

DRAFT SECTION 32

Papakāinga Zones CHAPTER 4

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1. STRATEGIC CONTEXT

1.1 PURPOSE AND SCOPE

1. The purpose of the Papakāinga Zones is to provide for Papakāinga development on Maori Reserves and other Maori owned land in proximity to maraes. The Regional Policy Statement defines papakainga as "a form of housing development which occurs on multiply-owned Maori or ancestral land" but for the purposes of this chapter this is considered too narrow a definition, and the concept is taken to refer to a village settlement including a wider range of activities than just housing, ie activities which assist in providing for social. Cultural and economic wellbeing. .
2. Both the operative Christchurch City Plan and the Banks Peninsula District Plan provide a broad suite of objectives and policies in relation to Tangata Whenua, and the the Banks Plan includes Chapter 22 Papakainga Zones which provides zones at Rapaki and Koukourarata (Port Levy). In reviewing these operative provisions, a number of changes and further papakainga zonings were identified that would assist in integrating Ngāi Tahu values into resource management and in furthering the protection of waahi tapu and waahi taonga. Some of these changes are included in other chapters of the Plan eg in Chapter 9 Natural and Cultural Heritage.
3. This chapter focuses on:
 - a. Broadening the scope of Papakāinga zones and provisions to apply to further Maori reserves and other Maori owned land currently zoned Rural;
 - b. Realigning provisions to ensure that the intent of Strategic Directions chapter objectives is reflected in the Papakainga Zone objective, policies and rules and extent of zoning;
 - c. Streamlining the Papakāinga Zone provisions to provide for as many permitted activities as practicable, and significantly reducing the requirement for resource consents, in order to promote the exercise of Kaitiakitanga;
 - d. Providing for a range of activities to support the economic, social and cultural viability of Papakāinga Zones.

1.2 RESEARCH

1. The Council has commissioned technical advice and assistance from various internal and external experts and utilised this, along with internal workshops and community feedback, to assist with setting the framework for the proposed Papakāinga Zones. During the development of this chapter regular meetings were held with a Runanga Focus Working Group and the feedback and directions from those meetings helped significantly in shaping the provisions of this chapter.
2. In addition to the above reports and advice, the Council has compiled, and reviewed material on Tangata Whenua values from the Mahaanui Iwi Management Plan 2013 and other sources. This information has been used to inform the proposed chapter and this Section 32 Report. A recent document of importance is He Whare Ahuru He Oranga Tangata - the Maori Housing Strategy, published by the government in July 2014. Goals in this document including increasing housing on Maori owned land.

1.3 STAKEHOLDER DISCUSSIONS

1. A number of consultative meetings were held in 2014 with the Runanga Focus Working Group
Section 32 publicly notified 2 May 2015

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representing all six Papatipu Runanga under Mahaanui Kura Taiao. Meetings were also held with the trustees of Nga Hau E Wha Marae. These resulted in significant changes to the Papakainga zone to streamline it as much as possible, and the extension of the zoning in accordance with aspirations of Tangata Whenua, both in terms of extending the operative zonings at Rapaki and Koukourarata, and providing additional Papakainga zonings at Wairewa, Tikao Bay and Onuku.

2. In zoning land for Papakāinga, both the Council and stakeholders acknowledge that there are significant challenges to development on some of this land due to distance from urban areas, multiple ownership, financing issues, lack of servicing and other infrastructure, and potential natural hazards. See 2.1 for further discussion on relevant issues.

1.4 STRATEGIC PLANNING DOCUMENTS

1. Many Tangata Whenua issues and values are of a strategic nature. The recently released Independent Hearings Panel decision on the Stage 1 Strategic Directions Chapter of the District Plan review sets the context for the other chapters of the replacement District Plan, "in order that they recognise and provide for the relationships of Ngai Tahu Manawhenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, have particular regard to their role as kaitiaki and take into account the principles of the Treaty of Waitangi".
2. The decision version of the Strategic Directions chapter contains Objective 3.3.3 which is a fundamental driver of this chapter.

"3.3.3 Objective - Ngai Tahu Manawhenua

A strong and enduring relationship between the Council and Ngai Tahu Manawhenua in the recovery and future development of Otautahi (Christchurch City) and the greater Christchurch district, so that:

- a. Ngai Tahu Manawhenua are able to actively participate in decision-making; and
- b. Ngai Tahu Manawhenua's aspirations to actively participate in the revitalisation of Otautahi are recognised; and
- c. Ngai Tahu Manawhenua's culture and identity are incorporated into, and reflected in, the recovery and development of Otautahi; and
- d. Ngai Tahu Manawhenua's historic and contemporary connections, and cultural and spiritual values, associated with the land, water and other taonga of the district are recognised and provided for; and
- e. Ngai Tahu Manawhenua can retain and where appropriate enhance, access to sites of cultural significance.
- f. Ngai Tahu Manawhenua are able to exercise kaitiakitanga."

