



Plan Change 54 - Papakāinga

Matamata-Piako District Council
S42A Report Writing Officer's Overview
17 April 2024



Contents



Image from [A Guide to Papakāinga Housing](#),
published by Te Puni Kōkiri

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Key Issues

- **Issue 1:** Limited ability to live on ancestral lands
- **Issue 2:** Inadequate recognition of kaupapa and mātauranga Māori
- **Issue 3:** New development within Māori Freehold Land is likely to change the character and amenity currently experienced in the Rural Zone



Image from [A Guide to Papakāinga Housing](#), published by Te Puni Kōkiri



Iwi Working Group

- Recommendation from Te Mana Whenua Forum
- Provides tangata whenua the opportunity to partner with Matamata-Piako District Council to successfully develop Plan Change 54 – Papakāinga
- Total of eight hui held during plan preparation
- Collaborative approach, discussing a broad range of themes
- Strong emphasis on enabling papakāinga for **iwi, hapu or whanau** with **ancestral links to the whenua**

Proposed District Plan Approach

- Assist Māori in providing the ability to live on ancestral land
- Enable papakāinga in the district
- District-Wide provisions; and
- Creation of Māori Purpose Zone
 - Two new separate precincts



Image from [Plan Change 54: Papakāinga](#) published by Matamata-Piako District Council

Māori Purpose Zone – Precinct 1 (MPZ-PREC1)

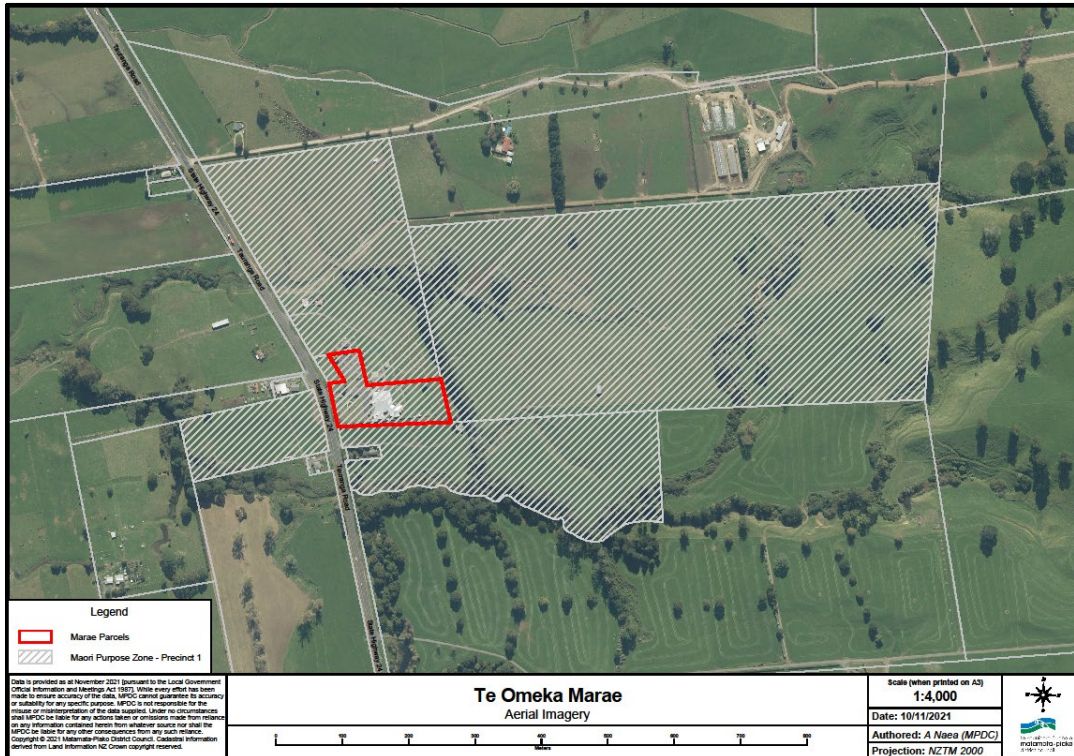


Image from Appendix F – Te Omeka Marae

- Sites that are proposed to be rezoned as MPZ-PREC1 have existing marae and directly adjoining Māori freehold blocks
- One kāinga (residential unit) is permitted per 5000 m² of site area
- Enabling establishment of home businesses and small-scale community facilities, education facilities, urupā and several other activities



Māori Purpose Zone – Precinct 2 (MPZ-PREC2)



Image from Appendix F – Rukumoana Road

- Sites that are proposed to be rezoned as MPZ-PREC2 have existing papakāinga
- Sites are connected to Council reticulated services and have the ability to provide for further housing
- One kāinga (residential unit) per 500 m² of site area could be built, if:
 - the site is Māori Freehold Land; or
 - a legal mechanism is put in place.

