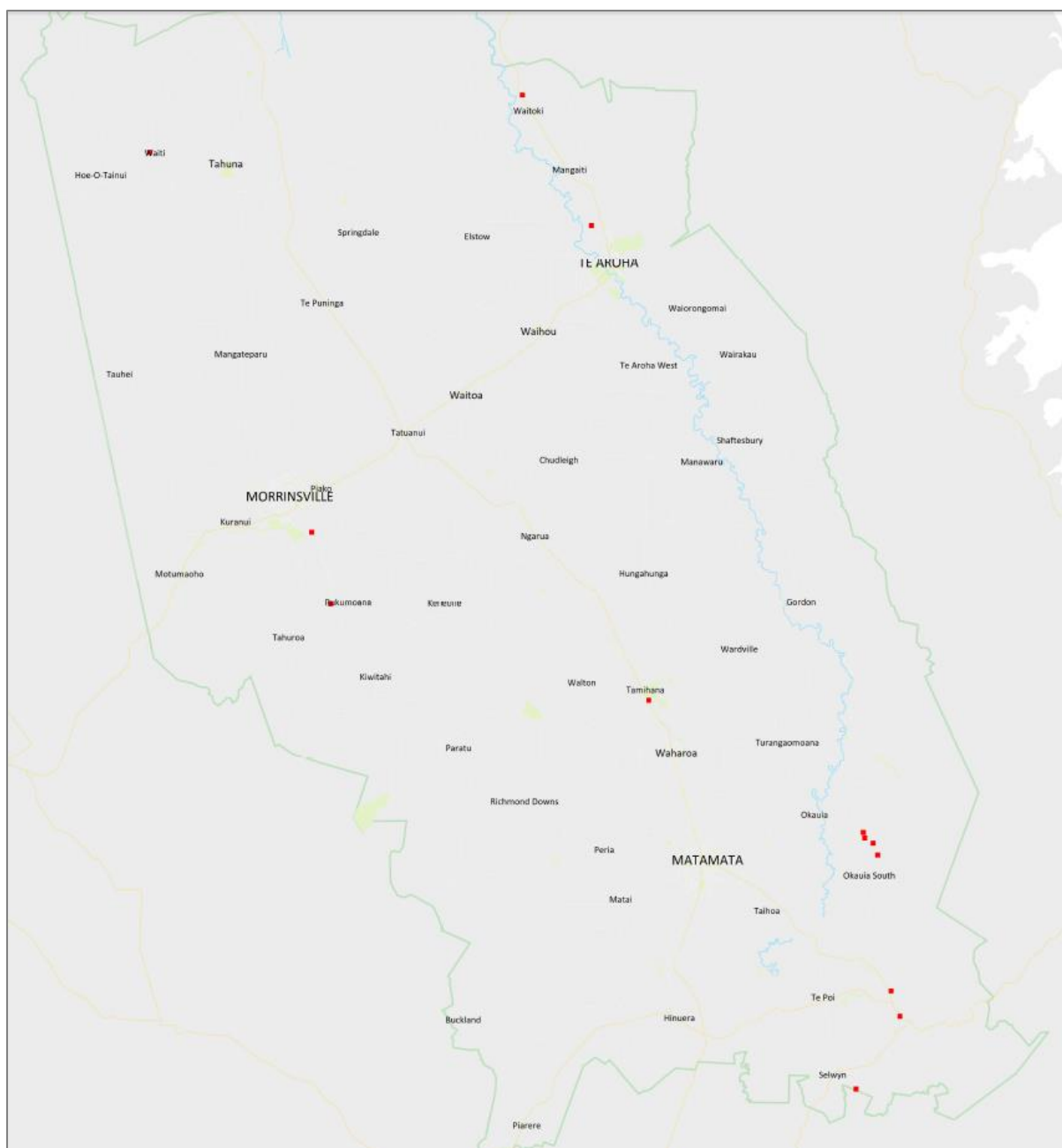


Figure 1: Existing marae in the Matamata-Piako District (note: the red dots represent individual marae and the green outline is the boundary of the district).

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 2**. 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.

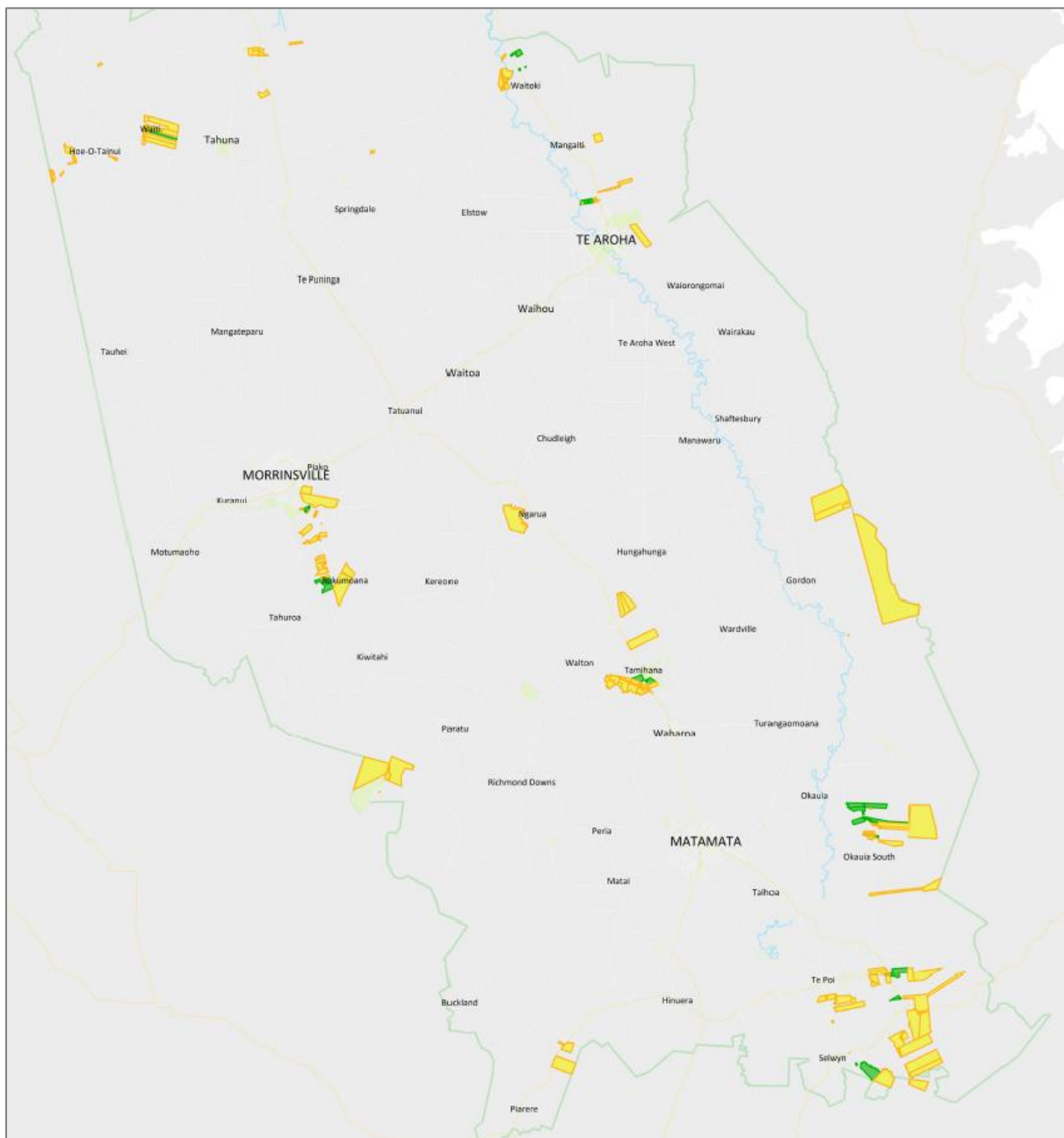


Figure 2: Existing Māori Freehold Land in the Matamata-Piako District (note: the green blocks are the Māori Freehold Land proposed to be re-zoned and the yellow blocks are the remainder of the Māori Freehold Land).

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 Maurihiro 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 Maurihiro Scenic Reserve) as shown on OTS-135-19 • Te Ara o Maurihiro (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 • Ōkauia Geothermal Resource as shown on OTS-135-17 • Taihoa Geothermal Resource as shown on OTS-135-17 	
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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.
Multiple ownership of land and associated challenges.	<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.
Limited resources, capacity or capability to navigate process to develop papakāinga.	<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.
Lack of servicing and other infrastructure.	<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).
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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, wharehenui 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, wharehenui 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, wharehenui 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.

Under the current district plan provisions, Council has recently received one resource consent application for papakāinga, which is anticipated to be limited notified. 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.
- Presented on the plan change to all marae in the district (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.
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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

Council facilitated engagement with local marae during the development of PC54. The preference for engagement was kanohi te kanohi (face to face), however unfortunately due to COVID-19 restrictions, some engagement was undertaken online. 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.

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

⁶ Note: this was prior to Council proposing provisions relating to the MPZ Precinct 2.

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. The draft plan change provisions are provided in **Appendix E**.

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.
- Added “commercial activities” as a discretionary activity in the MPZ.

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

- 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 F** and summarised below. The re-zoning maps are also attached as **Appendix G**.

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 Precinct 1

Sites that are proposed to be re-zoned as MPZ (Precinct 1) 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 suitable 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 H**. 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 (Precinct 1) 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
- Mare-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 Precinct 2

Sites that are proposed to be re-zoned as MPZ (Precinct 2) 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 1,011m² – 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 Land, 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.



Figure 3: Sites proposed to be re-zoned as MPZ Precinct 2 on Rukumoana Road



Figure 4: Sites proposed to be re-zoned as MPZ Precinct 2 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 wharenuī (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</p> <p>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>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>Policy 4.3 Tāngata whenua</p> <p>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>Implementation method 4.3.2</p> <p>Tāngata whenua involvement</p> <p>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>Objective 3.12 Built environment</p> <p>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 Precinct 2 are connected to Council services and there is capacity within these services to provide for additional</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>housing. However, for Precinct 1, 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.
Objective 3.26 High class soils The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.	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.

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
Objective 10.2.1 Our cultural and social wellbeing is enhanced in ways that recognise the importance of: <ul style="list-style-type: none"> a) Marae to Ngāti Hauā and local communities. b) Urupā to Ngāti Hauā. 	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

	creation of new urupā and the expansion of existing urupā as a permitted activity within the MPZ.
Objective 10.2.2 Our cultural, social and economic wellbeing is enhanced in ways that recognise the need for: <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.
Policy 10A 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.	These activities have all been provided for as part of the MPZ.
Method 10A.2 Work with District Councils to: <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. 	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. Council has provided for papakāinga and urupā as a permitted activity.
Method 10A.4 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: <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
2.7.3 Objective Raukawa marae and papakāinga developments lead best practice and demonstrate sustainability.	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.
2.7.5 Method M7 RCT will advocate for rules in district and regional plans that enable papakāinga development on multiply owned land.	The proposed provisions will enable papakāinga on multiply owned land.
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: <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. 	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.

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
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>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.
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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 Māori Purpose Zone (Precinct 1)

Table 15 provides an evaluation of the MPZ (Precinct 1), 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 (Precinct 1).** 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 (Precinct 1)

	Option 1 – Status Quo	Option 2 – New MPZ (Precinct 1)	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 Māori Purpose Zone (Precinct 1), 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.
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	<p>relationship of Māori with their ancestral lands. This has lead 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>	
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		<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. 	
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 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 Māori Purpose Zone (Precinct 2)

Table 16 provides an evaluation of the MPZ (Precinct 2), 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 (Precinct 2).** 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 (Precinct 2)

	Option 1 – Status Quo	Option 2 – New MPZ (Precinct 2)	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 Māori Purpose Zone (Precinct 2), 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 lead 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. 	
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		<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. 	
Effectiveness / Efficiency	<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 (Precinct 2) 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.
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	<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 welling 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.
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		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.

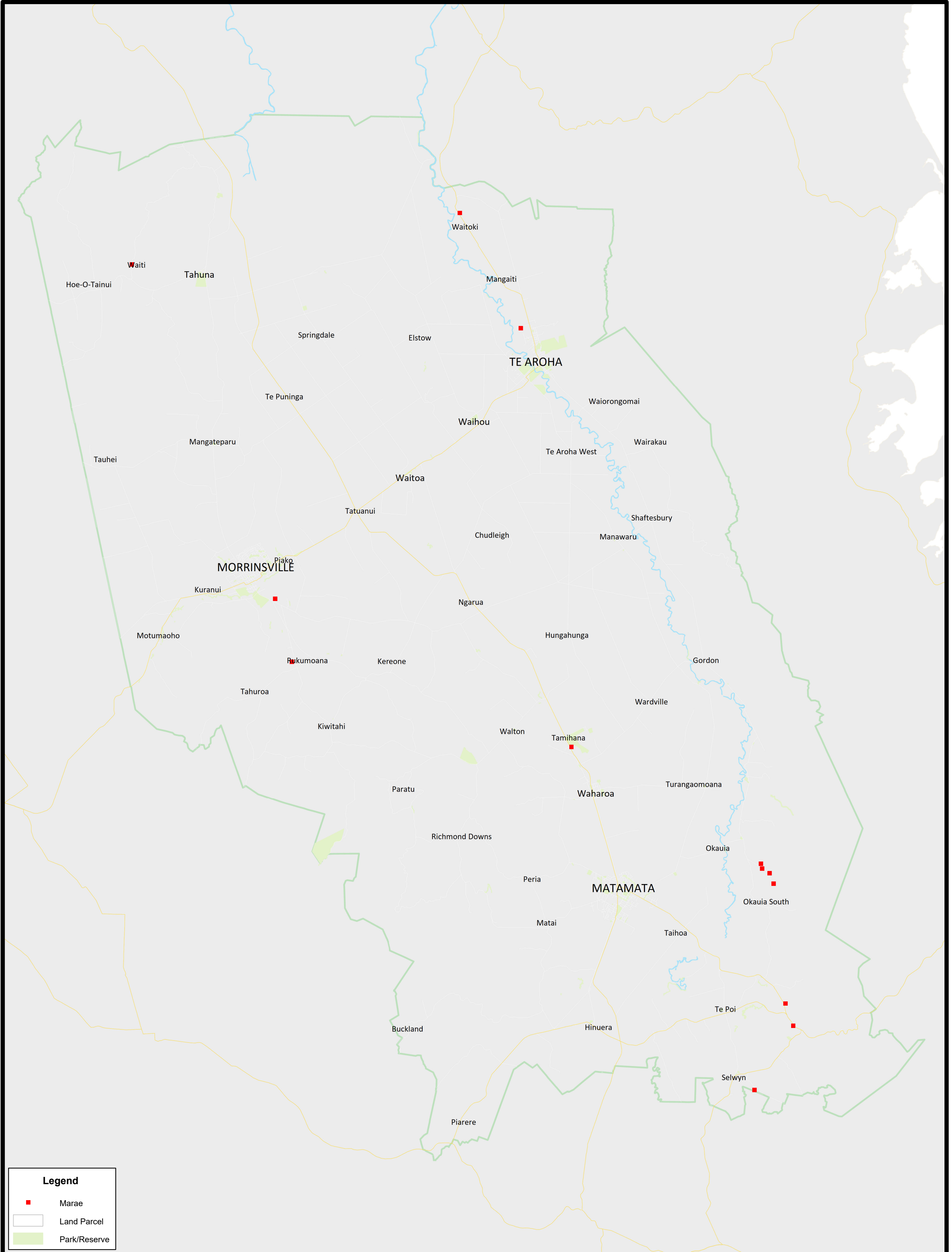
9. Summary

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.

Appendix A: Marae in the Matamata-Piako District



This data is provided as at July 2022 [pursuant to the Local Government Official Information and Meetings Act 1987]. While every effort has been made to ensure accuracy of the data, MPDC cannot guarantee its accuracy or suitability for any specific purpose. MPDC is not responsible for the misuse or misinterpretation of the data supplied. Under no circumstances shall MPDC be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the MPDC be liable for any other consequences from any such reliance. Copyright © 2022 Matamata-Piako District Council. Cadastral information derived from Land Information NZ Crown copyright reserved.

Matamata-Piako District Marae



Scale (when printed on A2)

1:135,000

Date: 27/07/2022

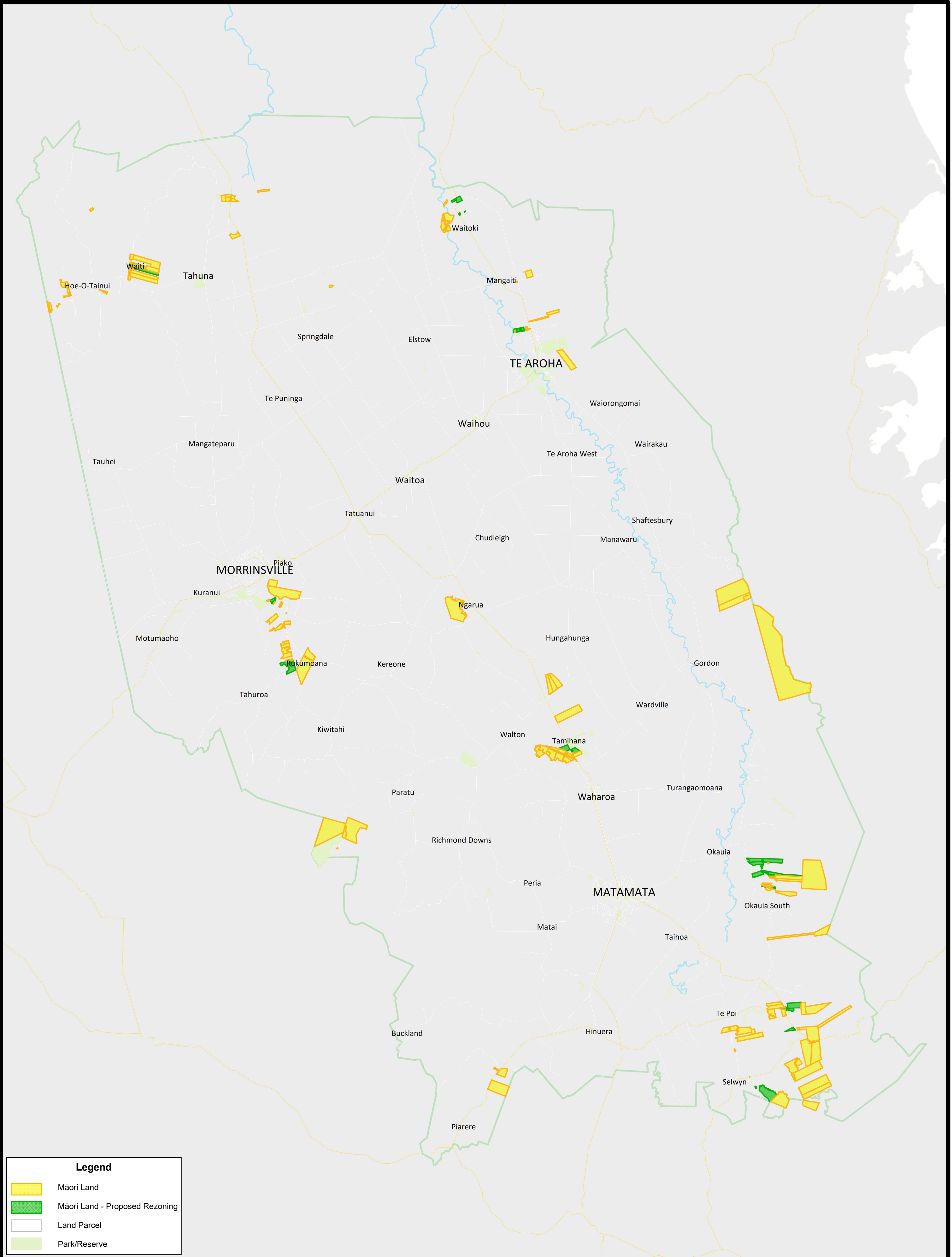
Authored: A Naea (MPDC)

Projection: NZTM 2000



te kauhiera ā-rohe o
matamata-piako
district council

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



Legend

Māori Land

Māori Land - Proposed Rezoning

Land Parcel

Park/Reserve

This data is provided as at July 2022 [pursuant to the Local Government Official Information and Meetings Act 1987]. While every effort has been made to ensure accuracy of the data, MPDC cannot guarantee its accuracy or suitability for any specific purpose. MPDC is not responsible for the misuse or misinterpretation of the data supplied. Under no circumstances shall MPDC be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the MPDC be liable for any other consequences from any such reliance. Copyright © 2022 Matamata-Piako District Council. Cadastral information derived from Land Information NZ Crown copyright reserved.

Matamata-Piako District

Māori Land Parcels

0

5

10

15

20

25

Kilometers

Scale (when printed on A2)

1:135,000

Date: 25/07/2022

Authored: A Naea (MPDC)

Projection: NZTM 2000

N

E

S

W

te kauhīhera ā-rohe o

matamata-piako

district council

Appendix C: Issues and Options Paper



Plan Change 54 – Papakāinga

DRAFT Issues and Options Paper for discussion



September 2019

1. Introduction – Purpose of Document and Process

The Matamata-Piako District Council is in the early stages of preparing Plan Change 54 (PC54) to the District Plan, which seeks to update the District Plan provisions (issues, objectives, policies, rules and standards) for papakāinga development, to ensure that they support and provide an enabling framework for quality papakāinga development that supports the social, cultural and economic wellbeing of tangata whenua.

A 'project launch' hui for PC54 was held on 27 May 2019 at Kai a Te Mata Marae, which involved Matamata-Piako District Council elected members, planning staff, Boffa Miskell consultants and representatives from various iwi authorities, including Ngāti Hauā, Ngāti Paoa, Ngāti Hinerangi, Ngāti Korokī Kahukura, Raukawa and Rangitaa Turner from Te Puni Kōkiri. The discussions at the project launch hui generally covered the below matters:

- Introduction on PC54 and its context within the Resource Management Act 1991 framework;
- The issues and challenges facing tangata whenua regarding the development of their land; and
- In general terms, the aspirations of tangata whenua to develop their land in the Matamata-Piako District and outcomes sought from PC54.

The purpose of this document is to outline the key issues, challenges, aspirations and outcomes that were identified and discussed at the hui and to set out some high-level options to begin to address these issues. It is intended that this document will be used as the foundation to generate thought and discussion for further engagement with tangata whenua for PC54 and the early development of the Plan Change.

2. Key Issues and Challenges

A number of issues and challenges faced by tangata whenua regarding the use and development of their land in the Matamata-Piako District have been identified, with regard to papakāinga specifically. These issues are summarised, in no particular order of priority, in **Table 1**.

Table 1 Key Issues and Challenges,

Key Issue	Comment(s)	Potential Response
1. Growing Māori population and a shortage of quality affordable housing / inability to live on ancestral land	<ul style="list-style-type: none"> • Whanau – many of whom are skilled workers – are keen to return home and live on whānau / ancestral land • The Māori population in the District grew by 15.6% between 2006 – 2013, and is expected to continue to grow. • Growth in young Māori population. A large proportion of Maori 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 whanau and thus overcrowded, which has implications on wellbeing. • Currently papakāinga development can take a considerable amount of time from concept design to implementation. 	<ul style="list-style-type: none"> • Plan Change 54 to enable the development of papakāinga within a more permissive and expedient planning framework • Associated non-regulatory support / resources from other government agencies (e.g. Māori Land Court and Te Puni Kōkiri) to assist tangata whenua to plan for and develop papakāinga)
2. 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 needs to be healthy before tangata whenua can live there). The plan change should consider housing from the Māori worldview. 	<ul style="list-style-type: none"> • A collaborative process to develop PC54 with tangata whenua so that provisions are fit for purpose and meets the needs, aspirations and outcomes sought by tangata whenua in terms of recognising kaupapa Māori and tikanga. • Simple, concise and easy to understand plan provisions. • Building capability / capacity of council officers understanding of kaupapa Māori and also building a greater understanding of planning provisions with tangata whenua

Key Issue	Comment(s)	Potential Response
	<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 in 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. 	<ul style="list-style-type: none"> • Use of guidance documents • Understanding that each hapū and/or marae have a different whakaaro and ensuring the provisions are sufficiently flexible to cover these differences. • Plan provisions that are flexible and enable the development of a range of papakāinga models.
3. Multiple ownership of land and	<ul style="list-style-type: none"> • Additional legislative requirements and controls under Te Ture Whenua Maori Act 1993 • Lack of ability to finance and/or access funding for development. Obtaining finance for development 	<ul style="list-style-type: none"> • Support / resources from other government agencies (e.g. Māori Land Court and Te Puni Kōkiri) to build capacity and capability, and assist

Key Issue	Comment(s)	Potential Response
associated challenges	<p>can be challenging with multiple owners (especially for Māori Freehold and Māori Customary Land)</p> <ul style="list-style-type: none"> Decision-making and cooperation between multiple landowners and trustees to agree on a shared vision. Uncertainty or ambiguity around the definition of Māori owned land 	<p>tangata whenua to plan for and develop papakāinga</p> <ul style="list-style-type: none"> Encourage trustees to attend papakāinga workshops facilitated by Te Puni Kōkiri, and explore funding options available (hapū partitions, kainga ora / Te Puni Kōkiri funding process, Department of Internal Affairs funding streams for marae development, social housing funding through the Ministry of Housing and Urban Development)
4. Limited resources, capacity or capability to navigate process to develop Papakāinga	<ul style="list-style-type: none"> The processes / stages to develop papakāinga involve whanau planning, workshops/research, project feasibility, due diligence, consents, project/building management and housing operations. These processes are complex, time-consuming and difficult to navigate 	<ul style="list-style-type: none"> Engage with Māori Land Court and Te Puni Kōkiri during the plan change preparation Plan Change provisions that support / encourage integrated and coordinated papakāinga development Clear definition of Maori owned land (or other land) to be covered by the Papakāinga plan provisions.
5. Lack of servicing and other infrastructure	<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 is located in rural areas (e.g. most of the marae) 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 	<ul style="list-style-type: none"> Support / resources from other government agencies (e.g. Māori Land Court and Te Puni Kōkiri), including potential for infrastructure grants, and assist tangata whenua to plan for integrated infrastructure provision Plan Change provisions that support / encourage integrated and coordinated infrastructure provision for papakāinga development

Key Issue	Comment(s)	Potential Response
	burden on those who are first to develop their papakāinga).	<ul style="list-style-type: none"> Explore opportunities to collaborate with Council with regard to capital works / joint applications for grants from other agencies.

A number of the issues identified in **Table 1** have wider strategic importance (i.e. are broader than PC54 for papakāinga). Not all of these issues can be addressed through an update to the District Plan provisions alone, and can be addressed through a joint regulatory and non-regulatory approach. The District Council is responsible for the plans and policies to enable papakāinga, whereas other agencies including the Māori Land Court, and government agencies can provide support, advice and funding.

Questions...

- 1. Have we accurately captured the key issues and challenges facing tangata whenua regarding the development of land?**
- 2. Are there any other issues and challenges (and/or potential responses to those issues) that we should be recording and considering?**

3. Aspirations and Outcomes Sought

In principle, it was agreed at the project launch hui that there is a strong desire for whānau to live on and/or develop ancestral lands to enhance to social, economic and cultural well-being of Māori people. It was also agreed in principle that 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 unlocked. The general objectives of Plan Change 54 are to update the District Plan to:

- Recognise the desire for Māori to maintain and enhance their traditional and cultural relationship with their ancestral land and to enhance their social, economic and cultural wellbeing.
- Enable Māori to establish and maintain traditional settlement patterns, activities and development opportunities to meet their needs.
- Provide for quality and more timely papakāinga development and marae on ancestral land in a manner which is sensitive to tikanga Māori and the sustainable management of the land resource.
- Allow maximum flexibility for Māori to develop their ancestral lands, while ensuring that:
 - appropriate health, safety and amenity standards are met; and
 - potential adverse effects on the environment are managed.

The ultimate outcome sought is a plan change that achieves the above objectives and is supported by and achieves the outcomes sought by tangata whenua.

It is understood that a large proportion of existing 'Māori land' ¹ in the District is concentrated in the Rural Zone and around / in close proximity to the existing marae. At the hui, we did not explore areas where iwi and hapū want to develop papakāinga in future, however some land titles on Roache Road (near Morrinsville), Wairere Road and Wardville Road (near Waharoa) were mentioned as possible locations.

Other key matters raised by tangata whenua in relation to the aspirations and outcomes sought are set out in **Table 2**.

