

Section 42A Officer's Report

Hearing Stream 7: Other Topics

Topic: Papakāinga chapter (and associated rules)

Prepared by: Cristal Bennett
Pou Whakamahere Kaupapa Here (*Senior Tikanga Policy Planner*)
Hutt City Council

Reviewed by: Nathan Geard
Planning Policy Manager
Hutt City Council

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1 Contents

1	Contents	2
2	Introduction.....	4
2.1	Purpose of this report	4
2.2	Scope and Structure	4
2.3	Author – Cristal Bennett	5
2.4	PDP chapters relevant to Papakāinga	6
2.5	Tangata Whenua	6
2.6	Supporting evidence.....	7
2.7	Procedural issues	7
2.8	Relevance of the PDP exemption for Papakāinga and Strategic Directions relating to Tangata Whenua	8
3	PK – Papakāinga chapter.....	9
3.1	Chapter summary	9
3.1.1	Papakāinga objective.....	9
3.1.2	Policies.....	10
3.1.3	Papakāinga rules.....	11
3.1.4	Definitions.....	12
4	Statutory and Policy Context	13
4.1	Summary of Statutory and Policy Context	13
4.2	National Environmental Standards for Papakāinga (NES-P)	14
5	Key resource management issues	18
6	Submissions	19
6.1	General Support.....	19
6.2	Definitions	20
6.2.1	Kāinga.....	20

6.2.2	Māori land	20
6.2.3	Papakāinga	20
6.3	Māori ancestral land.....	21
6.4	Objectives and Policies	22
6.5	Residential zones – Papakāinga rules (LLRZ-R5, MRZ-R5, and HRZ-R5)	25
6.6	General Rural Zone – Rule GRUZ-R7.....	29
7	Conclusion.....	30
8	Attachments	31

2 Introduction

2.1 Purpose of this report

- (1) This report is the Officers' Report for *Hearing Stream #7 – Other topics*, for the Papakāinga chapter and related rules and Tangata Whenua Strategic Directions of the PDP.
- (2) This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:
 - a. Assist the Hearing Panel in making their recommendations on the submissions and further submissions on the Proposed Lower Hutt District Plan (the PDP), and
 - b. Provide submitters with information on how their submissions/further submissions have been evaluated by the reporting officer(s) for this hearing stream, and their recommendations to the Hearing Panel.
- (3) The Hearing Panel may choose to accept or reject the conclusions and recommendations of these reports, or may come to different conclusions and make different recommendations, based on the information provided, including evidence provided to them by submitters.

2.2 Scope and Structure

- (4) This report addresses submissions on the Papakāinga chapter of the PDP.
- (5) This report also addresses submissions on the proposed rules for Papakāinga that are in the Residential Zone, Rural Zone and Marae Zone chapters.
- (6) The report includes:
 - A brief summary of the Papakāinga chapter and associated rules,
 - A summary of the key statutory and policy context,
 - A summary of the submissions and further submissions that relate to the chapter,
 - A discussion on the key resource management issues raised through the submissions, and

- A discussion on the matters raised and decisions requested in submissions, with recommendations on decisions requested from the author of that part of the report.

2.3 Author – Cristal Bennett

Tēnā Koutou Katoa,

Ko Tokerau te Maunga i tu iho mai

Ko Orongo te Pā o Pūhi kaitiaki o Matātua waka, I moe mai i te awa o Takou

Ko Ngati Rehia me Ngati Hine nga hapū

Ko Ngāpuhi te iwi

Ko Cristal Bennett ahau.

- (7) My name is Cristal Bennett. I am employed by the Council as the Senior Pou Whakamahere Kaupapa Here and sit within the Te Tira Māori and Policy Planning Teams. I hold a Masters in Planning Practice from the University of Auckland and a Masters of Business Administration from the Auckland University of Technology. I am an intermediate member of the New Zealand Planning Institute.
- (8) With more than 15 years of experience in various resource consent planning (RMA) and Team Leadership roles within both local and regional councils, I have developed a specialisation in Te Ao Māori and tikanga. This enables me to translate government legislation for hapū/iwi and integrate cultural values and perspectives into my work.
- (9) I started working on the District Plan Review in March 2024, focusing on the Te Ao Māori chapters. During this process, I engaged extensively with mana whenua which provided the foundations for all the Te Ao Māori Chapters, through to writing the corresponding Section 32 evaluation reports. Additionally, I recently completed the RMA Making Good Decisions Course in 2025, which was offered by what was then the Ministry for the Environment (now part of the Ministry for Cities, Environment, Regions and Transport).
- (10) Although this is a Council hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct when preparing my written report and I agree to comply with it when I give any oral evidence.

- (11) Other than where I state that I am relying on the advice of another person, this evidence is within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- (12) Any data, information, facts, and assumptions I consider in forming my opinions are set out in the part of the evidence in which I express my opinion. Where I have set out opinions in my evidence, I have given reasons for those opinions.

2.4 PDP chapters relevant to Papakāinga

- (13) The Papakāinga provisions are intentionally integrated within the relevant Residential Zone, Rural Zone and Marae Zone chapters of the PDP. This approach provides flexibility for plan users by allowing them to rely on either the Papakāinga-specific provisions or the underlying zone provisions, depending on the nature and context of the proposed activity.
- (14) The Strategic Directions that are specific to Tangata Whenua and the Tangata Whenua chapter are also of some relevance to papakāinga. Submission points on these Strategic Directions and the Tangata Whenua chapter were discussed in Hearing Stream #1, and recommendations on those submission points were provided through the Officer's Report for that hearing.

2.5 Tangata Whenua

- (15) The Tangata Whenua chapter provides direction on the recognition of tangata whenua values, relationships, and matters of significance within resource management processes by:
- providing guidance for planning practitioners and applicants on statutory and best-practice engagement with iwi and tangata whenua;
 - recognising and providing for the relationship of tangata whenua with their whenua, resources, culture, and traditions; and
 - identifying matters of particular significance to tangata whenua.
- (16) Hutt City Council has existing memoranda of understanding (MoUs) with mana whenua entities, including Taranaki Whānui ki te Upoko o te Ika, Te

Rūnanganui o Te Āti Awa, the Wellington Tenth Trust, and the Palmerston North Māori Reserves Trust. These MoUs set out the basis for Council's strategic relationship with each party and reflect the principles agreed through those arrangements.

- (17) The historical and cultural context in the chapter has been provided by mana whenua through consultation with the Kāhui Mana Whenua engagement group. This historical account assists plan users to understand the longstanding relationship of iwi and hapū with Lower Hutt, including their connections with the land.
- (18) Through the engagement with the Kāhui, Mana whenua have expressed what is important to them through the District Plan and other work with Council, including to strengthen partnerships with Council, play a significant role in environmental sustainability, protecting the mauri of all waterbodies and to be able to continue their Kaitiaki role in Lower Hutt.
- (19) These mana whenua values are supported by sections 6(e), 7(a) and 8 of the RMA – that require Council to recognise and provide for tangata whenua relationships with ancestral lands, water, sites, wāhi tapu and other taonga, have particular regard to kaitiakitanga, and take into account the principles of Te Tiriti o Waitangi in resource management processes.

2.6 Supporting evidence

- (20) Other than the s32 evaluation report for the Papakāinga chapter, there is no additional supporting evidence for this report because of the relatively low number of submissions received.