Proposed District Plan District-wide Approach

For sites that are not included in the new Māori Purpose Zone new provisions for:

- Papakāinga development on Māori Freehold Land, allowing one residential unit per hectare, up to a maximum of **five residential units** as a permitted activity.
- Papakāinga development on Treaty Settlement Land, and General Land owned by Māori, as a discretionary activity, where it can be demonstrated that:
 - 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**.



Overview of Submissions

- 53 original submissions (with 188 individual submissions points)
 - 19 original submissions (36%) indicated general support
 - 23 submissions (43%) indicated support in part
 - Eight submissions (15%) opposed the provisions; and
 - Three submissions (6%) were unsure
- Three further submissions (with 9 individual submissions points)
- Came from iwi/hapū groups, Kāinga Ora, Waikato Regional Council, Matamata Sourcing Centre, Matamata Aeroclub, landowners and community members

Key Matters for Consideration

- Definition of papakāinga
- Broader application of Papakāinga enabling provisions
- Protection of highly productive land and maintaining rural character
- Reverse sensitivity effects on productive land use
- Natural hazards and climate change (particularly flooding risks)
- Infrastructure, services and rates
- Traffic, access and parking
- Effects on Matamata Aerodrome
- Papakāinga Development Plan
- Activity status for communal living arrangements
- Amendments to bulk, density or location standards



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Questions?



End of S42A Report Writer's Overview



Context - Tenure Status for Māori Land

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.

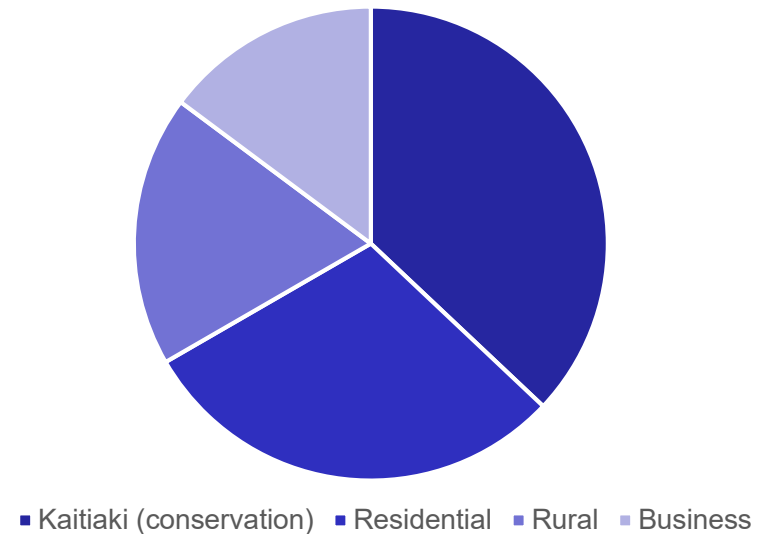


Matamata-Piako District Context

Extent of Treaty Settlement Land

- Five Iwi have settled claims with the Crown
- Approximately 30 properties can be identified as “Treaty Settlement Land”
- Parcel sizes range from 0.09 ha to 30 ha