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3. Other strategic planning documents that have been specifically given effect or had regard to in this chapter are summarised in the table below.

Table 1: Strategic Planning Documents

Document	Part of Document	Relevant provisions the Papakainga Chapter is required to take into account/give effect to
New Zealand Coastal Policy Statement (NZCPS) - <i>Proposed District Plan must give effect to</i>	Policy 2	The Treaty of Waitangi, tangata whenua and Maori heritage: Numerous considerations including recognition that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment.
Canterbury Regional Policy Statement (CPRS) 2013 – <i>Proposed District Plan must give effect to</i>	Chapters 2, 4, 5 and 6	Chapter 4: Include provisions and methods for the relationship between Ngāi Tahu and their ancestral lands, waters, waahi tapu and taonga , and take into account iwi management plans during plan development. Chapter 5: Policy 5.3.4 Papakainga Housing and Marae (Entire Region). This policy is particularly pertinent to this chapter of the replacement District Plan. Recognises that many activities are appropriate on ancestral land, and that Councils should provide for papakainga housing, marae and ancillary activities to be established on ancestral land. Chapter 6 Policy 6.3.10 Maori Reserves. This policy states that Maori Reserves should be developed and used for the purposes for which they were originally reserved, taking into account considerations including natural hazards. The policy applies to Greater Christchurch.
Recovery Strategy for Greater Christchurch – <i>proposed District Plan may not be inconsistent with</i>	Leadership and Integration and Built Environment goals	The Recovery Strategy lists six components of recovery and associated goals. Those goals that are given contributed to in this

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		<p>chapter are:</p> <p><i>1.5 delivering smarter council and government planning and services;</i></p> <p><i>3.1 Enabling and empowering local communities to shape and lead their own recovery</i></p>
<p>Land Use Recovery Plan (LURP)– <i>proposed District Plan must not be inconsistent with</i></p>	<p>Actions 22 and 45</p>	<p>Action 22 of LURP directs the Council to provide for the relationship of Ngai Tahu whanui with Maori Reserves, by enabling that land to be used for its intended purpose, including housing on Maori Reserve 875 (Rapaki).</p> <p>Action 45 directs the District Plan Review to reduce consenting and notification requirements.</p>
<p>Mahaanui Iwi Management Plan (IMP) – <i>proposed District Plan must take into account</i></p>	<p>Issues P3 and P5, Ngai Tahu Subdivision and Development Guidelines, Issues and Policies for Ihutai, Whakaraupo (Lyttelton) and Koukourarata and Akaroa Catchments eg Issue A4.</p>	<p>Directs the participation and particular interests of Ngai Tahu Papatipu Runanga are recognised and provided for in development and use of resources relating to water, landscape and coast. The issues and policies of relevance to the chapter include:</p> <ul style="list-style-type: none"> a. <i>Issue P3: Ngāi Tahu participation in urban and township planning.</i> b. <i>Issue P5: Papakainga: The right to residence, use and development of ancestral land is inhibited by land zoning rules, housing density rules, provision of infrastructure and services and multiple ownership, and lack of council recognition of paper roads and easements as access points to Maori land.</i> c. <i>Policy P5.3: Require that city and district plans recognise and provide for papakainga and marae, and activities associated with these, through.....</i> <ul style="list-style-type: none"> i. <i>Zoning and housing density policies and rules</i>

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		<p><i>that are specific to enabling papakainga and mixed use development, and avoid unduly limiting the establishment of papakainga developments through obligations to avoid, remedy or mitigate adverse effects on the environment.</i></p>
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1.5 ORDER IN COUNCIL

1. The process for the Replacement District Plan is prescribed by the Order in Council made by Government on 7 July 2014. The Order in Council states that the Council must have particular regard to the Statement of Expectations (Schedule 4 of the order). The relevant expectations for the Papakainga Chapter include:

The expectationsare that the replacement District Plan...

(a) clearly articulates how decisions about resource use and values will be made, which must be in a manner consistent with an intention to reduce significantly (compared with the existing district plans) —

- (i) reliance on resource consent processes; and*
- (ii) the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
- (iii) the requirements for notification and written approval:*

(b) contains objectives and policies that clearly state the outcomes that are intended for the Christchurch district:

(d) facilitates an increase in the supply of housing, including by:

- ...*
- (iv) having regard to constraints on environmental and infrastructure capacity, particularly with regard to natural hazards; and*
- (v) providing for a wide range of housing types and locations.*

...