2.7 Procedural issues

- (21) In writing this report, no pre-hearing conferences, clause 8AA meetings, or expert witness conferencing have taken place regarding submissions on the Papakāinga chapter and the associated rules.

2.8 Relevance of the PDP exemption for Papakāinga and Strategic Directions relating to Tangata Whenua

- (22) I have reviewed the Council's plan stop exemption application and Minister's approval, which fully encompasses the Papakāinga chapter and related rules.

3 PK – Papakāinga chapter

3.1 Chapter summary

- (23) The proposed Papakāinga chapter (PK chapter) sits within the General District-Wide Matters section of the Proposed District Plan (PDP). The chapter addresses a key resource management issue: the extent to which the planning framework enables Māori to utilise and develop their ancestral lands in accordance with tikanga, to meet housing, cultural, and community needs.
- (24) Papakāinga is recognised as a distinct land use activity that differs from conventional residential development. It enables multi-generational living and can include a range of ancillary activities, including cultural, educational, social, and small-scale commercial activities. These activities reflect the integrated nature of Māori ancestral land use and occupation.
- (25) The chapter is structured around a single objective supported by enabling policies. Notably, the chapter does not contain rules. Instead, Papakāinga rules are purposely embedded across multiple residential, rural and the marae zones.

3.1.1 Papakāinga objective

- (26) The Papakāinga objective PK-O1 captures the aspirations of mana whenua to restore their spiritual and whakapapa connections to their ancestral whenua.

PK-O1 – Provision for Papakāinga:

“Māori with ancestral land in Lower Hutt are able to develop Papakāinga on that ancestral land, supporting the restoration of whānau connections to their whenua. Papakāinga can include multi-generational living and a range of other activities that support the community within the Papakāinga, such as marae, community facilities, educational facilities, and small-scale commercial or agricultural activities.”

3.1.2 Policies

- (27) The Papakāinga policies are designed to acknowledge the aspirations that mana whenua have voiced, providing a clear pathway for papakāinga development with confidence and certainty.

PK-P1 – Acknowledge the cultural and historical significance of Papakāinga

'Recognise:

- 1. The cultural and historical significance of Papakāinga development on ancestral Māori land, and;*
- 2. The benefits of Papakāinga in providing for more housing on Māori land and restoring whānau connections to their whenua.'*

PK-P2 – Activities of Papakāinga

'Recognise that Papakāinga can include a range of activities that support Papakāinga residents and their community that are not typically part of more conventional housing developments, including marae, community facilities, educational facilities, and small-scale commercial and agricultural activities.'

PK-P3 – Providing for papakāinga

'Provide for papakāinga on Māori land through flexible land use rules that accommodate the unique needs of papakāinga, including a range of housing types, communal living arrangements, and mixed-use developments, while ensuring:

- 1. Papakāinga is either:
 - a. Sufficiently supported by existing or planned three waters infrastructure and the development would not compromise the capacity and level of service of the infrastructure, or*
 - b. An alternative method to service the development with three waters infrastructure is proposed to resolve any constraints,**
- 2. The transport network can safely and efficiently provide access to and from the site without compromising the safety and efficiency of the transport network, including for pedestrians,*
- 3. Papakāinga is designed to achieve the outcomes sought for the relevant zone (and where applicable, precinct) in relation to the boundary between the development and adjoining sites, including (but not limited to):*

- a. Outcomes for the amenity and character of the zone, precinct and surrounding area,
 - b. Outcomes for public spaces, including the streetscape,
 - c. Urban design outcomes, and
 - d. Reverse sensitivity, and
4. Papakāinga achieves the outcomes sought in other District-Wide chapters.'

3.1.3 Papakāinga rules

(28) Table 1 sets out the relevant rules for papakāinga.

Table 1: Papakāinga provisions in zone chapters

Residential Zones	
LLRZ-R5 - Papakāinga	Permitted where compliance is achieved with LLRZ-R5.1, otherwise Restricted Discretionary.
MRZ-R5 - Papakāinga	Permitted where compliance is achieved with MRZ-R5.1, otherwise Restricted Discretionary.
HRZ-R5 - Papakāinga	Permitted where compliance is achieved with HRZ-R5.1, otherwise Restricted Discretionary.
Rural Zones	
GRUZ-R7 - Papakāinga	Restricted Discretionary where compliance is achieved with GRUZ-R7.1, otherwise Restricted Discretionary.
RLZ-R7 - Papakāinga	Restricted Discretionary where compliance is achieved with RLZ-R7.1, otherwise Restricted Discretionary.
Marae Zone	
MAZ-P2 - Marae Activities	To enable Marae and ancillary activities, including papakāinga housing and kaumātua housing.
MAZ-P - Residential Activities	Provides for residential activities, including papakāinga housing and kaumātua housing.

MAZ-R5 - Papakāinga	Permitted – Land use activities
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- (29) The Marae Zone (MAZ) provisions have not been assessed in this report as recommendations that relate to MAZ were made in Hearing Stream #4.
- (30) While there are no papakāinga specific rules in the Commercial and Mixed-Use Zone chapters, this is due to the rules in those chapters already enabling the wide range of activities that are often part of papakāinga (such as community facilities and commercial activities).

3.1.4 Definitions

- (31) The policies of the Papakāinga chapter refer to 'Māori land'. The PDP definition of **Māori land** is as follows:

"means land that is any of the following:

- a. Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):*
- b. land vested in the Māori Trustee that—*
 - i. is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and*
 - ii. remains subject to that Act:*
- c. land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:*
- d. land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):*
- e. the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:*
- f. land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the Mana Whenua over the land."*

- (32) In addition, a new definition of Papakāinga is included in the PDP to provide certainty for plan users and because Papakāinga definitions nationwide seem to differ. The new definition within the PDP is:

"means housing and ancillary activities (including social, cultural, educational, recreational, and commercial activities) for tangata whenua on their ancestral land."

4 Statutory and Policy Context

4.1 Summary of Statutory and Policy Context

- (33) The statutory and policy context relevant to the Papakāinga chapter is outlined in detail in the s32 evaluation report for this chapter.
- (34) While it is not necessary to repeat the details of the relevant RMA provisions outlined in the section 32 report, the key statutory and policy documents identified in that report are as follows:

Resource Management Act

- (35) Provides the statutory foundation for the chapter. Section 6(e) requires recognition and provision for the relationship of Māori and their culture and traditions with ancestral lands, water, sites, wāhi tapu and other taonga. Section 7(a) requires particular regard to kaitiakitanga, and section 8 requires the principles of Te Tiriti o Waitangi to be taken into account.

National Environmental Standards for Papakāinga (NES-P)

- (36) The NES-P is the primary Papakāinga-specific national direction instrument. It came into force on 2 July 2026 and provides nationally consistent planning rules to enable Papakāinga on Māori ancestral land while managing environmental effects. It creates a permitted activity pathway for smaller developments that meet standards and clear consent pathways for larger or non-complying proposals.
- (37) The NES-P takes precedence where district plan provisions are more restrictive, although district plan rules may be more enabling. In section 6.4 of this report I recommend aligning relevant PDP thresholds and standards with the NES-P rather than delaying alignment through a future plan change or continuing to be inconsistent.