¹ Based on a review of indicative LINZ data

Table 2 Summary of outcomes sought from Plan Change 54

Theme / issue	Comment	Potential response / outcome sought
Concept of 'Papakāinga'	Papakāinga is a concept that can encapsulate a range of development on land owned by Māori, and its meaning and understanding can vary between iwi, hapū and whānau. Papakāinga developments may not solely focus on housing, and include activities which support the social, cultural and economic wellbeing of tangata whenua (e.g. kōhanga reo, kura kaupapa, horticulture or agriculture, recreational facilities or areas, urupā and heritage sites), all of which are directly associated with the communal nature and function of the Papakāinga. Wireru Peria is viewed as a model example of a papakāinga in that it includes commercial activities next to residential activities, was developed by whanau for whanau and is entirely self-sufficient.	<ul style="list-style-type: none"> The definition of 'papakāinga' used in the plan change shall be developed in collaboration with tangata whenua so that it encapsulates the activities that tangata whenua aspire to develop in future, and provides sufficient flexibility to meet the needs of tangata whenua.
Needs and aspirations of each iwi, hapū and whanau will vary	The housing and social, cultural and economic needs of each iwi, hapū or whānau are different. The purpose and use of papakāinga to validate mātauranga around tūrangawaewae (belonging), including to support inclusive and inter-generational living will vary depending on the specific needs.	<ul style="list-style-type: none"> There is a need to provide flexibility in plan provisions to recognise these differences and accommodate the different housing, social and economic needs of each iwi, hapū or whānau.
The plan change should not be limited to 'Māori Land'	<p>'Māori Land' is defined by Te Ture Whenua Māori Act 1993 as either 'Maori Customary Land' or 'Maori Freehold Land'.</p> <p>'General land owned by Maori' means general land that is owned for a beneficial estate in fee simple by a Maori or a group of persons of whom a majority are Māori.</p> <p>Tangata whenua do not want to be constrained by provisions that only enable development on 'Māori land' (meaning Māori Freehold or Customary Land). This is primarily due to complex land ownership structures and associated difficulties to secure finance for use and development of 'Māori Land'. There is a desire to have flexibility and opportunities to develop papakāinga on land with different</p>	<ul style="list-style-type: none"> To maintain flexibility, the plan change should consider and enable development on land with different statuses under the Te Ture Whenua Māori Act 1993 (not just 'Maori land') The definition of 'papakāinga' was discussed at the 2nd project hui on the 14th of August, with input from the Māori Land Court. The objectives and policies of the plan change should encourage the establishment or use of management structures, such as Ahu Whenua Trusts to ensure that land is developed by those that have the

	statuses under the Te Ture Whenua Maori Act 1993 ² including General land owned by Maori, and potentially General Land or Crown land reserved for Māori.	necessary mandate or permission from their whanau. This can be implemented through information requirements.
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Questions...

- 1. Have we accurately summarised the needs, aspirations and objectives / outcomes sought?**
- 2. Are there any specific land titles, or areas where your iwi or hapū is interested in developing papakāinga?**
- 3. What types of activities should be included within a general definition of papakāinga?**

The Waikato Regional Policy Statement defines papakāinga broadly as:

the idea of a homestead, an area or local vicinity that holds close kinship ties. Often used to describe housing in association with a marae or pa, or otherwise on Māori land.

As a starting point, a potential definition of papakāinga for the Matamata-Piako District could be:

a development by tangata whenua on ancestral lands in their traditional rohe and established to be primarily occupied by tangata whenua for residential activities and ancillary social, cultural, economic, conservation and/or recreation activities to support the social, cultural and economic wellbeing of tangata whenua.

² Section 129 (Status of Land)

4. Potential (High-Level) Options

In considering the above context we have outlined some potential high-level options for the District Plan enabling framework to help address the above-mentioned key issues and which could achieve the objectives. These options are set out in **Table 3**.

It is recognised that the preferred option may be a different approach (identified through further engagement) or could be a combination of these options.

These options are regulatory methods (District Plan provisions) which would need to be supported by non-regulatory methods.



Table 3 High Level Options for Consideration and Discussion

High-Level Option (for consideration / discussion)	Potential Benefits (for discussion)	Potential Costs / Limitations (for discussion)
<p>Option A: General District-Wide provisions (with rules that are structured with Māori land tenure)</p> <ul style="list-style-type: none">Retain existing zoning throughout the DistrictPermitted activity for Papakāinga development on <i>Maori Freehold Land</i> or <i>Maori Customary land</i>, where:<ul style="list-style-type: none">a Papakāinga Development Plan is providedthe land can be serviced for the proposed activities in accordance with Council’s infrastructure standards (as confirmed by a suitably qualified engineer)maximum density standards are complied with (e.g. 1 house per 2,500m² of net site area in Rural Zones); andany commercial or industrial activities are established in conjunction with and are directly related with residential activities of the Papakāinga, are set back 100m from existing residential units on a separate title, and do not cumulatively exceed standards to manage their scale (e.g. maximum 500m² in GFA)compliance with other general bulk and location standards is achieved.Restricted Discretionary activity for Papakāinga development on <i>General Land owned by Maori</i> provided that:<ul style="list-style-type: none">the development would otherwise comply with the permitted activity controls; andan ancestral link to the land has been identified OR the land is the subject of proceedings before the Maori Land Court to convert the land to Maori freehold land. <p><i>Associated matters of discretion:</i></p> <ul style="list-style-type: none">Explanation as to the historical reasons why the land was transferred to general titleEvidence as to why the land is ancestral Māori landWhere relevant, explanation as to why the land has not been converted to Maori freehold land pursuant to Te Ture Whenua Māori Act 1993Where relevant, demonstration of appropriate legal mechanisms to ensure the land is maintained in whanau or hapū ownership. <p><i>Note:</i> if there is appetite, with this option, and subject to further discussions with tangata whenua and the Maori Land Court, Council could consider amending the activity status for Papakāinga development on <i>General Land owned by Maori</i> to a controlled activity status (which is more enabling) and also consider whether subdivision provisions need to be amended.</p> <ul style="list-style-type: none">Discretionary activity for Papakāinga development on all other land (with potential for Non-Complying activity status within the Kaitiaki (Conservation) Zone) <p><i>Councils that use this method or similar:</i> Waikato District Council, Whangarei District Council, Hastings District Council.</p>	<ul style="list-style-type: none">Provides flexibility by acknowledging different land tenure scenariosRemoves some barriers by enabling papakāinga on General Land owned by Maori (which reflects commercial realities and enables improved ability to secure finance).Recognises that status of Maori land tenure may change over timeRegulatory hierarchy (structured with Maori land tenure) is relative to the extent of administrative oversight by the Maori Land Court e.g:<ul style="list-style-type: none">permitted activity status for Papakāinga where the land tenure status is Maori land (with rules governing the ownership, status of land, formation and administration of leases and trusts)restricted discretionary activity status for General Land owned by Maori enables assessment of ancestral link and legal mechanisms (where relevant)Anticipates / provides a framework for development on General Land owned by Maori (or other land tenure statuses) where specific requirements can be met.Papakāinga Development Plan ensures that integrated development is achieved without requirement for a costly land use consentEnsures maximum intensity and scale is determined by the servicing capacity of the landControls on maximum density, bulk and location would protect amenity for adjoining neighbours	<ul style="list-style-type: none">Economic costs associated with preparing a Papakāinga Development PlanEconomic costs associated with preparing resource consent application where land is not Maori Freehold or Maori Customary LandAreas of future papakāinga development are not clearly understood or defined on planning mapsMaximum flexibility has greater potential to result in adverse effects (albeit these can be managed through performance standards)
<p>Option B: District-Wide provisions (with cascade activity status based on number of houses)</p> <ul style="list-style-type: none">Retain existing zoning throughout the DistrictPermitted activity for papakāinga development on <i>Maori Freehold Land</i> or <i>Maori Customary Land</i> up to a maximum of five dwellings where:	<p>Similar to Option A except that, in addition:</p> <ul style="list-style-type: none">Greater control of the scale of papakainga that can occur as a permitted or controlled activity.	<p>Similar to Option A except that, in addition:</p> <ul style="list-style-type: none">Has potential to lead to papakāinga development that is not comprehensive or integrated (e.g. a few houses at a time) which presents difficulties for infrastructure and associated costs

High-Level Option (for consideration / discussion)	Potential Benefits (for discussion)	Potential Costs / Limitations (for discussion)
<ul style="list-style-type: none"> - a Papakāinga site plan is provided (including confirmation that land can be serviced for proposed activities in accordance with Council's Infrastructure Standards); and - compliance with other bulk, location and density standards (e.g. 1 house per 2,500m² net site area in the Rural Zone) are achieved. • Controlled activity for papakāinga development <i>Maori Freehold Land</i> or <i>Maori Customary Land</i> up to a maximum of 10 dwellings where: <ul style="list-style-type: none"> - a Papakāinga site plan is provided (including confirmation that land can be serviced for proposed activities in accordance with Council's Infrastructure Standards); and - compliance with other bulk, location and density standards (e.g. 1 house per 2,500m² net site area in the Rural Zone) are achieved. • Restricted discretionary activity for papakāinga development <i>Maori Freehold Land</i> or <i>Maori Customary Land</i> between 11 and 30 dwellings where: <ul style="list-style-type: none"> - a Papakāinga site plan is provided (including confirmation that land can be serviced for proposed activities in accordance with Council's Infrastructure Standards); and - compliance with other bulk, location and density standards (e.g. 1 house per 2,500m² net site area in the Rural Zone) are achieved. • Discretionary activity for papakāinga development on all other land (with potential for Non-Complying activity status within the Kaitiaki (Conservation) Zone) <p><i>Councils that use this method or similar: Western Bay of Plenty District Plan</i></p>		<ul style="list-style-type: none"> • Economic costs associated with preparing a resource consent application for large-scale papakainga development • Limited flexibility as it does not anticipate / provide an enabling framework for Papakāinga development on General Land owned by Maori (or other land tenure statuses).
<p>Option C: Special Purpose – Maori Purpose Zone</p> <ul style="list-style-type: none"> • Identify a Special Purpose – Maori Purpose Zone on planning maps (e.g. land that contains an existing marae or other areas of multiple owned land by Māori land, earmarked for future Papakāinga development and identified by tangata whenua through the plan change development) • Permitted activity for papakāinga development in areas identified as Special Purpose – Maori Purpose Zone, where: <ul style="list-style-type: none"> - the land can be appropriately serviced for the proposed activities - compliance with other general bulk and location standards is achieved. • Discretionary activity for Papakāinga in areas not identified as Special Purpose – Maori purpose zone <p><i>Councils that use this method or similar: Waipa District Council, Christchurch City Council, Auckland Council</i></p>	<ul style="list-style-type: none"> • Areas for papakāinga development are clearly identified and defined on planning maps • Provisions can be tailored to different areas and land parcels, including controls on maximum density, bulk and location would protect amenity for adjoining neighbours • Land identified as Special Purpose – Maori Purpose zone and associated land uses may be more likely to be involved in resource consent processes for nearby activities and/or protected from effects of nearby activities. 	<ul style="list-style-type: none"> • Potentially less flexibility as the enabling framework is confined to areas identified as Special Purpose – Maori Purpose Zone. It may not be representative of all ancestral Māori land and only benefits those whanau who are affiliated with the Maori Purpose Zoned land parcels (may be unfair/unbalanced) • Costs and time associated with a comprehensive (fair and balanced) approach to identify land that is appropriate for Special Purpose – Maori Purpose Zone (plan change development will take longer and requires greater involvement of tangata whenua at the outset). • Has potential to lead to papakāinga development that is not comprehensive or integrated (e.g. one house at a time) which presents difficulties for infrastructure and associated costs
<p>Option D: Special Purpose – Maori Purpose Zone and General District-Wide provisions</p> <ul style="list-style-type: none"> • Identify a Special Purpose – Maori Purpose Zone on planning maps (including land that contains an existing marae) and associated permissive provisions (as set out in Option C above) <p>AND</p> <ul style="list-style-type: none"> • General District Wide provisions for other areas (e.g. options similar to Options A or B above) 	Combined benefits for Option C and Option A or B.	Similar to costs/limitations Option C and Option A or B.

Questions...

- 1. What do you think of the options? Are you aware of any other options that we should consider?**
- 2. Do you have a preferred option or option(s)? If so, why?**

5. Where to from here?

Following your feedback, we will:

1. Update the Issues and Options Paper based on outcomes from further engagement, including any recommended / preferred option(s).
2. Present the Issues and Options Paper and the preferred option to Te Manawhenua Forum, along with the criteria to be used to develop the Plan Change provisions for feedback.
3. Prepare the proposed plan change based on the preferred option(s), including further engagement with tangata whenua during the development of the plan provisions.
4. Present the Proposed Plan Change to Council for feedback and to obtain a resolution to support the proposed Plan Change.

When the preferred option(s) are confirmed, we will be preparing the plan change provisions and getting into the details and specifics of the plan change. Engagement with mana whenua on the draft provisions will remain open to ensure that everyone has an opportunity to contribute and that individuals with specific skills valuable to the project are not excluded.



Appendix D: Research from other District Plans

Papakāinga enabling provisions - Research for Matamata-Piako District Council (PC54)

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
Christchurch District Plan	Zoning (Chapter 12 – Papakāinga / Kāinga Nohoanga Zone)	https://districtplan.ccc.govt.nz/pages/plan/book.aspx?exhibit=DistrictPlan	<p>12.4.1.1 Permitted activities on land which is held as Maori land (if they meet the standards):</p> <ul style="list-style-type: none"> P1 – Marae complexes, including wharehenui, wharekai, manuhiri noho (guest accommodation with or without tariff) and associated accessory buildings. P2 – Residential activity, including minor residential units and kaumatua units P3 – Home occupations P4 – Relocation of, or repairs, replacement and/or additions to residential units; P5 – Community activities and associated facilities, including where hauora (health care facilities) P6 – Kohaanga reo (preschool) and kura kaupapa (education activity and facilities) P7 – Hakinakina (recreation activities and facilities) P8 – Ahuwhenua (farming) including huawhenua (horticulture), rural produce manufacturing and existing forestry P9 – Urupa P10 – Whare hoko (convenience activities), including rural produce retail and arumoni (commercial services), including veterinary care facilities and rural tourism activity. P11 – Office P12 – Makete (markets) P13 – Farm building P14 – Conservation activities, including new access tracks P15 – farmstay P16 – Emergency service facilities P17 – Heli-landing area P18 – Flood protection activities P19 – Public amenities P20 – Mahinga Kai 	<p>General: Chapter 4 - Hazardous Substances and Contaminated Land; Chapter 5 - Natural Hazards; Chapter 6 - General Rules and Procedures; Chapter 7 - Transport; Chapter 8 - Subdivision, Development and Earthworks; Chapter 9 - Natural and Cultural Heritage; and Chapter 11 - Utilities and Energy</p> <p>No specific activity standards for P1 – P9, P13 – P16, P18 and P20.</p> <p>P10 – Maximum of 100m2 GLFA per business P11 – Maximum of 100m2 GLFA per business P12 – Not exceeding one event per week.</p>		<p>Definition: Maori Land - in relation to Chapter 12 Papakāinga/Kāinga Nohoanga Zone, means land with the following status:</p> <ol style="list-style-type: none"> Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Maori Act 1993; and Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Maori Act 1993. <p>There are no non-complying or prohibited activities in this zone.</p> <p>12.4.3 - In the Papakāinga /Kāinga Nohoanga Zone, on land which is not held as Māori Land, the rules applicable to the Rural Banks Peninsula Zone apply.</p>
			<p>12.4.1.2 Controlled activities on land which is held as Māori land:</p> <ul style="list-style-type: none"> C1 - Any activity listed in Rule 12.4.1.1 P1 – P7, P10 – P13, P15 – P17 or P19, including associated access tracks, within either of the following Banks Peninsula Outstanding Natural Landscapes: <ol style="list-style-type: none"> ONL 2.0 (Rāpaki Ōhinetahi / Governors Bay Summits - Ōtaranui ki Ōmawete); or ONL 6.4 (Port Levy / Koukourārata - Eastern Summits - Kākānui ki Ngārara). that meets the activity specific standards for that activity in Rule 12.4.1.1 and the built form standards in Rule 12.4.2. C2 - Any activity listed in Rule 12.4.1.1 P1 – P7, P10 – P13, P15 – P17 and P19, including associated 	<p><u>12.4.2 Built form standards - Māori land:</u> (An application for an infringement of these standards shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).</p> <ul style="list-style-type: none"> Internal boundary setback Road boundary setback Building height Maximum coverage Water supply for firefighting 		

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			<p>access tracks, within either of the following Areas of At Least High Natural Character:</p> <ol style="list-style-type: none"> HNC 2.0 (Rāpaki - Ōhinetahi / Governors Bay Coastline - Taukahara and Ōtūherekio); or HNC 22.0 (Wainui Coastline). <p>that meets the activity specific standards for that activity and the built form standards in Rule 12.4.2</p>			
			<p>12.4.1.3 Restricted discretionary activities on land which is held as maori land :</p> <ul style="list-style-type: none"> RD1 - Any activity listed in Rule 12.4.1.1 P1 – P20 or Rule 12.4.1.2 C1 or C2 that does not meet one or more of the activity specific standards. <p>Any application arising from this rule will not require written approvals and shall not be limited or publicly notified.</p> <ul style="list-style-type: none"> Any activity listed in Rule 12.4.1.1 P1 – P20 or Rule 12.4.1.2 C1 or C2 that does not meet one or more of the built form standards in Rule 12.4.2. 			
Proposed Waikato District Plan	Specific activities under zones	http://districtplan.waiddc.govt.nz/pages/plan/book.aspx?exhibit=PDP01	<p>CHAPTER 16 – RESIDENTIAL ZONES</p> <p>Permitted activities:</p> <ul style="list-style-type: none"> A marae complex or papakaainga housing development on Maaori Freehold Land or on Maaori Customary Land Cultural event on Maaori Freehold Land containing a Marae Complex 	<p><u>For Marae Complex of Papakaainga Housing Development on Maaori Freehold Land or Maaori Customary Land:</u></p> <ol style="list-style-type: none"> The total building coverage does not exceed 50%; Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application: <ol style="list-style-type: none"> A Concept Management Plan approved by the Maori Land Court and A Licence to Occupy; Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the application for building consent: <ol style="list-style-type: none"> A Concept Management Plan approved by the Maori Land Court; A lease, or an Occupation Order of the Maori Land Court; The following Land Use – Effects rules in Rule 16.3 do not apply: <ol style="list-style-type: none"> Rule 16.3.1 (Dwelling); Rule 16.3.2 (Minor dwellings); Rule 16.3.6 (Building Coverage). 	<ul style="list-style-type: none"> Concept Management Plan approved by Maori Land Court; Lease or occupation order of the Maori Land Court, or licence to occupy 	<p>Marae complex Means a group of buildings that constitutes a marae and can be made up of a wharenui (meeting house), wharekai (eating house), an aatea (courtyard area in front of the wharenui), urupaa (graveyard), tuaahu (sacred place for ritual practices), waharoa (archway entrance at the entrance to the aatea), and other buildings, (church, hauora (health clinic), koohanga (pre-school), conference centre and facilities, waananga (education facility), recreation facilities, places of cultural significance, a papakaainga/papakaainga building and utility services.</p> <p><u>Maaori Freehold land</u> - Means land determined by the Māori Land Court as being 'Māori Freehold Land'</p>
			<p>CHAPTER 17 – BUSINESS ZONE</p> <p>Permitted activities</p> <ul style="list-style-type: none"> A marae complex or papakaainga housing development on Maaori Freehold Land or on Maaori Customary Land Cultural event on Maaori Freehold Land containing a Marae Complex 	<p><u>For Marae Complex of Papakaainga Housing Development on Maaori Freehold Land or Maaori Customary Land:</u></p> <ol style="list-style-type: none"> The total building coverage does not exceed 50%; Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application: <ol style="list-style-type: none"> A Concept Management Plan approved by the Maori Land Court and A Licence to Occupy; Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the application for building consent: 	<ul style="list-style-type: none"> Concept Management Plan approved by Maori Land Court; Lease or occupation order of the Maori Land Court, or licence to occupy 	<p><u>Maaori Customary Land</u> Means land determined by the Māori Land Court as being 'Māori Customary Land'.</p> <p><u>Papakaainga building</u> Means a building for communal use. It may include some centralised services or facilities such as food preparation, dining, conference, cultural facilities, sanitary facilities, and accommodation.</p> <p><u>Papakaainga housing development</u></p>

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
				<ul style="list-style-type: none"> iii. A Concept Management Plan approved by the Maori Land Court; iv. A lease, or an Occupation Order of the Maori Land Court; h) The following Land Use – Effects rules in Rule 17.2 do not apply: <ul style="list-style-type: none"> iv. Rule 17.3.8 (Dwelling); v. Rule 17.1.4 (Multi-unit development) 		Means a comprehensive residential development for a recognised Tangata Whenua group or organisation residing in the Waikato district to support traditional Maaori cultural living on Maaori land for members of the iwi group or organisation.
			<u>CHAPTER 22 – RURAL ZONE</u> Permitted activities <ul style="list-style-type: none"> • A marae complex or papakaainga housing development on Maaori Freehold Land or on Maaori Customary Land • Cultural event on Maaori Freehold Land containing a Marae Complex 	<u>For Marae Complex of Papakaainga Housing Development on Maaori Freehold Land or Maaori Customary Land:</u> <ul style="list-style-type: none"> a) Land Use – Effects in Rule 22.2; b) Land Use – Building in Rule 22.3 except: <ul style="list-style-type: none"> i. Rule 22.3.1 (Number of dwellings) does not apply; ii. Rule 22.3.2 (Minor Dwellings) does not apply; iii. Rule 22.3.3 (Buildings and structures in Landscape and Natural Character Areas) does not apply; iv. Rule 22.3.4 (Building Height) does not apply; v. Rule 22.3.6 (Building Coverage) does not apply; c) Building height does not exceed 7.5m in any of the following areas: <ul style="list-style-type: none"> i. Outstanding Natural Landscape; ii. Outstanding Natural Feature; iii. Outstanding Natural Character Area of the coastal environment; iv. High Natural Character Area of the coastal environment; d) A Concept Management Plan is provided, with either: <ul style="list-style-type: none"> i. A Licence to Occupy at the time of lodgement of the building consent application where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation; or ii. Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the building consent application: <ul style="list-style-type: none"> a) A lease; or b) An Occupation Order of the Maori Land Court. 	<ul style="list-style-type: none"> • Concept Management Plan approved by Maori Land Court; • Lease or occupation order of the Maori Land Court, or licence to occupy 	(There is a full glossary of Maori terms located within the definitions chapter).
			<u>CHAPTER 22 – RURAL ZONE</u> <u>22.7 – Specific Area – Whaanga Coast Development Area</u> Permitted activities <ul style="list-style-type: none"> • Papakaainga Housing Development and Papakaainga Building within a Whaanga Coast Development Area • Waananga within a Whaanga Coast Development Area • Hauora within a Whaanga Coast Development Area • Community activity within a Whaanga Coast Development Area 	<u>Papakaainga Housing Development and Papakaainga Building within a Whaanga Coast Development Area:</u> <ul style="list-style-type: none"> A Concept Management Plan is provided, with either: <ul style="list-style-type: none"> iii. A Licence to Occupy at the time of lodgement of the building consent application where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation; or iv. Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council 	<ul style="list-style-type: none"> • Concept Management Plan approved by Maori Land Court; • Lease or occupation order of the Maori Land Court, or licence to occupy 	

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
				<p>at the time of lodgement of the building consent application:</p> <p>c) A lease; or</p> <p>d) An Occupation Order of the Maori Land Court.</p> <p>The rules that apply to a permitted activity under Rule 22.7.2 within a Whaanga Coast Development Area as identified on the planning maps are as follows:</p> <p>(a)Rule 22.2 Land Use – Effects; except that:</p> <p>A.Rule 22.2.3.1 (Earthworks – General) does not apply and Rule 22.7.1.3 applies instead.</p> <p>(b)Rule 22.3 Land Use – Building; except that:</p> <p>A.Rule 22.3.1 (Number of Dwellings within a Record of Title) does not apply;</p> <p>B.Rule 22.3.2 (Minor Dwelling) does not apply;</p> <p>C.Rule 22.3.3 (Building and structures in Landscape and Natural Character Areas) does not apply and Rule 22.7.1.4 applies instead;</p> <p>D.Rule 22.3.4.1 (Height – Building General) does not apply and Rule 22.7.1.4 applies instead;</p> <p>E.Rule 22.3.6 (Building Coverage) does not apply;</p> <p>F.Rule 22.3.7 (Building Setbacks) does not apply and Rule 22.7.1.6 applies instead;</p> <p>G.Rule 22.7.1.5 applies;</p> <p>H.Rule 22.7.1.7 applies; and</p> <p>I.Rule 22.7.1.8 applies.</p> <p><u>22.7.1.7 Papakainga Building – Gross Floor area:</u></p> <ul style="list-style-type: none"> A papakainga building within a Development Area that does not exceed 300m² GFA A papakainga building that does not comply with Rule 22.7.1.8 P1 – Discretionary activity 		
			<p>CHAPTER 24 – VILLAGE ZONE</p> <p>Permitted activities:</p> <ul style="list-style-type: none"> A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land. 	<p><u>For Marae Complex of Papakaainga Housing Development on Maaori Freehold Land or Maaori Customary Land:</u></p> <p>a) The total building coverage does not exceed 50%;</p> <p>b) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application:</p> <p>v. A Concept Management Plan approved by the Maori Land Court and</p> <p>vi. A Licence to Occupy;</p> <p>c) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the application for building consent:</p> <p>v. A Concept Management Plan approved by the Maori Land Court;</p> <p>vi. A lease, or an Occupation Order of the Maori Land Court;</p> <p>d) The following Land Use – Effects rules in Rule 24.3 do not apply:</p> <p>vi. Rule 24.3.1 (Dwelling);</p>	<ul style="list-style-type: none"> Concept Management Plan approved by Maori Land Court; Lease or occupation order of the Maori Land Court, or licence to occupy 	

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				vii. Rule 24.3.2 (Minor dwellings); viii. Rule 24.3.5 (Building Coverage).		
Western Bay of Plenty District Plan	Specific activities under rural zone	https://www.westernbay.govt.nz/our-services/district-plan-resource-consents/Documents/Operative-District-Plan-2012/2017-07%20Section%2018.pdf	Community facilities on Maori land up to a cumulative maximum gross floor area of 200m² when associated with a Controlled Activity of five dwellings on multiple owned Maori land accessed from an unsealed road maintained by Council - Permitted activity	(subject to height, daylighting, yards) 18.4.1(m) Standards for the development of housing on multiple owned Maori land: i. Control shall be limited to the assessment of financial contributions; and ii. The provision of a papakainga site plan approved by council that addresses: - The provision of access that minimises access pointed from Council maintained roads; - The location of houses; - Internal roading access; - Location of community facilities on Maori land; - Location of outdoor community areas; - Service provision to existing Council owned and other network utilities.		Definitions: “Community Facilities on Maori Land” - means buildings and outside areas and structures used directly in association with buildings on Maori land and used for temporary accommodation facilities , educational facilities, places of assembly , health related activities, any Permitted Activities in the Rural Zone, and administration facilities, and activities directly associated with each of these foregoing uses. “Maori Land” - means Maori Land as defined by Te Ture Whenua Maori/Maori Land Act 1993.
			Community facilities on Maori land up to a cumulative maximum gross floor area of 400m² when associated with a Controlled Activity of 10 dwellings on multiple owned Maori land accessed from a sealed road maintained by Council - Permitted activity			
			Up to a maximum of five dwellings on multiple owned Maori land accessed from an unsealed road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity) – Controlled activity		Papakainga site plan (as per assessment criteria).	
			Up to a maximum of 10 dwellings on multiple owned Maori land accessed from a sealed road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity) – Controlled activity	(18.5.2 Restricted Discretionary assessment criteria – Development of 11-30 Houses on Multiple Owned Maori Land)	Papakainga site plan (as per assessment criteria).	
			On Matakana Island up to a maximum of 10 dwellings on multiple owned Maori land accessed from a road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity). - Controlled activity		Papakainga site plan (as per assessment criteria).	
			On Rangiwaia Island up to a maximum of 10 dwellings on multiple owned Maori land subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity). - Controlled activity		Papakainga site plan (as per assessment criteria).	
			Community facilities on Maori Land up to a cumulative maximum gross floor area of 800m² when associated with a Restricted Discretionary Activity of 11 to 30 dwelling s on multiple owned Maori land accessed from a sealed road maintained by Council . – Controlled activity			
			11 to 30 dwellings on multiple owned Maori land accessed from a sealed road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity) – Restricted discretionary activity		Papakainga site plan (as per assessment criteria).	
			Development of 31 dwelling s or more on multiple owned Maori land accessed from a sealed road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity). – Discretionary activity	(18.5.10 – Discretionary activities criteria for the development 31 houses or more on Multiple Owned Maori Land) (a) All developments on multiple owned Maori land that result in a cumulative total of 31 houses or more shall be designed in general accordance with a Council approved structure plan and Council has full discretion to assess the development application and decide whether the development proposal is in general accordance with the structure plan. (b) Developments failing to comply with the structure plan shall be a Non-Complying Activity.	Structure plan (as per assessment criteria)	
Auckland Unitary Plan	Zoning (Maori Purpose Zone)	http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20H%20Zones/H27%20Special%20Purpose%20-	Permitted Activities: <ul style="list-style-type: none"> Home occupations Up to three dwellings per site Care centres up to 250m² GFA per site Community facilities up to 250m² GFA per site Education facilities up to 250m² GFA per site 	H27.6.1. Urupā Urupā must meet the yard setback required by Standard H27.6.4 below, except the side and rear yard setback must be 10m from the side or rear boundary.	No specific information requirements	Definitions Integrated Māori development: An integrated development comprising one or more activities on Māori Land, Treaty Settlement Land or in the Māori