(i) uses clear, concise language and is easy to use.

2. Overall the provisions proposed in the Papakainga Chapter respond to the Statement of Expectations as follows:
 - The objectives and policies for the Papakainga Chapter provide clear direction on the purpose of the zone and the outcomes to be achieved;
 - The chapter contains significantly fewer development controls than the equivalent zones in the Operative City and Banks Peninsula Zones. Controls are generally limited to a basic building envelope, and rules relating to the effects of activities on any adjoining residential zones. Unnecessary controls in the zone have been removed, so that rules in other chapters, or other consents required eg from Ecan are not duplicated.

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- The revised zone should facilitate the ability to build further houses or establish non-residential activity in Papakainga zones, subject to the other constraints that exist.

2.1 RESOURCE MANAGEMENT ISSUES

1. The following summarises the main resource management issues that have been identified in working with Tangata Whenua, with regard to papakainga specifically:
 - a. Limiting of Papakāinga development to Maori Reserves, and only at Rapaki and Koukourarata;
 - b. Lack of development in zoned (rural) Papakāinga areas due to a number of limiting factors, including relative isolation from employment and services, multiple ownership, lack of infrastructure, natural hazards, etc.
2. The following paragraphs provide some basic information about the areas of papakainga zoning proposed in the replacement District Plan, as a background to evaluation of the proposed objectives, policies and rules which follow.
3. Nga Hau E Wha National Marae at Pages Road, Christchurch is administered for the common use and benefit of all Maori, and the wider community, and is recognised as a national marae. It was established in 1980 and serves as a gathering place for all people. The marae is also a resource centre providing training for employment and business ventures, and plays an important role in tourism, and establishing a focus for Maori cultural identity. Following the Canterbury earthquakes it was used as a Court location. The wharenuī, whare whananga and flagstaff provide the cultural and visual focus of the site. This marae and the rural marae and lands described below will be zoned as Papakainga Zone in this District Plan. There is scope for further development at this marae, especially behind the marae buildings. A smaller marae, Te Rehua at Springfield Road in St Albans, plays more of a community centre role for non-local Maori, and also hosts many visitors. At this stage it is not proposed to zone the Te Rehua marae as papakainga, rather Residential Medium Density as it operates under a resource consent and already has nearby housing development associated with it.
4. Two marae in Banks Peninsula have operative Papakainga zones in the operative Banks District Plan and their zonings are being significantly extended in this Plan. These are the Rapaki and Koukourarata (Port Levy) papakainga zones. The Rapaki settlement is the focus of the 850 acres retained by Ngati Wheke as Maori Reserve 875 in 1859, via the Port Cooper Deed by which the Crown received 65,000 acres. The settlement was originally reserved for "habitation" and is based around a marae near the foreshore, and a church. The land proposed to be zoned papakainga is based on the extent of the Maori Reserve land, which includes some multiply owned and some individually owned land. Much of the land above and some of the land below Governors Bay Road is affected by rockfall hazard, and some houses below the main road at the west side of the settlement are red zoned and have had to be demolished. However the settlement is serviced for sewerage and has potential for further development, subject to dealing carefully with the rockfall issue. There is also a need to avoid significant impacts on landscape features such as headlands and to protect the harbour from sedimentation (refer for example to the Iwi Management Plan Policies WH6.1 and WH6.2).
5. Koukourarata marae is also located very close to the sea at Port Levy, and has been recently rebuilt. It is an ancient pa site and was subject to the 1849 Port Levy Deed of Purchase, whereby 1361 acres were shared among 59 owners, including whanau originally living in two other areas, with the Crown receiving 104,000 acres across the centre and eastern part of Banks Peninsula.

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Houses in the settlement are spread along Pa Road and the coastline, and the proposed zone includes not only Maori Reserve land but is interspersed with individually owned farming land. There is bush behind the settlement and many of the partitioned blocks extend up the slope of the hillside. While the core of the area has operative Papakainga zoning, the majority of the Maori Reserve land is currently Rurally zoned. The settlement is not serviced for sewerage or water supply and is relatively remote from urban areas, with the main road access being over the hill from Purau on Lyttelton Harbour. The Iwi Management Plan (IMP) notes the rural and remote character of the area, and advocates for the development of an Area Plan (by tangata whenua) to determine the appropriate level of development in and adjacent to the settlement.