Te Ture Whenua Māori Act 1993

- (38) Provides the principal legal framework for Māori customary land and Māori freehold land. It is relevant to the land tenure context for Papakāinga and assists in understanding the relationship between ownership, whakapapa and ongoing occupation of Māori land. It is not the principal planning instrument

for the chapter, but it informs the land status and ownership context to which the Papakāinga provisions apply.

National Policy Statement on Urban Development 2020 (NPS-UD)

- (39) Provides supporting national policy direction for housing choice and well-functioning urban environments. It is relevant because planning decisions should enable Māori to express cultural traditions and norms, and take into account Te Tiriti principles. Its relevance is supportive rather than determinative, as the NES-P is the more direct national direction instrument for Papakāinga.

Local Government Act 2002

- (40) Relevant as broader local government context, particularly the promotion of social, economic, environmental and cultural wellbeing of communities. It supports the wider wellbeing outcomes associated with Papakāinga, but it is not a primary driver of the district plan provisions. Relevant to Māori wellbeing, partnership and access to participation in local decision-making.

Te Herenga Kairangi 2024 and Rautaki Whakatipu Sustainable Growth Strategy

- (41) These documents are relevant to understanding Council's broader strategic direction and Māori outcomes, including papakāinga housing aspirations.
- (42) They are not legislation or statutory planning instruments and should therefore be treated as supporting context rather than primary statutory drivers. Provision in a local strategic context and embeds Council's relationship with mana whenua in Lower Hutt.

4.2 National Environmental Standards for Papakāinga (NES-P)

- (43) The National Environmental Standards for Papakāinga (NES-P) were notified in the New Zealand Gazette on 4 June 2026 and are now in force. The NES-P introduces a nationally consistent framework for enabling Papakāinga development on Māori ancestral land.

- (44) Key components include enabling up to 10 residential units as a permitted activity (subject to compliance with standards), applying across zones for rural purposes, zones for Māori purposes, and zones for residential purposes.
- (45) The NES-P now takes precedence where district plan provisions are more restrictive. However, a council can choose to be more lenient in its district plan than the NES-P.
- (46) There are significant differences between the PDP and NES-P, including (but not limited to).
- (47) Table 2 identifies some key differences and similarities between the PDP and NES-P.

Table 2: Comparison of provisions of the NES-P and PDP for Papakāinga.

Provision type	NES-P	PDP
Type of land	Māori ancestral land Post-settlement governance entity land	Māori ancestral land
Relevant zones	Residential Zones Rural Zones Māori Purpose Zone	Residential Zones Rural Zones Marae Zone
Number of residential units	For all zones: 10 units: Permitted 11-30 units: Restricted discretionary 31+ units: Discretionary	For MRZ and HRZ: 1-5 units: Permitted 6+ units: Restricted discretionary For LLRZ: 1-3 units: Permitted 4+ units: Restricted discretionary For RLZ and GRUZ: - Any: Restricted discretionary

Building coverage	No more than 50% (in a residential or rural zone)	40-50%
Boundary setbacks	Residential zones: • >2m from front, side, and rear boundaries of the site Rural zones: • >5m from boundaries with neighbouring properties • >3m from the front boundary Marae zone: • Boundary setback requirements in the district plan	Residential zones and Marae Zone: • Front yard: 1.5m • Side yard: 1m • Rear yard: 1m Rural zones: • >10m from any boundary (>5m for accessory buildings)
Scale of non-residential activities	<50% of the combined building floor area of residential units in the papakāinga development	Residential and Rural Zones: <200m² GFA Marae Zone: Depends on nature of non-residential activity
Notification	Limited notification restricted to: • Iwi authorities • Joint management entities • NZTA (if the development will access a state highway) • Local authorities • Immediate neighbours	No notification provisions

- (48) Section 44A of the RMA addresses situations where a plan or proposed plan contains rules that duplicate a provision of the national environment standard or conflict with it, as is the case for the NES-P and PDP (and for that matter, the ODP). This effectively requires any duplication or conflict to be removed as soon as practicable after the NES-P came into force and without using the process in Schedule 1.
- (49) Given the significant degree of difference between the NES-P and corresponding provisions of the PDP, including provisions in the PDP that are both more lenient and more stringent than the NES-P and structural differences, updating the PDP to remove duplication or conflict with the NES-P requires a significant amount of change to the PDP, noting that provisions of the PDP that are more enabling than the NES-P would need to be retained.
- (50) As a result, Council officers intend to provide advice to Council to align the papakāinga provisions of the PDP with the NES-P through a future process (likely to be either as part of the integration of the PDP and ODP or a separate process following that exercise).
- (51) However for the PDP process, I recommend that amendments be made to align the PDP with the NES-P where submissions provide scope to do so. This is discussed further in section 6 of this report in relation to specific submission points.

5 Key resource management issues

(52) The key resource management issues have been identified as:

- **Enabling Papakāinga on Māori ancestral land**

Ensuring the PDP provides a clear and practical pathway for Papakāinga development, including residential units and supporting activities, while recognising the relationship of mana whenua with ancestral whenua.

- **Alignment with the NES-P**

Considering whether unit thresholds, building coverage and related standards should be amended where the PDP is more restrictive than the NES-P.

- **Rule clarity and usability**

Considering whether rule titles, standards and matters of discretion are clear for plan users without duplicating definitions or guidance already provided elsewhere in the PDP.

- **Managing effects while enabling development**

Maintaining appropriate controls for infrastructure, stormwater, transport, amenity and non-residential activities without creating unnecessary barriers to Papakāinga.

(53) These issues are addressed in Section 6 through the assessment of specific submission points.

6 Submissions

- (54) Eight submitters addressed the Papakāinga chapter, representing a total of twenty submission points. The submitters are:
- Laura Skilton (314.36a, 314.36b, 314.37a, 314.37b)
 - The NZ Pork Industry Board (341.25)
 - Te Rūnanga o Toa Rangatira (353.2a, 353.2b)
 - Fire and Emergency New Zealand (374.65)
 - Wellington Tenths Trust and the Palmerston North Māori Reserve Trust (446.2)
 - Te Rūnanganui o Te Āti Awa (503.4, 503.7, 503.11, 503.46a, 503.46b, 503.47, 503.49 and 503.52)
 - Transpower NZ Ltd (504.87, 504.88)
 - NZ Transport Agency Waka Kotahi (385.98)
- (55) No further submissions were received.
- (56) While submissions were generally in support of the Papakāinga chapter and associated rules, some submitters requested specific amendments in relation to policy wording and minor consistency issues. I have not assessed the submissions that are in support, only made recommendations.

6.1 General Support

Submissions

- (57) Te Rūnanga o Toa Rangatira (353.2b) and Wellington Tenths Trust and the Palmerston North Māori Reserve Trust (446.2) support the chapter and seek its retention.
- (58) Fire and Emergency New Zealand (374.65) also support Policy PK-P3, subject to infrastructure not being constrained.
- (59) Transpower NZ (504.87 and 504.88) support the introduction and note in the rules section of the Papakāinga chapter.

Recommendation

- (60) I recommend that submission points of Te Rūnanga o Toa Rangatira (353.2b), Wellington Tenth Trust and the Palmerston North Māori Reserve Trust (446.2), Fire and Emergency New Zealand (374.65) and Transpower NZ (504.87 and 504.88) be accepted.

6.2 Definitions

6.2.1 Kāinga

Submission

- (61) Te Rūnanganui o Te Āti Awa (503.4) support the definition of Kāinga and request that it be retained as notified.

