

## Appendix 6: Iwi Authority s.32(4A) review

The following table includes a summary of advice received from Waikato Tainui with the response to the advice as required under Section 32(4A) of the RMA.

Chapter/Rule	Summary of advice from iwi	Response to advise
Appendix 1.2.2.1- General information requirements	Clarification is required on how the amendment could impact upon iwi and hapuu engagement moving forward.	This change will not impact on the engagement with iwi and hapuu. Consultation with iwi is currently not mandatory for resource consent applications and this is not changing. The change to the wording provides consistency with the amended wording used under Appendix 1.2.2.
Appendix 1.2.2.5- Water Impact Assessments	Clarification is required to understand the purpose of deleting references to situations where a water impact assessment is required.	The water impact assessment is already a rule under Chapter 25.13. The removal of the wording relating to water impact assessment requirements in Appendix 1.2 is removing duplicate text and information requirements that are worded as rules.
Appendix 1.2.2.15- Waste Minimisation Plan	Clarification is required to understand the purpose of this amendment.	A Waste Minimisation plan is required if the service area requirements are infringed. This is excessive where there is only a small infringement. The requirement for a waste minimisation plan should be at the discretion of the processing planner. The criteria to be deleted also reads as assessment criteria. This is adequately captured by Assessment Criteria B8 Waste Management. The change to the waste minimisation standards will not alter the assessment of waste disposal facilities.
Appendix 1.2.2.21- Land Development Consent Te Awa Lakes	Support the inclusion of: Ecological Rehabilitation Management Plan (including for the Waikato River), Landscape Concept Plan.	The inclusion of this is part of the Te Awa Lakes Plan Change, which is being re-activated. This has already been notified and at this stage re-notification is not needed. Hearing dates have not yet been set for this Plan Change.
Chapter 4 Residential Zone	In enabling residential development, those proposed amendments to the Residential Zone should flow into the Papakainga provisions in the District Plan. In addition, iwi and hapuu require clarification on whether further additional amendments should be provided to Papakainga development in order for Papakainga housing to be actually undertaken in the City.	The opportunity to amend the Papakainga provisions to make them more enabling have been reviewed. The existing Papakainga provisions are considered appropriate for the reasons outlined below in Appendix 6a.

Policy 25.2.2.1a Earthworks	Clarification is requested on the purpose of this amendment to policy 25.2.2.1a(i) to begin “Minimise adverse effects on...” rather than “Maintains natural character and amenity values by retaining...”	Large scale land development and subdivision by its nature will alter existing landforms, natural features and significant vegetation. It is inappropriate that all earthwork activities are required to maintain these features, when by their nature they will do the opposite. Minimising the effects will adequately protect natural character and amenity values. The protection of landforms, natural features and significant vegetation from adverse effects of earthworks is also achieved by reference to other plan sections (natural hazards, historic heritage, natural environments).
Chapter 24.13 Three Waters	Clarification to understand why reference to the Water Impact Assessment is being made.	This is a consequential amendment following the changes to the information requirements.

**Appendix 6a- Review of Papakainga provisions**

Under the Hamilton City Operative District Plan the definition for Papakainga *‘means a community where tangata whenua live, primarily clustered around marae and other places of significance. Also means contemporary or ancient marae sites with or without accompanying residences or buildings. The extent of individual papakainga should be determined in consultation with tangata whenua and is not necessarily confined to multiple-owned Māori land. The definition may also extend to include ‘taura here’ communities who establish modern/urban papakainga.*

Papakainga are provided for as a Restricted Discretionary Activity in the General Residential Zone with discretion restricted to Design and Layout; and Character and Amenity.

The definition for single dwellings *‘means a residential building designed for, and occupied exclusively by, one household’*

Independent dwellings proposed as part of a Papakainga are captured by this definition. The density, outdoor living and service area requirements apply to independent dwellings, but not shared accommodation proposed as part of a Papakainga.

The change proposed as part of Draft Plan Change 6 (Rule 4.3.1a) provides for up to 3 residential units as a Permitted Activity. This rule would capture dwellings proposed as part of a Papakainga, but only for 3 dwellings.

The benefits of the activity status for Papakainga is that it can include a variety of independent housing, shared accommodation and a marae. If single dwellings or duplexes are proposed alone there would be no benefit of using the Papakainga rules.

**Other City Councils**

Auckland City Council- No mention is made of Papakainga outside of the Special Purpose-Maori Purpose Zone. In this zone maraes are listed Permitted Activities and up to 3 residential units are separately listed as Permitted Activities.

Tauranga City Council- No mention is made of Papakainga outside of the Urban Maree Community Zone and Ngati Kau Papakainga Zone. In this zone maraes are Permitted and there are specific standards as shown in the below table:

### 14C.3.1 Density of Independent Dwelling Units and Shared Accommodation

The maximum development density for *independent dwelling units* and *shared accommodation* on a site shall be:

Zone	Density
Urban Maree Community Zone	1 <i>independent dwelling unit</i> per 325m <sup>2</sup> of gross site area.
Urban Maree Community Zone, <i>shared accommodation</i>	A maximum of 8 permanent residents per site.
Ngati Kahu Sub-Zone A and Commercial (Waewae) Sub-Zone	17 <i>independent dwelling units</i> (or their Ngati Kahu <i>kaumatua dwelling unit</i> equivalent) per hectare.
Ngati Kahu Sub-Zone A and Commercial (Waewae) Sub-Zone, <i>shared accommodation</i>	A maximum of 8 permanent residents per site.

*Note: Any activity that does not comply with Rule 14C.3.1 – Density of Independent Dwelling Units and Shared Accommodation shall be considered a Discretionary Activity.*

Wellington- No provisions for Papakainga.

#### Conclusion

A Marae in the General Residential Zone does have the potential to affect the character and amenity of the area. This should be retained as a Restricted Discretionary Activity.

Three options have been considered relating to the Papakainga provisions as follows:

Option 1- Reduce minimum density standards for Papakainga

Density in the General Residential Zone is currently undergoing capacity and infrastructure modelling to determine whether there is an adequate capacity in infrastructure to increase density. Any reduction to density should be considered alongside that change and not in this Plan Change.

Options 2- Provide up to 6 residential units as a Permitted activity within a Papakainga.

4 or more residential units needs a Water Impact Assessment and is therefore a Restricted Discretionary Activity under Rule 25.13.3a. Allowing 6 residential units as a Permitted Activity would not forgo the need for a Resource Consent. This change would not reduce consenting costs and it would reduce Council's ability to assess design and layout of the multiple dwellings. There is little benefit to making this change.

Option 3- Introduce a Special Purpose Zone for sites which are appropriate for a Papakainga. This falls outside of the scope of this plan change which is to improve the efficiency and effectiveness of the District Plan however it could be considered for future changes.

Overall the Papakainga rules are considered efficient and effective and a change falls outside the scope of this Plan Change.