6. The three new papakainga zones in this Plan are at Wairewa, Tikao and Onuku. The Wairewa marae is to the north of and adjoining the Little River settlement. The Maori Reserve land extends across the flat land and lower slopes of the eastern Little River Valley. Lake Wairewa (Forsyth) was a food basket for the local people and is now a customary fishery under the management of Ngai Tahu. There do not appear to be any houses on the Maori Reserve land associated with the marae. The land is interspersed with land which is not Maori Reserve, and is fragmented by roads and streams but much appears to be buildable, subject to flooding issues being able to be satisfactorily dealt with. Wairewa Pa Road would need to be upgraded at some point. There is a water supply but no reticulated sewerage. The IMP suggests a concern about servicing in this valley, and the cultural health of the lake. It notes that it is imperative that subdivision and residential land development including for lifestyle blocks, are consistent with the tangata whenua vision for the wider catchment, and do not compromise existing landscape values or aspirations for future revegetation.
7. The settlement at Tikao Bay is not on Maori Reserve land but there is much Maori Reserve land to the south on headlands and on land adjacent to the Wainui Main Road. There is no marae here to serve as the centre of a papakainga community and there has been no development on the papakainga zoned land, partly because of the 40 ha minimum site size for a dwelling in the operative Rural zone. While there is potential for some Papakainga development adjoining the existing settlement, the land to the immediate south is relatively steep, and any further housing will not be able to be serviced by the existing small package sewage treatment plant. There is also a small private water scheme taking water from two adjoining streams for the existing settlement. There are significant areas of native bush on this land and with some of it very visible from Akaroa township as a backdrop to the Akaroa Harbour. The IMP states in Issue A4 that Maori landowners should be able to build homes and establish kaumatua flats on Maori land here (Opukutahi) and mentions that Council policy and rules for rural zoning and subdivision have prevented this. The Plan also states in A3.1 that there is a need to retain the rural environment and concentrate settlements in areas around the harbour which are able to absorb change; and points out the importance of ridgelines on the western side of Akaroa Harbour. There are pa sites on the headlands.
8. Onuku Marae to the south of Akaroa was the site of the first signing of the Treaty of Waitangi within the Ngai Tahu takiwa, and is traditionally the scene of Waitangi Day celebrations for this area. It was also the site of the 1998 apology from the Crown for historical breaches of the Treaty in dealings with Ngai Tahu. This whareniui and associated dining hall was rebuilt in 1997 and is on Maori Reserve 886 established in 1856. It is also used by the wider tribal community. There is an associated small Maori Anglican church listed by the Historic Places Trust as a Category 1 item. Onuku is at the start of the Banks Peninsula walking track, so many people pass through the area, and there may be opportunities for small scale commercial development. Issue A4 in the IMP states that Maori should be able to build homes and kaumatua flats here, as at Tikao, but the land is unserviced. Historically there were houses along this coast and behind the marae.

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RESOURCE MANAGEMENT ISSUE 1 – Papakāinga Development in More Locations

DISCUSSION

Tangata Whenua traditionally had connection with their ancestral lands through building and living on their ancestral lands. Successive governments both at central and local level have impeded this relationship in various ways (for example in the case of local government through relatively high minimum site sizes in rural areas), and economic forces have resulted in the majority of the Maori population living and working in urban areas. However some still live on land around rural marae, and many retain a relationship with their ancestral land. Some wish to return to live and work there.

In 2013 the six Papatipu Runanga making up the hapu holding manawhenua rights over land and waters in the Canterbury area published the Mahaanui Iwi Management Plan, setting out their vision for their role in resource management for the next 10-20 years, and lodged it with the Council. This means that Council has a statutory duty to take it into account in developing this proposed replacement District Plan. While the content of the IMP is wide, covering many resource management topics, It is significant that Policy P5.3 requires that District Plans : *"Recognise and provide for papakainga and marae, and activities associated with these, through.... zoning and housing density policies and rules that are specific to enabling papakainga and mixed use development, and avoid unduly limiting the establishment of papakainga developments through obligations to avoid, remedy or mitigate adverse effects on the environment."*

Other higher level planning documents which Council must give effect to have also been set out above, and these signal similar policy directions, albeit in a less specific manner. The replacement District Plan Strategic Directions Chapter decision from the independent Hearings Panel is the most recent of these documents and clearly states an expectation that Ngai Tahu Manawhenua's historic and contemporary connections, and cultural and spiritual values, associated with the land, water and other taonga of the district are recognised and provided for; and that Ngai Tahu Manawhenua are able to exercise kaitiakitanga. The Regional Policy Statement Policy 5.3.4 states that local authorities should consult directly with the beneficial owners of ancestral land and together with Te Runanga o Ngai Tahu, identify ancestral land, to inform their district plans including by reference to the Maori Land Court's data base recording land tenure under the Te Turi Whenua Maori Act/Maori Land Act 1993.