Recommendation

- (62) I recommend that the submission point of Te Rūnanganui o Te Āti Awa (503.4) be accepted.

6.2.2 Māori land

Submission

- (63) Te Rūnanganui o Te Āti Awa (503.7) support the definition of Māori land and request that it be retained as notified.

Recommendation

- (64) I recommend that the submission point of Te Rūnanganui o Te Āti Awa (503.7) be accepted.

6.2.3 Papakāinga

Submission

- (65) Te Rūnanganui o Te Āti Awa (503.11) support the definition of papakāinga and request that it be retained as notified.

Recommendation

- (66) I recommend that the submission point of Te Rūnanganui o Te Āti Awa (503.11) be accepted.

6.3 Māori ancestral land

Submission

- (67) Te Rūnanganui o Te Āti Awa (503.46a and 503.46b) seeks consistent use of the term "*Māori ancestral land*" in place of "*Māori land*", as well as a definition for Māori ancestral land.

Assessment

- (68) I support this amendment as it aligns with the NES-P terminology and provides greater clarity regarding the types of land to which Papakāinga provisions apply (especially given a new definition of Māori ancestral land is contained within the NES-P).
- (69) In addition, I recommend that the NES-P definition of "*Māori ancestral land*" be added to the Definitions chapter of the PDP.

Recommendation

- (70) I recommend that submission point by Te Rūnanganui o Te Āti Awa (503.46b) is accepted.
- (71) I recommend that the following definition for "*Māori ancestral land*" be added to the Definitions chapter of the PDP:

(a) means—

(i) Maori customary land (as defined in section 4 of Te Ture Whenua Maori Act 1993) or Maori freehold land; and

(ii) land set apart as a Maori reservation under Part 17 of Te Ture Whenua Maori Act 1993; and

(iii) land vested in the Māori Trustee that is constituted as a Maori reserve by or under the Maori Reserved Land Act 1955 and remains subject to that Act; and

(iv) General land owned by Maori—

(A) that was previously Maori freehold land, but ceased to have that status in accordance with an order of the Māori Land Court made on or after 1 July 1993 and is beneficially owned

by the persons who beneficially owned the land immediately before the land ceased to be Maori land, or their successors; and

(B) that was previously Maori freehold land, but ceased to have that status under Part 1 of the Maori Affairs Amendment Act 1967 and is beneficially owned by the persons who beneficially owned the land immediately before the land ceased to be Maori land, or their successors; and

(C) that was previously Maori land, and has at any time been acquired by the Crown or any local or public body for a public work or other public purpose, and has been subsequently returned to its former Māori owners or their successors, and is beneficially owned by the persons who it was returned to, or their successors; and

(v) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over that land; but

(b) does not include—

(i) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land under section 7 of the Te Urewera Act 2014); and

(ii) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

6.4 Objectives and Policies

Submission

- (72) Te Rūnanga o Toa Rangatira (353.2a) support the Papakāinga objective PK-O1 and also seeks amendments to recognise mana whenua, rangatiratanga, and tikanga more explicitly. Te Rūnanga o Toa Rangatira seek the following amendment:

"Mana whenua Māori with ancestral land in Lower Hutt are able to exercise rangatiratanga and develop papakāinga on ~~that~~ their ancestral land, supporting the restoration and maintenance of whānau connections to their whenua. Papakāinga can include multi-generational living and a range of other activities that support the community within the papakāinga and are in accordance with tikanga, such as marae, community facilities, educational facilities, and small-scale commercial or agricultural activities."

Assessment

- (73) I support amending the objective to recognise the authority of Māori with ancestral land to exercise rangatiratanga and develop papakāinga in accordance with tikanga. This is a fundamental aspect of establishing papakāinga for Māori on their ancestral lands. However, the request to replace "Māori with ancestral land in Lower Hutt" with "Mana whenua" would narrow the objective.
- "Māori with ancestral land in Lower Hutt" may be broader and more directly linked to the NES-P concept of Māori ancestral land.
 - "Mana whenua" is important, but if used alone it may unintentionally exclude Māori landowners or whānau with ancestral land interests who are not a recognised mana whenua entity for the district.
- (74) The proposed change to "exercise rangatiratanga" is appropriate, but should be linked carefully as it is strong although relevant wording. In a district plan objective it should be framed in relation to land use and development.
- (75) The wording "develop Papakāinga on **their** ancestral land" works better than "on **that** ancestral land".
- (76) I consider "restoration and maintenance" is stronger than just "restoration". This is useful because whānau connections to whenua may already exist and need to be maintained, not only restored. I support this requested change.
- (77) The wording "in accordance with tikanga" is useful but slightly awkward where it is placed. The phrase currently attaches to "activities that support the community", but in my view, tikanga is more likely relevant to the way Papakāinga is developed and used overall. I support the change, however it would read better earlier in the sentence. Otherwise, it could be read as broader than the planning function of the PDP.

- (78) My recommended wording (given below) acknowledges Te Rūnanga o Toa Rangatira's request. I have considered the following positive aspects of the change:
- Keeps the broader and legally clearer phrase **"Māori with ancestral land in Lower Hutt"**,
 - Includes **rangatiratanga** without replacing the subject of the objective.
 - Places **tikanga** earlier so it applies to the development of Papakāinga as a whole,
 - Keeps **restoration and maintenance** because that is a useful improvement, and
 - Avoids overloading the second sentence.
- (79) I note that care will be required to ensure the papakāinga provisions do not inadvertently create implementation challenges, particularly where verification of whakapapa or mana whenua status could be mistakenly interpreted as a regulatory function of the Council. I consider that this is more appropriately determined by mana whenua, iwi, hapū in liaison with the Māori Land Court.
- (80) Overall, exercising rangatiratanga and tikanga directly links back to s6(e) of the RMA, where Council is to recognise and provide for *'the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.'*
- (81) Council shall also have particular regard to s7(a) regarding kaitiakitanga. I consider this a form of kaitiakitanga (stewardship) where Māori are enabled to connect back to their ancestral lands.
- (82) Section 8 - Treaty of Waitangi of the Act manages development through the principles of Te Tiriti. I attribute Tino Rangatiratanga (self-determination) to be an extended treaty principle, where Māori have the right to self-management and authority over their own lives, lands and resources. I view the Papakāinga chapter as a mechanism that provides mana whenua with options to enable ancestral connections to take place.

Recommendation

- (83) I recommend that submission point (353.2a) is accepted in part and PK-O1 is amended to:

"Mana whenua and Māori with ancestral land in Lower Hutt are able to exercise rangatiratanga and develop Papakāinga on their ancestral land

in accordance with tikanga, supporting the restoration and maintenance of whānau connections to their whenua. Papakāinga can include multi-generational living and a range of activities that support the community within the Papakāinga, such as marae, community facilities, educational facilities, and small-scale commercial or agricultural activities.”

6.5 Residential zones – Papakāinga rules (LLRZ-R5, MRZ-R5, and HRZ-R5)

- (84) Papakāinga rules are embedded within the residential, rural and marae zone chapters of the PDP. Submissions relating to the residential zones include the NZ Transport Agency – Waka Kotahi (385.98), Laura Skilton (314.36a, 314.36b, 314.37a, 314.37b), and Te Rūnanganui o Te Āti Awa (503.47, 503.49, 503.52).