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		%20Maori%20Purpose%20Zone.pdf	<ul style="list-style-type: none"> Healthcare facilities up to 250m² GFA per site Maori cultural activities Marae Urupa Markets Produce stalls Retail up to 100m² GFA per site New structures or buildings associated with Maori cultural activities <p>Restricted discretionary activities</p> <ul style="list-style-type: none"> Four or more dwellings per site Care centres greater than 250m² GFA per site Community facilities greater than 250m² GFA per site Education facilities greater than 250m² GFA per site Healthcare facilities greater than 250m² GFA per site Organised sport and recreation Retail greater than 100m² GFA per site <p>Discretionary activities</p> <ul style="list-style-type: none"> Visitor accommodation Commercial services Offices Integrated Maori Development Farming 	<p><u>H27.6.2 Height</u> Marae (including wharehui and wharekai) and structures or buildings associated with Māori cultural activities (including but not limited to waharoa, pekerangi/taiaapa, whare waka) must not exceed 10m in height.</p> <p>Pou haki are excluded from Standard H27.6.2(1) if they: (a) do not exceed an additional one third of the permitted activity height for the site; and (b) are not more than 300mm in diameter</p>		<p>Purpose Zone. The activities provided for may include, but are not limited to:</p> <ul style="list-style-type: none"> marae; papakāinga; urupā wānanga care centres, including kohanga reo; cultural activities; dwellings; commercial activities; tourism activities; educational facilities; healthcare services; community facilities; and organised sport and recreation. <p><u>Māori cultural activities</u> Activities: undertaken in accordance with tikanga, including ceremonial, ritual, transferring marking areas or boundaries, or recreational activities.</p> <p><u>Marae Facilities</u>: used for the provision of a focal point for social, cultural, and economic activity for Māori and the wider community. Can include one or more of the following:</p>
	Maori Land - District-wide rules (specific activities provided for)	http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20E%20Auckland-wide/2.%20Mana%20Whenua/E20%20Maori%20Land.pdf	<p>Permitted activities:</p> <ul style="list-style-type: none"> Activities associated with marae or papakainga to 250m² GFA; One dwelling per hectare with no more than 10 dwellings per site in the rural zones Maori cultural activities Marae up to 700m² GFA Buildings associated with the activities listed in the table. <p>Controlled activities:</p> <ul style="list-style-type: none"> Urupa <p>Restricted discretionary activities:</p> <ul style="list-style-type: none"> Activities associated with marae or papakainga greater than 250m² GFA One dwelling per 4,000m² with no more than 20 dwellings per site in rural zones Marae greater than 700m² GFA Rural industries in rural zones <p>Discretionary activities:</p> <ul style="list-style-type: none"> Integrated Maori development Rural commercial services <p>Non-complying activities</p> <ul style="list-style-type: none"> Dwellings not otherwise provided for in a rural zone 	<p><u>E20.6.1 – Marae up to 700m² GFA or Marae greater than 700m² GFA</u> - Marae must be on site 1 ha or greater.</p> <p><u>E20.6.2 Building and structure height for Marae and Maori cultural activities</u> –</p> <ol style="list-style-type: none"> Marae (including wharehui and wharekai) and structures or buildings associated with Maori cultural activities (including but not limited to waharoa, pekerangi/taiaapa, whare waka) must not exceed 10m in height. Pou haki are excluded from E20.6.2(1) if they: <ol style="list-style-type: none"> Do not exceed an additional one third of the permitted activity height for the site; and Are not more than 300mm in diameter. <p><u>E20.6.3 Dwellings</u> - Dwellings and buildings used for dwellings on Maori land must comply with the standards in the underlying zone.</p> <p><u>E20.6.4 Maximum impervious area and building coverage</u> –</p> <ol style="list-style-type: none"> In rural zones building coverage must not exceed 20% of the site area. In all other zones the standards for building coverage and maximum impervious area are as provided for in the zone relevant to the site. 	An application for an activity under the rules in this section must be accompanied by documentation from the Māori Land Court which demonstrates that the land is Māori Land.	<ul style="list-style-type: none"> marae ātea (sacred courtyard); wharehui/wharehui (main building or meeting house); wharemoa (sleeping house); kāuta (kitchen, cookhouse, cooking shed); wharekai (dining hall); māra kai (food garden); accessory dwellings (including kaumatua housing); whare oranga (Healthcare centre); kōhanga reo (Care centre); wānanga (Education facility); papa tākaro (organised sport and recreation); overnight accommodation of visitors; and events and gatherings. <p>Excludes: industry</p>
	Treaty Settlement land – District-wide rules (specific activities provided for)	http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20E%20Auckland-wide/2.%20Mana%20Whenua/E20%20Maori%20Land.pdf	<p>Permitted activities:</p> <ul style="list-style-type: none"> Activities associated with marae or papakainga to 250m² GFA; One dwelling per hectare with no more than 10 dwellings per site in the rural zones 	<p><u>E21.6.1 – Marae up to 700m² GFA or Marae greater than 700m² GFA</u> - Marae must be on site 1 ha or greater.</p> <p><u>E21.6.2 Building and structure height for Marae and Maori cultural activities</u> –</p>	An application for an activity under the Treaty settlement land provisions must be accompanied by documentation, including final signed deeds of settlement, corresponding enacted legislation and	<p><u>Māori land</u> Has the same meaning as section 129 of Te Ture Whenua Maori Act 1993.</p> <p><u>Ururū</u> Māori burial ground. Includes:</p>

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		wide/2.%20Mana%20Whenua/E21%20Treaty%20Settlement%20Land.pdf	<ul style="list-style-type: none"> Maori cultural activities Marae up to 700m² GFA Buildings associated with the activities listed in the table. <p>Controlled activities:</p> <ul style="list-style-type: none"> Urupa <p>Restricted discretionary activities:</p> <ul style="list-style-type: none"> Activities associated with marae or papakainga greater than 250m² GFA One dwelling per 4,000m² with no more than 20 dwellings per site in rural zones Marae greater than 700m² GFA Rural industries <p>Discretionary activities:</p> <ul style="list-style-type: none"> Integrated Maori development Rural commercial services <p>Non-complying activities Dwellings not otherwise provided for in a rural zone</p>	<p>3) Maraе (including wharehūi and wharekai) and structures or buildings associated with Maori cultural activities (including but not limited to waharoa, pekerangi/taipa, whare waka) must not exceed 10m in height.</p> <p>4) Pou haki are excluded from E21.6.2(1) if they:</p> <ol style="list-style-type: none"> Do not exceed an additional one third of the permitted activity height for the site; and Are not more than 300mm in diameter. <p>E21.6.3 Dwellings - Dwellings and buildings used for dwellings on Treaty Settlement land must comply with the standards in the underlying zone.</p> <p>E21.6.4 Maximum impervious area and building coverage –</p> <p>3) In rural zones building coverage must not exceed 20% of the site area.</p> <p>4) In all other zones the standards for building coverage and maximum impervious area are as provided for in the zone relevant to the site.</p>	evidence that the land is vested with the claimant group, to confirm the land is Treaty settlement land.	<ul style="list-style-type: none"> closed Māori burial grounds; and open Māori burial grounds.
	Precincts (including specific activities within precincts)	http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20I%20Precincts/5.%20North/I542%20Te%20Arai%20South%20Precinct.pdf	I542 – Te Arai South Precinct – Papakainga provided for as a restricted discretionary activity .	I542.6.1. Papakāinga Standards 1) Papakāinga must be located within the area identified on I542.10.1 Precinct plan 1 as Papakāinga. 2) Papakāinga may include, marae complex, cultural activities, tourism activities, care centres including kohunga reo, educational facilities, healthcare facilities, community facilities, spa treatment facility, and a maximum of 10 dwellings.	No specific information requirements	
		http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20I%20Precincts/3.%20Central/I327%20Orakei%202%20Precinct.pdf	<p>I327 – Orakei 2 Precinct:</p> <p>Permitted activities:</p> <ul style="list-style-type: none"> Urupa (sub-precinct A) Horticulture (all sub-precincts) <p>Discretionary activities:</p> <ul style="list-style-type: none"> Farming (all sub-precincts) Community facilities (all sub-precincts) Boat launching facilities for launching of Waka (sub-precinct A) New buildings used for water related activities including the storage, repair and maintenance of waka (sub-precinct A). New buildings associated with cultural learning and manakitanga centres 	Specific standards provided for horticulture. Standards also provided for impervious area and building yards. Overlay, zone and Auckland-wide standards otherwise apply.	No specific information requirements	
		http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20I%20Precincts/3.%20Central/I326%20Orakei%201%20Precinct.pdf	<p>1326 – Orakei 1 Precinct (all land zoned Special Purpose – Maori Purpose zone):</p> <p>Permitted activities:</p> <ul style="list-style-type: none"> Care centres Community facilities Education facilities Informal recreation Organised sport and recreation Healthcare facilities Urupa and accessory buildings Offices up to 1500m² GFA Retail up to a GFA of 500m² per tenancy Retail accessory to a marae complex 	Specific standards provided for horticulture. Standards also provided for height in relation to boundary and setbacks. Overlay, zone and Auckland-wide standards otherwise apply.	No specific information requirements	<p>NOTE: The Ōrākei 1 Precinct includes the land identified as hapu reservation (land held for the purposes of a marae, church, urupa and related hapu amenities) and land identified for development for papakāinga and other commercial and non-commercial activities under the Ngāti Whātua Ōrākei Claims Settlement Act 2012. The purpose of the Ōrākei 1 Precinct is to:</p> <ul style="list-style-type: none"> enable development and land management which reflect the

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
			<ul style="list-style-type: none"> Farming Horticulture Restricted discretionary activities <ul style="list-style-type: none"> Retirement villages Supported residential care Visitor accommodation Boarding houses New buildings, or additions and alterations to existing buildings, greater than 200m2 for care centres, community facilities, education facilities, informal recreation and leisure, organised sport and recreation, healthcare facilities, offices or retail Discretionary activities: <ul style="list-style-type: none"> Offices with greater than 1500m2 GFA Retail with greater than 500m2 GFA or greater than 100m2 per tenancy. 		<p>principles of the Ngāti Whātua Ōrākei Iwi Management Plan 2012;</p> <ul style="list-style-type: none"> provide for a range of activities that support and enhance development for papakāinga and other commercial and non-commercial activities; and provide additional rules and assessment criteria to manage the effects of development. 	
	Specific Activities provided for	http://unitaryplan.aucklandcouncil.govt.nz/Pages/Plan/Book.aspx?exhibit=AucklandUnitaryPlan Print	<p><u>H1 – Large Lot zone</u></p> <ul style="list-style-type: none"> Marae complex – Discretionary activity <p><u>H2 – Rural and coastal settlement zone</u></p> <ul style="list-style-type: none"> Marae complex – Discretionary activity <p><u>H3 - Single house zone</u></p> <ul style="list-style-type: none"> Marae complex – Discretionary activity <p><u>H4 – Mixed housing suburban zone</u></p> <ul style="list-style-type: none"> Marae complex – Discretionary activity <p><u>H5 – Mixed housing urban zone</u></p> <ul style="list-style-type: none"> Marae complex – Discretionary activity <p><u>H6 – Terrace Housing and Apartment Building zone</u></p> <ul style="list-style-type: none"> Marae complex – Discretionary activity <p><u>H7 – Open Space Zones</u></p> <ul style="list-style-type: none"> Customary Use – permitted activity Marae complex – Discretionary in all zones except Open Space- Community zone <p><u>H8 – Business – City Centre Zone</u></p> <ul style="list-style-type: none"> Marae complex – Permitted activity <p><u>H9 – Business – Metropolitan Centre Zone</u></p> <ul style="list-style-type: none"> Marae complex – Permitted activity <p><u>H10 – Business – Town Centre Zone</u></p> <ul style="list-style-type: none"> Marae complex – Permitted activity <p><u>H11 – Business – Local Centre Zone</u></p> <ul style="list-style-type: none"> Marae complex – Permitted activity <p><u>H12 – Business – Neighbourhood Centre Zone</u></p> <ul style="list-style-type: none"> Marae complex – Discretionary activity <p><u>H13 – Business – Mixed Use Zone</u></p> <ul style="list-style-type: none"> Marae complex – Permitted activity <p><u>H14 – Business – General Business Zone</u></p> <ul style="list-style-type: none"> Marae complex – Permitted activity <p><u>H15 – Business – Buisness park Zone</u></p> <ul style="list-style-type: none"> Marae complex – Discretionary activity <p><u>H18 – Future Urban Zone</u></p> <ul style="list-style-type: none"> Urupa – Discretionary activity Marae – Discretionary activity 	No specific development controls or performance standards.	No specific information requirements	

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
			<ul style="list-style-type: none"> Customary Use – Permitted activity <p><u>H19 – Rural Zones (all rural zones)</u></p> <ul style="list-style-type: none"> Urupa – Discretionary activity Marae – Discretionary activity Customary Use – Permitted activity <p><u>H20 – Rural – Waitakere Foothills zone</u></p> <ul style="list-style-type: none"> Urupa – Discretionary activity Marae – Discretionary activity Customary Use – Permitted activity <p><u>H21- Rural – Waitakere Ranges zone</u></p> <ul style="list-style-type: none"> Urupa – Discretionary activity Marae – Discretionary activity Customary Use – Permitted activity 			
South Taranaki District Plan (2004)	Activities provided for in zones	https://www.southtaranaki.co.nz/uploaded_files/District-Plan/district-plan-section-3-rural-zone.pdf	<p>SECTION 3 – RURAL ZONE: Permitted activities:</p> <ul style="list-style-type: none"> Marae Community activities and essential services <p>SECTION 4 – RESIDENTIAL ZONE: Permitted activities:</p> <ul style="list-style-type: none"> Community activities and essential services <p>SECTION 5 – COMMERCIAL ZONE: Permitted activities:</p> <ul style="list-style-type: none"> Community activities and essential services <p>SECTION 6 – INDUSTRIAL ZONE: Permitted activities:</p> <ul style="list-style-type: none"> Community activities and essential services <p>SECTION 7 – RURAL INDUSTRIAL ZONE: Permitted activities:</p> <ul style="list-style-type: none"> Community activities and essential services 	<u>No specific development controls/performance standards.</u>	No specific information requirements	<p>Note that Section 1 – Introduction, refers to a ‘Maori Land’ District Plan Section. However, this section cannot be located.</p> <p>Definition: <u>COMMUNITY ACTIVITY</u>: means any BUILDING, grounds or place owned or used by sectors of the community for recreational, sporting, cultural, religious or similar community purposes, including churches, <u>marae</u>, parks, clubs and recreational facilities, but not including schools. COMMUNITY ACTIVITY also means the activity taking place inside or on the above BUILDINGS or grounds.</p>
Proposed South Taranaki District Plan (Decisions Version 2016)	Activities provided for in zones	https://www.southtaranaki.co.nz/uploaded_files/Decision%20Version/Proposed%20District%20Plan%20Text%20-%202024%20resize.pdf	<p>SECTION 3: Rural Zone Rules Permitted activities:</p> <ul style="list-style-type: none"> Marae Papakainga development Within the Parihaka Cultural Area: <ul style="list-style-type: none"> i. Education and childcare facilities (including kohanga reo and kura kaupapa). ii. Farmers and craft markets. iii. Papakainga housing. iv. Maraе. v. Residential care facilities. vi. Community facilities. vii. Retail activities. viii. Tourism information and museum activities. ix. Temporary activities. x. Small-scale renewable electricity generation. xi. Community wastewater treatment system. 	<p><u>3.2 PERFORMANCE STANDARDS – PERMITTED ACTIVITIES</u></p> <ul style="list-style-type: none"> <u>3.2.1 Number of dwelling units</u>: Papakainga development is exempt from the maximum number of dwelling units. <u>3.2.2 Bulk & location</u> (relevant to dwelling unit, home occupation and other <u>sensitive activities</u>). <ul style="list-style-type: none"> 3) Within the Parihaka Cultural Area, the following standards shall apply to all permitted activities. <ul style="list-style-type: none"> i. All buildings shall be located no closer than 5m to any road or other boundary. ii. No part of any building shall extend more than 15m above natural ground level. iii. The total gross floor area of all retail activities (excluding tourism related activities) within the Parihaka Cultural Area shall not exceed 400m². 	No specific information requirements	<p>Definitions: <u>MARAE</u>: means the land and buildings for the use of a Māori community family, hapū or tribe, and includes wharenui (meeting house), wharekai (dining rooms), wharepaku (ablution blocks inclusive of toilets, showers and changing rooms), wharekarakia (church), and other marae-based facilities, such as papakainga development, community activities, kohanga, childcare activities, and health care facilities.</p> <p><u>PAPAKAINGA DEVELOPMENT</u>: means the integrated development of multiple DWELLING UNITS, Maraе, and other community building and recreation facilities on Maori freehold</p>

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
			<p>xii. Car parks.</p> <p>Restricted discretionary activities:</p> <ul style="list-style-type: none"> Unless listed elsewhere in the district plan, any permitted activity listed in section 3.1.1 which does not meet one or more of the performance standards in section 3.2. <p>Discretionary activities:</p> <ul style="list-style-type: none"> Any community activity designed to accommodate a maximum occupancy of more than 100 people within a building(s). 	<p>Except as provided for above, marae and papakainga development shall comply with the standards set out in Rule 3.2.1.</p> <p>Note: All buildings within the Parihaka Cultural Area are exempt from the performance standards in Section 3.2.1: Number of Dwelling units and the “additional setbacks/requirements” in Rule 3.2.2.1: Bulk and Location.</p>		<p>land, Maori customary land and Crown land reserved for Maori (as defined in Te Ture Whenua Maori Act 1993/Maori Land Act 1993).</p> <p>COMMUNITY ACTIVITY: means any BUILDING, grounds or place owned or used by sectors of the community for recreational, sporting, cultural, religious or similar community purposes, including churches, marae, parks, clubs and recreational facilities, but not including schools. COMMUNITY ACTIVITY also means the activity taking place inside or on the above BUILDINGS or grounds, but does not include PRIVATE FUNCTION CENTRES/FACILITIES.</p>
			<p>SECTION 4 – RESIDENTIAL ZONE RULES</p> <p>Permitted activities:</p> <ul style="list-style-type: none"> Marae Papakainga development <p>Restricted discretionary activities:</p> <ul style="list-style-type: none"> Unless listed elsewhere in the district plan, any permitted activity which does not comply with one or more of the performance standards. <p>SECTION 5 – TOWNSHIP ZONE RULES</p> <p>Permitted activities:</p> <ul style="list-style-type: none"> Marae Papakainga development <p>Restricted discretionary activities:</p> <ul style="list-style-type: none"> Unless listed elsewhere in the district plan, any permitted activity which does not comply with one or more of the performance standards. <p>SECTION 6 – COMMERCIAL ZONE RULES</p> <p>Permitted activities:</p> <p>Within either Commercial (Hawera Town Centre) or Commercial (Mixed Use):</p> <ul style="list-style-type: none"> Marae Papakainga development <p>SECTION 7 – INDUSTRIAL ZONE RULES</p> <p>Discretionary: Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity</p> <p>SECTION 8 – RURAL INDUSTRY ZONE RULES</p> <p>Discretionary: Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity</p>	<p>4.2 PERFORMANCE STANDARDS – PERMITTED ACTIVITIES</p> <ul style="list-style-type: none"> 4.2.1 – Net Site Area (for dwelling units): <ul style="list-style-type: none"> 400m² outside the intensification area (on planning maps) 300m² within the intensification area (on planning maps). 4.2.2 – Bulk and Location (includes setbacks, height, recession plane, site coverage) 4.2.3 – Private outdoor living area <p>No specific performance standards / development controls for Marae of Papakainga development.</p> <p>5.2 PERFORMANCE STANDARDS – PERMITTED ACTIVITIES</p> <ul style="list-style-type: none"> 5.2.1 Number of dwelling units and minimum site are: <ol style="list-style-type: none"> Max. number of dwelling units per site shall be two dwelling units (including one minor dwelling unit). Each dwelling unit shall have at minimum, a net site area of 4,000m² 5.2.2 Bulk and Location (setbacks, recession plane, site coverage). 5.2.3 – Private outdoor living area. <p>6.2 PERFORMANCE STANDARDS – PERMITTED ACTIVITIES</p> <ul style="list-style-type: none"> 6.2.1 – Bulk and location (setbacks, height, recession plane) 6.2.4 – Minimum and Maximum Floor Areas - Within the Commercial Zone (Hawera Town Centre), no individual activity shall occupy a total floor area of 500m² or more, at ground level. 6.2.10 – Residential Activities and Visitor Accommodation - All new dwelling units shall have a private outdoor living area which is at least 50m² in area and capable of containing a circle 4m in diameter, and is oriented to the east, west, or north of the dwelling unit 		
Dunedin Second Generation District Plan	City-Wide Provisions – Section 14 – Manawhenua	https://2gp.dunedin.govt.nz/plan/pages/plan/book.aspx?exhibit=DCC2GP	No specific activities provided for under Section 14 - Manawhenua, Assessment criteria only.		14.7.1 – Cultural Impact assessment - where Manawhenua are considered an affected person, a cultural impact assessment may be required.	NOTE: Appeals currently against Papakaika housing.

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
	Provided for as a sub-activity of Standard Residential. Section 15 – Residential	https://2gp.dunedin.govt.nz/plan/pages/plan/book.aspx?exhibit=DCC2GP	<ul style="list-style-type: none"> Standard Residential – Permitted activity Standard residential activity that contravenes the performance standard for density is a non-complying activity, except that papakāika that contravenes the performance standards for density are restricted discretionary activities. <p>Note 15.3.3A- General advice</p> <ol style="list-style-type: none"> Papakāika activity (a sub-activity of standard residential activity) is intended to allow descendants of the original native reserve grantees to live on this land. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply. New marae may only be established with the agreement of Manawhenua. 	Standard residential – Density, minimum car parking, outdoor living space, service areas, family flats.	<p>15.14.1 Papakāika - ownership and occupation</p> <p>For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.</p>	<p>Definitions:</p> <p><i>Māori land</i> Any land given the status of Māori freehold land pursuant to Te Ture Whenua Māori Act 1993 or subsequent legislation.</p> <p><i>Marae</i> The <u>marae atea</u> and the <u>buildings</u> around it, including the <u>wharenui</u>, <u>wharekai</u>, church and <u>urupā</u>.</p> <p><i>Marae-related activities</i> Māori cultural activities and provision of services primarily aimed at the health and well-being of the Māori population, undertaken on a <u>marae</u> that has the agreement of <u>Manawhenua</u>. Examples are:</p> <ul style="list-style-type: none"> <u>hui</u> <u>wānaka</u> <u>tangi</u> overnight accommodation for visitors events and gatherings health services; and cultural tourism. <p><u>Marae-related activities</u> are included in the definition of <u>community and leisure</u>.</p> <p><u>Papakāika</u> Residential activity within the boundaries of an original native reserves mapped area where:</p> <ol style="list-style-type: none"> the land is fully or partly owned by one or more of the following: <ol style="list-style-type: none"> a descendant of an original grantee of an original native reserve, or their trustee a management structure governed by the Te Ture Whenua Māori Act 1993 or subsequent legislation over the land concerned, for the benefit of such persons in (a)
	Specific Activities – Section 16 – Rural	https://2gp.dunedin.govt.nz/plan/pages/plan/book.aspx?exhibit=DCC2GP&hid=3598&s=papakaika	<p>Papakaika as a Controlled activity in Rural Zones, and rural zones with ONL, SNL and Natural Coastal Character (NCC) area.</p> <p>Papakaika as a Non-Complying activity in rural zones with ONF/ONCC/HNCC and area of Significant Biodiversity Value.</p> <p>Note 16.3.3A - General advice</p> <ol style="list-style-type: none"> Papakāika activity is intended to allow descendants of the original native reserve grantees to live on this land. It is not intended to allow other residential use of rural land at a higher density than provided for in the rural zones. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions of the rural zones that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply. 	<p>Density and Separation distances.</p> <p>Rule 16.5.2 Density:</p> <ul style="list-style-type: none"> papakāika may be developed at a density of 6 residential units, or 15 habitable rooms per site, whichever is the lesser. 	<p>16.13.1 Papakāika - ownership and occupation</p> <p>For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.</p>	

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
			3) New marae may only be established with the agreement of Manawhenua. 4) For papakāika activity, see also Rule 16.13 Special Information Requirements.			c) a Rūnaka with authority/mana over the area in which the original native reserve is located d) a spouse/civil union/de facto partner of a descendant of an original grantee who has inherited the land from the descendant; and 2) the dwelling is primarily occupied by at least one of the following: a) a descendant of an original grantee of the reserve b) a spouse/civil union/de facto partner of a descendant of an original grantee who has inherited the land from the descendant; or c) a whāngai of a descendant of an original grantee. Papakāika is a sub-activity of standard residential.
Hastings District Council	Development guide	https://www.hastingsdc.govt.nz/assets/Document-Library/Policies/Papakainga-Guide/papakainga-guide.pdf				Provides detailed guidance which defines the process and provides step-by-step process for developing housing on maori land. The guide won a New Zealand Post Excellence Award at the 2008 Local Government New Zealand conference.
	Specific activities under District Wide Rules (s.21.1 Papakainga District wide)	https://eplan.hdc.govt.nz/eplan/#Rules/0/77/77/99999	PK1 - Buildings accessory to existing or consented residential buildings - Permitted	(Applies to all activities) <ul style="list-style-type: none"> Building height; Yard setbacks; Building coverage; Protection of flood channels; Noise; Sunlight & daylight; Vehicle crossings; Any Papakāinga Development shall comply with all underlying zoning Standards and Terms requiring setbacks from 'Intensive Rural Production' activities and from plantations and forests in regard to mitigating 'Fire Hazard'. Minimum site size and location of buildings for each residential building. 	(assessment criteria) 21.1.8A - Development plan requirements	<u>Definitions:</u> <ul style="list-style-type: none"> Maori Land: Means land which is recognised as Maori Land for the purpose of the Te Ture Whenua Maori Land Act 1993. That is: (a) Land held by Maori in accordance with Tikanga Maori having the status of Maori Customary land. (b) Land, the beneficial ownership of which has been determined by Maori Land Court by freehold order, having the status of Maori Freehold land. Papakāinga: means residential housing on land identified under Section 21.1 'Papakāinga District Wide Activity', or when used in any other context of the Plan means housing established on Maori land primarily for the use of Maori people.
			PK2 - Papakāinga, on the following land: a) Land declared Māori Land pursuant to the Te Ture Whenua Māori Act 1993; b) Land which was given a declaration of status to General Land under the Māori Affairs Amendment Act 1967, provided the applicant can comply with Rule 21.1.7D. Controlled activity.	Where an applicant wants to undertake Papakāinga Development under land which is in general title, the applicant shall provide details showing: a) Evidence that the Title was given a Declaration of Status under the Māori Affairs Amendment Act 1967. b) Evidence that the land has remained in ancestral ownership continuously from the date the status declaration occurred.	(assessment criteria) 21.1.8A - Development plan requirements (assessment criteria) 21.1.8B - Applicants must provide documentation showing the availability of appropriate mechanisms, including covenants, to secure long term Māori	

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
					administration, ownership and maintenance of the land title.	- Papakāinga Accessory buildings - means a detached building which is accessory to existing or approved papakāinga residential buildings.
			PK3 - Industrial and commercial buildings Controlled activity.	<ul style="list-style-type: none"> Industrial activity threshold limits – personnel limits and gross floor area limits Commercial activity threshold limits – personnel limits and gross floor areas limits 	(assessment criteria) 21.1.8A - Development plan requirements	
			PK4 - Permitted or Controlled Activities not meeting the General Performance Standards and Terms in Section 21.1.6 and the Specific Performance Standards and Terms in 21.1.7. – Restricted discretionary activity		(assessment criteria) 21.1.8A - Development plan	
			PK5 - Papakāinga on land held under general title (that is not covered under Rule PK2 (b)) – Discretionary activity		(assessment criteria) (a) Explanation as to the historical reasons that the land was given general title. (b) Evidence as to the historical reasons as to why the land should be considered for Papakāinga Development. (c) Explanation as to why the land cannot be converted to Maori Title under the Te Ture Whenua Māori Act 1993.	
Whangarei District Council	Specific activities under District Wide Rule (PKA.1 - Papakāinga)	http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/DistrictPlan/Documents/District-Plan-Part-E-District-Wide/PKH-Papakāinga-Housing.pdf	PKA1.5 Permitted activities: On Māori freehold land as defined in the Te Ture Whenua Māori Act 1993, papakāinga developments are a permitted activity provided that:	A Papakāinga Development Plan(“PDP”) is submitted to Council prior to any application for building consent that identifies and demonstrates the following: <ul style="list-style-type: none"> Location of residential units; Location of structures other than residential units; Areas of land or buildings for commercial or industrial activities or places of assembly; Location of utilities servicing and roading Servicing; Location of recorded historic heritage (including archaeology). Controls: <ul style="list-style-type: none"> Any places of assembly and commercial or industrial activities are established in conjunction with and are directly related with residential activities of the papakāinga. Places of assembly, industry, commercial are set back 100m from existing residential unit on a separate title. Commercial and industrial activities shall not cumulatively exceed 500m² in GFA Number of residential units per site does not exceed 1 per 2,000m² net site area. 		<u>Definition:</u> Any term which is not defined in this section takes its common meaning from the Concise Oxford Dictionary (Ninth Edition) or the Williams Maori Dictionary (Seventh Edition) (<i>cannot find definition for Papakāinga in Williams Maori Dictionary</i>).
			PKA.1.6 -Restricted discretionary activities: 1. Papakāinga developments where the land is General land owned by Maori as defined in the Te Ture Whenua Māori Act 1993 and <ol style="list-style-type: none"> It is demonstrated that the papakāinga development would otherwise comply with the permitted activity controls in PKA.1.5; and The land is subject of proceedings before the Māori Land Court to convert the land to Māori freehold land on the date the application for resource consent is made; or The land has not been the subject of proceedings before the Māori Land Court to convert the land to Māori freehold land but an ancestral link to the land has been identified. 		When assessing restricted discretionary applications pursuant to PKA 1.6.1 Council shall restrict its discretion to the following matters: <ol style="list-style-type: none"> Explanation as to the historical reasons why the land was transferred to general title. Evidence as to why the land should be considered as ancestral Māori land. In the case of PKA.1.6.1 c above, an explanation as to why the land has not been converted to Māori freehold land pursuant to the Te Ture Whenua Māori Act 1993. 	