PROPOSED DIRECTIONS

Following consultation with the Runanga Focus Working Group, it has been determined that Papakainga zoning ought to be extended to all areas identified by the Maori Land Court as having concentrations of Maori Reserve land, in order to better facilitate Papakāinga development associated with marae and other Maori Reserved land. It is also considered that there is no reason for Council not to permit the exercise of kaitiakitanga by Manawhenua over this land to the fullest extent possible, especially given the existence of the IMP, which explicitly considers many resource management issues relating to papakainga and their catchments.

This does not mean that all land zoned papakainga is now available for development for urban purposes, and this should not be inferred from the zoning. The zoning will allow both for residential (urban) and non-residential activities, including rural farming and other primary industry based activity. While there are a number of permitted activities proposed for the zone and few built form standards, other chapters of the Plan deal with issues such as natural hazards, natural and cultural heritage including outstanding landscapes, and coastal natural character areas, servicing in regard to water supply and sewerage disposal and traffic and access. Some of these chapters require consents for development in parts of papakainga areas. See RM Issue 2 below for further discussion.

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As well, the IMP sets out environmental limits to the development that is appropriate, for example for reasons of landscape values or water quality issues. In some cases it signals that more work (led by tangata whenua) would be appropriate to determine the appropriate level of development in and adjacent to the settlement eg Koukourarata. The same could also apply to other newly zoned papakainga areas eg Wairewa, Tikao and Onuku. Council should assist tangata whenua in this process to the extent that its resources permit - see Resource Management Issue 2.

RESOURCE MANAGEMENT ISSUE 2 – Facilitating Papakāinga Development by Flexibility in Zoning and Working with Manawhenua to address Constraints

DISCUSSION

In the 21st century, with most Maori having left their ancestral lands for employment in urban areas, Papakainga settlements need to be as sustainable as possible and as self-sufficient as practicable. This will enable them to contribute to meeting the social and economic aspirations of whanau, including adequate housing, employment, health, and education and the provision of goods and services. This is especially the case where papakainga zones are situated in relatively isolated locations, beyond commuting distance to employment elsewhere.

While Papakāinga Zones have been provided in the Banks Peninsula Plan in the past, little new development has occurred because of the constraints of remote locations, multiple land ownership, financing difficulties, lack of infrastructure, especially sewerage and sometimes poor roading, restrictive planning rules, and general unsuitability of some of the land for development. More recently the Canterbury Earthquakes have highlighted land stability issues eg at Rapaki, where some of the land has been red-zoned by CERA due to rockfall hazard, and large floods in 2013 and 2014 have affected the Little River Valley including Wairewa.

Council cannot influence locations and tenures of land except in regard to any subdivision occurring. However it can smooth the path to further development by removing restrictive zoning rules, and working with tangata whenua to address other planning and development issues.

PROPOSED DIRECTIONS

In this revision of the Papakainga zoning, Council has provided for as wide a range of activities as possible as permitted activities, to allow for income generating activities, and with as few activity standards as possible. Papakainga zoning provides for urban type activities as well as rural ones, but it will be up to Manawhenua to choose locations within the zone which are suitable for these activities. The only discretionary "urban" type activities will be land based activities associated with fishing and aquaculture, and administrative activities, as Council does not wish to promote larger scale industrial or commercial activity with potentially greater environmental or traffic effects in these areas.

It is expected that some concentration of activities will occur around the existing settlements, but Council does not propose to limit particular activities only to the "urban" parts of the settlements or define the settlement boundaries, as Manawhenua may also wish to build on ancestral land elsewhere in the zones. It is understood that one of the reasons that few houses have been built in these areas in recent years is the 40 ha minimum site size in the operative Banks Peninsula Plan for rural zones. It is unlikely that some spreading of development would cause significant effects on neighbours, as most of the papakainga zones are in rural areas with few close neighbours anyway. In the previously papakainga zoned areas, there has been a minimum site size of 800m² (as for other small settlements), because of lack of reticulated sewage disposal, and the need for septic tank disposal fields. Density standards are proposed to be deleted within the Papakainga zones. Where manawhenua wish to promote a greater intensity of development, they will need to propose

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solutions to this issue which protect private and public health and water quality, for example they may need to provide private package treatment plants. Building consents and consents from Ecan will still be required for septic tanks or other wastewater disposal systems.