Submissions

- (85) NZ Transport Agency Waka Kotahi (385.98) support rule LLRZ-R5 as notified.
- (86) Laura Skilton (314.36a and 36b), seeks that the title of rule MRZ-R5/HRZ-R5 is amended as follows:
- “HRZ-R5: Papakāinga (housing and ancillary activities for tangata whenua on their ancestral land)”*
- (87) The reason for this change is for the ease of use relating to printing versions of the PDP.
- (88) Laura Skilton (314.37a and 314.37b) also requests that Permeable Surface Standards (HRZ-S7 and MRZ-S7) are included in the list of standards that must be complied with in order to be a permitted activity under Rule MRZ-R5/HRZ-R5, and to change the activity status where proposals cannot comply with those standards to a discretionary activity, instead of restricted discretionary.
- (89) Te Rūnanganui o Te Āti Awa (503.47, 503.49 and 503.52) support in part rules LLRZ-R5, MRZ-R5 and HRZ-R5. This submitter seeks that these rules are amended to provide for more flexibility around the number of papakāinga units on a site and the floor space area of non-residential activities. Reasons include that it is unclear why the permitted activity status is limited to three units.

- (90) The submitter seeks flexibility on the number of papakāinga units on a site and the floor space area of non-residential activities. The provisions are supported in principle, but the submitter seeks clarity on the 3-unit limit for permitted activities.

Assessment

- (91) The submission from NZ Transport Agency Waka Kotahi in support of Rule LLRZ-R5 and seeking it is retained as notified is noted.
- (92) In regard to Laura Skilton's submission points regarding the rule titles, the PDP defines the term 'papakāinga', being housing and ancillary activities (including social, cultural, educational, recreational, and commercial activities) for tangata whenua on their ancestral land. It is not considered necessary to put more detail in the rule titles.
- (93) Laura Skilton has also sought the inclusion of reference to the permeable surface standards in Rules MRZ-R5/HRZ-R5 so that those standards must be complied with in order for the papakāinga activity to be permitted (along with the other listed standards). I agree with the submitter that papakāinga should comply with standard MRZ/HRZ-S7, as the effects the standard manages (e.g. effects on the stormwater system and any natural hazard effects) will be relevant for papakāinga in the same way as other types of development.
- (94) In my opinion, it is appropriate to retain the restricted discretionary activity status for HRZ-R5/MRZ-R5, given the effects of papakāinga are well understood (e.g. traffic, amenity, infrastructure, urban design) and these activities are anticipated in residential zones. The matters of discretion appropriately capture any potential effects that may occur as part of these activities.
- (95) Te Rūnanganui o Te Āti Awa seeks flexibility around the number of papakāinga units and floorspace of non-residential activities on a site. The submitter is seeking an amendment to the permitted activity standards for papakāinga in the residential zones to allow for more residential units and a greater amount of non-residential floor space per site. I note that no suggested wording has been provided but it is implied that the submitter wants more permissive standards. The relevant standards of the PDP are set out in Table 3.

Table 3. Residential standards for papakāinga

Standard	Permitted gross floor area of non-residential activities permitted	Permitted number of residential units within the papakāinga
MRZ-R5	(e) 200m ²	(f) 5
HRZ-R5	(e) 200m ²	(f) 5
LLRZ-R5	(e) 200m ²	(f) 3

- (96) For papakāinga that exceeds the figures in Table 3, the activity would be assessed as restricted discretionary activity. In regard to clause (e), this is consistent across all three residential zones. Clause (f) differs across the zones with the MRZ-R5 and HRZ-R5 both allowing up to 5 residential units as a permitted activity (subject to compliance with other standards). The LLRZ provides for a lower level of development than the other residential zones, in order to respond to the development constraints within the zone and to contribute to a more compact urban form. This is reflected in LLRZ-R5(f), allowing up to 3 residential units per site for papakāinga.
- (97) However, the NES-P provides for papakāinga of up to 10 residential units on Māori ancestral land as a permitted activity in “zones for residential purposes” provided they meet the permitted activity standards of the NES.
- (98) In addition, the NES-P permits papakāinga where ancillary non-residential activities do not exceed 50% of the combined building floor area of residential units in the papakāinga development (this provision is the closest equivalent to the gross floor area standard for non-residential activities in the PDP).
- (99) I consider that the submission point of Te Rūnanganui o Te Āti Awa provides scope to align the permitted number of residential units standard for residential zones in the PDP with that of the NES-P. That is – to increase the standard to 10 residential units in each of the High Density, Medium Density and Large Lot Residential Zones. However, I do not consider that there is scope to change this standard for any other zone.
- (100) In addition, I consider that the submission point of Te Rūnanganui o Te Āti Awa provides scope to align the PDP standard on the scale of non-residential activities in residential zones with that of the NES-P. However, there is the risk that simply replacing the standard of the PDP with that of the NES-P could result in a standard that is more stringent in some circumstances, and I do

not consider that there is scope to apply a more stringent standard. As a result, I recommend the following amendment:

“MRZ- R5, HRZ-R5, LLRZ-R5: Papakāinga

1. Activity status: Permitted

Where:

...

- e. The ~~total~~ gross floor area¹ of non-residential activities is no more than 50% of the gross floor area of residential units in the papakāinga development for any non-residential activity or 200m² in total for the papakāinga development, whichever is the greater.

...”

Recommendation

- (101) I recommend accepting the NZ Transport Agency Waka Kotahi (385.98) submission point in support of Rule LLRZ-R5.
- (102) I recommend the submission points of Laura Skilton (314.36a and 36b) regarding the rule title be rejected.
- (103) I recommend accepting in part the submission points of Laura Skilton (314.37a and 314.37b) regarding permeable surface standards, in that I recommend that standards MRZ-S7 and HRZ-S7 apply to papakāinga, but that the activity status where the standards are not met remain at restricted discretionary, and not discretionary.
- (104) I recommend accepting the relief sought by Te Rūnanganui o Te Āti Awa (503.47, 503.49 and 503.52).

¹ Clause 5(2)(b) of the NES-P refers to “combined building floor area of residential units”. *Building floor area* is not used in the PDP, and is not defined in either the NES-P or National Planning Standards. While the term arguably has a plain meaning, for the PDP is closely equivalent to *gross floor area*, which is defined.

6.6 General Rural Zone – Rule GRUZ-R7

Submission

- (105) The NZ Pork Industry Board (341.25) supports in part Rule GRUZ-R7. Specifically, the submitter supports the restricted discretionary activity status for papakāinga and matter of discretion of reverse sensitivity effects on rural activities, *provided that* Intensive Indoor Primary Production is not excluded from the definition of rural activities.

Assessment

- (106) The definition of ‘*rural activities*’ and the submitter’s submission point on that definition have been addressed through Hearing Stream #3: Residential and Rural Zones. I have not reconsidered that submission point.

Recommendation

- (107) I recommend the submission made by the NZ Pork Industry Board (341.25) be accepted, in that it supports Rule GRUZ-R7, and I recommend that the Rule be retained.

7 Conclusion

- (108) In conclusion, the recommendations outlined in this report aim to enhance the clarity and effectiveness of the Papakāinga provisions within the proposed planning framework.
- (109) Specific submission points – such as increasing the number of permitted residential units and ensuring the consistent use of the term "Māori ancestral land," along with the recognition of mana whenua, rangatiratanga, and tikanga – would ensure that the plan aligns with both mana whenua values and the new national directives.
- (110) Additionally, a balanced approach to residential zone regulations and the retention of non-residential activity limits are essential for accommodating growth while managing potential impacts.
- (111) These changes will create a more inclusive, responsive, and sustainable planning environment in accordance with the Act and national instruments while supporting the aspirations of mana whenua and papakāinga development.