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
			2. Any papakāinga development on Maori freehold land that cannot comply with one or more of the permitted activity standards in PKA.1.5.		iv. Demonstration of appropriate legal mechanism(s) to ensure that the land is maintained in whanau ownership.	
			PKA.1.7 Discretionary activities: Any papakāinga development on General land owned by Māori that cannot comply with the restricted discretionary activity in PKA.1.6.1.			
			PKA.1.8 Non complying activities: Papakāinga developments on all other land not specified above.			
	Guidance document	http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/DistrictPlan/DistrictPlanChanges/Documents/PC-94B-Papakāinga/Papakāinga-Toolkit.pdf fndc.govt.nz/about-the-district/ tangata-whenua/papakāinga-toolkit - Summary Brochure				Te Tai Tokerau Papakāinga Toolkit – Maori Housing Toolkit Designed to help Māori land owners understand and navigate the process for undertaking a papakāinga development on their ancestral lands. Barkers and Associates completed the kit and it has now won the New Zealand Planning Institute's Best Practice, Non Statutory Planning Award.
Tauranga City Plan	Zoning (Sections 14C and 16B of the plan)	http://econtent.tauranga.govt.nz/data/city_plan/ch/14/urban_marae_community_zone_and_ngati_kahu_papakāinga_zone.pdf	Urban Marae Community Zone Permitted activities <ul style="list-style-type: none"> Home-based business Health centres Independent dwelling unit Marae based activities including wharenui, wharekai, whareumu, pataka Minor public recreational facilities and activities. Offices Schools Shared accommodation Tertiary education premises Urupa Visitor accommodation Discretionary activities: <ul style="list-style-type: none"> Places of worship Non-complying activities: <ul style="list-style-type: none"> Business activities not listed Camping grounds Ancillary retail Gymnasia Industrial activities Lock-up storage facilities Produce stalls Primary production activities Wholesale plant nurseries 	14C.3.1 Density of independent dwelling units and shared accommodation <ul style="list-style-type: none"> Urban Marae Community Zone – 1 independent dwelling per 325m2 of gross site area Urban Marae Community Zone, shared accommodation – A maximum of 8 permanent residents per site. Ngati Kahu Sub-Zone A and Commercial (waewae) sub-zone – 17 independent dwelling units (or their Ngati Kahu kaumatua dwelling unit equivalent) per hectare. Ngati Kahu Sub-Zone A and Commercial (waewae) sub-zone, shared accommodation – a maximum of 8 permanent residents per site. 14C.3.3 Building Scale <ul style="list-style-type: none"> Sub-zone B (recreation) – The maximum GFA of any building in sub-zone B (recreation) shall be 150m2; No more than two buildings are permitted in sub-zone B (recreation). Sub-zone B (Conservation) – The maximum GFA of any building in sub-zone B (Conservation) shall be 50m2; no more than one building is permitted in sub-zone B (Conservation). 		Definitions: Ngati kahu kaumatua dwelling unit Means a dwelling unit of not more than 50m2 gross floor area erected within the Ngati Kahu Papakāinga Zone. The dwelling unit must contain no more than 3 habitable rooms. Papakāinga Means development by tangata whenua of land held under the Te Ture Whenua Maori Act (1993), in the traditional rohe of those tangata whenua and developed for residential, social, cultural, economic, conservation and recreation activities. Residential zones The Suburban Residential, Wairakei Residential, Urban Marae Community, <u>Ngati Kahu Papakāinga</u> , High Density Residential, Large Lot Residential and the City Living Zones Multiple-owned Maori land Land held in multiple ownership under the Te Ture Whenua Maori Act 1993.
			Ngati Kahu Papakāinga Sub-Zone A Permitted activities <ul style="list-style-type: none"> Ancillary retail Home-based business Health centres Independent dwelling unit Marae based activities including wharenui, wharekai, whareumu, pataka Minor public recreational facilities and activities. 	<ul style="list-style-type: none"> Building height Building setbacks and setbacks for garages Overshadowing Access for no. of independent dwelling units, kaumatua housing, visitor accommodation. Specific standards for the activities listed (i.e. home business, schools, gymnasia etc.) <ul style="list-style-type: none"> 14C.3.16 – Heavy Machinery – no heavy machinery shall be parked, stored or displayed on a site. This excludes on private motor home vehicle per site. 		Sensitive zone All Residential zones, Open Space Zones, Rural Marae Community zone, Rural Residential zone, Education Centre Zones

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
			<ul style="list-style-type: none"> • Ngati Kahu Kaumatua dwelling unit equivalent • Offices • Produce stalls • Primary production activities (excluding forestry, pig farming, factory farming and aerial spraying of crops). • Schools • Shared accommodation • Tertiary education premises • Urupa • Visitor accommodation Discretionary activities: <ul style="list-style-type: none"> • Places of worship Non-complying activities: <ul style="list-style-type: none"> • Business activities not listed • Camping grounds • Gymnasia • Industrial activities • Lock up storage facilities • Wholesale plant nurseries 			
			<u>Ngati Kahu Papakainga Commercial (waewae) Zone</u> Permitted activities <ul style="list-style-type: none"> • Gymnasia • Home-based business • Health centres • Independent dwelling unit • Minor public recreational facilities and activities. • Ngati Kahu Kaumatua dwelling unit equivalent • Offices • Produce stalls • Schools • Shared accommodation • Tertiary education premises Discretionary activities <ul style="list-style-type: none"> • Places of worship • Marae-based activities including wharenui wharekai, whareumu, pataka • Primary production activities, excluding forestry, pig farming and aerial spray of crops • Urupa • Visitor accommodation Non-complying activities: <ul style="list-style-type: none"> • Ancillary retail • Business activities not listed • Camping grounds • Industrial activities • Wholesale plant nurseries. 			
			<u>Ngati Kahu Papakainga Sub-zone B (recreation)</u> Permitted activities <ul style="list-style-type: none"> • Primary production activities (excluding forestry, pig farming, factory farming and aerial spraying of crops). • Urupa • Wholesale plant nurseries. Discretionary activities <ul style="list-style-type: none"> • Camping grounds • Gymnasia 			

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
			Non-complying activities <ul style="list-style-type: none"> Ancillary retail Business activities not listed Places of worship Home-based business Health centres Independent dwelling unit Industrial activities Lock up storage facilities Marae-based activities including wharenui, wharekai, whareumu, pataka Minor public recreational facilities and activities Ngati Kahu kaumatua dwelling unit equivalent Offices Produce stalls Schools Shared accommodation Tertiary education premises Visitor accommodation 			
			<u>Ngati Kahu Papakainga Sub-zone B (Conservation)</u> Permitted activities <ul style="list-style-type: none"> Urupa Wholesale plant nurseries. Non-complying activities <ul style="list-style-type: none"> Ancillary retail Business activities not listed Camping grounds Places of worship Gymnasia Home-based business Health centres Independent dwelling unit Industrial activities Lock up storage facilities Marae-based activities including wharenui, wharekai, whareumu, pataka Minor public recreational facilities and activities Ngati Kahu kaumatua dwelling unit equivalent Offices Produce stalls Primary production activities Schools Shared accommodation Tertiary education premises Visitor accommodation 			
			<u>14C.4 Restricted Discretionary Activity Rules.</u> The following are RDA: <ul style="list-style-type: none"> Activities in the Urban Marae Community Zone that do not comply with certain setbacks, overshadowing and access. Activities in the Ngati Kahi Papakainga zone that do not comply with setbacks, overshadowing and access. 	<u>14C.4.1 Restricted Discretionary Standards:</u> <ul style="list-style-type: none"> When not complying with setbacks, a qualified landscape architect shall prepare a landscape and visual assessment for any application. The assessment shall have particular regard to the open space character and factors, values and associations that contribute to the areas natural character, including its interface with the CMA, permanently flowing river or stream or wetland. 	Landscape and visual assessment	
			<u>14.5 Discretionary Activity Rules.</u> The following are discretionary activities:			

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
			<ul style="list-style-type: none"> Any permitted activity in the Urban Marae Community zone that does not comply with rules for density, height, visitor accommodation, schools, health centres and offices. Any permitted activity in the Ngati Kahu Papakainga zone that does not comply with rules for density, height, building scale, visitor accommodation, schools, health centres, offices, gymnasias, produce stalls. Any activity that does not comply with 14C.4.1. 			
			<p>14C.6 Non-Complying activities:</p> <ul style="list-style-type: none"> Any permitted activity that does not comply with rule 14C.3.5.b) – setbacks (5m setback from conservation zone) Any permitted activity that does not comply with heavy machinery rule 			
	Zoning (Sections 14C and 16B of the plan)	http://econtent.tauranga.govt.nz/data/city_plan/ch/16/rural_marae_community_zone.pdf	<p>Permitted activities:</p> <ul style="list-style-type: none"> Accessory buildings, structures or activities Health centres Home-based businesses Independent dwelling unit Marae-based activities including wharenui, wharekai, whareumu, pataka, tari (offices) and recreational and community facilities. Mineral prospecting and mineral exploration Primary production activities, including forestry or factory farming Produce stall Minor public recreational facilities and activities Schools, kohanga reo, kura kaupapa maori, whare kua Tertiary education premises Urupa <p>Where an activity does not comply with a Permitted Activity Rule it is a Restricted Discretionary Activity unless otherwise stated.</p>	<p>16B.3 – Permitted Activity Rules</p> <ul style="list-style-type: none"> Development density and scale – one independent dwelling unit per 800m2 or such greater area of land required to service the independent dwelling unit by an approved on-site effluent treatment system, up to a maximum total units as followings: <ul style="list-style-type: none"> a) Ngati Hangarau – 50 units b) Tamapahore – 35 units c) Tahuwhakatiki – 30 d) Hungahungatoroa – 50 e) Waikari – 50 f) Other rural marae community zone – 2 Height Setbacks Overshadowing Specific activity standards (e.g. home-based business, produce stalls, factory farming etc.) Kohanga reo, kura kaupapa maori, whare kura, schools and tertiary education premises – Total overall maximum number of students on-site in each Rural Marae Community zone shall be 50. Health centre – max. occupancy of FTE staff on site is 4. Only one health centre may be established in each Rural Marae Community zone. Clearance of indigenous vegetation – no activity shall result in the clearance of more than 100m2 of indigenous vegetation in any calendar year. Rules in other sections of the plan. 		
			Activity not complying with density for f)(other rural marae community zones) - controlled	<p>16B.4.1 Controlled activities – Standards and terms for independent dwelling units in a rural marae community zone:</p> <ul style="list-style-type: none"> Max density of independent dwelling units in a Rural Marae Community Zone shall be 10 units at a maximum development intensity of one unit per 800m2 or such greater area of land required to service the independent dwelling units by an approved on-site effluent treatment disposal system. Independent dwelling units shall comply with rules for height, setbacks and overshadowing, vegetation clearance, rules in other sections of the plan. 	<p>An Outline Development Plan shall be prepared for the subject site showing:</p> <ul style="list-style-type: none"> The location and extent of the area proposed to be used for housing within the Rural Marae Community Zone and the proposed layout and location of the independent dwelling units; Location of any wastewater, water supply, roading, stormwater services and associated 	

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
				<ul style="list-style-type: none"> An Outline Development Plan shall be prepared for the subject site showing: <ol style="list-style-type: none"> The location and extent of the area proposed to be used for housing within the Rural Marae Community Zone and the proposed layout and location of the independent dwelling units; Location of any wastewater, water supply, roading, stormwater services and associated equipment, reticulations and facilities; Details of any proposed staging of the development including time frames for completion 	<ul style="list-style-type: none"> equipment, reticulations and facilities; Details of any proposed staging of the development including time frames for completion 	
			16B.5 Restricted Discretionary Activity Rules: <ul style="list-style-type: none"> Any permitted activity not complying with setbacks, overshadowing, factory farming, forestry Controlled activity not complying with height The clearance of more than 10m2 of indigenous vegetation on site in any calendar year. 	16B.5.1 Restricted Discretionary Activities – Standards and Terms Independent Dwelling Units in a Rural Marae Community Zone <ul style="list-style-type: none"> Max density of independent dwelling units in a Rural Marae Community zone shall be 30 units at a max development intensity of 1 unit per 800m2 or such greater area of land required to service the unit by an approved on-site effluent treatment disposal system. The independent dwelling units shall comply with rules for height, setbacks, overshadowing, clearance of indigenous vegetation and rules in other sections An Outline Development Plan shall be prepared for the subject site showing: <ol style="list-style-type: none"> The location and extent of the area proposed to be used for housing within the Rural Marae Community Zone and the proposed layout and location of the independent dwelling units; Location of any wastewater, water supply, roading, stormwater services and associated equipment, reticulations and facilities; Details of any proposed staging of the development including time frames for completion 16B.5.2 Restricted Discretionary Activities – Activities that do not comply with Rule 16B.3.4 c) – f) Setbacks; Activities subject to Rule 16B.5 b) and c) – Standards and Terms <ul style="list-style-type: none"> A qualified landscape architect shall prepare a landscape and visual assessment for any application. The assessment shall have particular regard to the open space character and factors, values and associations that contribute to the areas natural character, including its interface with the CMA, permanently flowing river or stream or wetland. 	An Outline Development Plan shall be prepared for the subject site showing: <ul style="list-style-type: none"> The location and extent of the area proposed to be used for housing within the Rural Marae Community Zone and the proposed layout and location of the independent dwelling units; Location of any wastewater, water supply, roading, stormwater services and associated equipment, reticulations and facilities; Details of any proposed staging of the development including time frames for completion Landscape and visual assessment required for RDA activities resulting from setback infringements.	
			16B.6 Discretionary Activity Rules: <ul style="list-style-type: none"> All activities that are not listed as Permitted, Controlled, Restricted Discretionary or Non-Complying Activities; Any activity listed as a Discretionary Activity in Table 16B.1: Rural Marae Community Zones Activity Status; 			

District Plan	Summary of Approach	Link	Activity status	Development Controls / Performance Standards	Information Requirements	Comments
			<ul style="list-style-type: none"> Any activity that does not comply with Permitted Activity Rule 16B.3.10 – Kohanga reo, Kura Kaupapa Maori, Whare kura, Schools and Tertiary Education Premises; Any activity that does not meet Rule 16B.5.2 Restricted Discretionary Activity – Activities that do not comply with Rule 16B.3.4 c) – f), Activities subject to Rule 16B.5 b) and c) – Restricted Discretionary Activity Rules - Standards and Terms 			
			<p>Activity not complying with density for a) – e) – non-complying,</p> <p>Non-Complying activity:</p> <ul style="list-style-type: none"> Business activities not listed in the activity table Cemeteries Industrial activities Pig farming Secondary independent dwelling unit <p>16B.7 Non-complying activity The following are Non-Complying Activities:</p> <ul style="list-style-type: none"> Any activity listed as a Permitted Activity that does not meet Rule 16B.3.1 a), b), c), d) or e) Development Density and Scale; Any activity listed as a Permitted Activity that does not meet Rule 16B.3.6 - Home-based Businesses; Any activity listed as a Permitted Activity that does not meet Rule 16B.3.7 - Produce Stalls; Any activity listed as a Permitted Activity that does not meet Rule 16B.3.10 – Kohanga reo, Kura Kaupapa Maori, Whare kura, Schools and Tertiary Education Premises; Any activity listed as a Permitted Activity that does not meet Rule 16B.3.11 - Health Centres; Any activity that does not meet Rule 16B.3.12 - Clearance of Indigenous Vegetation; Any activity that does not meet Rule 16B.5.1 – Restricted Discretionary Activities – Standards and Terms for Independent Dwelling Units in a Rural Marae Community Zone; 			
Whangarei District Council		http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/DistrictPlan/Documents/District-Plan-Part-E-District-Wide/PKH-Papakāinga-Housing.pdf				

Other relevant research / documents:

- **Te Puni Kōkiri** - A Guide to Papakāinga Housing (December 2017): This booklet is a guide to whānau papakāinga housing available to you, your whānau and community. The Māori Housing Network supports whānau, hapū and iwi with information, advice, and practical support to improve and develop whānau housing.
(<https://www.google.co.nz/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKewidqOaitqPhAhWOfisKHb7HDOsQFjAAegQIBRAC&url=https%3A%2F%2Fwww.tpk.govt.nz%2Fdocuments%2Fdownload%2F3201%2Ftpk-guide-papak%25C4%2581inga-housing-2017.pdf&usg=AOvVaw1ZEyr4S6K9yEq37JHJBU3Z>)
- **Auckland Design Manual** - These papakāinga resources have been developed to promote contemporary Māori papakāinga design thinking and broaden the concept of papakāinga in an urban setting. <http://www.aucklanddesignmanual.co.nz/design-subjects/maori-design/papakāingahousingresource>

- **Housing New Zealand Design Guide 'Ki te Hau Kainga'** – A design guide prepared for Housing New Zealand (2002) - <https://www.hnzc.co.nz/assets/Uploads/ki-te-hau-kainga-new-perspectives-on-maori-housing-solutions.pdf>

Appendix E: Draft Plan Provisions

Māori Purpose Zone (MPZ) | Wāhi Kaupapa Māori

Overview

The Māori population in the Matamata-Piako District is growing and is expected to continue to grow. 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 unlocked.

The intent of the Māori Purpose Zone is to recognise existing developments on ancestral lands, as well as to enable the establishment of residential activities and ancillary social, cultural, economic, conservation and recreation activities. The provisions seek to enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga. They recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Sites within the District identified as Māori Purpose Zone (Precinct 1) have Māori Freehold status under Te Ture Whenua Maori Act 1993. They include existing marae, as well as directly adjoining land that has the potential to be developed for papakāinga. These sites are generally located within rural areas, where infrastructure and services are limited. Any new papakāinga development will need to ensure that adequate provision for servicing can be accommodated on site.

Sites within the District identified as Māori Purpose Zone (Precinct 2) have existing papakāinga. These sites are connected to Council services and therefore have the ability to provide for further housing, subject to maintaining the amenity of adjoining properties.

Objectives

MPZ O1	Enable Māori to maintain and enhance their traditional and cultural relationship with their ancestral land and to enhance their social, economic and cultural wellbeing.
MPZ O2	Enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga.
MPZ O3	Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment.

Policies

MPZ P1	To provide for marae and papakāinga on ancestral land, including residential activities, and ancillary social, cultural, economic, conservation and recreation activities.
MPZ P2	To recognise existing papakāinga in the district and to enable further development of housing on these sites, only where: a) The land is and will continue to be Maori Freehold land in perpetuity; or b) A legal mechanism is in place to ensure the land will be maintained in whanau ownership in perpetuity.
MPZ P3	To maintain rural character and the amenity of adjoining properties by controlling the bulk and location of buildings and structures.
MPZ P4	Non-residential activities shall be of a scale, and location that does not adversely affect: a) Adjoining properties; b) The character of the surrounding area; and

	c) The safe and efficient operation and functioning of the surrounding transport network.
MPZ P5	To ensure sites have provision for the treatment and disposal of stormwater and wastewater, and the provision of water, electricity and telecommunications.
MPZ P6	To promote on-site amenity through setbacks, landscaping, open space and communal areas.
MPZ P7	To ensure an integrated and sustainable management approach to development by requiring the preparation of Papakāinga Development Plans.
MPZ P8	<p>Subdivision of papakāinga shall only occur where:</p> <ul style="list-style-type: none"> a) It can be demonstrated that the papakāinga will remain in whanau ownership in perpetuity; and b) The subdivision will not compromise the functionality of the papakāinga; and c) Infrastructure services are provided for each lot. Some of these services may be communal (for example: a shared wastewater system).

PRECINCT 1 (PREC1) – Activity Status Rules

PREC1(1) PER activities	
<i>All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in PREC1(5)(a) to PREC1(5)(e). Activity specific standards are identified under the following activity rules.</i>	
(a)	Demolition and alteration of buildings and structures except those outlined in Schedules 1 and 2
(b)	Relocatable buildings
(c)	Marae-related activities
(d)	Marae
(e)	<p>Up to 10 kāinga (residential units) per site</p> <p>A Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council prior to (or with) any application for building consent for two or more kāinga (residential units). The Plan shall show the entire papakāinga development and must include:</p> <ul style="list-style-type: none"> i. A site plan demonstrating compliance with the relevant performance standards of the Māori Purpose Zone and other relevant rules of the District Plan; ii. The bulk, scale and location of existing, proposed and future buildings and structures; iii. The location of any archaeological site, heritage site or waahi tapu site; iv. How the development will be serviced with three waters infrastructure, electricity and telecommunications; v. Compliance with the transportation provisions, including location and formation of vehicle crossings and access arrangements; and vi. Confirmation that the land is Māori Freehold Land. <p><i>Note: The Papakāinga Development Plan is required to demonstrate compliance with the District Plan provisions, as well as ensuring an integrated approach to development (including future development) is achieved. This is only required where two or more dwellings on a site are proposed.</i></p>

	<i>Applicants are encouraged to consider matters in addition to what is required by the District Plan performance standards and development controls, including landscaping, communal areas, areas of open space and proposed staging. It is also encouraged to consider the potential for subdivision in the initial development phases to ensure the site is comprehensively designed, with the required infrastructure in place.</i>
(f)	<p>Ahumahi -ā- kāinga (Home business)</p> <p>A maximum of one home business per residential unit is permitted on the site, subject to compliance with the following standards:</p> <ol style="list-style-type: none"> A maximum of two full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the residential unit; The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3,500kg or more) on site; The sale of goods directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site; The total area dedicated to a home occupation shall be limited to 60m² floor area. This may include up to 20m² outdoor areas for the activity including storage subject to this area being screened by fencing and/or landscaping to a minimum height of 1.8m; A maximum outdoor area of 10m² for the display of goods for sale in addition to (iv). This rule is a maximum total area for all home businesses on site combined; Includes non-self-contained visitor accommodation for up to six people. Only one visitor accommodation per site is permitted; All on site activities must individually and collectively comply with all permitted activity performance standards; Shall not involve any pet day care or grooming services; and The hours for delivery and collection of goods as well as onsite customer visits shall be between 7.30am to 5.30pm, Monday to Sunday.
(g)	Whare Hapori (Community facilities), Whare Akomanga (Education facilities), Whare Hauora (Healthcare facilities)
	<ol style="list-style-type: none"> The total gross floor area of the community facility, education facility and/or healthcare facility combined shall not exceed 150m², or 10% of the net site area (whichever is the lesser). The facilities shall be established only where: <ol style="list-style-type: none"> The site is adjoining a marae; or The site is part of a papakāinga with 5 or more kāinga (residential units).
(h)	Earthworks
	<ol style="list-style-type: none"> Shall not exceed a volume of more than 1000m³ and an area of more than 2000m² over any single consecutive 12-month period; All site works shall be reinstated within 6 months of works commencing; Works must not affect or be located within a scheduled item (Schedule 1 – 3); Works must not involve the excavation or disposal of contaminated land/materials; Works shall be set back 5m from any overland flow path and 10m from any water body. <p><u>Exclusion:</u></p> <p>Any earthworks which:</p> <ul style="list-style-type: none"> - Have been approved as part of a land use or subdivision consent, - Are for the removal of topsoil for building foundations and/or driveways, or - Any earthworks associated with utility installation, maintenance, upgrading and/or removal where the ground surface is fully reinstated within one month from when the work started.
(i)	Any other activity that is permitted within the Rural Zone.

	(a) Compliance with the relevant performance standards of the Rural Zone.
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PREC1(2) RDIS Activities	
(a)	<p>Any permitted activity which does not comply with one or two general performance standards listed in PREC1(5)(a) to PREC1(5)(e).</p> <p><u>Matters of discretion:</u></p> <p>In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:</p> <ol style="list-style-type: none"> The extent of non-compliance with any performance standards and the degree to which this adversely affects the amenity and character of the site and surrounding area; The degree to which on site amenity and character is retained for residents, and adjacent properties; The extent to which the scale and nature of the proposal including any specific site features or design mitigates the adverse effects of the activity; Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites; Traffic, parking and access effects, including the safety and efficiency of the roading network and any effects of not providing carparking; and The provision of three waters servicing and any capacity issues where public reticulation is proposed to service the site.

PREC1(3) DIS Activities	
<i>In considering any application for a discretionary activity, Council shall have regard to the matters outlined in Section 1.4 of the District Plan.</i>	
(a)	Any permitted activity which does not comply with three or more general performance standards listed in PREC1(5)(a) to PREC1(5)(e).
(b)	Activities that do not comply with an activity specific condition in PREC1(1)(f) – (k).
(c)	More than 10 kāinga (residential units) per site

PREC1(4) NC activities	
<i>In considering any application for a non-complying activity, Council shall have regard to the matters outlined in Section 1.4 of the District Plan.</i>	
(a)	Any activity not provided for

PREC1 - Standards

PREC1(5) Standards	
<i>PREC1(5)(a) to PREC1(5)(e) are general performance standards for all permitted activities in PREC1. The table MPZ(1) outlines additional performance standards that need to be complied with in other sections of the District Plan (where relevant).</i>	
(a)	<p>Maximum height</p> <p>The maximum height of buildings shall not exceed 10m.</p>

	The maximum height rule does not apply to a single design feature or building component, which does not exceed the maximum permitted height by more than 2 metres and/or an external dimension of 2 metres in any other direction (excluding diagonal measurements).
(b)	Height in relation to site boundaries <p>No part of any building shall exceed a height of 3m plus the shortest horizontal distance between that part of the building and the nearest site boundary, provided that this shall not apply:</p> <ul style="list-style-type: none"> i. to the apex of the gable ends of a roof, being no more than 1m² in area (See Appendix 2), or ii. a design feature or building component that does not exceed an external measurement of 2 metres in any direction (excluding diagonal measurements); and iii. subject to no more than a total of two design features or building components (including the apex of a gable end) encroaching through the height relative to boundary plane of all boundaries. <p><u>Unless:</u> Written consent of all property owners contiguous to the building/structure is obtained, subject to compliance with the Building Act 2004.</p>
(c)	Yards <ul style="list-style-type: none"> i. Front yard: 25m ii. Side and rear yard: 10m iii. River protection yard: 20m <p><u>Provided that:</u> Buildings and structures may be erected on any rear and/or side yard so long as the written consent of all property owners contiguous to any building/structure is obtained, subject to compliance with the Building Act 2004.</p>
(d)	Fences and walls <p>No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.</p>
(e)	Maximum building coverage <p>The maximum building coverage shall not exceed 35% of the net site area.</p>

PRECINCT 2 (PREC2) – Activity Status Rules

PREC2(1) PER activities	
<i>All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in PREC2(4)(a) to PREC2(4)(e). Activity specific standards are identified under the following activity rules.</i>	
(a)	One kāinga (residential unit) per Record of Title

(b)	<p>One kāinga (residential unit) per 500m² site area</p> <p>This rule only applies for sites in PREC2 that either:</p> <ul style="list-style-type: none"> i. Have Māori Freehold land status; or ii. Have a legal mechanism in place to ensure the land will be maintained in whanau ownership in perpetuity. <p><i>Note: A legal mechanism may include a management structure under Te Ture Whenua Maori Act 1993 (for example an ahu whenua trust or whanau trust). Independent legal advice is recommended.</i></p>
(c)	<p>Relocatable buildings</p>
(d)	<p>Earthworks</p> <ul style="list-style-type: none"> i. Maximum cut or fill height: <ul style="list-style-type: none"> - 0.5m within minimum building setback. - 1.5m outside minimum building setback. ii. All site works shall be reinstated within 6 months of works commencing. iii. Maximum volume of earthworks is 100m³ within any 12 month period. iv. Works must not affect or be located within a scheduled item (Schedule 1 – 3). v. Works cannot involve the excavation or disposal of contaminated land/materials. vi. Works shall be set back 5m from any overland flow path and 10m from any water body. <p><u>Exclusion:</u></p> <p>Any earthworks which:</p> <ul style="list-style-type: none"> - Have been approved as part of a land use or subdivision consent; - Are for the removal of topsoil for building foundations and/or driveways; or - Any earthworks associated with utility installation, maintenance, upgrading and/or removal where the ground surface is fully reinstated within one month from when the work started.