Simple building envelope rules are retained (recession planes at residential boundaries, internal boundary setbacks and road boundary setbacks) but other standard planning rules have been deleted in the zone eg site coverage, and building height rules, outdoor living space standards , setback from water frontage and visual amenity (outdoor storage) rules. It is intended that whanau are able to make their own decisions on how they wish to layout development, and what level of amenity they require, in accordance with the concept of affording them kaitiakitanga over their own land.

The generally high landscape quality of the Banks Peninsula means that there will be some locations within the papakainga zones where development should not occur. Chapter 9 of the Plan includes rules relating to landscapes which in some cases require planning consents, with the possibility of refusal of consent. The Stage 2 Planning Maps show the various categories of landscape across the papakainga zones.

Chapter 5 of the Plan contains rules relating to natural hazards, including requirements for geotechnical assessment across the Peninsula when subdivision occurs, in respect of liquefaction on flat land and slope instability on sloping land (the majority of the Peninsula). Consents are also required for new buildings and structures (irrespective of whether or not subdivision occurs) across the hilly areas of the Peninsula ie, those areas more than 20m above sea level. This is because while some geotechnical work was done in 2008 around Akaroa Harbour, the previous Banks Peninsula District Plan slope stability maps could not be relied upon to be robust and have been removed from the replacement Plan, and none of the work on the Peninsula other than at Rapaki has been updated since the Canterbury Earthquakes. No distinction has been made between papakainga and other zones on the Peninsula in this regard, but it is possible that geotechnical assessment could be undertaken on an area wide basis in the future, to at least provide preliminary assessments of site suitability.

Council will work with Manawhenua to address such constraints, where its resources and work programmes permit, but expects that manawhenua may need to undertake some of this work themselves, to build on the directions signalled in the Iwi Management Plan for these settlements, ie to better determine appropriate levels and locations for development.

2.1.2 Scale and Significance

The proposed approach to zone more Maori Reserves and additional areas for Papakāinga is a significant shift from the previous plans. This is in recognition of the fact Tangata Whenua want to continue to relate with their ancestral lands by developing and living on the land. This will give Tangata Whenua from different Runanga the opportunity to build houses around their Marae, which can form focal points for social and cultural activities. The ability to locate non-residential uses of appropriate scale in these areas will provide some opportunity for income for whanau to sustain themselves in these locations culturally and economically.

Some of the Maori Reserve areas have significant development limitations, and it is essential that these are addressed in the development of these areas.

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3 Evaluation of the Proposed Provisions

Section 32(1)(a) of the Resource Management Act (the Act) requires the Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose (Section 5) of the Act.

3.1 Evaluation of the Proposed Objective

3.1.1 Evaluation of Proposed Objective 1: Kaitiakitanga

GENERAL POLICY DIRECTION OPTIONS & RECOMMENDATIONS
<p>Option 1 (Status Quo) Existing Plan Objectives</p> <p>The Operative City Plan has a broad Objective 5.1 "To recognise the importance of, and provide for, the relationship of Maori, their culture and traditions with ancestral lands, waters, sites, waahi tapu and other taonga.". While Policy 5.1.1 makes this more specific: "To recognise the rights of Tangata Whenua to manage their ancestral land and resources in a sustainable manner", the Objective merely restates section 6(e) of the RMA and does not specify outcomes, nor does the Policy specify actions which will be taken to achieve these outcomes. The Cultural 2 zone is a site specific zone applying to the National Marae at Pages Road. This zone is not on ancestral land, having only been established in the 1980s, although the purpose of that zone includes: "Provide a place of common ground where the cultural and social activities of the Maori community can be given their fullest expression, and assisting in promoting the cultural, social and general welfare of the people".</p> <p>The Operative Banks District Plan includes similar broad Objectives, eg in Chapter 5 Objective 3 "to recognise and provide for the culture and traditions of tangata whenua", but also implements this in zoning by the provision of a Papakainga zone at Rapaki and Koukourarata. It notes that in future the zone may be applied to other localities where the objectives and policies of the Plan and of the zone can be met. A particular concern appears to have been earthworks in areas of soil and slope instability, and rural landscape, including effects on the amenity of adjoining properties. While dwellings are permitted within the zone, "papakainga housing" (residential units for tangata whenua) is a controlled activity, which appears inconsistent. Only the portions of Maori reserves with existing small sites are zoned for papakainga; presumably because of a philosophy that settlements should be concentrated and because of an overall concern that "valued environmental and amenity standards are being compromised by poorly managed development" eg problems with stormwater disposal and water quality and roading which is too steep or narrow.</p>
<p>Option 2 (Proposed Objective) Kaitiakitanga</p> <p>The proposed objective for the Papakainga Zone is more specific than the operative objectives and incorporates elements of partnership between Council and Tangata whenua, and the promotion of kaitiakitanga over land in and around Maori Reserves, in accordance with the principles of the Treaty of Waitangi (section 8 of the Act), section 7 of the Act and the Strategic Directions decision of the Independent Hearings Panel.</p>
ADOPTED GENERAL DIRECTION
<p>Option 2 is considered preferable as it is more specific, and more action focused than Option 1, in setting out Council's intended outcomes for Papakainga zones.</p> <p>While allowing for a greater degree of kaitiakitanga in these locations, Council needs to work with</p>