Zoning of Treaty Settlement Land

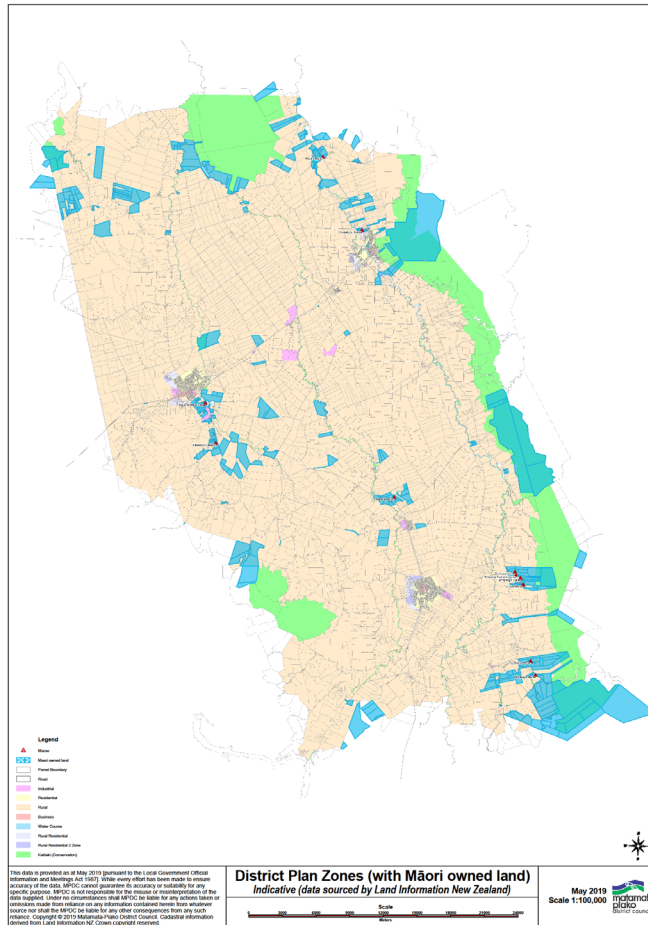


Operative District Plan Approach

- The District Plan became operative in 2005 and contains rules for “marae, wharenuī and housing developments” across zones
- No objectives and policies that relate to “marae, wharenuī and housing developments”
- An “Iwi Housing and Marae Development Plan” must be approved through a discretionary activity resource consent process
- Only allows iwi housing on “allotments on or adjoining a Marae”
- No specific rules that enable development of papakāinga on general land or Treaty Settlement land

Activity	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

Matamata-Piako District Context



- 13 marae
- 2% of the district's total land area is made up of Māori Freehold Land
- Located within rural or rural-residential areas
- Average block size is 19 hectares
- Average number of owners is 107
- 10.7% of Māori Freehold Land is proposed to be re-zoned under PC54