PREC2(2) RDIS Activities	
(a)	<p>Any permitted activity which does not comply with one or more general performance standard listed in PREC2(4)(a) to PREC2(4)(e).</p> <p><u>Matters of discretion:</u></p> <p>In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:</p> <ul style="list-style-type: none"> i. The extent of non-compliance with any performance standards and the degree to which this adversely affects the amenity and character of the site and surrounding area; ii. The degree to which on site amenity and character is retained for residents, and adjacent properties; iii. The extent to which the scale and nature of the proposal including any specific site features or design mitigates the adverse effects of the activity;

	<ul style="list-style-type: none"> iv. Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites; v. Traffic, parking and access effects, including the safety and efficiency of the roading network and any effects of not providing carparking; and vi. The provision of three waters servicing and any capacity issues where public reticulation is proposed to service the site.
(b)	Earthworks that do not comply with an activity specific condition in PREC2(1)(d).

PREC2(3) NC activities

In considering any application for a non-complying activity, Council shall have regard to the matters outlined in Section 1.4.

(a)	Any activity not provided for.
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PREC2 - Standards

PREC2(4) Standards

PREC2(4)(a) to PREC2(4)(e) are general performance standards for all permitted activities in PREC2. The table MPZ(1) outlines additional performance standards that need to be complied with in other sections of the District Plan (where relevant).

(a)	Maximum height
	<p>The maximum height of buildings shall not exceed 10m.</p> <p>The maximum height rule does not apply to a single design feature or building component, which does not exceed the maximum permitted height by more than 2 metres and/or an external dimension of 2 metres in any other direction (excluding diagonal measurements).</p>
(b)	Height in relation to site boundaries
	<p>No part of any building shall exceed a height of 3m plus the shortest horizontal distance between that part of the building and the nearest site boundary, provided that this shall not apply:</p> <ul style="list-style-type: none"> i. To the apex of the gable ends of a roof, being no more than 1m² in area (see Appendix 2), or ii. A design feature or building component that does not exceed an external measurement of 2 metres in any direction (excluding diagonal measurements); and iii. Subject to no more than a total of two design features or building components (including the apex of a gable end) encroaching through the height relative to boundary plane of all boundaries. <p><u>Unless:</u> Written consent of all property owners contiguous to the building/structure is obtained, subject to compliance with the Building Act 2004.</p>
(c)	Yards
	<ul style="list-style-type: none"> i. Front yard (for sites adjoining a State Highway or Morrinsville-Walton Road): 15m ii. Front yard (for all other sites): 5m iii. Side and rear yard: 3m

	<p><u>Provided that:</u> Buildings and structures may be erected on any rear and/or side yard so long as the written consent of all property owners contiguous to any building/structure is obtained, subject to compliance with the Building Act 2004.</p> <p><i>Note: For sites located along a state highway or railway line corridor, internal noise levels for buildings shall comply with the acoustic insulation standards in Rule 5.2.9.</i></p>
(d)	<p>Fences and walls</p> <p>No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.</p>
(e)	<p>Maximum building coverage</p> <p>The maximum building coverage shall not exceed 35% of the net site area.</p>

MPZ(1)

Other Plan Provisions	
<p>All activities shall comply with the relevant performance standards identified in the following sections of the District Plan.</p> <ul style="list-style-type: none"> • Rule 1.2: Development Suitability • Rule 3.5: Activities adjacent to the National Grid • Rule 3.6: Development adjacent to sub-transmission lines • Rule 3.7: Approach and restart sight triangles and railway crossings • Rule 3.8: Activities adjacent to flood control assets • Rule 3.9: Signage • Rule 5.2: Noise • Rule 5.3: Vibration • Rule 5.4: Lighting and glare • Rule 5.5: Air emissions • Rule 5.6: Management of disposal of wastes • Rule 5.7: Use and storage of hazardous substances • Rule 5.9: Infrastructure and servicing • Section 7: Development contributions • Section 8.5: Water, wastewater and stormwater • Section 9: Transportation • Section 10: Natural environment and heritage • Section 11: Natural hazards 	

PART A: Issues, objectives and policies

3 Environment

3.10 Tangata whenua

3.10.1 Significant resource management issues

3.10.2 Papakainga

Objectives

<u>Papakāinga O1</u>	<u>Enable Māori to maintain and enhance their traditional and cultural relationship with their ancestral land and to enhance their social, economic and cultural wellbeing.</u>
<u>Papakāinga O2</u>	<u>Enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga.</u>
<u>Papakāinga O3</u>	<u>Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment.</u>

Policies

<u>Papakāinga P1</u>	<u>To provide for papakāinga on Māori Freehold Land that is administered under the Te Ture Whenua Māori Act 1993.</u>
<u>Papakāinga P2</u>	<u>To provide for papakāinga on general land owned by Māori and Treaty Settlement Land, only where it can be demonstrated that:</u> a) <u>The land is ancestral Māori land; and</u> b) <u>The land will be maintained in whanau ownership in perpetuity.</u>
<u>Papakāinga P3</u>	<u>To maintain rural character and the amenity of adjoining properties by controlling the bulk and location of buildings and structures.</u>
<u>Papakāinga P4</u>	<u>To ensure sites have provision for the treatment and disposal of stormwater and wastewater, and the provision of water, electricity and telecommunications.</u>
<u>Papakāinga P5</u>	<u>To promote on-site amenity through setbacks, landscaping, open space and communal areas.</u>
<u>Papakāinga P6</u>	<u>To ensure an integrated and sustainable management approach to development by requiring the preparation of Papakāinga Development Plans.</u>
<u>Papakāinga P7</u>	<u>Subdivision of papakāinga shall only occur where:</u> a) <u>It can be demonstrated that the papakāinga will remain in whanau ownership in perpetuity; and</u> b) <u>The subdivision will not compromise the functionality of the papakāinga; and</u> c) <u>Infrastructure services are provided for each lot. Some of these services may be communal (for example: a shared wastewater system).</u>

PART B: Rules

1.1 Information requirements for resource consent applications

1.1.1 Written report

~~ii. For all applications for Marae, Wharenui and Housing Developments of a similar nature, and any other applications involving multiple-owned land, the status of the proponents and evidence that the landowners agree with the proposal.~~

1.1.2 Plans

~~iii. For all applications for Marae, Wharenui and Housing developments a plan showing:~~

- ~~a. The complete development and general stages of construction including the location of dwellings, marae and garages/carports; and~~
- ~~b. Places, objects, buildings and trees that are protected under the provisions of the District Plan.~~

iii. For any application for resource consent for papakāinga, a Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council. The Plan shall show the entire papakāinga development and shall include where relevant:

- i. A site plan demonstrating compliance or otherwise with the relevant performance standards and development controls;
- ii. The bulk, scale and location of existing, proposed and future buildings and structures;
- iii. The location of any archaeological site, heritage site or waahi tapu site;
- iv. How the development will be serviced with three waters infrastructure, electricity and telecommunications;
- v. Compliance with the transportation provisions, including location and formation of vehicle crossings and access arrangements;
- vi. Location of overflow parking for events;
- vii. Landscaping, vegetation and communal areas; and
- viii. Any proposed staging for the development.

Note: The Papakāinga Development Plan is required to demonstrate compliance (or otherwise) with the District Plan provisions, as well as ensuring an integrated approach to development is achieved. Applicants are encouraged to consider matters in addition to what is required by the District Plan performance standards and development controls, including landscaping, communal areas, areas of open space and proposed staging. It is also encouraged to consider the potential for subdivision in the initial development phases to ensure the site is comprehensively designed, with the required infrastructure in place.

2.1 Guide to the Activity Table

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The District Plan is made up of ~~six~~ seven zones:

1. Rural;
2. Rural-Residential;
3. Residential;
4. Industrial;
5. Business;
6. Kaitiaki (Conservation)
7. Māori Purpose Zone

These zones are shown on the Planning Maps in Part C.

The Activity Table is grouped into nine activity areas.

1. General. These activities apply in all other activity areas;
2. Community related activities;
3. Dwellings and dwelling based activities;

4. Scheduled sites only;
5. Industrial based activities;
6. ~~Marae, wharenui and housing development;~~ Papakāinga development
7. ~~Reserve, landscape and conservation activities;~~ Reserve and Kaitiaki (Conservation Zones)
8. Retailing and office based activities;
9. Rural based activities;
10. Other Sections of the District Plan. Refer to the separate sections indicated for further information.

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DRAFT

Key						
P Permitted activity	C Controlled activity					
D Discretionary activity	RD Restricted Discretionary activity					
N/C Non-Complying activity	PRHB Prohibited activity					
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for.						
* Unless otherwise specified (in 4.1 and 4.2 of the table) the activity status in the Industrial zone refers to non-scheduled sites only .						
Activity	Zones					
	Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
1. General						
1.1 Accessory buildings for any permitted or controlled activities.	P	P	P	P	P	N/C
1.2 Activities listed in the Table that are permitted or controlled not complying with the Developmental Controls and Performance Standards, unless otherwise provided.	RD	RD	RD	RD	RD	RD
1.3 Second-hand or pre-used buildings relocated from off-site.	D	D	D	D	D	N/C
1.4 Demolition of buildings and structures except those outlined in Schedules 1, 2 and 3.	P	P	P	P	P	D
1.5 Activities undertaken on known contaminated sites.	D	P	D	D	D	N/C
1.6 Temporary Activities Listed in Rule 4.11.1.	P	P	P	P	P	N/C
1.7 Temporary Activities Listed in Rule 4.11.2.	C	C	C	C	C	N/C

1.8 Temporary Activities Listed in Rule 4.11.3.	D	D	D	D	D	N/C
2. Community related activities						
2.1 Educational facilities to maximum of 10 pupils.	P	P	P	P	P	N/C
2.2 Educational facilities for greater than 10 pupils.	D	D	D	D	D	N/C
2.3 Places of Assembly.	D	D	D	D	P	N/C
2.4 Fire Stations.	N/C		D	P	P	N/C
3. Dwellings and dwelling based activities (rules 3.1 to 3.8 and 3.10 do not apply where the dwelling is part of a papakāinga in the Rural and Rural-Residential Zones, refer to rules 6.1 and 6.2. For the avoidance of doubt, rule 3.9 is still applicable for papakāinga.)						
3.1 One or two dwellings per urban site.	N/C	P	P	N/C	N/C	N/C
3.2 More than two dwellings per urban site.	N/C	D	D	N/C	N/C	N/C
3.3 One dwelling per property except as identified in 3.4 and 3.7 below.	P	C	C	N/C	N/C	N/C
3.4 One dwelling per Certificate of Title for a rural lot (existing at November 1996) less than or equal to 4.2 ha in area.	C	C	C	N/C	N/C	N/C
3.5 One dwelling accessory to an approved dwelling directly associated with farming or production forestry.	C	C	C	N/C	N/C	N/C
3.6 Two or more dwellings accessory to an approved dwelling directly associated with farming or production forestry.	D	D	N/C	N/C	N/C	N/C
3.7 One dwelling for dependent person(s). See 4.7.	P	P	P	N/C	N/C	N/C

3.8 One dwelling per property ancillary to a business or industrial activity within the business or Industrial zone.	N/C	N/C	N/C	P	P	N/C
3.9 New dwellings <ul style="list-style-type: none"> Within 500 metres of an existing intensive farm as at 1 September 2003. 	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> Within 250 metres of an existing litter poultry farm as at 1 September 2003. 	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> Within 300 metres of existing Council effluent treatment plants at Morrinsville, Matamata, Te Aroha, Waihou as at 1 September 2003. 	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> Within the Reverse Sensitivity Areas for the Motumaoho Quarry as shown in Appendix 8 as at 13 May 2005. Measurement of the separation of Intensive Farming/Litter Poultry Farming is to be from the perimeter of the existing sheds/facilities exclusive of spray irrigation areas. See Rule 1.4.28 for Assessment Criteria 	RD	RD	RD	N/C	N/C	N/C
3.10 Home occupation. See 4.3	P	P	P	N/C	N/C	N/C

3.11 Accommodation Facilities.	D	D	D	N/C	D	N/C
4. Scheduled sites only. See Schedule 5.						
4.1 Activities complying with a Development Concept Plan unless shown as P, C, D or N/C on the DCP. Scheduled sites only, see Schedule 5.	See DCP	N/C	N/C	C	N/C	See DCP
4.2 Buildings/Activities defined for future development on the DCP unless shown as P, C, D or N/C on the DCP. Defined Scheduled sites only, see Schedule 5 and Rule 3.3.1.	See DCP	N/C	N/C	D	N/C	N/C
5. Industrial based activities						
5.1 Depots.	D	N/C	N/C	P	D	N/C
5.2 Light Industry.	N/C	N/C	N/C	P	P	N/C
5.3 Industry.	N/C	N/C	N/C	P	N/C	N/C
5.4 Industry including activities involving the extraction, processing and packaging of meat, milk, poultry, fish, seafood, animal by-products, beverages, produce, and pulped paper.	N/C	N/C	N/C	D	N/C	N/C
5.5 Mining, Quarrying and Mineral Processing.	D	N/C	N/C	D	N/C	PRHB
5.6 Packhouses, coolstores less than or equal to 150m ² .	P	N/C	N/C	P	P	N/C
5.7 Packhouses, coolstores greater than 150m ² .	D	N/C	N/C	P	P	N/C
5.8 Peat processing.	N/C	N/C	N/C	N/C	N/C	PRHB
5.9 Minerals "Prospecting". For permitted activities see Rule 4.9.2.	P	D	D	D	D	P

7.1 Activities (excluding buildings) on public reserves as provided by a Management Plan under the Reserves Act 1977 or by a Conservation Management Strategy under the Conservation Act 1987.	P	P	P	P	P	D
7.2 Activities (excluding buildings) on public reserves not provided by a Management Plan approved under the Reserves Act 1977, or by a Conservation Management Strategy under the Conservation Act 1987, or where there is no Management Plan.	D	D	D	D	D	N/C
7.3 Any buildings on all public reserves.	D	D	D	D	D	N/C
7.4 Wetland and wildlife habitats conservation.	P	P	P	P	P	P
7.5 Wildlife management activities carried out by the Department of Conservation and Fish & Game Council.	P	P	P	P	P	P
7.6 Outdoor informal recreation excluding all water craft in the Kaitiaki (Conservation) zone. Provided that this rule does not apply to activities under 9.9.	P	P	P	P	P	P
Kaitiaki (Conservation) zone only - All other zones the Performance Standards (Section 5) apply. 7.7 Any alteration to landform, trees or other vegetation or any other physical feature which involves: - The diversion or modification of natural watercourses, rivers or ponding areas; or						D

- The clearing of trees or other vegetation, or - Earthworks, excavation, including the depositing of spoil, soil, or other materials.						
7.8 The construction of any permanent building or structure not otherwise referred to in this table or any other table.						D
8. Retailing and office-based activities						
8.1 Commercial Services.	N/C	N/C	N/C	N/C	P	N/C
8.2 Medical facilities	N/C	N/C	D	N/C	P	N/C
8.3 Offices.	N/C	N/C	N/C	D	P	N/C
8.4 Retailing.	N/C	N/C	D	D	P	N/C
8.5 Service stations. See 4.10.	N/C	N/C	N/C	P	P	N/C
8.6 Veterinary clinics.	D	D	N/C	N/C	P	N/C
8.7 Activities within Business/Residential Interface Areas					Refer Rule 4.14	
9. Rural based activities						
9.1 Clean fill activities involving the depositing of less than 1000m ³ material (as measured compacted in place) (including scheduled sites in the Industrial zone, see Schedule 5).	P	P	P	P	P	N/C
9.2 Clean fill activities involving the deposit of 1000m ³ or more of material (as measured compacted in place). See 4.12.	D	D	D	D	D	N/C
9.3 Commercial stockyards, saleyards and holding paddocks.	D	N/C	N/C	N/C	N/C	N/C

9.4 Conservation forestry.	P	P	P	P	P	P
9.5 Establishment for the boarding/breeding of domestic pets.	D	D	N/C	N/C	D	N/C
9.6 (a) Intensive Farming.	D	N/C	N/C	N/C	N/C	N/C
Where an Intensive Farming operation cannot provide 500m separation to site boundaries and 500m separation to a Residential zone and written consent to the potential effects has not been voluntarily offered by an adjacent landowner.	N/C	N/C	N/C	N/C	N/C	N/C
9.6 (b) Litter Poultry Farming.	D	N/C	N/C	N/C	N/C	N/C
Where a Litter Poultry Farming operation cannot provide 250m separation to site boundaries and 500m separation to a Residential zone and written consent to the potential effects has not been voluntarily offered by an adjacent landowner.	N/C	N/C	N/C	N/C	N/C	N/C
9.7 Farming.	P	P	N/C	N/C	N/C	N/C
9.8 Establishing new areas of Plantation Forestry.	P	P	N/C	N/C	N/C	N/C
9.9 Harvesting of Plantation Forests.	C	C	N/C	N/C	N/C	C
9.10 Replanting of Plantation Forests	P	P	N/C	N/C	N/C	P - Subject to rule 4.1.2.
9.11 Use of land for effluent disposal of non-human waste from agricultural activities except as otherwise stated on a DCP.	P	N/C	N/C	N/C	N/C	N/C
9.12 Use of land for effluent disposal of non-human waste from industrial activities except as otherwise stated on a DCP.	C	N/C	N/C	P	N/C	N/C

9.13 Stock movement within road reserves. See 8.7.						
9.14 Aggregation of rural land (refer to 8.7 for the requirements relating to stock crossings and stock underpasses).	P	P	N/C	N/C	N/C	N/C
9.15 Livestock farming in areas of indigenous vegetation over 1 ha.	D	D	N/C	N/C	N/C	N/C

3. Development controls

3.2 Rural and Rural-Residential zones

3.2.1 Building envelope

- i. Maximum height – 10m
- ii. Height relative to site boundary

No part of any building shall exceed a height of 3m plus the shortest distance between that part of the building and the nearest site boundary.

- iii. Yards

Rural front yards – 25m

Rural side yards – 10m

Rural – Residential front yard – 10m

Rural – Residential side and rear yards – 5m

River protection yard – 20m

Internal side and rear yards where the building is part of a Papakāinga – 1.5m

Note: where the building is part of a Papakāinga, it shall be setback a minimum of 1.5m from boundaries within the same development. The side and rear yards (10m in the Rural Zone and 5m in the Rural-Residential Zone) are applicable setbacks from the boundary of sites that are not part of the Papakāinga.

Provided that:

- A. *Accessory buildings may be erected on any rear and/or side yard but not the river protection yard so long as the written consent of any affected property owner(s) is obtained and rule 3.2.1 (i) is not compromised;*
- B. *Any accessory building to be developed in conjunction with an existing dwelling shall be permitted in a front yard provided that it shall be erected behind the front line of the dwelling.*

3.2.2 Maximum building coverage

- i. Total building coverage for accessory buildings on lots less than 4000m² shall not exceed 10% of the net site area.
- ii. Except that in an identified Structure Plan (refer Activity Table 2.2) total building coverage of the site shall not exceed:
 - 15% of the net site area

iii. Except that where the building is part of a Papakāinga, Rule 4.4.1(2) shall apply.

3.2.3 Development Contributions

A Development Contribution is required to be made in accordance with Section 7.2 (iii) prior to the issue of a building consent for the second or subsequent complying dwelling per lot where a contribution has not been made at the time of the subdivision to create the said lot.

3.2.4 Access, parking, loading and manoeuvring

See Section 9: Transportation and the Development Manual.

4. Activity related performance standards

4.4 Marae, whare nui and housing developments

4.4 Papakāinga

The unique framework and legislative requirements under Te Ture Whenua Maori Act 1993 are provided for through the district-wide provisions to enable papakāinga development on Māori Freehold Land, general land owned by Māori and Treaty Settlement Land, where they are not identified as part of the Māori Purpose Zone. These provisions are in addition to the relevant zone provisions.

4.4.1 Development

All activities listed as a permitted activity under Rule 6 (activity status table) shall comply with the following performance standards as well as the relevant development controls in Section 3. Where compliance with a performance standard is unable to be achieved, the activity will require a resource consent for a restricted discretionary activity.

1. A Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council prior to (or with) any application for building consent for two or more kāinga (residential units). The Plan shall show the entire papakāinga development and must include:
 - i. A site plan demonstrating compliance with the relevant performance standards and development controls;
 - ii. The bulk, scale and location of existing, proposed and future buildings and structures;
 - iii. The location of any archaeological site, heritage site or waahi tapu site;
 - iv. How the development will be serviced with three waters infrastructure, electricity and telecommunications;
 - v. Compliance with the transportation provisions, including location and formation of vehicle crossings and access arrangements; and
 - vi. Confirmation that the land is Maori Freehold Land (if applicable).

Note: The Papakāinga Development Plan is required to demonstrate compliance with the District Plan provisions, as well as ensuring an integrated approach to development (including future development) is achieved. This is only required where two or more dwellings on a site are proposed.

2. The maximum building coverage shall not exceed 20% of the net site area.
3. No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.
4. For Ahumahi -ā- kāinga (home businesses), a maximum of one home business per residential unit is permitted on the site, subject to compliance with the following standards:
 - i. A maximum of two full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the residential unit;
 - ii. The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3,500kg or more) on site;
 - iii. The sale of goods directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site;
 - iv. The total area dedicated to a home occupation shall be limited to 60m² floor area. This may include up to 20m² outdoor areas for the activity including storage subject to this area being screened by fencing and/or landscaping to a minimum height of 1.8m;
 - v. A maximum outdoor area of 10m² for the display of goods for sale in addition to (iv). This rule is a maximum total area for all home businesses on site combined;
 - vi. Includes non-self-contained visitor accommodation for up to six people. Only one visitor accommodation per site is permitted;
 - vii. All on site activities must individually and collectively comply with all permitted activity performance standards;

- viii. Shall not involve any pet day care or grooming services; and
- ix. The hours for delivery and collection of goods as well as onsite customer visits shall be between 7.30am to 5.30pm, Monday to Sunday.

4.4.2 Matters of Discretion

4.4.2.1 In assessing any application for papakāinga under Rule 6.2.1, Council shall have discretion over the following matters:

1. Evidence as to why the land should be considered as ancestral Māori land; and
2. Demonstration of an appropriate legal mechanism(s) to ensure that the land is maintained in whanau ownership in perpetuity; and
3. Compliance with the relevant performance standards and development controls; and
4. The provision of a Papakāinga Development Plan.

*Applications under Rule 6.2.1 that comply with all District Plan rules shall be precluded from notification.

4.4.2.2 In assessing any application for a restricted discretionary activity (other than as identified in 4.4.2.1), Council shall have discretion over the following matters:

- (a) The extent of non-compliance with any performance standards and the degree to which this adversely affects the amenity and character of the site and surrounding area;
- (b) The degree to which on site amenity is retained for residents, and adjacent properties;
- (c) The extent to which the scale and nature of the proposal including any specific site features or design mitigates the adverse effects of the activity;
- (d) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites;
- (e) Traffic, parking and access effects, including the safety and efficiency of the roading network and any effects of not providing carparking;
- (f) The provision of three waters servicing and any capacity issues where public reticulation is proposed to service the site.

4.9 Signage – all zones

3.9.1 Permitted activities

	Zone	Type of sign permitted	Total site signage
1.	Any zone	Official signs	No maximum
2.	Any zone	Public utility, public information signs, and protected areas and reserve identification signs	3.0m ²
3.	Any zone	A sign giving name and related information concerning places of assembly, education or accommodation facilities, community facility and marae complex.	2.0m ² 20% of the sign area may include acknowledgment of a sponsor.
4.	Any zone	Temporary signs for sale of land/buildings and auction.	1.5m ²

5.	Any zone	Temporary signs for tradesman's/ consultants construction sites.	3.0m ²
6.	Residential zone	A sign stating name, profession, occupation or trade or property name.	0.3m ²
7.	Rural, Rural-Residential zone <u>and Māori Purpose Zone</u>	A sign stating name, profession, occupation or trade or property name.	1.5m ²
8.	Business and Industrial zones	<p>Signs related to permitted activities established on the site for the advertisement or identification of the established permitted activities.</p>	<p>1.0m² per metre of site frontage in the case of signs attached to or forming part of the principal building to its walls or canopies.</p> <p>In addition, free standing signs are permitted where the surface area viewed from any one direction does not exceed the following:</p> <ul style="list-style-type: none"> - For each site frontage less than or equal to 24.0m: 6.0m² - For each site frontage greater than 24.0 metres: 0.25m² for every metre of site frontage up to a maximum of 16m². <p>Notwithstanding the above: One planned arrangement of free-standing signs where more than one rear site shares a common accessway, maximum area of sign shall be: 12.0m².</p>
9.	Any zone	Signs whose sole purpose is to direct traffic within a site.	No maximum
10.	Any zone	<p>Temporary signs for local and general elections PROVIDED THAT:</p> <ul style="list-style-type: none"> - They are erected no sooner than two months prior to polling day and removed no later than the close of the day before polling day. - They are not located in a public place, on public buildings or any road reserve. - Consent of property owner is obtained. - Their form and letter height is consistent with the specifications set in Sections 3, 5, 6, 7 and 8 of the Electoral (Advertisements of a Specified Kind) Regulations 2005 for a sign that is visible from any road (includes both state highways and local roads). 	3.0m ²

11	Neighbourhood Node (refer to relevant Structure Plan in Appendix 9).	Signs related to permitted activities established on the site for the advertisement or identification of the established permitted activities	1.0m ² per metre of site frontage in the case of signs attached to or forming part of the principal building to its walls or canopies.
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5.2 Noise

5.2.6 Rural, Rural-Residential **and Māori Purpose** zones

i. The noise level (L10) as measured within any residentially zoned boundary or within the notional boundary of any rural dwelling shall not exceed the following:

- 7.00am to 8.00pm: 50dBA
- 8.00pm to 7.00am: 40dBA

ii. Exclusions

Seasonal or temporarily intermittent noise resulting from agriculture and forestry activities are excluded (e.g. crop spraying, agriculture or forestry harvesting, frost control, etc) consistent with the predominant character of the Rural zone, are permitted provided that:

- The activity is conducted in accordance with good management practice; and
- Machinery is operated in accordance with manufacturers' specifications.

5.6.2 Effluent disposal systems

Any effluent disposal system (including disposal onto land by way of spray irrigation) associated with the disposal of non-human waste except those areas shown on a DCP shall comply with the following:

i. Yards

10 metres from a road boundary;

300 metres from a school, marae, **papakāinga development**, hall or public reserve only from spraying which is associated with or from intensive farming or an industrial use;

300 metres from a Residential zone only from spraying which is associated with or from intensive farming or an industrial use;

150 metres from dwellings;

Provided that the required yards shall be reduced in respect of any school, marae, **papakāinga development**, hall, public reserve or other facility where all persons owning and occupying those facilities give written consent to a specific reduced yard.

5.9 Infrastructure and servicing

5.9.1 Performance standards

Any subdivision or development shall provide compliance with the following infrastructure and servicing performance standards.

This section shall not apply to existing or future on-site, self-serviced stormwater, wastewater, water supply, electricity or telecommunications infrastructure on Development Concept Plan sites insofar as this section refers to the Development Manual.

i. Stormwater

The subdivision and development of land shall be carried out so as to provide for effective stormwater management, in compliance with the Development Manual.

ii. Wastewater

Where available within a reticulated area, every allotment or household unit shall be provided with a connection to the Council's wastewater reticulation system, in compliance with the Development Manual.

iii. Water supply

Where available within a reticulated area every allotment or household unit shall be provided with a connection to the Council's water reticulation system, in compliance with the Development Manual.

iv. Transportation

The performance standards for transportation set out in Section 9 Transportation must be met. In addition:

- a. In any subdivision every Certificate of Title shall have access to a formed, legal road in compliance with the Development Manual.
- b. Where a new road is created, street lighting, streetscape planting, and any street furniture shall be designed and provided in compliance with the Development Manual.
- c. Subdivision and development of the Industrial Zone area east of Rockford Street (Lot 2 DP 313622 and Part Lot 4 DPS 803) or any subsequent titles shall not have direct access onto State Highway 24. Failure to comply with this rule will require resource consent as a Non-Complying Activity.

v. Other reticulation

Telecommunication and electricity reticulation shall be provided at the time of subdivision and in accordance with the requirements of the relevant network utility operator in compliance with the Development Manual. Refer also to Section 8: Works and Network Utilities.

vi. Firefighting Water Supply

Where a connection to a reticulated water supply is not possible, adequate provision shall be made for firefighting water supply and access to the supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

vii. Papakāinga

Note: The papakāinga provisions allow for a higher number of kāinga (residential units) per lot, which may not necessarily be subdivided. The following provisions are therefore applicable to ensure each residential unit is provided with appropriate servicing.