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Manawhenua to find ways of resolving those issues within its control that have proved to be stumbling blocks to sustainable development within Papakainga zoned areas.

OBJECTIVE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE ACT	
Objective	Summary of Evaluation
<p>4.1.1 OBJECTIVE -KAITIAKITANGA Ngai Tahu Manawhenua within the District are able to exercise Kaitiakitanga over land in Papakainga Zones to the fullest extent practicable, subject to health, safety, and amenity standards.</p>	<p>Relation to Resource Management Issue</p> <p>The proposed objective relates clearly to the resource management issues identified above of:</p> <ul style="list-style-type: none"> i. Papakainga development in more locations ii. Facilitating Papakāinga Development by Flexibility in Zoning, and Working with Manawhenua to address Constraints. <p>Council’s policy direction is further elaborated on in Policies 4.1.1.1, 4.1.1.2, and 4.1.1.3.</p> <p>Several statutory influences have contributed to this revised objective, including sections 6(e), 7 and 8 of the RMA, the RPS and the recent decision of the Hearings Panel on the Strategic Direction chapter of the replacement District Plan.</p> <p>The objective also reflects the purpose of the Act in enabling communities to provide for their social, economic, and cultural well-being, while avoiding remedying or mitigating adverse effects of activities on the environment, including people and communities.</p> <p>The previous objectives for tangata whenua's relationship with their ancestral land were broad and high level and it was unclear how they were to be implemented. While there is a Papakainga zone in the Banks Operative Plan, much Maori land has not been zoned papakainga and perhaps unintentionally, minimum site sizes and a concern about landscape and amenity values have operated in combination with other constraints to restrict development on Maori land, including development of non-residential economic activity.</p> <p>The Statement of Expectations in the Order in Council for the preparation of the replacement District Plan requires a reduction in reliance on consent processes and the prescriptiveness of controls. This is especially appropriate in circumstances where Manawhenua have begun to develop their own guidance on how they wish their own communities to develop, through the Mahaanui Iwi Management Plan.</p>

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	Overall it is considered that the objective is the most appropriate way to achieve the purpose of the Act with regard to Papakainga zones in Christchurch.
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3.2 Evaluation of proposed policies, rules and methods

Rules/Method(s) Most Appropriate	Effectiveness and Efficiency
<p>Option 1: Proposed policies and rules</p> <ul style="list-style-type: none"> a) Extend papakainga areas to broadly cover all concentrations of Maori land; b) Provide for a wider range of non-residential activities than in operative Banks zoning; c) Reduce built form standards to an absolute minimum; d) Remove density standards and any rules which address issues also being dealt with elsewhere; 	<p>Effectiveness</p> <ul style="list-style-type: none"> 1. Makes a real contribution to the exercise of kaitiakitanga over Maori land and ancestral Maori land. 2. Easy to understand. <p>Efficiency</p> <ul style="list-style-type: none"> 3. There is already an IMP which sets out Ngai Tahu objectives, and policies for resource and environmental management in the takiwa, including specific policies on subdivision and development and coastal land use and development. There are also policies on specific Papakainga areas in Part 6 of that document, some of which are relatively detailed eg those for Koukourarata. 4. Removal of overlap with rules in other parts of the plan, eg Chapter 9, Chapter 5. <p>Benefits</p> <ul style="list-style-type: none"> 5. Council will not be "unduly limiting the establishment of papakainga developments through obligations to avoid, remedy or mitigate adverse effects on the environment." 6. Considerable areas of Maori land will be rezoned from Rural to Papakainga which will make it more available for potential development. <p>Costs</p>