Papakāinga Development Phases

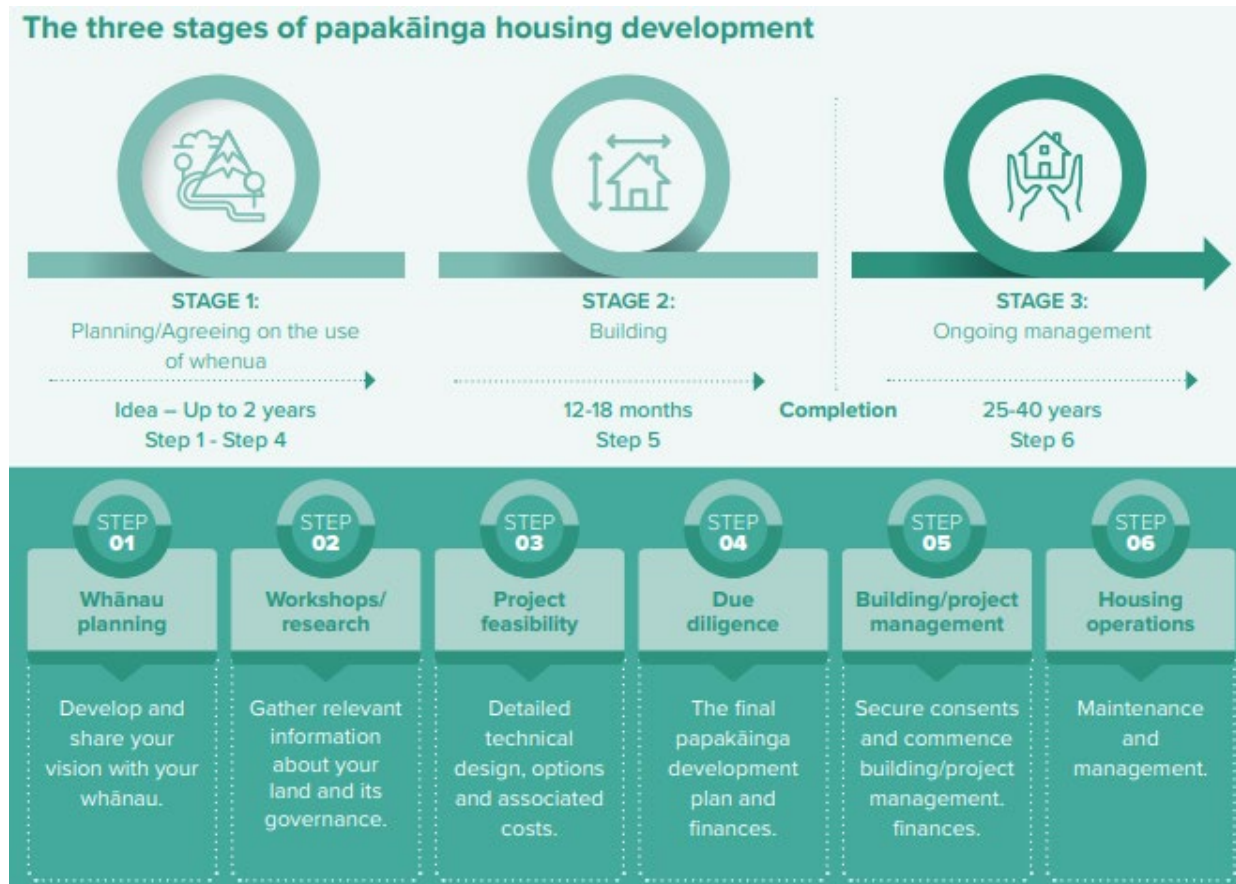
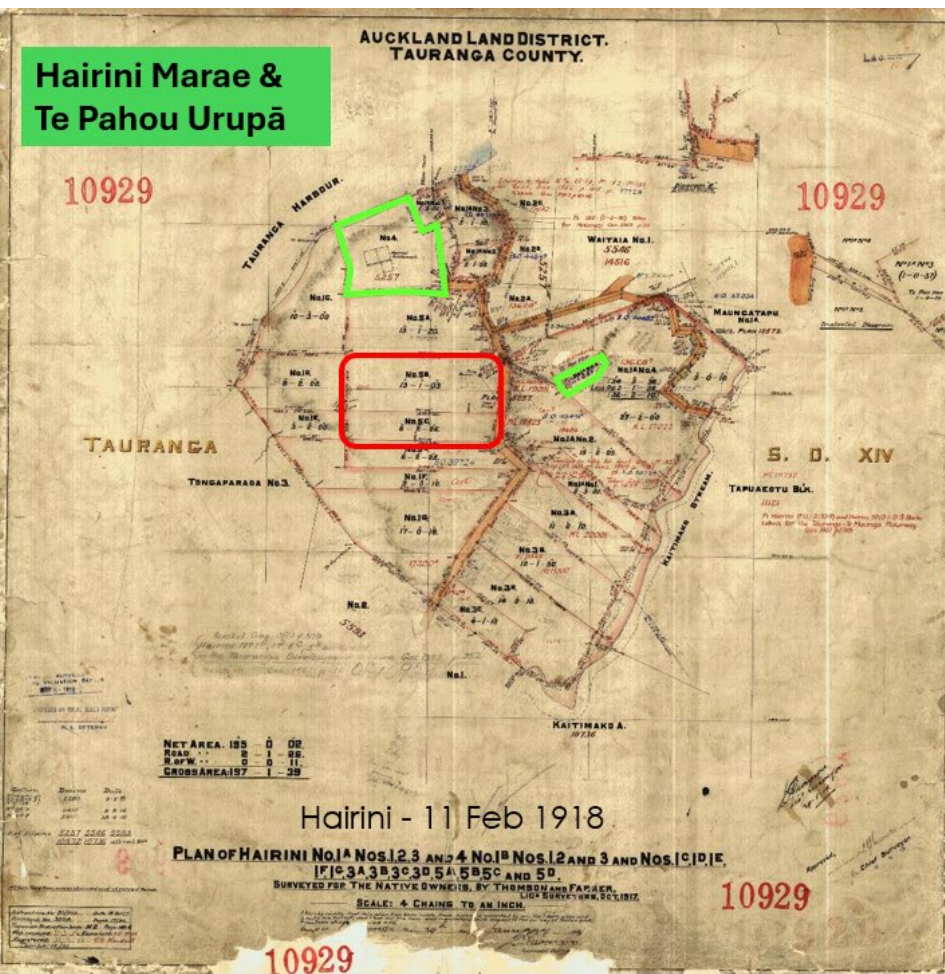
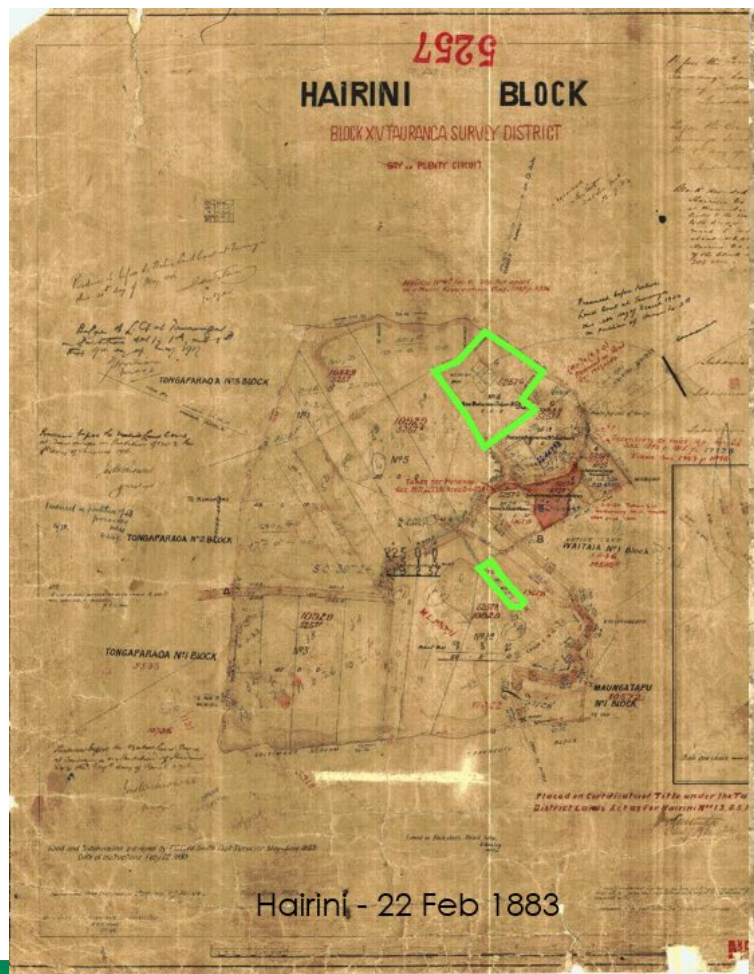