8 Attachments

Appendix 1: Recommended amendments to the Papakāinga chapter and associated rules and definitions

Appendix 2: Submission points on the Papakāinga chapter and associated rules and definitions and recommended decisions

Appendix 1: Recommended amendments to the Papakāinga chapter and associated rules and definitions

PK — Papakāinga

The purpose of this chapter is to ensure the District Plan:

- Enables Papakāinga development on Māori ancestral land,
- Implements relevant statutes, and
- Reflects the aspirations of tangata whenua.

The aim of the chapter is not only to promote sustainable management of natural and physical resources (in accordance with the Resource Management Act) but also to enable tangata whenua within Lower Hutt to be able to exercise kaitiakitanga over their lands to the fullest extent practicable, subject to health, safety, and amenity standards.

For the purposes of this chapter, Māori ancestral land encompasses lands held under Te Ture Whenua Act 1993, Māori Customary land, Māori Freehold Land and general land owned by Māori. Māori freehold land has gone through the Māori Land Court to be divided into blocks and converted into freehold titles. Māori freehold land blocks often have many owners which have been decided by whakapapa (genealogy/connection) to that whenua. General land owned by Māori is privately owned by an individual or a collective. Depending on the circumstances of the owners, it may be determined by the Court to be subject to Te Ture Whenua Māori Act 1993.

Papakāinga can be used to describe traditional forms of Māori communal living on ancestral or tribal lands. Papakāinga development usually involves housing and marae facilities, but can include a range of facilities and activities associated with whānau or hapū providing for their social, cultural and economic well-being on ancestral or tribal land. Māori **ancestral** land is distinctive from land in general title in the sense that the “owners” of the land have a permanent ancestral link, not only to the land, but to one another. It is appropriate to provide for this unique relationship by recognising that the social and ancestral relationships of the owners may enable them to resolve common residential issues internally.

As Māori **ancestral** land is spread throughout the district it is not appropriate to distinguish Māori **ancestral** land through zones. As a result, this chapter sets the District Plan's objectives and policies for Papakāinga, and the rules to implement these policies are included in relevant zone chapters. The relevant zones with specific rules for Papakāinga

Commented [NG1]: Te Rūnanganui o Te Āti Awa (503.46a and 503.46b)

Commented [NG2]: Te Rūnanganui o Te Āti Awa (503.46a and 503.46b)

Commented [NG3]: Te Rūnanganui o Te Āti Awa (503.46a and 503.46b)

are residential zones, rural zones and the Marae Zone. While Papakāinga may be appropriate in other zones (particularly Commercial and Mixed Use Zones) other zones do not include Papakāinga-specific rules.

The owners of Māori ancestral lands may apply either the ordinary zone rules that apply to the site or may choose instead to utilise the Papakāinga provisions for the zone. The provisions of the District-Wide chapters, including chapters that apply provisions to sites within overlays, still apply.

Effects on amenity values from Papakāinga are generally assessed in terms of the effect beyond the boundaries of the site. While the District Plan ensures consideration of amenity values within Papakāinga, a degree of autonomy is given over to the whānau to protect the amenity within their complex as they consider appropriate.

Objectives

PK-O1	Provision for Papakāinga
	<u>Mana whenua and</u> Māori with ancestral land in Lower Hutt are able to <u>exercise rangatiratanga and</u> develop Papakāinga <u>on their</u> ancestral land <u>in accordance with tikanga</u>, supporting the restoration <u>and maintenance</u> of whānau connections to their whenua. Papakāinga can include multi generational living and a range of activities that support the community within the Papakāinga, such as marae, community facilities, educational facilities, and small-scale commercial or agricultural activities.

Commented [NG4]: Te Rūnanganui o Te Āti Awa (503.46a and 503.46b)

Commented [NG5]: Te Rūnanga o Toa Rangatira (353.2a)

Policies

PK-P1	Acknowledge the cultural and historical significance of Papakāinga
	Recognise: 1. The cultural and historical significance of Papakāinga development on ancestral Māori land, and 2. The benefits of Papakāinga in providing for more housing on Māori <u>ancestral</u> land and restoring whānau connections to their whenua.
PK-P2	Activities of Papakāinga
	Recognise that Papakāinga can include a range of activities that support Papakāinga residents and their community that are not typically part of more conventional housing developments, including marae, community facilities, educational facilities, and small-scale commercial and agricultural activities.
PK-P3	Providing for Papakāinga
	Provide for Papakāinga on Māori <u>ancestral</u> land through flexible land use rules that accommodate the unique needs of Papakāinga, including a range of housing types, communal living arrangements, and mixed-use developments, while ensuring: 1. Papakāinga is either: a. Sufficiently supported by existing or planned three waters infrastructure and the development would not compromise the capacity and level of service of the infrastructure, or b. An alternative method to service the development with three waters infrastructure is proposed to resolve any constraints,

Commented [NG6]: Te Rūnanganui o Te Āti Awa (503.46a and 503.46b)

Commented [NG7]: Te Rūnanganui o Te Āti Awa (503.46a and 503.46b)

2. The transport network can safely and efficiently provide access to and from the site without compromising the safety and efficiency of the transport network, including for pedestrians,
3. Papakāinga is designed to achieve the outcomes sought for the relevant zone (and where applicable, precinct) in relation to the boundary between the development and adjoining sites, including (but not limited to):
 - a. Outcomes for the amenity and character of the zone, precinct and surrounding area,
 - b. Outcomes for public spaces, including the streetscape,
 - c. Urban design outcomes, and
 - d. Reverse sensitivity, and
4. Papakāinga achieves the outcomes sought in other District-Wide chapters.

Rules

Note:

There are no rules in this chapter. The objectives and policies are implemented through rules in other chapters of the Plan, particularly the rules of the Residential Zone, Rural Zone, Commercial and Mixed Use Zone and Marae Zone chapters.

Unless stated otherwise, the rules of the relevant District-Wide chapters also apply to Papakāinga, including chapters that apply to overlays on the District Plan maps.

Rules – HRZ

HRZ-R5	Papakāinga
	1. Activity status: Permitted Where: a. Non-residential activities associated with the papakāinga do not include: i. The repair, alteration, restoration, or maintenance of motor vehicles, or ii. The use of heavy vehicles, or iii. Any drive-through activity. b. The hours of operation for visitors, customers, clients, deliveries, and pickups for non-residential purposes are not outside the hours of: i. 8.00am to 7.00pm Monday to Friday, and ii. 9.00am to 6.00pm Saturday, Sunday, and public holidays. c. All materials and goods stored, repaired, or manufactured in association with non-residential activities and all storage of refuse from non-residential activities must be within a building or screened from view at ground level. d. Retail activities are limited to: i. Goods produced on the site, or ii. Goods retailed online and not resulting in customer visits to the site, or iii. Goods ancillary to a service provided by the papakāinga. e. <u>The total gross floor area of non-residential activities is no more than 50% of the gross floor area of residential units in the papakāinga development for any non-residential activity or 200m² in total for the papakāinga development, whichever is the greater.</u> f. There are no more than 5 10 residential units within the papakāinga, and g. Compliance is achieved with: i. <u>HRZ-S7: Permeable surface.</u> ii. HRZ-S8: Outdoor living space, and iii. HRZ-S9: Outlook space.
	2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with the standards listed in HRZ-R5.1. Matters of discretion are restricted to: 1. The effects on the amenity of the surrounding residential area and residents.