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	<p>7. Possibility of lack of appreciation of the environmental constraints affecting these areas and the need for non- District Plan consents.</p> <p>8. Need for further work to establish the appropriate level of development within and adjacent to some of these settlements.</p>
<p>Rule/method options less or not as appropriate to achieve the Objectives and Policies:</p>	
<p>Option 2: Status quo (operative policies and rules)</p> <p>a) Papakainga zones covering limited settlement areas;</p> <p>b) Non-residential activities relatively restricted;</p> <p>c) Continue with built form standards consistent with those for Residential Small Settlement zones;</p> <p>d) Continue with density standards and policies on earthworks/slope stability, rural landscape and amenity values etc.</p>	<p>Appropriateness</p> <p>1. Ignores the work of the Runanga Focus Group to improve planning provision for Maori land, and ignores directions in the Mahaanui Iwi Management Plan.</p> <p>2. Ignores several statutory imperatives including more recent ones such as specific RPS policies, the decision on the Strategic Directions chapter etc. Also ignores the Maori Housing Strategy.</p> <p>3. Ancestral land is a finite resource at fixed locations, often in close proximity to the coast, and can be distinguished from the generality of land. It is inappropriate to allow planning restrictions to contribute to an inability to develop this land at all.</p>
<p>Option 3: A zoning between Options 1 and 2</p> <p>a) Zoned areas extended as in Option 1 but some parts of the papakainga zones indicated as unavailable for development;</p> <p>b) Some additions to permitted non-residential activities;</p> <p>c) Reduce built form standards but retain rules such as outdoor living space, and an emphasis on visual amenity;</p> <p>d) Retain density controls.</p>	<p>Appropriateness</p> <p>1. While a) is desirable, it is likely to be unachievable at present without significantly more work, eg to integrate existing geotechnical information in these areas, and establish where further work is required.</p> <p>2. A wider range of permitted employment and service opportunities is required to make these (often remote) settlements more viable.</p> <p>3. Outdoor living space, minimum distances between units on the same titles, etc can be self regulated in a community setting.</p> <p>4. It would be a "safe" approach to retain the 800m² site size within existing settlements and the 40 ha minimum site size beyond, but more radical change is desirable.</p>

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Risk of Acting or Not Acting

The information available is considered sufficient to inform the proposed provisions without the need to take account of the risk of acting or not acting (s32(4)(b) of the Act).

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APPENDIX 1: LINKAGES BETWEEN PROVISIONS

Linkages and grouping of provisions under proposed Policy Direction

Strategic Directions	Papakāinga Chapter Objectives	Policies	Rules
<p>3.3.3 Objective - Ngai Tahu Manawhenua</p> <p>A strong and enduring relationship between the Council and Ngai Tahu Manawhenua in the recovery and future development of Otautahi (Christchurch City) and the greater Christchurch district, so that:</p> <ul style="list-style-type: none"> a. Ngai Tahu Manawhenua are able to actively participate in decision-making; and b. Ngai Tahu Manawhenua's aspirations to actively participate in the revitalisation of Otautahi are recognised; and c. Ngai Tahu Manawhenua's culture and identity are incorporated into, and reflected in, the recovery and development of 	<p>4.1.1 Objective - Kaitiakitanga</p> <p>Ngai Tahu Manawhenua within the District are able to exercise Kaitiakitanga over land in Papakāinga zones, to the fullest extent practicable, subject to health, safety and amenity standards.</p>	<p>4.1.1.1. Policy: Provision for a Range of Residential and Non-Residential Activities</p> <p>4.1.1.2 Policy: Sustainable Development</p> <p>4.1.1.3 Policy: Minimise Adverse Effects on Neighbouring Zones</p>	<p>4.2.2.1 Permitted Activities</p> <p>4.2.2.2 Restricted Discretionary Activities</p> <p>4.2.2.3 Discretionary Activities</p> <p>4.2.2.4 Non - Complying Activities</p> <p>4.2.3 Built Form Standards</p> <p>4.3 Matters of Discretion</p>

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Strategic Directions	Papakāinga Chapter Objectives	Policies	Rules
<p>Otautahi; and</p> <p>d. Ngai Tahu Manawhenua's historic and contemporary connections, and cultural and spiritual values, associated with the land, water and other taonga of the district are recognised and provided for; and</p> <p>e. Ngai Tahu Manawhenua can retain and where appropriate enhance, access to sites of cultural significance.</p> <p>f. Ngai Tahu Manawhenua are able to exercise kaitiakitanga.</p>			

APPENDIX 2: BIBLIOGRAPHY

The following documents have largely directed the preparation of this Plan review and influenced its content:

1. Mahaanui Iwi Management Plan 2013 - volumes 1 and 2
2. Operative Christchurch City Plan
3. Operative Banks Peninsula District Plan
4. He Whare Ahuru He Oranga Tangata – The Maori Housing Strategy - MBIE, July 2014
5. Operative Hamilton District Plan
6. Proposed Auckland Unitary Plan.