Image from [A Guide to Papakāinga Housing](#), published by Te Puni Kōkiri

Papakāinga Development Plan



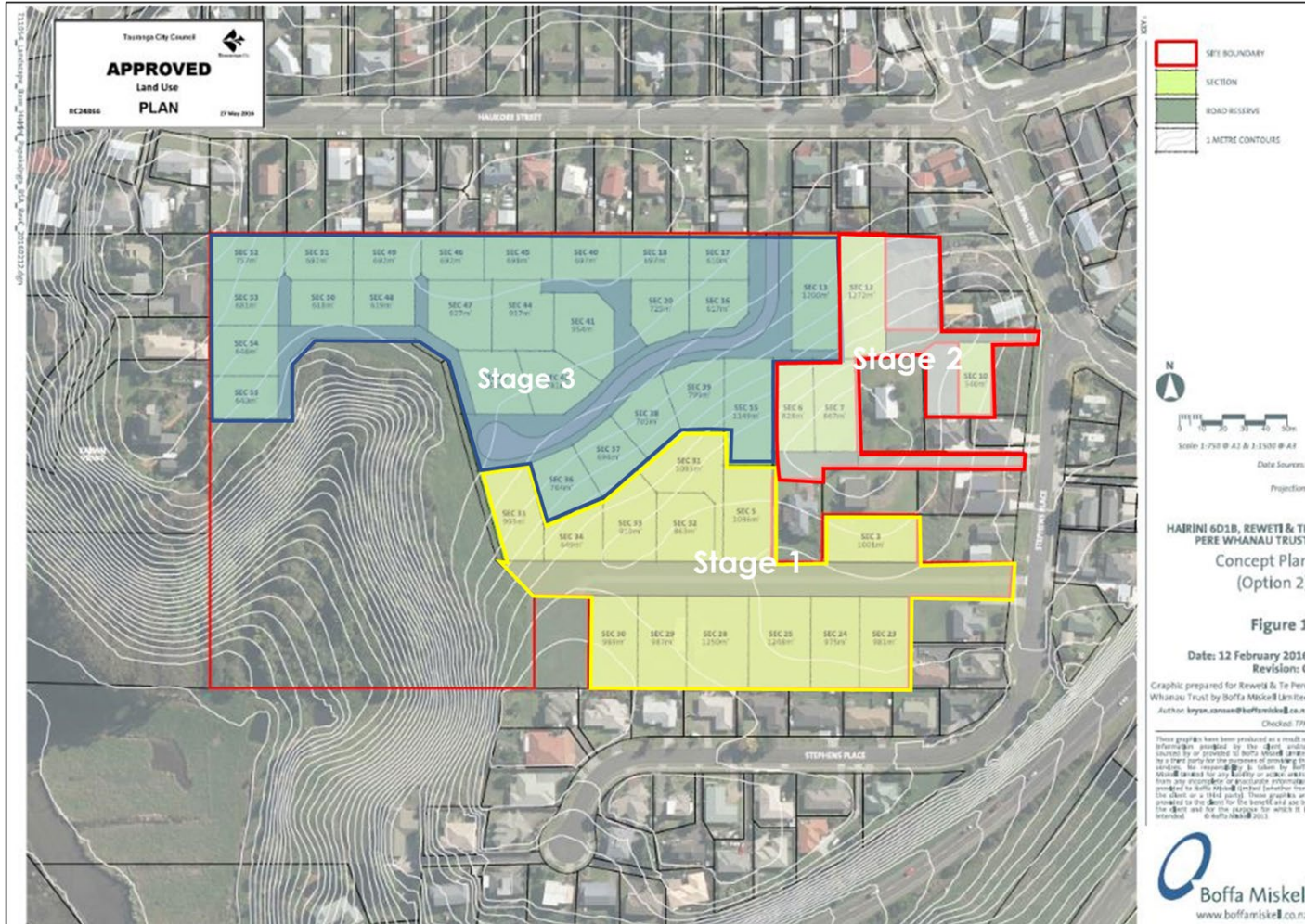
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Papakāinga Development Plan