Commented [NG8]: Te Rūnanganui o Te Āti Awa (503.47, 503.49 and 503.52)

Commented [NG9]: Laura Skilton (314.37a and 314.37b)

2. Where HRZ-R5.1 (b), (d) or (f) are not met: the effects on pedestrian safety and the safe and efficient movement of vehicles and other road users.
3. The extent to which site layout and any proposed landscaping helps avoid or minimise effects on surrounding residential areas, the streetscape, and adjoining public space.
4. Where HRZ-R5.1(f) is not met: the capacity of the network infrastructure for water supply, wastewater, stormwater, and land transport to service the development.
5. Where HRZ-R5.1(g) is not met: the matters of discretion for any infringed standard.
6. The matters in policies:
 - a. HRZ-P1: Compatible activities,
 - b. HRZ-P2: Non-residential activities, and
 - c. HRZ-P3: Other activities
7. The urban design matters in HRZ-P13: Urban design outcomes for non-residential activities and developments of more than 3 residential units ~~and HRZ-P14: Urban design outcomes (exclusions)~~.
8. The matters in the policies of the Papakāinga chapter.

Commented [NG10]: Recommended amendment from previous hearing

Rules – MRZ

MRZ-R5	Papakāinga
1. Activity status: Permitted	
Where:	
a. Non-residential activities associated with the papakāinga do not include: i. The repair, alteration, restoration, or maintenance of motor vehicles, or ii. The use of heavy vehicles, or iii. Any drive-through activity. b. The hours of operation for visitors, customers, clients, deliveries, and pickups for non-residential purposes are not outside the hours of: i. 8.00am to 7.00pm Monday to Friday, and ii. 9.00am to 6.00pm Saturday, Sunday, and public holidays. c. All materials and goods stored, repaired, or manufactured in association with non-residential activities and all storage of refuse from non-residential activities must be within a building or screened from view at ground level. d. Retail activities are limited to: i. Goods produced on the site, or	

- ii. Goods retailed online and not resulting in customer visits to the site, or
- iii. Goods ancillary to a service provided by the papakāinga.
- e. ~~The total~~ gross floor area of non-residential activities is no more than 50% of the gross floor area of residential units in the papakāinga development for any non-residential activity or 200m² in total for the papakāinga development, whichever is the greater.
- f. There are no more than 5 10 residential units within the papakāinga, and
- g. Compliance is achieved with:
 - i. ~~MRZ-S7: Permeable surface.~~
 - ii. MRZ-S8: Outdoor living space, and
 - iii. MRZ-S9: Outlook space.

Commented [NG11]: Te Rūnanganui o Te Āti Awa (503.47, 503.49 and 503.52)

Commented [NG12]: Laura Skilton (314.37a and 314.37b)

2. Activity status: Restricted discretionary

Where:

1. Compliance is not achieved with the standards listed in MRZ-R5.1.

Matters of discretion are restricted to:

1. The effects on the amenity of the surrounding residential area and residents.
2. Where MRZ-R5.1(b), (d) or (f) are not met: the effects on pedestrian safety and the safe and efficient movement of vehicles and other road users.
3. The extent to which site layout and any proposed landscaping helps avoid or minimise effects on surrounding residential areas, the streetscape, and adjoining public space.
4. Where MRZ-R5.1(f) is not met: the capacity of the network infrastructure for water supply, wastewater, stormwater, and land transport to service the development.
5. Where MRZ-R5.1(g) is not met: the matters of discretion for any infringed standard.
6. The matters in policies:
 - a. MRZ-P1: Compatible activities,
 - b. MRZ-P2: Non-residential activities, and
 - c. MRZ-P3: Other activities.
7. The urban design matters in policies:
 - a. MRZ-P13: Urban design outcomes for non-residential activities and developments of more than 3 residential units, and
 - ~~b. MRZ-P14: Urban design outcomes (exclusions).~~
8. The matters in the policies of the Papakāinga chapter.

Commented [NG13]: Recommended amendment from previous hearing

Rules – LLRZ

LLRZ-R5	Papakāinga
1.	Activity status: Permitted Where: a. Non-residential activities associated with the papakāinga do not include: i. The repair, alteration, restoration, or maintenance of motor vehicles, or ii. The use of heavy vehicles, or iii. Any drive-through activity. b. The hours of operation for visitors, customers, clients, deliveries, and pickups for non-residential purposes are not outside the hours of: i. 8.00am to 7.00pm Monday to Friday, and ii. 9.00am to 6.00pm Saturday, Sunday, and public holidays. c. All materials and goods stored, repaired, or manufactured in association with non-residential activities and all storage of refuse from non-residential activities must be within a building or screened from view at ground level. d. Retail activities are limited to: i. Goods produced on the site, or ii. Goods retailed online and not resulting in customer visits to the site, or iii. Goods ancillary to a service provided by the papakāinga. e. <u>The total gross floor area of non-residential activities is no more than 50% of the gross floor area of residential units in the papakāinga development for any non-residential activity or 200m² in total for the papakāinga development, whichever is the greater.</u> f. <u>There are no more than 3 10 residential units within the papakāinga.</u>
2.	Activity status: Restricted discretionary Where: a. Compliance is not achieved with LLRZ-R5.1. Matters of discretion are restricted to: 1. The effects on the amenity of the surrounding residential area and residents. 2. Where LLRZ-R5.1(b), (d) or (f) are not met: the effects on pedestrian safety and the safe and efficient movement of vehicles and other road users. 3. The extent to which site layout and any proposed landscaping helps avoid or minimise effects on surrounding residential areas, the streetscape, and adjoining public space.

Commented [NG14]: Te Rūnanganui o Te Āti Awa (503.47, 503.49 and 503.52)

4. Where LLRZ-R5.1(f) is not met: the capacity of the network infrastructure for water supply, wastewater, stormwater, and land transport to service the development.
5. The matters in policies:
 - a. LLRZ-P1: Compatible activities,
 - b. LLRZ-P2: Non-residential activities,
 - c. LLRZ-P3: Other activities,
 - d. LLRZ-P4: Residential character and amenity, and
 - e. LLRZ-P5: Higher density residential development.
6. The matters in the policies of the Papakāinga chapter.

Rules – GRUZ

GRUZ-R7	Papakāinga
1. Activity status: Restricted discretionary Where: a. Unless associated with a rural activity, non-residential activities associated with the papakāinga do not include: i. The repair, alteration, restoration, or maintenance of motor vehicles, or ii. The use of heavy vehicles, or iii. Any drive-through activity. b. Unless associated with a rural activity, the hours of operation for visitors, customers, clients, deliveries, and pickups for non-residential purposes are not outside the hours of: i. 8.00am to 7.00pm Monday to Friday, and ii. 9.00am to 6.00pm Saturday, Sunday, and public holidays. c. Retail activities are limited to: i. Goods produced on the site, or ii. Goods retailed online and not resulting in customer visits to the site, or iii. Goods ancillary to a service provided by the papakāinga. d. The total gross floor area of non-residential activities is no more than 200m² (excluding buildings associated with rural activities). e. There are no more than 10 residential units within the papakāinga. Matters of discretion are restricted to: 1. Effects on the amenity values and character of the surrounding area.	