- (a) Water, wastewater and stormwater connections to public networks from papakāinga developments and developments in the Māori Purpose Zone are subject to capacity of the network. Where a connection is not approved or provided by Council, the following on-site services shall be provided for:
 - i. Access to an adequate water supply for fire-fighting purposes in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008;
 - ii. Potable water supply for domestic purposes;
 - iii. Wastewater treatment and disposal services within the lot boundary.

Note: The design and construction of wastewater treatment and disposal facilities shall ensure adequate provision is made to meet public health standards and must comply with the Waikato Regional Council standards.

iv. On site detention and disposal of stormwater.

(b) All kāinga (residential units) within a papakāinga development shall be connected to the following infrastructure services:

i. Electricity; and

ii. Telecommunications.

(c) The performance standards for transportation set out in Section 9 must be met.

6 Subdivision

KEY

P Permitted activity	C Controlled activity	
D Discretionary activity	RD Restricted Discretionary activity	
N/C Non Complying activity	PRHB Prohibited activity	

All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5

Type of subdivision		Zones						
		Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki	
								<u>Māori Purpose Zone</u>
1	All Zones							
(a)	Boundary Adjustment	C	C	C	C	C	C	<u>C</u>
(b)	Bonus Protection Lots	D	D	D	D	D	D	<u>D</u>
(c)	Works and Network Utilities.	C	C	C	C	C	C	<u>C</u>
(d)	Subdivision with one or more new vacant developable lots: <ul style="list-style-type: none"> Within a National Grid Subdivision Corridor; 	RD	RD	RD	RD	RD	RD	<u>RD</u>

	<ul style="list-style-type: none"> Within 20m either side of the centreline of a sub-transmission line. 							
(e)	Subdivision with one or more new vacant developable lots adjoining: <ul style="list-style-type: none"> Any state highway, or A railway line included in the definition of "regionally significant infrastructure" 	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12
(f)	Subdivision of Scheduled Sites				D			
9 Subdivision of papakāinga								
(a)	Subdivision of papakāinga	D	D	See residential rules	N/C	N/C	N/C	D

6.2.3 Infrastructure and Servicing Standards

i. The standards within Section 5.9 shall apply.

ii. In addition, adequate provision shall be made for on-site wastewater and stormwater disposal for subdivision in the Rural, Rural-Residential [and Māori Purpose](#) zones, [where there is no connection to Council services](#).

6.3 Additional Performance Standards by Subdivision Activity

The following additional performance standards will apply in the specific circumstances identified in the specific rule provision and are in addition to the General Performance Standards listed in Section 6.2.

[6.3.13 Subdivision of Papakāinga](#)

i. [Additional performance standards](#)

[Subdivision of Papakāinga shall meet the following standard:](#)

(a) [A legal mechanism must be put in place to ensure the lots remain in whanau ownership in perpetuity.](#)

Note: A legal mechanism may include a management structure under Te Ture Whenua Maori Act 1993 (for example an ahu whenua trust or whanau trust). Independent legal advice is recommended.

ii. Assessment Criteria

In assessing an application for subdivision of papakāinga, Council shall take into account:

- a) How the lots will be serviced with three waters infrastructure, electricity and telecommunications;
- b) Access arrangements;
- c) Location of communal areas;
- d) The location of any archaeological site, heritage site or waahi tapu site;
- e) The nature and context of surrounding land use and built form;
- f) Any input, advice or consents for wastewater disposal and treatment provided by the Waikato Regional Council;
- g) How the development will function and be retained as a papakāinga in perpetuity.

iii. Non-compliance

Subdivision that does not comply with Rule 6.3.13(i)(a) shall be a non-complying activity.

Note: Partition (Full or Hapū-) of Māori freehold land are the jurisdiction of the Māori Land Court.

8 Works and network utilities

Amend Tables 8.1.1, 8.2.1, 8.3.1, 8.4.1, 8.5.1, 8.6.1, 8.8.1, 8.9.1 to include Māori Purpose Zone into each Activity Table.

Activity	Zones							
	<i>Kaitiaki (Conservation), Identified Significant Features</i>	<i>Residential & Rural Residential.</i>	<i>Business</i>	<i>Industrial</i>	<i>Rural and Māori Purpose Zone</i>	<i>Public Reserves</i>	<i>Formed Roads</i>	<i>Unformed Roads</i>

9 Transportation

9.1.2 Access

iii. Access to significant roads and arterial roads

a. Performance standards

The following performance standards shall apply to vehicle crossings onto significant roads and arterial roads:

- i. No reasonably practicable alternative legal access is available to another road;
- ii. The vehicle crossing shall be, designed, formed and constructed:
 - in accordance with the Development Manual standards for District Roads or such standards as agreed with Council; or
 - if accessing a state highway network in speed environments of 70km/h and over, to the standard required by the NZ Transport Agency as specified in the Development Manual, or such standards as agreed with the NZ Transport Agency.
- iii. There shall be less than an average of 100 car equivalent movements per day within any one week using the vehicle crossing, where a car equivalent movement is defined as follows:

1 car to and from the site = 2 car equivalent movements
1 truck to and from the site = 6 car equivalent movements
1 truck and a trailer to & from the site = 10 car equivalent movements
Provided that a single residential dwelling is deemed to generate 8 car equivalent movements;

- iv. All parking and manoeuvring required by the activity shall be provided on site;
- v. The vehicle crossing shall comply with the minimum sight distances and separation distances contained within the Development Manual.

iv. Access to collector and local roads

a. Performance standards

The following performance standards shall apply to vehicle crossings onto collector and local roads:

- i. The vehicle crossing shall be designed, formed, and constructed in accordance with the Development Manual;
- ii. There shall be less than an average of 250 car equivalent movements per day within any one week using the vehicle crossing where a car equivalent movement is defined as follows:
1 car to and from the site = 2 car equivalent movements
1 truck to and from the site = 6 car equivalent movements
1 truck and a trailer to & from the site = 10 car equivalent movements
Provided that a single residential dwelling is deemed to generate 8 car equivalent movements;
- iii. The vehicle crossing shall comply with the minimum sight distances, and separation distances to intersections, contained within the Development Manual;
- iv. A second or subsequent vehicle crossing serving the same site shall meet the vehicle crossing separation standards in the Development Manual.

v. Roads, private ways and access legs within a new subdivision

a. Performance standards

The following performance standards shall apply:

- i. Any road, or private way/access leg that is new or changed in character, intensity or scale of use shall comply with the standards in Table 3.1 of the Development Manual.
- ii. Any road, or private way/access leg that is new or changed in character, intensity or scale of use shall be designed, constructed and located in accordance with the Development Manual.
- iii. These performance standards do not apply to private roads or private ways for papakāinga development up to five residential units. If the private road or private way serves more than five kāinga (residential units), it shall be designed, constructed and located in accordance with the Development Manual.

15 Definitions

- **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.
- **Marae-related activities:** Traditional cultural activities and events undertaken on a marae that could include: whanau, 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.
- **General Land owned by Maori:** 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.
- **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

- **Marae:** A communal facility and traditional meeting place hosted by local whānau, hapū or iwi (predominantly hapū led). A marae complex comprises a wharehau (meeting hall), whare tūpuna, whare moe wharekai (dining hall) and marae ātea (open courtyard).
- **Building (in the Māori Purpose or part of a papakāinga):** means a temporary or permanent movable or immovable physical construction that is:
 - a) partially or fully roofed; and
 - b) fixed or located on or in land;but excludes any motorised vehicle or other mode of transport that could be moved under its own power.
- **Ahumahi -ā- kāinga (Home business in the Māori Purpose or part of a papakāinga):** means a commercial activity that is:
 - a) undertaken or operated by at least one resident of the site; and
 - b) incidental to the use of the site for a residential activity.
- **Whare Hapori (Community facilities in the Māori Purpose Zone):** means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility. Excludes Maraе.
- **Whare Hauora (Healthcare facilities in the Māori Purpose Zone):** 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.
- **Residential unit (in the Māori Purpose Zone):** means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.
- **Visitor accommodation (in the Māori Purpose Zone or part of a papakāinga):** means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.
- **Site (in the Māori Purpose Zone):** means:
 - a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or;
 - b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
 - c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or

- d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

DRAFT

Appendix F: Proposed Plan Provisions

Māori Purpose Zone (MPZ) | Wāhi Kaupapa Māori

Overview

The Māori population in the Matamata-Piako District is growing and is expected to continue to grow. Many areas of 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 unlocked.

The intent of the Māori Purpose Zone is to recognise existing developments on ancestral lands, as well as to enable the establishment of residential activities and ancillary social, cultural, economic, conservation and recreation activities. The provisions seek to enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga. They recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Sites within the District identified as Māori Purpose Zone (Precinct 1) have Māori Freehold status under Te Ture Whenua Māori Act 1993. They include existing marae, as well as directly adjoining land that has the potential to be developed for papakāinga. These sites are generally located within rural areas, where infrastructure and services are limited. Any new papakāinga development will need to ensure that adequate provision for servicing can be accommodated on site. Furthermore, 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.

Sites within the District identified as Māori Purpose Zone (Precinct 2) have existing papakāinga located at Rukumoana Road, Kutia Road, Gillet Road and State Highway 27. These sites are connected to Council services and therefore have the ability to provide for further housing, subject to maintaining on site amenity, and maintaining the amenity of adjoining properties.

Objectives

MPZ O1	Enable Māori to maintain and enhance their traditional and cultural relationship with their ancestral land and to enhance their social, economic and cultural wellbeing.
MPZ O2	Enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga.
MPZ O3	Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment, including reverse sensitivity effects.

Policies

MPZ P1	To provide for marae and papakāinga on ancestral land, including residential activities, and ancillary social, cultural, economic, conservation and recreation activities.
MPZ P2	<p>For Precinct 2:</p> <p>To recognise existing papakāinga in the district and to enable further development of housing on these sites, only where:</p> <ul style="list-style-type: none">a) The land is and will continue to be Māori Freehold land in perpetuity; orb) A legal mechanism is in place to ensure the land will be maintained in whānau ownership in perpetuity.

MPZ P3	To maintain the amenity of adjoining properties by controlling the bulk and location of buildings and structures at the interface of the zone.
MPZ P4	Papakāinga (including non-residential activities) shall be of a scale that does not adversely affect: a) The safe and efficient operation and functioning of the surrounding transport network; and b) The functioning of legitimate land uses on adjacent sites.
MPZ P5	To ensure sites have provision for the treatment and disposal of stormwater and wastewater, and the provision of water, electricity and telecommunications.
MPZ P6	To promote on-site amenity through setbacks, landscaping, open space and communal areas.
MPZ P7	To ensure an integrated and sustainable management approach to development by requiring the preparation of Papakāinga Development Plans.
MPZ P8	Subdivision of papakāinga shall only occur where: a) It can be demonstrated that the papakāinga will remain in whanau ownership in perpetuity; and b) The subdivision will not compromise the functionality of the papakāinga; and c) Infrastructure services are provided for each lot. Some of these services may be communal (for example: a shared wastewater system).

PRECINCT 1 (PREC1) – Activity Status Rules

PREC1(1) PER activities	
<i>All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in PREC1(5)(a) to PREC1(5)(f). Activity specific standards are identified under the following activity rules.</i>	
(a)	Demolition and alteration of buildings and structures except those outlined in Schedules 1 and 2
(b)	Relocatable buildings
(c)	Accessory buildings
(d)	Marae-related activities
(e)	Marae
(f)	<p>One kāinga (residential unit) per 5000m² of site area, up to a maximum of ten kāinga (residential units) per site</p> <ul style="list-style-type: none"> i. The Record of Title on which the kāinga will be located must have been issued prior to (date of plan notification). ii. A Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council prior to (or with) any application for building consent for two or more kāinga (residential units). The Plan shall show the entire papakāinga development (although the development may be staged) and must include:

	<ul style="list-style-type: none"> a. A site plan demonstrating compliance with the relevant performance standards of the Māori Purpose Zone and other relevant rules of the District Plan. b. The bulk, scale and location of existing, proposed and future buildings and structures. c. The location of solid waste storage areas and a statement as to how waste shall be managed. d. The location of any archaeological site, heritage site, waahi tapu site, or any other scheduled item under the District Plan. e. How the development will be serviced with three waters infrastructure, electricity and telecommunications. f. Compliance with the transportation provisions, including location and formation of vehicle crossings and access arrangements. g. Location of overflow parking for events or commercial activities. h. Landscaping and communal areas. i. Any proposed staging for the development. <p><i>Notes: The Papakāinga Development Plan is required to demonstrate compliance with the District Plan provisions, as well as ensuring an integrated approach to development (including future development) is achieved. This is only required where two or more residential units on a site are proposed.</i></p> <p><i>Applicants are encouraged to consider matters in addition to what is required by the District Plan performance standards, including landscaping, communal areas, areas of open space and proposed staging. It is also encouraged to consider the potential for subdivision in the initial development phases to ensure the site is comprehensively designed, with the required infrastructure in place.</i></p> <p><i>The density limit specified does not mean that each kāinga must have an area of 5000m². The limit relates to the total number of kāinga in relation to the total site area.</i></p>
(g)	<p>Ahumahi -ā- kāinga (Home business)</p> <p>A maximum of one home business per residential unit is permitted on the site, subject to compliance with the following standards:</p> <ul style="list-style-type: none"> i. A maximum of two full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the residential unit; ii. The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3,500kg or more) on site; iii. The sale of goods directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site; iv. The total area dedicated to a home occupation shall be limited to 60m² floor area. This may include up to 20m² outdoor areas for the activity including storage subject to this area being screened by fencing and/or landscaping to a minimum height of 1.8m; v. A maximum outdoor area of 10m² for the display of goods for sale in addition to (iv). This rule is a maximum total area for all home businesses on site combined; vi. Includes non-self-contained visitor accommodation for up to six people. Only one visitor accommodation per site is permitted; vii. All on site activities must individually and collectively comply with all permitted activity performance standards; viii. Shall not involve any pet day care or grooming services; and ix. The hours for delivery and collection of goods as well as onsite customer visits shall be between 7.30am to 5.30pm, Monday to Sunday. x. All vehicle loading and parking shall be provided on-site.

(h)	<p>Whare Hapori (Community facilities), Whare Akomanga (Education facilities), Whare Hauora (Healthcare facilities)</p> <ul style="list-style-type: none"> i. The Record of Title on which the facility will be located must have been issued prior to (date of plan notification). ii. The total gross floor area of the community facility, education facility and/or healthcare facility combined shall not exceed 150m², or 10% of the net site area (whichever is the lesser). iii. The facilities shall be established only where: <ul style="list-style-type: none"> a) The site is adjoining a marae; or b) The site is part of a papakāinga with 5 or more kāinga (residential units).
(i)	<p>Urupā</p> <p>The edge of the urupā shall be set back 10m from the property boundary.</p>
(j)	<p>Earthworks</p> <ul style="list-style-type: none"> i. Shall not exceed a volume of more than 1000m³ and an area of more than 2000m² over any single consecutive 12-month period. ii. All site works shall be reinstated within 6 months of works commencing. iii. Works must not affect or be located within any archaeological site, heritage site, waahi tapu site, or any other scheduled item under the District Plan. iv. Works must not involve the excavation or disposal of contaminated land/materials. v. Works shall be set back 5m from any overland flow path and 10m from any water body. <p><u>Exclusion:</u></p> <p>Any earthworks which:</p> <ul style="list-style-type: none"> - Have been approved as part of a land use or subdivision consent, - Are for the removal of topsoil for building foundations and/or driveways, or - Any earthworks associated with utility installation, maintenance, upgrading and/or removal where the ground surface is fully reinstated within one month from when the work started.
(k)	<p>Any other activity that is permitted within the Rural Zone.</p> <p>(a) Compliance with the relevant performance standards of the Rural Zone.</p>

PREC1(2) RDIS Activities	
(a)	<p>Any permitted activity which does not comply with one or two general performance standards listed in PREC1(5)(a) to PREC1(5)(f).</p> <p><u>Matters of discretion:</u></p> <p>In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:</p> <ul style="list-style-type: none"> i. The adverse effects on the amenity values of nearby residents, including outlook, privacy, and shading. ii. The ability to mitigate adverse effects, including through landscaping. iii. Effects on the transportation network. iv. In relation to the river protection yard, any adverse effects on the river environment. v. On site amenity values. vi. Adverse effects relating to the bulk and dominance of buildings and structures. vii. Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites. viii. Management of waste. ix. The effect of increased coverage on the ability to effectively dispose of stormwater within the boundaries of the site. x. The effect of increased coverage on the ability to effectively treat and dispose of wastewater within the boundaries of the site.

PREC1(3) DIS Activities	
<p><i>In considering any application for a discretionary activity, Council shall have regard to the matters outlined in Section 1.4.30 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.</i></p>	
(a)	Any permitted activity which does not comply with three or more general performance standards listed in PREC1(5)(a) to PREC1(5)(f)
(b)	Activities that do not comply with an activity specific condition in PREC1(1)(a) – (k)
(c)	More than ten kāinga (residential units) per site, or up to ten kāinga (residential units) that exceed the density limit as specified in PREC1(1)(f)
(d)	Communal living arrangement
(e)	Commercial activities (other than what is provided as part of a home business)

PREC1(4) NC activities	
<p><i>In considering any application for a non-complying activity, Council shall have regard to the matters outlined in Section 1.4 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.</i></p>	
(a)	Any activity not provided for

PREC1 - Standards

PREC1(5) Standards	
<p><i>PREC1(5)(a) to PREC1(5)(f) are general performance standards for all permitted activities in PREC1. The table MPZ(1) outlines additional performance standards that need to be complied with in other sections of the District Plan (where relevant).</i></p>	
(a)	<p>Maximum height</p> <p>The maximum height of buildings shall not exceed 10m.</p> <p>The maximum height rule does not apply to a single design feature or building component, which does not exceed the maximum permitted height by more than 2 metres and/or an external dimension of 2 metres in any other direction (excluding diagonal measurements).</p>
(b)	<p>Height in relation to boundary</p> <p>No part of any building shall exceed a height of 3m plus the shortest horizontal distance between that part of the building and the nearest site boundary, provided that this shall not apply:</p> <ul style="list-style-type: none"> i. to the apex of the gable ends of a roof, being no more than 1m² in area (See Appendix 2), or ii. a design feature or building component that does not exceed an external measurement of 2 metres in any direction (excluding diagonal measurements); and iii. subject to no more than a total of two design features or building components (including the apex of a gable end) encroaching through the height relative to boundary plane of all boundaries. <p><u>Unless:</u> Written consent of all property owners contiguous to the building/structure is obtained, subject to compliance with the Building Act 2004.</p>
(c)	<p>Yards</p> <ul style="list-style-type: none"> i. Front yard: 25m ii. Side and rear yard: 20m iii. River protection yard: 20m <p><u>Provided that:</u></p> <ul style="list-style-type: none"> a. The side and rear yard for habitable buildings (excluding marae, community, education, and healthcare facilities) may be reduced to 10m so long as the written consent of all property owners contiguous to the habitable building is obtained. b. Non-habitable buildings and structures (excluding marae, community, education, and healthcare facilities) may be erected on any rear and/or side yard so long as the written consent of all property owners contiguous to any building/structure is obtained, subject to compliance with the Building Act 2004.

(d)	Fences and walls
	No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.
(e)	Maximum building coverage
	The maximum building coverage shall not exceed 10% of the net site area.
(f)	Solid waste
	<ul style="list-style-type: none"> i. Each kāinga (residential unit) shall have a service area which meets the following: <ul style="list-style-type: none"> a. Has a minimum area of 10m², with a minimum dimension of 3m. b. Is readily accessible from the residential unit. c. Is screened from a public road or other public place. d. Is set back 10m from the boundary of another property. ii. A marae, community facility, healthcare and/or education facility shall have a service area which meets the following: <ul style="list-style-type: none"> a. Has a minimum area of 10m² adjacent to each facility, with a minimum dimension of 3m. b. The service area may be a combined area where there are multiple facilities. In this case, the minimum area is 20m², with a minimum dimension of 3m. c. Is screened from the public road or other public place. d. Is set back 10m from the boundary of another property.

PRECINCT 2 (PREC2) – Activity Status Rules

PREC2(1) PER activities	
<i>All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in PREC2(5)(a) to PREC2(5)(f). Activity specific standards are identified under the following activity rules.</i>	
(a)	One kāinga (residential unit) per Record of Title
(b)	One kāinga (residential unit) per 500m² of site area
	<p>This rule only applies for sites in PREC2 that either:</p> <ul style="list-style-type: none"> i. Have Māori Freehold land status; or ii. Have a legal mechanism in place to ensure the land will be maintained in whānau ownership in perpetuity. <p><i>Note: A legal mechanism may include a management structure under Te Ture Whenua Maori Act 1993 (for example an ahu whenua trust or whānau trust). Independent legal advice is recommended.</i></p>
(c)	Relocatable buildings
(d)	Accessory buildings
(e)	Earthworks
	<ul style="list-style-type: none"> i. Maximum cut or fill height:

	<ul style="list-style-type: none"> - 0.5m within minimum building setback. - 1.5m outside minimum building setback. <ul style="list-style-type: none"> ii. All site works shall be reinstated within 6 months of works commencing. iii. Maximum volume of earthworks is 100m³ within any 12 month period. iv. Works must not affect or be located within any archaeological site, heritage site, waahi tapu site, or any other scheduled item under the District Plan. v. Works cannot involve the excavation or disposal of contaminated land/materials. vi. Works shall be set back 5m from any overland flow path and 10m from any water body. <p><u>Exclusion:</u></p> <p>Any earthworks which:</p> <ul style="list-style-type: none"> - Have been approved as part of a land use or subdivision consent; - Are for the removal of topsoil for building foundations and/or driveways; or <p>Any earthworks associated with utility installation, maintenance, upgrading and/or removal where the ground surface is fully reinstated within one month from when the work started.</p>
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PREC2(2) RDIS Activities	
(a)	<p>Any permitted activity which does not comply with one or two general performance standards listed in PREC2(5)(a) to PREC2(5)(f).</p> <p><u>Matters of discretion:</u></p> <p>In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:</p> <ul style="list-style-type: none"> i. The adverse effects on the amenity values of nearby residents, including outlook, privacy, and shading. ii. The ability to mitigate adverse effects, including through landscaping. iii. Effects on the transportation network (for non-compliances related to the road boundary). iv. On site amenity values. v. Adverse effects relating to the bulk and dominance of buildings and structures. vi. Management of waste. vii. The effect of increased coverage on the ability to effectively dispose of stormwater within the boundaries of the site.

PREC2(3) Discretionary activities	
<p><i>In considering any application for a discretionary activity, Council shall have regard to the matters outlined in Section 1.4.30 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.</i></p>	
(a)	Earthworks that do not comply with an activity specific condition in PREC2(1)(d).
(b)	Any permitted activity which does not comply with three or more general performance standards listed in PREC2(5)(a) to PREC2(5)(f).

PREC2(4) NC activities	
<i>In considering any application for a non-complying activity, Council shall have regard to the matters outlined in Section 1.4 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.</i>	
(a)	Any activity not provided for

PREC2 - Standards

PREC2(5) Standards	
<i>PREC2(5)(a) to PREC2(5)(f) are general performance standards for all permitted activities in PREC2. The table MPZ(1) outlines additional performance standards that need to be complied with in other sections of the District Plan (where relevant).</i>	
(a)	Maximum height <p>The maximum height of buildings shall not exceed 10m.</p> <p>The maximum height rule does not apply to a single design feature or building component, which does not exceed the maximum permitted height by more than 2 metres and/or an external dimension of 2 metres in any other direction (excluding diagonal measurements).</p>
(b)	Height in relation to boundary <p>No part of any building shall exceed a height of 3m plus the shortest horizontal distance between that part of the building and the nearest site boundary, provided that this shall not apply:</p> <ul style="list-style-type: none"> i. To the apex of the gable ends of a roof, being no more than 1m² in area (see Appendix 2), or ii. A design feature or building component that does not exceed an external measurement of 2 metres in any direction (excluding diagonal measurements); and iii. Subject to no more than a total of two design features or building components (including the apex of a gable end) encroaching through the height relative to boundary plane of all boundaries. <p><u>Unless:</u> Written consent of all property owners contiguous to the building/structure is obtained, subject to compliance with the Building Act 2004.</p>
(c)	Yards <ul style="list-style-type: none"> i. Front yard (for sites adjoining a State Highway or Morrinsville-Walton Road): 15m ii. Front yard (for all other sites): 5m iii. Side and rear yard: 3m <p><u>Provided that:</u> Buildings and structures may be erected on any rear and/or side yard so long as the written consent of all property owners contiguous to any building/structure is obtained, subject to compliance with the Building Act 2004.</p>

	<i>Note: For sites located along a state highway or railway line corridor, internal noise levels for buildings shall comply with the acoustic insulation standards in Rule 5.2.9.</i>
(d)	Fences and walls
	No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.
(e)	Maximum building coverage
	The maximum building coverage shall not exceed 35% of the net site area.
(f)	Solid waste
	Each kāinga (residential unit) shall have a service area which meets the following: <ul style="list-style-type: none"> i. Has a minimum area of 10m², with a minimum dimension of 3m. ii. Is readily accessible from the residential unit. iii. Is screened from a public road or other public place.

MPZ(1)

Other Plan Provisions
<p>All activities shall comply with the relevant performance standards identified in the following sections of the District Plan.</p> <ul style="list-style-type: none"> • Rule 1.2: Development Suitability • Rule 3.5: Activities adjacent to the National Grid • Rule 3.6: Development adjacent to sub-transmission lines • Rule 3.7: Approach and restart sight triangles and railway crossings • Rule 3.8: Activities adjacent to flood control assets • Rule 3.9: Signage • Rule 5.2: Noise • Rule 5.3: Vibration • Rule 5.4: Lighting and glare • Rule 5.5: Air emissions • Rule 5.6: Management of disposal of wastes • Rule 5.7: Use and storage of hazardous substances • Rule 5.9: Infrastructure and servicing • Section 7: Development contributions • Section 8.5: Water, wastewater and stormwater • Section 9: Transportation • Section 10: Natural environment and heritage • Section 11: Natural hazards

PART A: Issues, objectives and policies

3 Environment

3.10 Tangata whenua

3.10.1 Significant resource management issues

3.10.2 Papakāinga

Objectives

<u>Papakāinga O1</u>	<u>Enable Māori to maintain and enhance their traditional and cultural relationship with their ancestral land and to enhance their social, economic and cultural wellbeing.</u>
<u>Papakāinga O2</u>	<u>Enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga.</u>
<u>Papakāinga O3</u>	<u>Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment, including reverse sensitivity effects.</u>

Policies

<u>Papakāinga P1</u>	<u>To provide for papakāinga on Māori Freehold Land that is administered under Te Ture Whenua Māori Act 1993.</u>
<u>Papakāinga P2</u>	<u>To provide for papakāinga on general land owned by Māori and Treaty Settlement Land, only where it can be demonstrated that:</u> <ul style="list-style-type: none">a) <u>The land is ancestral Māori land; and</u>b) <u>The land will be maintained in whānau ownership in perpetuity; and</u>c) <u>The scale of the development is compatible with the character of the existing environment.</u>
<u>Papakāinga P3</u>	<u>To maintain rural character and the amenity of adjoining properties by controlling the bulk and location of buildings and structures.</u>
<u>Papakāinga P4</u>	<u>Papakāinga (including non-residential activities) shall be of a scale, and location that does not adversely affect:</u> <ul style="list-style-type: none">a) <u>The safe and efficient operation and functioning of the surrounding transport network; and</u>b) <u>The functioning of legitimate land uses on adjacent sites.</u>
<u>Papakāinga P4</u>	<u>To ensure sites have provision for the treatment and disposal of stormwater and wastewater, and the provision of water, electricity and telecommunications.</u>
<u>Papakāinga P5</u>	<u>To promote on-site amenity through setbacks, landscaping, open space and communal areas.</u>
<u>Papakāinga P6</u>	<u>To ensure an integrated and sustainable management approach to development by requiring the preparation of Papakāinga Development Plans.</u>
<u>Papakāinga P7</u>	<u>Subdivision of papakāinga shall only occur where:</u> <ul style="list-style-type: none">a) <u>It can be demonstrated that the papakāinga will remain in whānau ownership in perpetuity; and</u>b) <u>The subdivision will not compromise the functionality of the papakāinga; and</u>c) <u>Infrastructure services are provided for each lot. Some of these services may be communal (for example: a shared wastewater system).</u>

PART B: Rules

1.1 Information requirements for resource consent applications

1.1.1 Written report

~~ii. For all applications for Marae, Wharenui and Housing Developments of a similar nature, and any other applications involving multiple-owned land, the status of the proponents and evidence that the landowners agree with the proposal.~~

1.1.2 Plans

~~iii. For all applications for Marae, Wharenui and Housing developments a plan showing:~~

- ~~a. The complete development and general stages of construction including the location of dwellings, marae and garages/carports; and~~
- ~~b. Places, objects, buildings and trees that are protected under the provisions of the District Plan.~~

iii. For any application for resource consent for papakāinga, a Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council. The Plan shall show the entire papakāinga development (although the development may be staged) and shall include where relevant:

- i. A site plan demonstrating compliance or otherwise with the relevant performance standards and development controls of the District Plan.
- ii. The bulk, scale and location of existing, proposed and future buildings and structures.
- iii. The location of solid waste storage areas and a statement as to how waste shall be managed.
- iv. The location of any archaeological site, heritage site, waahi tapu site, or any other scheduled item under the District Plan.
- v. How the development will be serviced with three waters infrastructure, electricity and telecommunications.
- vi. Compliance with the transportation provisions, including location and formation of vehicle crossings and access arrangements.
- vii. Location of overflow parking for events or commercial activities.
- viii. Landscaping and communal areas.
- ix. Any proposed staging for the development.