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Reweti & Te Pere Whanau Trust

Property: Hairini 6D1B11
 Location: Stephens Place, Hairini, Tauranga.

Area: 6.499 ha

Council: TCC

Suburban Residential A

Whānau Trust established in March 1991

Stage 1: 6 whānau living in new homes with 7 whānau still to return.

Stage 2: 2 homes built and 4 vacant sites.

Stage 3: 26 Lots

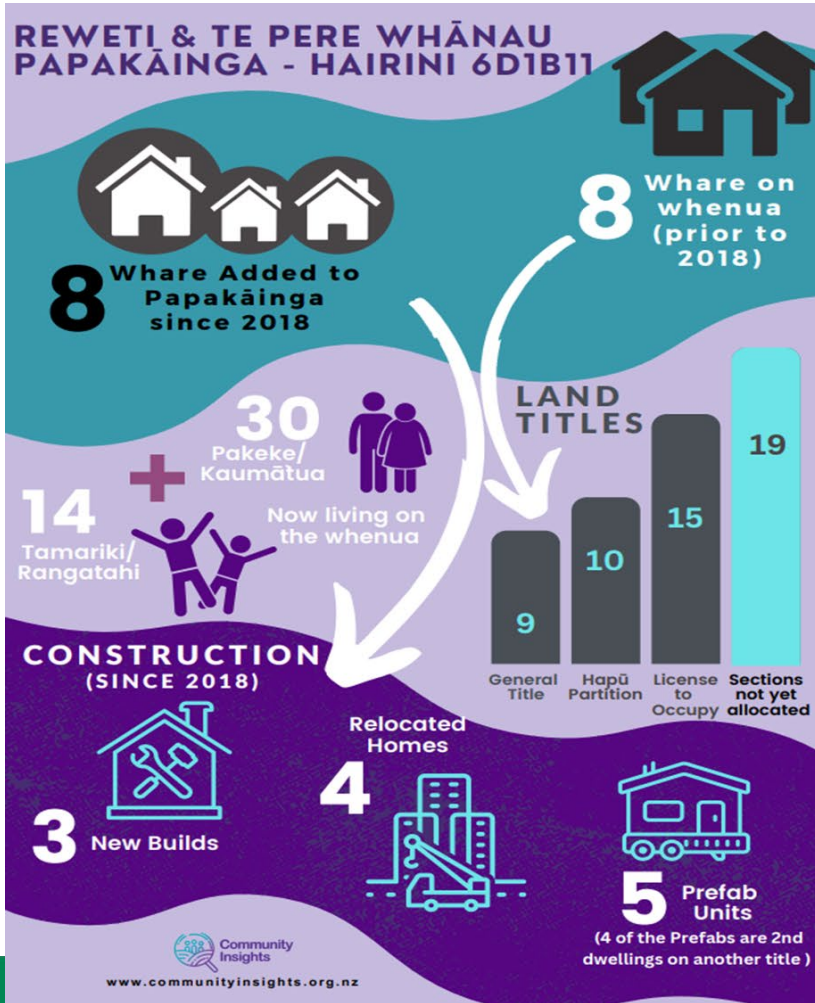
A Total of 45 papakāinga house sites

- Nine (9) whānau groups are living on the papakāinga.
- Hairini Marae and Kohanga Reo are within 250m.
- Maungatapu Primary School & Te Pūwhāriki Whānau Unit is 900m walk from the papakāinga.