2. Whether the development is adequately serviced and supported by existing or planned infrastructure and the transport network, and if not, the extent to which on-site solutions are sufficient to support the development.
3. Reverse sensitivity **effects** on rural activities.
4. The matters in the policies of the Papakāinga chapter.

Commented [NG15]: Recommended amendment from previous hearing

2. **Activity status:** Discretionary

Rules – RLZ

RLZ-R7	Papakāinga
1. Activity status: Restricted discretionary Where: a. Unless associated with a rural activity, non-residential activities associated with the papakāinga do not include: i. The repair, alteration, restoration, or maintenance of motor vehicles, or ii. The use of heavy vehicles, or iii. Any drive-through activity. b. Unless associated with a rural activity, the hours of operation for visitors, customers, clients, deliveries, and pickups for non-residential purposes are not outside the hours of: i. 8.00am to 7.00pm Monday to Friday, and ii. 9.00am to 6.00pm Saturday, Sunday, and public holidays. c. Retail activities are limited to: i. Goods produced on the site, or ii. Goods retailed online and not resulting in customer visits to the site, or iii. Goods ancillary to a service provided by the papakāinga. d. The total gross floor area of non-residential activities is no more than 200m² (excluding buildings associated with rural activities). e. There are no more than 10 residential units within the papakāinga. Matters of discretion are restricted to: 1. Effects on the amenity values and character of the surrounding area. 2. Whether the development is adequately serviced and supported by existing or planned infrastructure and the transport network, and if not, the extent to which on-site solutions are sufficient to support the development. 3. Reverse sensitivity effects on rural activities.	

Commented [NG16]: Recommended amendment from previous hearing

	4. The matters in the policies of the Papakāinga chapter.
	2. Activity status: Discretionary

Rules – MAZ

MAZ-R5	Papakāinga
	1. Activity status: Permitted

Definitions

Kāinga	means villages, settlements, habitation, habitats, and dwellings.
Māori ancestral land	a. <u>means—</u> i. <u>Maori customary land (as defined in section 4 of Te Ture Whenua Maori Act 1993) or Maori freehold land; and</u> ii. <u>land set apart as a Maori reservation under Part 17 of Te Ture Whenua Maori Act 1993; and</u> iii. <u>land vested in the Māori Trustee that is constituted as a Maori reserve by or under the Maori Reserved Land Act 1955 and remains subject to that Act; and</u> iv. <u>General land owned by Maori—</u> A. <u>that was previously Maori freehold land, but ceased to have that status in accordance with an order of the Māori Land Court made on or after 1 July 1993 and is beneficially owned by the persons who beneficially owned the land immediately before the land ceased to be Maori land, or their successors; and</u> B. <u>that was previously Maori freehold land, but ceased to have that status under Part 1 of the Maori Affairs Amendment Act 1967 and is beneficially owned by the persons who beneficially owned the land immediately before the land ceased to be Maori land, or their successors; and</u> C. <u>that was previously Maori land and has at any time been acquired by the Crown or any local or public body for a public work or other public purpose, and has been subsequently returned to its former Māori owners or their successors, and is beneficially owned by the persons who it was returned to, or their successors; and</u>

Commented [NG17]: Te Rūnanganui o Te Āti Awa (503.46a and 503.46b)

	v. <u>land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over that land; but</u> b. <u>does not include—</u> i. <u>land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land under section 7 of the Te Urewera Act 2014); and</u> ii. <u>the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.</u>
Māori land	means land that is any of the following: a. Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993): b. land vested in the Māori Trustee that— i. is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and ii. remains subject to that Act: c. land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953: d. land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014): e. the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014: f. land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the Mana Whenua over the land

Papakāinga	means housing and ancillary activities (including social, cultural, educational, recreational, and commercial activities) for tangata whenua on their ancestral land.
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Appendix 2: Submission points on the Papakāinga chapter and associated rules and definitions and recommended decisions

Submission	Submitter	Topic / Provision	Decision requested	Recommendation	Section 32AA Assessment
314.36a, 314.36b	Laura Skilton	Papakāinga rules in HRZ and MRZ	Change titles of rules to include more detail	Reject	
314.37a, 314.37b	Laura Skilton	Papakāinga rules in HRZ and MRZ	Apply permeable surface standards to papakāinga rules	Accept	The recommended amendments improve the effectiveness of the PDP at managing stormwater runoff from new development by applying the same permeable surface standards to papakāinga that apply to other forms of development in the zones.

341.25	The NZ Pork Industry Board	Papakāinga provisions in the General Rural Zone	Supports rule GRZ-R7	Accept	
353.2a	Te Rūnanga o Toa Rangatira	PK-O1 (Provision for Papakāinga)	Amend Objective PK-O1 as follows: <i>"...Māori with ancestral land in Lower Hutt <u>can exercise rangatiratanga when developing Papakāinga, supporting the restoration of whānau connections to their whenua in a manner that upholds tikanga.</u></i> <i>Papakāinga can include multi-generational living and a range of other activities that support the community within the Papakāinga, such as marae, community facilities, educational facilities, and small-scale commercial or agricultural activities."</i>	Accept in part	The recommended amendment provides clarity and enables mana whenua to assert their rangatiratanga and tikanga over their ancestral lands – in accordance with the intent of the NES-P and sections 6, 7 and 8 of the RMA.

353.2b	Te Rūnanga o Toa Rangatira	PK – Papakāinga chapter	Retain chapter as notified, with amendments identified in submission point 353.2a.	Accept in part	
374.65	Fire & Emergency New Zealand	PK-P3 (Providing for Papakāinga)	Retain as notified	Accept	
385.98	NZ Transport Agency Waka Kotahi	LLRZ-R5 (Papakāinga)	Retain as notified	Accept	
446.2	Wellington Tenths Trust and the Palmerston North Māori Reserve Trust	PK – Papakāinga	Retain as notified	Accept	

503.4	Te Rūnanganui o Te Āti Awa	Definition – Kāinga	Retain as notified	Accept	
503.7	Te Rūnanganui o Te Āti Awa	Definition – Māori land	Retain as notified	Accept	
503.11	Te Rūnanganui o Te Āti Awa	Definition – Papakāinga	Retain as notified	Accept	
503.46a 503.46b	Te Rūnanganui o Te Āti Awa	PK – Papakāinga	Amend the introduction wording to more consistently refer to Māori ancestral land.	Accept	The recommended amendments provide consistency in the PDP and aligns with the new definition of Māori ancestral land in the NES-P.
503.47 503.49 503.52	Te Rūnanganui o Te Āti Awa	HRZ-R5, MRZ- R5, LLRZ-R5 (Papakāinga rules)	Support in part. Seeks that the rules are amended to provide for more flexibility around the number of papakāinga units on a site and the floor space area	Accept in part	The recommended amendments provide consistency in the PDP, aligns with the NES-P (to the extent that there is scope to do so), and provides for economic, social and cultural benefits through additional

			of non-residential activities.		opportunities for residential and non-residential components of papakāinga.
504.87 504.88	Transpower	PK – Papakāinga	Retain introduction (and note in the rules section) as notified.	Accept	