Note: The Papakāinga Development Plan is required to demonstrate compliance (or otherwise) with the District Plan provisions, as well as ensuring an integrated approach to development is achieved. Applicants are encouraged to consider matters in addition to what is required by the District Plan performance standards and development controls, including landscaping, communal areas, areas of open space and proposed staging. It is also encouraged to consider the potential for subdivision in the initial development phases to ensure the site is comprehensively designed, with the required infrastructure in place.

1.4.30 Papakāinga

In assessing any resource consent application for Papakāinga, Council shall have regard to the following matters (in addition to those matters as required as part of the Papakāinga Development Plan). However, for discretionary and non-complying activities, there is no limit or restriction on the matters or effects that may be assessed.

- i. How the papakāinga will be retained in whānau ownership in perpetuity.
- ii. Whether any management structure exists for the papakāinga and how this management will retain the quality and amenity of the existing environment.
- iii. The benefits of the activity in providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

- iv. Whether any landscaping or design feature is proposed to provide on-site amenity and/or mitigate adverse effects of the development.
- v. Whether the bulk, scale and location of the papakāinga is compatible in the context of the site and receiving environment.
- vi. Adverse effects on archaeological sites, heritage sites, waahi tapu sites, or any other feature protected under the District Plan.
- vii. Whether there are any capacity issues where public reticulation is proposed to service the site.
- viii. Any input, advice or consents for wastewater, stormwater and water provided by the Waikato Regional Council.
- ix. The potential for reverse sensitivity effects.
- x. Adverse effects on the transportation network as a result of the proposed activity.
- xi. Construction related effects.

2.1 Guide to the Activity Table

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The District Plan is made up of ~~six~~ eight zones:

- 1. Rural;
- 2. Rural-Residential;
- 3. Residential;
- 4. Industrial;
- 5. Business;
- 6. Kaitiaki (Conservation)
- 7. Settlements Zone
- 8. Māori Purpose Zone

These zones are shown on the Planning Maps in Part C.

The Activity Table is grouped into nine activity areas.

- 1. General. These activities apply in all other activity areas;
- 2. Community related activities;
- 3. Dwellings and dwelling based activities;
- 4. Scheduled sites only;
- 5. Industrial based activities;
- 6. ~~Marae, wharenui and housing development;~~ Papakāinga development
- 7. ~~Reserve, landscape and conservation activities;~~ Reserve and Kaitiaki (Conservation Zones)
- 8. Retailing and office based activities;
- 9. Rural based activities;
- 10. Other Sections of the District Plan. Refer to the separate sections indicated for further information.

...

Key						
P Permitted activity	C Controlled activity					
D Discretionary activity	RD Restricted Discretionary activity					
N/C Non-Complying activity	PRHB Prohibited activity					
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for.						
* Unless otherwise specified (in 4.1 and 4.2 of the table) the activity status in the Industrial zone refers to non-scheduled sites only .						
Activity	Zones					
	Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
1. General						
1.1 Accessory buildings for any permitted or controlled activities.	P	P	P	P	P	N/C
1.2 Activities listed in the Table that are permitted or controlled not complying with the Developmental Controls and Performance Standards, unless otherwise provided.	RD	RD	RD	RD	RD	RD
1.3 Second-hand or pre-used buildings relocated from off-site.	D	D	D	D	D	N/C
1.4 Demolition of buildings and structures except those outlined in Schedules 1, 2 and 3.	P	P	P	P	P	D
1.5 Activities undertaken on known contaminated sites.	D	P	D	D	D	N/C
1.6 Temporary Activities Listed in Rule 4.11.1.	P	P	P	P	P	N/C
1.7 Temporary Activities Listed in Rule 4.11.2.	C	C	C	C	C	N/C

1.8 Temporary Activities Listed in Rule 4.11.3.	D	D	D	D	D	N/C
2. Community related activities						
2.1 Educational facilities to maximum of 10 pupils.	P	P	P	P	P	N/C
2.2 Educational facilities for greater than 10 pupils.	D	D	D	D	D	N/C
2.3 Places of Assembly.	D	D	D	D	P	N/C
2.4 Fire Stations.	N/C		D	P	P	N/C
3. Dwellings and dwelling based activities <u>(rules 3.1 to 3.8 and 3.10 do not apply where the dwelling is part of a papakāinga in the Rural and Rural-Residential Zones, refer to rules 6.1 and 6.2. For the avoidance of doubt, rule 3.9 is still applicable for papakāinga.)</u>						
3.1 One or two dwellings per urban site.	N/C	P	P	N/C	N/C	N/C
3.2 More than two dwellings per urban site.	N/C	D	D	N/C	N/C	N/C
3.3 One dwelling per property except as identified in 3.4 and 3.7 below.	P	C	C	N/C	N/C	N/C
3.4 One dwelling per Certificate of Title for a rural lot (existing at November 1996) less than or equal to 4.2 ha in area.	C	C	C	N/C	N/C	N/C
3.5 One dwelling accessory to an approved dwelling directly associated with farming or production forestry.	C	C	C	N/C	N/C	N/C
3.6 Two or more dwellings accessory to an approved dwelling directly associated with farming or production forestry.	D	D	N/C	N/C	N/C	N/C
3.7 One dwelling for dependent person(s). See 4.7.	P	P	P	N/C	N/C	N/C

3.8 One dwelling per property ancillary to a business or industrial activity within the business or Industrial zone.	N/C	N/C	N/C	P	P	N/C
3.9 New dwellings <ul style="list-style-type: none"> Within 500 metres of an existing intensive farm as at 1 September 2003. 	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> Within 250 metres of an existing litter poultry farm as at 1 September 2003. 	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> Within 300 metres of existing Council effluent treatment plants at Morrinsville, Matamata, Te Aroha, Waihou as at 1 September 2003. 	RD	RD	RD	N/C	N/C	N/C
<ul style="list-style-type: none"> Within the Reverse Sensitivity Areas for the Motumaoho Quarry as shown in Appendix 8 as at 13 May 2005. Measurement of the separation of Intensive Farming/Litter Poultry Farming is to be from the perimeter of the existing sheds/facilities exclusive of spray irrigation areas. See Rule 1.4.28 for Assessment Criteria 	RD	RD	RD	N/C	N/C	N/C
3.10 Home occupation. See 4.3	P	P	P	N/C	N/C	N/C

3.11 Accommodation Facilities.	D	D	D	N/C	D	N/C
4. Scheduled sites only. See Schedule 5.						
4.1 Activities complying with a Development Concept Plan unless shown as P, C, D or N/C on the DCP. Scheduled sites only, see Schedule 5.	See DCP	N/C	N/C	C	N/C	See DCP
4.2 Buildings/Activities defined for future development on the DCP unless shown as P, C, D or N/C on the DCP. Defined Scheduled sites only, see Schedule 5 and Rule 3.3.1.	See DCP	N/C	N/C	D	N/C	N/C
5. Industrial based activities						
5.1 Depots.	D	N/C	N/C	P	D	N/C
5.2 Light Industry.	N/C	N/C	N/C	P	P	N/C
5.3 Industry.	N/C	N/C	N/C	P	N/C	N/C
5.4 Industry including activities involving the extraction, processing and packaging of meat, milk, poultry, fish, seafood, animal by-products, beverages, produce, and pulped paper.	N/C	N/C	N/C	D	N/C	N/C
5.5 Mining, Quarrying and Mineral Processing.	D	N/C	N/C	D	N/C	PRHB
5.6 Packhouses, coolstores less than or equal to 150m ² .	P	N/C	N/C	P	P	N/C
5.7 Packhouses, coolstores greater than 150m ² .	D	N/C	N/C	P	P	N/C
5.8 Peat processing.	N/C	N/C	N/C	N/C	N/C	PRHB
5.9 Minerals "Prospecting". For permitted activities see Rule 4.9.2.	P	D	D	D	D	P

5.10 Minerals "Exploration". For permitted activities see Rule 4.9.2.	P	D	D	D	D	N/C
5.11 Storage and warehousing.	N/C	N/C	N/C	P	P	N/C
5.12 Offices, canteens, dining rooms, ablution facilities, daycare facilities and recreation facilities ancillary to other activities provided for in the Industrial zone. (Scheduled and non-scheduled sites).	N/C	N/C	N/C	P	D	N/C
6. Papakāinga (refer to activity related performance standards in Rule 4.4 and the development controls in Rule 3.2)						
6.1 Papakāinga on land that was Māori Freehold Land at or before (date of plan notification)						
<u>6.1.1. One kāinga per hectare, up to a maximum of five kāinga (residential units) per site, where the title was issued prior to (date of plan notification)</u>	<u>P</u>	<u>P</u>	<u>See residential rules</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<u>6.1.2. More than five kāinga (residential units), or up to five kāinga (residential units) that exceeds the density limits as specified in Rule 6.1.1.</u>	<u>D</u>	<u>D</u>	<u>See residential rules</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<u>6.1.3. Marae</u>	<u>P</u>	<u>P</u>	<u>RD</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<u>6.1.4 Ahumahi -ā- kāinga (home businesses)</u>	<u>P</u>	<u>P</u>	<u>See residential rules</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<u>6.1.5. Communal living arrangement</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
6.2 Papakāinga on General Land owned by Māori, Treaty Settlement Land, or land converted to Māori Freehold Land after (date of plan notification)						
<u>6.2.1. Two or more kāinga (residential units) per site</u>	<u>D</u>	<u>D</u>	<u>See residential rules</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
<u>6.2.2 Ahumahi -ā- kāinga (home businesses)</u>	<u>P</u>	<u>P</u>	<u>See residential rules</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>

<u>6.2.3 Communal living arrangement</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>
7. Reserve and Kaitiaki (Conservation) Zones						
7.1 Activities (excluding buildings) on public reserves as provided by a Management Plan under the Reserves Act 1977 or by a Conservation Management Strategy under the Conservation Act 1987.	P	P	P	P	P	D
7.2 Activities (excluding buildings) on public reserves not provided by a Management Plan approved under the Reserves Act 1977, or by a Conservation Management Strategy under the Conservation Act 1987, or where there is no Management Plan.	D	D	D	D	D	N/C
7.3 Any buildings on all public reserves.	D	D	D	D	D	N/C
7.4 Wetland and wildlife habitats conservation.	P	P	P	P	P	P
7.5 Wildlife management activities carried out by the Department of Conservation and Fish & Game Council.	P	P	P	P	P	P
7.6 Outdoor informal recreation excluding all water craft in the Kaitiaki (Conservation) zone. Provided that this rule does not apply to activities under 9.9.	P	P	P	P	P	P
Kaitiaki (Conservation) zone only - All other zones the Performance Standards (Section 5) apply. 7.7 Any alteration to landform, trees or other vegetation or any other						D

physical feature which involves: - The diversion or modification of natural watercourses, rivers or ponding areas; or - The clearing of trees or other vegetation, or - Earthworks, excavation, including the depositing of spoil, soil, or other materials.						
7.8 The construction of any permanent building or structure not otherwise referred to in this table or any other table.						D
8. Retailing and office-based activities						
8.1 Commercial Services.	N/C	N/C	N/C	N/C	P	N/C
8.2 Medical facilities	N/C	N/C	D	N/C	P	N/C
8.3 Offices.	N/C	N/C	N/C	D	P	N/C
8.4 Retailing.	N/C	N/C	D	D	P	N/C
8.5 Service stations. See 4.10.	N/C	N/C	N/C	P	P	N/C
8.6 Veterinary clinics.	D	D	N/C	N/C	P	N/C
8.7 Activities within Business/Residential Interface Areas					Refer Rule 4.14	
9. Rural based activities						
9.1 Clean fill activities involving the depositing of less than 1000m ³ material (as measured compacted in place) (including scheduled sites in the Industrial zone, see Schedule 5).	P	P	P	P	P	N/C
9.2 Clean fill activities involving the deposit of 1000m ³ or more of material	D	D	D	D	D	N/C

(as measured compacted in place). See 4.12.						
9.3 Commercial stockyards, saleyards and holding paddocks.	D	N/C	N/C	N/C	N/C	N/C
9.4 Conservation forestry.	P	P	P	P	P	P
9.5 Establishment for the boarding/breeding of domestic pets.	D	D	N/C	N/C	D	N/C
9.6 (a) Intensive Farming.	D	N/C	N/C	N/C	N/C	N/C
Where an Intensive Farming operation cannot provide 500m separation to site boundaries and 500m separation to a Residential zone and written consent to the potential effects has not been voluntarily offered by an adjacent landowner.	N/C	N/C	N/C	N/C	N/C	N/C
9.6 (b) Litter Poultry Farming.	D	N/C	N/C	N/C	N/C	N/C
Where a Litter Poultry Farming operation cannot provide 250m separation to site boundaries and 500m separation to a Residential zone and written consent to the potential effects has not been voluntarily offered by an adjacent landowner.	N/C	N/C	N/C	N/C	N/C	N/C
9.7 Farming.	P	P	N/C	N/C	N/C	N/C
9.8 Establishing new areas of Plantation Forestry.	P	P	N/C	N/C	N/C	N/C
9.9 Harvesting of Plantation Forests.	C	C	N/C	N/C	N/C	C
9.10 Replanting of Plantation Forests	P	P	N/C	N/C	N/C	P - Subject to rule 4.1.2.
9.11 Use of land for effluent disposal of non-human waste from agricultural	P	N/C	N/C	N/C	N/C	N/C

activities except as otherwise stated on a DCP.						
9.12 Use of land for effluent disposal of non-human waste from industrial activities except as otherwise stated on a DCP.	C	N/C	N/C	P	N/C	N/C
9.13 Stock movement within road reserves. See 8.7.						
9.14 Aggregation of rural land (refer to 8.7 for the requirements relating to stock crossings and stock underpasses).	P	P	N/C	N/C	N/C	N/C
9.15 Livestock farming in areas of indigenous vegetation over 1 ha.	D	D	N/C	N/C	N/C	N/C

3. Development controls

3.2 Rural and Rural-Residential zones

3.2.1 Building envelope

- i. Maximum height – 10m
- ii. Height relative to site boundary

No part of any building shall exceed a height of 3m plus the shortest distance between that part of the building and the nearest site boundary.

- iii. Yards

Rural front yards – 25m

Rural side yards – 10m (except where the building is part of a papakāinga)

Rural – Residential front yard – 10m

Rural – Residential side and rear yards – 5m

River protection yard – 20m

Side and rear yards where the building is part of a papakāinga – 20m.

Note: Where a building is part of a Papakāinga that spans multiple Records of Title, a minimum of 1.5m from the Record of Title boundary is required.

Provided that:

- A. Accessory buildings may be erected on any rear and/or side yard but not the river protection yard so long as the written consent of any affected property owner(s) is obtained and rule 3.2.1 (i) is not compromised;
- B. Any accessory building to be developed in conjunction with an existing dwelling shall be permitted in a front yard provided that it shall be erected behind the front line of the dwelling.

3.2.2 Maximum building coverage

- i. Total building coverage for accessory buildings on lots less than 4000m² shall not exceed 10% of the net site area.
- ii. Except that in an identified Structure Plan (refer Activity Table 2.2) total building coverage of the site shall not exceed:
 - 15% of the net site area

iii. Except that where the building is part of a Papakāinga, Rule 4.4.1(2) shall apply.

3.2.3 Development Contributions

A Development Contribution is required to be made in accordance with Section 7.2 (iii) prior to the issue of a building consent for the second or subsequent complying dwelling per lot where a contribution has not been made at the time of the subdivision to create the said lot.

3.2.4 Access, parking, loading and manoeuvring

See Section 9: Transportation and the Development Manual.

4. Activity related performance standards

~~4.4 Marae, whare nui and housing developments~~

4.4 Papakāinga

The unique framework and legislative requirements under Te Ture Whenua Maori Act 1993 are provided for through the district-wide provisions to enable papakāinga development on Māori Freehold Land, General Land Owned by Māori and Treaty Settlement Land, where they are not identified as part of the Māori Purpose Zone. These provisions are in addition to the relevant zone provisions.

4.4.1 Performance Standards: Permitted Activities

All activities listed as a permitted activity under Rule 6 (activity status table) shall comply with the following performance standards, the relevant development controls in Section 3, and any other relevant sections of the District Plan. Where compliance with a performance standard is unable to be achieved, the activity will require a resource consent for a restricted discretionary activity (unless otherwise specified).

1. A Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council prior to (or with) any application for building consent for two or more kāinga (residential units). The Plan shall show the entire papakāinga development (although the development may be staged) and must include:
 - i. A site plan demonstrating compliance with the relevant performance standards and development controls.
 - ii. The bulk, scale and location of existing, proposed and future buildings and structures.
 - iii. The location of solid waste storage areas and a statement as to how waste shall be managed.
 - iv. The location of any archaeological site, heritage site, waahi tapu site, or any other scheduled item under the District Plan.
 - v. How the development will be serviced with three waters infrastructure, electricity and telecommunications.
 - vi. Compliance with the transportation provisions, including location and formation of vehicle crossings and access arrangements.
 - vii. Landscaping and communal areas.
 - viii. Any proposed staging for the development.

Note: The Papakāinga Development Plan is required to demonstrate compliance with the District Plan provisions, as well as ensuring an integrated approach to development (including future development) is achieved. This is only required where two or more residential units on a site are proposed.

Applicants are encouraged to consider matters in addition to what is required by the District Plan performance standards, including landscaping, communal areas, areas of open space and proposed staging. It is also encouraged to consider the potential for subdivision in the initial development phases to ensure the site is comprehensively designed, with the required infrastructure in place.

2. The maximum building coverage shall not exceed 10% of the net site area.
3. No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.
4. Each kāinga (residential unit) shall have a service area which meets the following:
 - i. Has a minimum area of 10m², with a minimum dimension of 3m.
 - ii. Is readily accessible from the residential unit.
 - iii. Is screened from a public road or other public place.
 - iv. Is set back 10m from the boundary of another property.

5. For Ahumahi -ā- kāinga (home businesses), a maximum of one home business per residential unit is permitted on the site, subject to compliance with the following standards:
- i. A maximum of two full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the residential unit;
 - ii. The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3,500kg or more) on site;
 - iii. The sale of goods directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site;
 - iv. The total area dedicated to a home occupation shall be limited to 60m² floor area. This may include up to 20m² outdoor areas for the activity including storage subject to this area being screened by fencing and/or landscaping to a minimum height of 1.8m;
 - v. A maximum outdoor area of 10m² for the display of goods for sale in addition to (iv). This rule is a maximum total area for all home businesses on site combined;
 - vi. Includes non-self-contained visitor accommodation for up to six people. Only one visitor accommodation per site is permitted;
 - vii. All on site activities must individually and collectively comply with all permitted activity performance standards;
 - viii. Shall not involve any pet day care or grooming services; and
 - ix. The hours for delivery and collection of goods as well as onsite customer visits shall be between 7.30am to 5.30pm, Monday to Sunday.
 - x. All vehicle loading and parking shall be provided on-site.

4.4.2 Performance Standards: General Land Owned by Māori, Treaty Settlement Land, or land converted to Māori Freehold Land after (date of plan notification)

1. Papakāinga on General Land owned by Māori, Treaty Settlement Land, or land converted to Māori Freehold Land after (date of plan notification), must comply with the following standards:
- i. The land must be ancestral Māori land; and
 - ii. An appropriate legal mechanism(s) must be in place to ensure that the land is maintained in whānau ownership in perpetuity.

Activities that fail to comply with Rule 4.4.2(1) will require resource consent for a non-complying activity.

4.4.3 Matters of Discretion

In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:

- (a) The adverse effects on the amenity values of nearby residents, including outlook, privacy and shading.
- (b) The ability to mitigate adverse effects, including through landscaping.
- (c) Effects on the transportation network.
- (d) In relation to the river protection yard, any adverse effects on the river environment.
- (e) On site amenity values.
- (f) Adverse effects relating to the bulk and dominance of buildings and structures.
- (g) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites.
- (h) Management of waste.
- (i) The effect of increase coverage on the ability to effectively dispose of stormwater within the boundaries of the site.
- (j) The effect of increased coverage on the ability to effectively treat and dispose of wastewater within the boundaries of the site.

4.4.4 Assessment Criteria

In considering any application for discretionary and non-complying activities, Council shall have regard to the matters outlined in Section 1.4.30 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.

1.9 Signage – all zones

3.9.1 Permitted activities

	Zone	Type of sign permitted	Total site signage
1.	Any zone	Official signs	No maximum
2.	Any zone	Public utility, public information signs, and protected areas and reserve identification signs	3.0m ²
3.	Any zone	A sign giving name and related information concerning places of assembly, education or accommodation facilities, community facility and marae complex.	2.0m ² 20% of the sign area may include acknowledgment of a sponsor.
4.	Any zone	Temporary signs for sale of land/buildings and auction.	1.5m ²
5.	Any zone	Temporary signs for tradesman's/ consultants construction sites.	3.0m ²
6.	Residential zone	A sign stating name, profession, occupation or trade or property name.	0.3m ²
7.	Rural, Rural-Residential zone <u>and</u> <u>Māori Purpose Zone</u>	A sign stating name, profession, occupation or trade or property name.	1.5m ²
8.	Business and Industrial zones	Signs related to permitted activities established on the site for the advertisement or identification of the established permitted activities.	1.0m ² per metre of site frontage in the case of signs attached to or forming part of the principal building to its walls or canopies. In addition, free standing signs are permitted where the surface area viewed from any one direction does not exceed the following: - For each site frontage less than or equal to 24.0m: 6.0m ²

			<p>- For each site frontage greater than 24.0 metres: 0.25m² for every metre of site frontage up to a maximum of 16m².</p> <p>Notwithstanding the above: One planned arrangement of free-standing signs where more than one rear site shares a common accessway, maximum area of sign shall be: 12.0m².</p>
9.	Any zone	Signs whose sole purpose is to direct traffic within a site.	No maximum
10.	Any zone	<p>Temporary signs for local and general elections PROVIDED THAT:</p> <ul style="list-style-type: none"> - They are erected no sooner than two months prior to polling day and removed no later than the close of the day before polling day. - They are not located in a public place, on public buildings or any road reserve. - Consent of property owner is obtained. - Their form and letter height is consistent with the specifications set in Sections 3, 5, 6, 7 and 8 of the Electoral (Advertisements of a Specified Kind) Regulations 2005 for a sign that is visible from any road (includes both state highways and local roads). 	3.0m ²
11	Neighbourhood Node (refer to relevant Structure Plan in Appendix 9).	Signs related to permitted activities established on the site for the advertisement or identification of the established permitted activities	1.0m ² per metre of site frontage in the case of signs attached to or forming part of the principal building to its walls or canopies.

5.2 Noise

5.2.6 Rural, Rural-Residential and Māori Purpose zones

i. The noise level (L10) as measured within any residentially zoned boundary or within the notional boundary of any rural dwelling shall not exceed the following:

- 7.00am to 8.00pm: 50dBA
- 8.00pm to 7.00am: 40dBA

ii. Exclusions

Seasonal or temporarily intermittent noise resulting from agriculture and forestry activities are excluded (e.g. crop spraying, agriculture or forestry harvesting, frost control, etc) consistent with the predominant character of the Rural zone, are permitted provided that:

- The activity is conducted in accordance with good management practice; and
- Machinery is operated in accordance with manufacturers' specifications.

5.6.2 Effluent disposal systems

Any effluent disposal system (including disposal onto land by way of spray irrigation) associated with the disposal of non-human waste except those areas shown on a DCP shall comply with the following:

i. Yards

10 metres from a road boundary;

300 metres from a school, marae, [papakāinga development](#), hall or public reserve only from spraying which is associated with or from intensive farming or an industrial use;

300 metres from a Residential zone only from spraying which is associated with or from intensive farming or an industrial use;

150 metres from dwellings;

Provided that the required yards shall be reduced in respect of any school, marae, [papakāinga development](#), hall, public reserve or other facility where all persons owning and occupying those facilities give written consent to a specific reduced yard.

5.9 Infrastructure and servicing

5.9.1 Performance standards

Any subdivision or development shall provide compliance with the following infrastructure and servicing performance standards.

This section shall not apply to existing or future on-site, self-serviced stormwater, wastewater, water supply, electricity or telecommunications infrastructure on Development Concept Plan sites insofar as this section refers to the Development Manual.

i. Stormwater

The subdivision and development of land shall be carried out so as to provide for effective stormwater management, in compliance with the Development Manual.

ii. Wastewater

Where available within a reticulated area, every allotment or household unit shall be provided with a connection to the Council's wastewater reticulation system, in compliance with the Development Manual.

iii. Water supply

Where available within a reticulated area every allotment or household unit shall be provided with a connection to the Council's water reticulation system, in compliance with the Development Manual.

iv. Transportation

The performance standards for transportation set out in Section 9 Transportation must be met. In addition:

a. In any subdivision every Certificate of Title shall have access to a formed, legal road in compliance with the Development Manual.

b. Where a new road is created, street lighting, streetscape planting, and any street furniture shall be designed and provided in compliance with the Development Manual.

c. Subdivision and development of the Industrial Zone area east of Rockford Street (Lot 2 DP 313622 and Part Lot 4 DPS 803) or any subsequent titles shall not have direct access onto

State Highway 24. Failure to comply with this rule will require resource consent as a Non-Complying Activity.

v. Other reticulation

Telecommunication and electricity reticulation shall be provided at the time of subdivision and in accordance with the requirements of the relevant network utility operator in compliance with the Development Manual. Refer also to Section 8: Works and Network Utilities.

vi. Firefighting Water Supply

Where a connection to a reticulated water supply is not possible, adequate provision shall be made for firefighting water supply and access to the supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

vii. Papakāinga

Note: The papakāinga provisions allow for a higher number of kāinga (residential units) per lot, which may not necessarily be subdivided. The following provisions are therefore applicable to ensure each residential unit is provided with appropriate servicing.

(a) Water, wastewater and stormwater connections to public networks from papakāinga developments and developments in the Māori Purpose Zone are subject to capacity of the network. Where a connection is not approved or provided by Council, the following on-site services shall be provided for:

- i. Access to an adequate water supply for fire-fighting purposes in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008;
- ii. Potable water supply for domestic purposes;
- iii. Wastewater treatment and disposal services within the lot boundary.

Note: The design and construction of wastewater treatment and disposal facilities shall ensure adequate provision is made to meet public health standards and must comply with the Waikato Regional Council standards.

- iv. On site detention and disposal of stormwater.

(b) All kāinga (residential units) within a papakāinga development shall be connected to the following infrastructure services:

- i. Electricity; and
- ii. Telecommunications.

(c) The performance standards for transportation set out in Section 9 must be met.

6 Subdivision

KEY		
P Permitted activity	C Controlled activity	
D Discretionary activity	RD Restricted Discretionary activity	
N/C Non Complying activity	PRHB Prohibited activity	

All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5

Type of subdivision		Zones						
		Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki	<u>Māori Purpose Zone</u>
1	All Zones							
(a)	Boundary Adjustment	C	C	C	C	C	C	<u>C</u>
(b)	Bonus Protection Lots	D	D	D	D	D	D	<u>D</u>
(c)	Works and Network Utilities.	C	C	C	C	C	C	<u>C</u>
(d)	Subdivision with one or more new vacant developable lots: <ul style="list-style-type: none"> Within a National Grid Subdivision Corridor; Within 20m either side of the centreline of a sub-transmission line. 	RD	RD	RD	RD	RD	RD	<u>RD</u>
(e)	Subdivision with one or more new vacant developable lots adjoining: <ul style="list-style-type: none"> Any state highway, or A railway line included in the definition of "regionally significant infrastructure" 	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	See 6.3.12	<u>See 6.3.12</u>
(f)	Subdivision of Scheduled Sites				D			
9	<u>Subdivision of papakāinga</u>							

(a)	<u>Subdivision of papakāinga</u>	<u>D</u>	<u>D</u>	<u>See residential rules</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>D</u>
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6.2.3 Infrastructure and Servicing Standards

- i. The standards within Section 5.9 shall apply.
- ii. In addition, adequate provision shall be made for on-site wastewater and stormwater disposal for subdivision in the Rural, Rural-Residential and Māori Purpose zones, where there is no connection to Council services.