Papakāinga Development Plan



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HAIRINI 6D1B1

Infographic continued

BENEFITS OF LIVING ON OUR PAPAKĀINGA

"The last 4 years has been such a blessing living on the whenua. It was a dream of my nans for her mokopuna to build on her whenua and to see some of our whānau here certainly has been good."

"I love being home. The whenua brings Rangimarie after a stressful day, tau your wairua, being close to whānau. All those hoha and challenging time with builders, lawyer, and managers was well worth it, but I still would have loved for my vision to come true; Pai ana, keep moving forwards"



"The whenua provides a place not only for those living on the land but a papakāinga to raise our whānau living here and away - a place they feel welcome to come too, grow our mara kai and teach our young of who they are and welcome our whānau, friends & visitors when they come to visit, learn to share and love & be kind to each other, manaaki our marae, kaitiaki te taiao...then the taiao & others will look after us."

The challenges of getting on the whenua

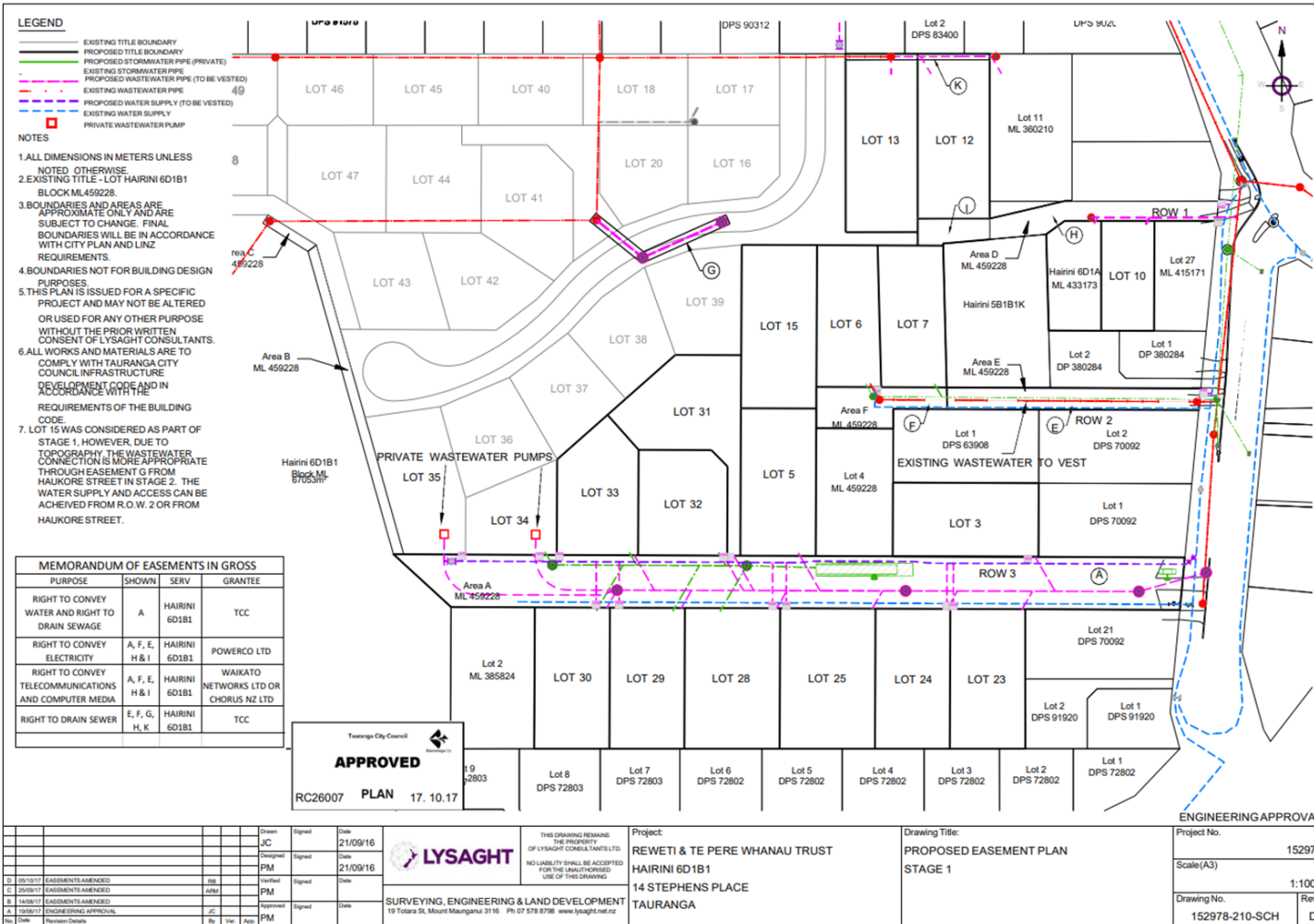
"Everything was difficult. Māori l-and court was hard to work with - long process/ inefficient & took over a year for the title to come through. Tauranga City Council were not helpful & also lengthy process - they charged me for development fees that our Trust had already paid for but still charged me over \$9000 .when getting hapū partition LINZ & Māori land courts both had different processes."