6.3 Additional Performance Standards by Subdivision Activity

The following additional performance standards will apply in the specific circumstances identified in the specific rule provision and are in addition to the General Performance Standards listed in Section 6.2.

6.3.13 Subdivision of Papakāinga

i. Additional performance standards

Subdivision of Papakāinga shall meet the following standards:

- (a) A legal mechanism must be put in place to ensure the lots remain in whānau ownership in perpetuity.
- (b) The Record of Title for the allotment to be subdivided must have been issued prior to (date of plan notification).
- (c) The subdivision shall be in accordance with a Papakāinga Development Plan.

Activities that fail to comply with Rule 6.3.13(i) will require resource consent for a non-complying activity.

Note: A legal mechanism may include a management structure under Te Ture Whenua Maori Act 1993 (for example an ahu whenua trust or whānau trust). Independent legal advice is recommended.

ii. Assessment Criteria

In assessing an application for subdivision of papakāinga, Council shall take into account the following in addition to the general assessment criteria under Section 1.4 of the District Plan:

- a) How the lots will be serviced with three waters infrastructure, electricity and telecommunications;
- b) Access arrangements;
- c) Location of communal areas;
- d) The location of any archaeological site, heritage site or waahi tapu site;
- e) The nature and context of surrounding land use and built form;
- f) Any input, advice or consents for wastewater disposal and treatment provided by the Waikato Regional Council;
- g) How the development will function and be retained as a papakāinga in perpetuity.

Note: Partition (Full or Hapū-) of Māori freehold land are the jurisdiction of the Māori Land Court.

8 Works and network utilities

Amend Tables 8.1.1, 8.2.1, 8.3.1, 8.4.1, 8.5.1, 8.6.1, 8.8.1, 8.9.1 to include Māori Purpose Zone into each Activity Table.

Activity	Zones							
	<i>Kaitiaki (Conservation), Identified Significant Features</i>	<i>Residential & Rural Residential.</i>	<i>Business</i>	<i>Industrial</i>	<i>Rural and Māori Purpose Zone</i>	<i>Public Reserves</i>	<i>Formed Roads</i>	<i>Unformed Roads</i>

9 Transportation

9.1.2 Access

iii. Access to significant roads and arterial roads

a. Performance standards

The following performance standards shall apply to vehicle crossings onto significant roads and arterial roads:

- i. No reasonably practicable alternative legal access is available to another road;
- ii. The vehicle crossing shall be, designed, formed and constructed:
 - in accordance with the Development Manual standards for District Roads or such standards as agreed with Council; or:
 - if accessing a state highway network in speed environments of 70km/h and over, to the standard required by the NZ Transport Agency as specified in the Development Manual, or such standards as agreed with the NZ Transport Agency.
- iii. There shall be less than an average of 100 car equivalent movements per day within any one week using the vehicle crossing, where a car equivalent movement is defined as follows:
 - 1 car to and from the site = 2 car equivalent movements
 - 1 truck to and from the site = 6 car equivalent movements
 - 1 truck and a trailer to & from the site = 10 car equivalent movements
 Provided that a single residential dwelling is deemed to generate 8 car equivalent movements;
- iv. All parking and manoeuvring required by the activity shall be provided on site;
- v. The vehicle crossing shall comply with the minimum sight distances and separation distances contained within the Development Manual.

iv. Access to collector and local roads

a. Performance standards

The following performance standards shall apply to vehicle crossings onto collector and local roads:

- i. The vehicle crossing shall be designed, formed, and constructed in accordance with the Development Manual;
- ii. There shall be less than an average of 250 car equivalent movements per day within any one week using the vehicle crossing where a car equivalent movement is defined as follows:
 - 1 car to and from the site = 2 car equivalent movements
 - 1 truck to and from the site = 6 car equivalent movements
 - 1 truck and a trailer to & from the site = 10 car equivalent movements
 Provided that a single residential dwelling is deemed to generate 8 car equivalent movements;

- iii. The vehicle crossing shall comply with the minimum sight distances, and separation distances to intersections, contained within the Development Manual;
- iv. A second or subsequent vehicle crossing serving the same site shall meet the vehicle crossing separation standards in the Development Manual.

v. Roads, private ways and access legs within a new subdivision

a. Performance standards

The following performance standards shall apply:

- i. Any road, or private way/access leg that is new or changed in character, intensity or scale of use shall comply with the standards in Table 3.1 of the Development Manual.
- ii. Any road, or private way/access leg that is new or changed in character, intensity or scale of use shall be designed, constructed and located in accordance with the Development Manual.
- iii. These performance standards do not apply to private roads or private ways within a papakāinga development for up to five residential units. If the private road or private way serves more than five kāinga (residential units), it shall be designed, constructed and located in accordance with the Development Manual.

15 Definitions

- **Accessory building (in the Māori Purpose Zone):** means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.
- **Ahumahi -ā- kāinga (Home business in the Māori Purpose or part of a papakāinga):** means a commercial activity that is:
 - a) undertaken or operated by at least one resident of the site; and
 - b) incidental to the use of the site for a residential activity.
- **Building (in the Māori Purpose or part of a papakāinga):** means a temporary or permanent movable or immovable physical construction that is:
 - a) partially or fully roofed; and
 - b) fixed or located on or in land;but excludes any motorised vehicle or other mode of transport that could be moved under its own power.
- **Building coverage (in the Māori Purpose Zone):** means the percentage of the net site area covered by the building footprint.
- **Building footprint (in the Māori Purpose Zone):** means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.
- **Commercial activity (in the Māori Purpose Zone):** means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).
- **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.
- **Earthworks (in the Māori Purpose Zone):** means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

- **General Land owned by Maori:** 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.
- **Gross floor area (in the Māori Purpose Zone):** means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells or stairwells) measured:
 - (a) where there are exterior walls, from the exterior faces of those exterior walls;
 - (b) where there are walls separating two buildings, from the centre lines of the walls separating the two buildings;
 - (c) where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.
- **Height (in the Māori Purpose Zone):** means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.
- **Height in relation to boundary (in the Māori Purpose Zone):** means the height of a structure, building or feature, relative to its distance from either the boundary of:
 - (a) a site; or
 - (b) another specified reference point.
- **Marae:** A communal facility and traditional meeting place hosted by local whānau, hapū or iwi (predominantly hapū led). A marae complex comprises a wharenui (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.
- **Residential unit (in the Māori Purpose Zone):** means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.
- **Site (in the Māori Purpose Zone):** means:
 - a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or;
 - b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
 - c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
 - d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.
- **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.
- **Visitor accommodation (in the Māori Purpose Zone or part of a papakāinga):** means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.
- **Whare Hapori (Community facilities in the Māori Purpose Zone):** means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility. Excludes Marae.
- **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.

Appendix G: Re-zoning Maps



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Paeahi Marae

Aerial Imagery

0

100

200

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500

600

700

800

900

1000

Meters

Scale (when printed on A3)

1:6,000

Date: 02/12/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000

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te kaunihera ā-rohe o

matamata-piako

district council



Legend



Marae Parcels



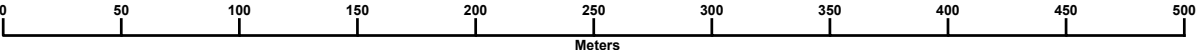
Maori Purpose Zone - Precinct 1



Maori Purpose Zone - Precinct 2

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Raungaiti Marae
Aerial Imagery



Scale (when printed on A3)
1:3,200

Date: 10/11/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000





Legend



Marae Parcels

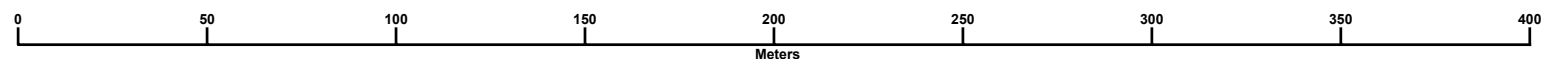


Maori Purpose Zone - Precinct 1

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Kai-a-te-mata Marae

Aerial Imagery



Scale (when printed on A3)

1:2,000

Date: 10/11/2021

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Projection: NZTM 2000



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Marae Parcels

Maori Purpose Zone - Precinct 1

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Rukumoana Marae

Aerial Imagery

050100150200250300350400450500

Meters

Scale (when printed on A3)

1:3,200

Date: 10/11/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000

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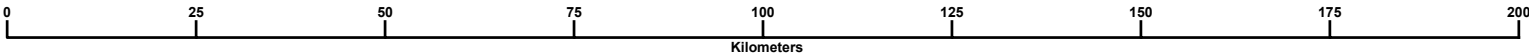
Legend



Maori Purpose Zone - Precinct 2

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Rukumoana Road
Aerial Imagery



Scale (when printed on A3)
1:1,000

Date: 10/11/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000





Legend

Marae Parcel

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Te Ōhākī Marae

Aerial Imagery

0100200300400500

Meters

Scale (when printed on A3)

1:3,000

Date: 01/12/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000

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Legend

 Marae Parcel

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Hinerangi Tawhaki Marae/Tamapango Marae

Aerial Imagery

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Meters


Scale (when printed on A3)

1:2,500

Date: 17/11/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000



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Marae Parcels

Maori Purpose Zone - Precinct 1

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Waiti Marae (Waiora)
Aerial Imagery

01002003004005006007008009001000

Meters

Scale (when printed on A3)
1:5,150

Date: 10/11/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000

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 Marae Parcels

 Maori Purpose Zone - Precinct 1

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Tui Pā (Tumutumu Marae)

Aerial Imagery

050100150200250300

Meters


Scale (when printed on A3)


1:1,600

Date: 10/11/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000


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Marae Parcels

Maori Purpose Zone - Precinct 1

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Tangata Marae

Aerial Imagery

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Meters

Scale (when printed on A3)

1:4,130

Date: 10/11/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000

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district council



Legend

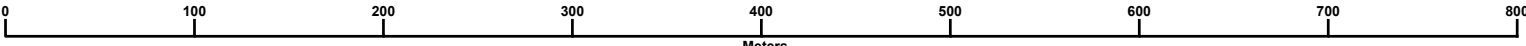
 Marae Parcels

 Maori Purpose Zone - Precinct 1



Data is provided as at November 2021 [pursuant to the Local Government Official Information and Meetings Act 1987]. While every effort has been made to ensure accuracy of the data, MPDC cannot guarantee its accuracy or suitability for any specific purpose. MPDC is not responsible for the misuse or misinterpretation of the data supplied. Under no circumstances shall MPDC be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the MPDC be liable for any other consequences from any such reliance. Copyright © 2021 Matamata-Piako District Council. Cadastral information derived from Land Information NZ Crown copyright reserved.

Te Omeka Marae

Aerial Imagery



Meters

Scale (when printed on A3) 1:4,000	  te kaunihera ā-rohe o matamata-piako district council
Date: 10/11/2021	
Authored: A Naea (MPDC)	
Projection: NZTM 2000	



Legend

Marae Parcels

Maori Purpose Zone - Precinct 1

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Te Ūkaipō Marae

Aerial Imagery

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Meters

Scale (when printed on A3)

1:2,000

Date: 10/11/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000

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district council



Legend

Marae Parcel

Data is provided as at December 2021 [pursuant to the Local Government Official Information and Meetings Act 1987]. While every effort has been made to ensure accuracy of the data, MPDC cannot guarantee its accuracy or suitability for any specific purpose. MPDC is not responsible for the misuse or misinterpretation of the data supplied. Under no circumstances shall MPDC be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the MPDC be liable for any other consequences from any such reliance. Copyright © 2021 Matamata-Piako District Council. Cadastral information derived from Land Information NZ Crown copyright reserved.

Rengarenga Marae

Aerial Imagery

01503004506007509001050120013501500

Meters

Scale (when printed on A3)

1:6,790

Date: 08/12/2021

Authored: A Naea (MPDC)

Projection: NZTM 2000

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Appendix H: Analysis of Sites for Re-zoning

Appendix Reference	Marae / Address	Block	Legal Description	Record of Title Information	Lot size	Potential # of houses (based on site area)	District Plan Zone	Overlays	Access
1	Paeahi Marae (Waitoki) 5876 State Highway 26	Marae block	Paeroa 1 B 2 B Block	Purpose: as a Maori reservation for the purpose of a marae site for the common use and benefit of the Ngati Paeahi tribe	8094m ²	1	Rural	<ul style="list-style-type: none">Waahi tapu site: Maori reservationFlood hazard overlay over majority of site	Off SH26 (significant road)
		Adjoining Maori Freehold block	Te Paeroa 1B2G Block	Type: Partition order	8.5ha	10	Rural	<ul style="list-style-type: none">Flood hazard overlay along the southern boundary	Off SH26 (significant road)
		Urupa block, adjoining Maori Freehold	Te Paeroa 1B2H Block	Type: Partition order, Maori reservation for the purpose of an urupa for the common use and benefit of the Ngati Paeahi	2023m ²	-	Rural	<ul style="list-style-type: none">Waahi tapu site: urupa	This parcel has no direct access to a road. Shared access with Marae off SH26
		Adjoining maori freehold block	Te Paeroa 1C 4B Block	-	32.7ha	10	Rural	<ul style="list-style-type: none">Small portion of site within flood hazard overlay	Off SH26 (significant road)
		Adjoining maori freehold block	Paeroa 1B 2F No. 1 Block	-	10.24ha	10	Rural	None	Off SH26 (significant road)
Total number of houses						31			
2	Kai-a-te-mata Marae 7 Kereone Road, Morrinsville	Marae block	Te Au-O-Waikato A 5C 2B 2G 1 Block	Purpose: Set apart as a Maori reservation for the purpose of a meeting place, and also a burial ground as to the rear portion of of the Te Au-o-Waikato A. 5C 2B 2G 1	1.6ha	3	Rural	<ul style="list-style-type: none">Waahi tapu site: Maori reservation	Access of Kereone Road (arterial road).
		Maori Freehold block 1	Te Au o Waikato A13 Block	-	3.5ha	5	Rural	None	Shared access of Kereone Road (arterial road). It is noted that this access is in close proximity to the railway crossing. Therefore, a resource consent would be required for any additional development to address traffic safety concerns.
		Maori Freehold block 2	Te Au O Waikato A12 Block	-	9131m ²	5	Rural	<ul style="list-style-type: none">Waahi tapu site: Maori reservation	
Total number of houses						13			
3	Raungaiti Marae 6427 State Highway 27	Marae block	Matamata North G1 (Marae) Block	Purpose: a Maori reservation for the purpose of a meeting place and marae for the common use of the Ngati-Te-Oro and Ngati Rangitawhaki Hapu	8218m ²	1	Rural	<ul style="list-style-type: none">Heritage site: Gospel Fellowship ChurchWaahi tapu site: Raungaiti Marae	Access of SH27 (significant road)

		Maori Freehold block 1	Matamata North G2B Block	-	8.9ha	10	Rural	None	Access off SH27 (significant road)
		Maori freehold block 2	Matamata North 2C2H Block	-	11.63ha	10	Rural	None	Access off SH27 (significant road)
Total number of houses						21			
4	Rukumoana 536 Morrinsville - Walton Road	Marae block	Te Au-O-Waikato 7E 2B 2A Block	Purpose: Maori Reservation for the purpose of a marae for the Ngatihaua tribe and for other members of the Waikato confederation of tribes	8,802m²	1	Rural	<ul style="list-style-type: none">Waahi tapu site: Maori reservation	Access off Morrinsville-Walton Road (arterial road)
		Maori Freehold block 1	Te Au-O-Waikato 7E2B2B2 Block	-	5.4ha	10	Rural	None	
		Maori Freehold block 2	Te Au-O Waikato No. 7E1 Block	Purpose: Maori reservation for the purpose of a burial ground for the common use and benefit of the members of the Ngatihaua Tribe and other members of the Waikato confederation of tribes	1.5ha	-	Rural	<ul style="list-style-type: none">Waahi tapu site: Maori reservation, Kauhanganui (Parliament House Site)Heritage site: Maori King MonumentHeritage Site: Kauhanganui Maori Parliament Building	
		Maori Freehold block 3	Te Au O Waikato 7F Block	-	8.3ha	10	Rural	<ul style="list-style-type: none">Flooding overlay (where it borders stream)	
		Maori Freehold block 4	Te Au-O-Waikato 7E 2C Block	-	16.2ha	10	Rural	<ul style="list-style-type: none">Flooding overlay (where it borders stream)	
Total number of houses						31			
5	Te Ōhākī Marae 31A Douglas Road, Okauia	Marae block (no adjoining maori freehold blocks)	Okauia 4E 2E 1A Block	Purpose: Maori reservation for the purpose of a meeting place and marae site for the use and benefit of the Hinerangi Tawhaki hapu of the Ngatihaua tribe	1.2ha	2	Rural	<ul style="list-style-type: none">Waahi tapu site: Te Ohaki Marae	Access of Douglas Road (local road). This parcel does not have direct access and shares access with a neighbouring property.
		Maori Freehold block 1	Part Okauia 4E 2F 3B Block	-	13.02ha (although only 12.4ha proposed to be rezoned)	10	Rural	Adjoins WRC designation for “Water and Soil Conservation” purposes	Access off Douglas Road (local road)
		Maori Freehold block 2	Part Okauia 4E2F2C Block and Part Okauia 4E2F2C Block	-	36.34ha (although only 15.9ha	10	Rural	Adjoins WRC designation for “Water and Soil Conservation” purposes	

					proposed to be rezoned)				
Total number of houses						22			
6	Hinerangi Tāwhaki Marae 96 Douglas Road	Marae block	Okauia 4E 2E 2B 2A Block	Purpose: a Maori reservation for the purpose of a meeting place for the common use and benefit of the Ngati Tawhaki subtribe and other subtribe of the Waikato Confederation	6070m²	1	Rural	<ul style="list-style-type: none">Waahi tapu site: Hinerangi Tawhaki Marae	Access off Douglas Road (local road)
		Maori freehold block 1	Okauia 4E2E2B2C1 Block	-	2.2ha	4	Rural	None	
		Maori freehold block 2	Okauia 4E 2E 2A Block	-	5934m2	1	Rural	<ul style="list-style-type: none">Waahi tapu site: Maori reservation	
		Maori freehold block 3	Okauia 4E2E2B2C2 Block	-	31.5ha (although only 1.37ha proposed to be rezoned)	2	Rural	Adjoins WRC designation for “Water and Soil Conservation” purposes	
		Maori freehold block 4	Part Okauia No. 4 E Sec. 2 D Block	-	4.05ha	8	Rural	None	
Total number of houses						16			
7	Tamapango Marae 151 Douglas Road	Marae block	Okauia 4F Block	Type: Partition order	1.0812ha	2	Rural	<ul style="list-style-type: none">Waahi Tapu site: Tama Pango Marae	Access off Douglas Road (local road)
		Maori freehold block 1	Okauia 4H Block	Type: Partition order	3.2507ha (although only 4,636m2 proposed to be rezoned)	N/A	Rural	Adjoins WRC designation for “Water and Soil Conservation” purposes	
		Maori freehold block 2	Okauia 4G Block	Type: Partition order	1.4ha (although only 8,464m2 proposed to be rezoned)	2	Rural	Adjoins WRC designation for “Water and Soil Conservation” purposes	
Total number of houses						4			
8	Tangata Marae 206 Douglas Road	Marae block	Okauia No.4A 1 Block	Purpose: a Maori reservation for the purpose of a Papakainga for the common use and benefit of (now) Nga Uri o Tangata	3819m²	N/A	Rural	<ul style="list-style-type: none">Waahi tapu site: Maori reservation, Tangata Marae	Access off Douglas Road (local road)

		Maori Freehold block 1	Okauia C Block	Type: Partition order	4.5335ha	9	Rural	None	Access off Douglas Road (local road)
Total number of houses						9			
9	Waiti Marae 87 Waiti Road	Marae block 1	Hoeotainui North No.2B 1A 1 Block	Purpose: a Maori reservation for the purpose of a meeting place, recreation and sports ground for the common use and benefit of the member of the Ngati-Paoa tribe	4459m²	-	Rural	• Waahi tapu site: Maori Reservation - Marae	Access of Waiti Road (local road)
		Marae block 2	Hoeotainui North 2B 3B 1A Block		4047m²	-	Rural		Access of Waiti Road (local road)
		Maori freehold block 1	Hoeotainui 2B 3B 1B Block	-	4047m²	-	Rural	None	Access of Waiti Road (local road)
		Maori freehold block 2	Part Hoe-O-Tainui North 2B 1A 2B 2 Block and Part Hoe-O-Tainui North 2B 1A 2B 2 Block	-	15.25ha	10	Rural	None	Access of Waiti Road (local road)
		Maori freehold block 4	Hoeotainui North 2B 3B 1E 2B Block	-	20.1ha	10	Rural	• Peat soil (approximately half of the block)	Access of Waiti Road (local road)
Total number of houses						20			
10	Tui Pā (Tumutumu Marae) 57 Tui Pa Road	Marae block 1	Te Aroha Block IX Section 31D3A Block	Purpose: Set apart as a Maori reservation for the purpose of a community centre and marae for the common use and benefit of the Ngati Tumutumu and for the inhabitants of of the district generally	667m²	-	Rural	Waahi tapu site: Maori Reservation - Marae	Access of Tui Pa Road (local road)
		Marae block 2	Te Aroha Block IX Sec.31C 4A Block		688m²	-	Rural		
		Maori freehold block 1	Te Aroha Block IX Sec.31C 4B Block	Type: Partition order	1.5ha	3	Rural	None	
		Maori freehold block 2	Te Aroha Block IX Sec.31C 4C	Type: Partition order	2.8ha	5	Rural-Residential	None	
		Maori freehold block 3	Te Aroha Block IX Section 31D3B1 Block	Purpose: Set apart as a Maori Reservation for the purpose of Education as a Kohanga Reo, Kokiri Centre or other educational facility as required for the common use and benefit of Ngati Rahiri-Tumutumu iwi and the inhabitants of Te Aroha and surrounding districts	5967m²	1	Rural	None	

		Maori freehold block 4	Te Aroha Block IX Section 31D3B2 Block	-	5.6ha (although only 2.7ha of this block is proposed to be rezoned)	5	Rural	None	
Total number of houses						14			
11	Te Omeke Marae 1133 Tauranga Road	Marae block	Okauia 2F2B1A (Omeke Marae) Block	Purpose: Set apart as a Maori reservation for the purpose of a Marae, meeting place, church site, recreation ground, Papakainga, camping ground and village site for the common use and benefit of the members of the tribes of New Zealand	1.2ha	2	Rural	• Waahi tapu site: Te Omeke marae	Access off Tauranga Road (SH24 – significant road)
		Maori freehold block 1	Okauia 2F2B2 Block	-	7.7ha	10	Rural	None	Access off Tauranga Road (SH24 – significant road)
		Maori freehold block 2	Okauia 2G1 Block	-	23.2ha	10	Rural	None	This block has no legal access. Assume there is an arrangement with one of the other blocks.
		Maori freehold block 3	Okauia 2B1B Block	-	6.1ha	10	Rural	None	Access off Tauranga Road (SH24 – significant road)
		Maori freehold block 4	Okauia 2E2 Block	-	2.02ha	4	Rural	None	Access off Tauranga Road (SH24 – significant road)
Total number of houses						35			
12	Rengarenga Marae Papatangi Road	Marae block	Part Whaiti Kuranui No.5C No.3C Block	Purpose: Set apart as a Maori Reservation for the purpose of an Urupa for the common use and benefit of the members of the Ngati Motai tribe (970m ² of site) Purpose: Set apart as a Maori Reservation for the purpose of a Marae and meeting place for the common use and benefit of the members of the Ngati Motai tribe (1.93ha)	38ha	10	Rural	Waahi tapu site: Rengarenga marae	Access off Papatangi Road
		Adjoining maori freehold block	Whaiti Kuranui No.5C No.3B Block	-	8094m2	1	Rural	Waahi tapu site: Maori Reservation	

		Adjoining maori freehold block	Part Whaiti Kuranui No.5C No.3D Block	-	44.3ha	10	Rural	None	
Total number of houses						21			
13	Te Ūkaipō Marae 3535 State Highway 29	Marae block	Whaiti Kuranui No.6A No.1B No.3A (Meeting House Reserve) Block	Purpose: Set apart as a Maori Reservation for the common use of the Ngati Wehiwehi hapu of the Ngati Raukawa tribe as a meeting-house site	4046m²	-	Rural	Waahi tapu site: Te Ūkaipō marae	Access off SH29 (significant road)
		Adjoining maori freehold block	Whaiti Kuranui 6A 1B 3B 2B Block	-	4.5ha	9	Rural	None	
Total number of houses						9			

Sites for Precinct 1

Address	Legal Description	Owner(s)	Lot size	District Plan Zone	District Plan overlays	Comments	
8 Gillett Road	Section 62B2A Block XIII Wairere Survey District	3	1,174m ²	Rural	N/A	Connection to Council water and wastewater Requires acoustic insulation	
10 Gillett Road	Section 62B2B Block XIII Wairere Survey District	1	1,217m ²	Rural	N/A	Connection to Council water and wastewater	
12 Gillett Road	Section 62B2C Block XIII Wairere Survey District	2	1,449m ²	Rural	N/A	Connection to Council water and wastewater Requires acoustic insulation	
14 Gillett Road	Section 62B 2D Block XIII Wairere Survey District	2	2,898m ²	Rural	N/A	Connection to Council water and wastewater Requires acoustic insulation	
6432 Kutia Side Road	Section 62B1 Block XIII Wairere Survey District	1	1,012m ²	Rural	N/A	Connection to Council water and wastewater Requires acoustic insulation	
6430 Kutia Side Road	Section 62A Block XIII Wairere Survey District	2	1,011m ²	Rural	N/A	Connection to Council water and wastewater Requires acoustic insulation	
6428 Kutia Side Road	Matamata North 2C2A Block	1	1,428m ²	Rural	N/A	Connection to Council water and wastewater Requires acoustic insulation	
7 Kutia Road	Matamata North 2C2B Block	1	1,166m ²	Rural	N/A	Connection to Council water and wastewater Requires acoustic insulation	
9 Kutia Road	Matamata North 2C2C Block	7	1,169m ²	Rural	N/A	Connection to Council water and wastewater Requires acoustic insulation	
11 Kutia Road	Matata North 2C2D Block	1	1,169m ²	Rural	N/A	The within land has no frontage to a legal road, Connection to Council water and wastewater	
13 Kutia Road	Matamata North 2C2E Block	2	1,171m ²	Rural	N/A	Connection to Council water and wastewater	
15 Kutia Road	Matamata North 2C2F Block	1	1,171m ²	Rural	N/A	The within land has no frontage to a legal road, Connection to Council water and wastewater	

17 Kutia Road	Matamata North 2C2G Block	3	2,828m2	Rural	N/A	The within land has no frontage to a legal road, Connection to Council water and wastewater Requires acoustic insulation	
3 Rukumoana Road	Te Au-o-Waikato 7H1 Block Maori Land Plan 18516	4	1,406m2	Rural	N/A	Connection to Council water and wastewater	
4 Rukumoana Road	Te Au-O-Waikato 7H 12 Block	1	1,406m2	Rural	N/A	Connection to Council water and wastewater	
5 Rukumoana Road	Te Au-o-Waikato 7H2 Block	2	1,189m2	Rural	N/A	Connection to Council water and wastewater	
6 Rukumoana Road	Te Au-o-Waikato 7H11 Block	1	1,189m2	Rural	N/A	Connection to Council water and wastewater	
7 Rukumoana Road	Te Au-o-Waikato 7H3 Block	2	1,189m2	Rural	N/A	Connection to Council water and wastewater	
8 Rukumoana Road	Te Au-o-Waikato 7H10 Block	1	1,189m2	Rural	N/A	Connection to Council water and wastewater	
11 Rukumoana Road	Te Au-o-Waikato 7H 4 Block	1	1,189m2	Rural	N/A	Connection to Council water and wastewater	
12 Rukumoana Road	Te Au O Waikato 7H9 Block	1	1,189m2	Rural	N/A	Connection to Council water and wastewater	
13 Rukumoana Road	Te Au-o-Waikato 7H5 Block	1	1,189m2	Rural	N/A	Connection to Council water and wastewater	
14 Rukumoana Road	Te Au-o-Waikato 7H8 Block	1	1,189m2	Rural	N/A	Connection to Council water and wastewater	
16 Rukumoana Road	Te Au-o-Waikato 7H7 Block	1	1,189m2	Rural	N/A	Connection to Council water and wastewater	