"Maori Land Court could have been more helpful; it went round and round with them and the lawyers about who could issue an LTO. Lawyers didn't know about LTO and Papakāinga; We were going back and forward with this; they also said it would be better if I went for a Hapū partition."

Papakāinga Development Plan



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Proposed District Plan Approach

	Māori Purpose Zone – Precinct 1 (MPZ-PREC1)	Māori Purpose Zone – Precinct 2 (MPZ-PREC2)
Criteria (for re-zoning to MPZ)	Existing marae and directly adjoining Māori freehold blocks	Sites with existing Papakāinga
Permitted density	1 kāinga per 5000 m ² of site area, up to 10 kāinga per site	1 kāinga per 500 m ² of site area
Maximum building height	10 m	10 m
Height in relation to boundary	3 m + distance to site boundary	3 m + distance to site boundary
Front Yard	25 m	5 m (or 15 m for sites adjoining a state highway)
Side and rear yard	20 m	3 m
Max building coverage	10% of net site area	35% of net site area
Minimum service area requirements	<p>Kāinga: Minimum area of 10 m², with a minimum dimension of 3 m; readily accessible; screened from public road and places; and set back 10 m from boundaries.</p> <p>Marae, community facility, healthcare and/or education facility: Minimum area of 10 m², with a minimum dimension of 3 m; in the case a service area is combined the minimum area is 20 m², with a minimum dimension of 3 m; readily accessible; screened from public road and places; and set back 10 m from boundaries.</p>	<p>Kāinga: Minimum area of 10 m², with a minimum dimension of 3 m; readily accessible; screened from public road and places; and set back 10 m.</p>



Key Matters for Consideration



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	Recommended Provision	Kainga Ora's suggested change
Objective MPZ O3 and Papakāinga O3	<i>Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment, including reverse sensitivity effects.</i>	<i>Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment, and manages adverse reverse sensitivity effects on existing lawfully established non-residential activities</i>
Maximum density	<p>Maximum density and number of dwellings</p> <ul style="list-style-type: none"> • MPZ-PREC1: 1 kāinga per 5000m² of site area, up to 10 • MPZ-PREC2: 1 kāinga per 500m² site area • Rural Zones (Māori freehold land): 1 kāinga per 1 ha site area, up to a maximum of 5 • Rural Zones (not Māori freehold land): 1 kāinga per site 	<ul style="list-style-type: none"> • No maximum number of dwellings (unlimited) • 1 kāinga per 5000m² of site area in all zones. • No differentiation between maximum density and land ownership structure
Maximum Density (MPZ-PREC2)	35%	40%
Setbacks (MPZ-PREC1)	25 m front yard 20m side yard 20m rear yard	10 m front yard 5 m side yard 5m rear yard (consistent with Rural Residential Zone)
Activity Status	Discretionary activity status for papakāinga not complying with standards, or subdivision of papakāinga	Restricted discretionary activity status for papakāinga not complying with standards, or subdivision of papakāinga
Communal living arrangements	Discretionary activity status	Permitted activity status
Papakāinga Development Plans	Requirement for Papakāinga Development Plan (as a permitted activity)	Remove requirement for a Papakāinga Development Plan.