
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 14/12/2023

Submission Reference Number #:280

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

Mana Ahuriri Trust "MAT"

Address for service:

Development Nous Limited - Phil Stickney
Development Nous Limited
502 Karamu Road North Hastings 4122
New Zealand

Email: phil@developmentnous.nz

Attachments:

Overarching_Submission_Chapters_MAT_20231214_Submit.pdf

PDP Coverletter (002)_Submit.pdf

Appendix 1 SUB_POINTS_ISSUE.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **Yes**

Submission points

Point 280.1

Section: Definitions

Sub-section: Definitions

Provision:

PAPAKĀINGA

Residential housing on land identified under PAK: Papakāinga, or when used in any other context of the Plan means housing established on Māori land primarily for the use of Māori people

Sentiment: Amend

Submission:

To clarify and aid in useability of the PAK provisions, the definition of Papakāinga in the Definitions section of the Plan should be refined and expanded upon. The importance of the Papakāinga definition is the linkage to be established between the activity and the relationship of Mana whenua to the land as well as capturing the fact that other activities are often an integral component of such communities.

Relief sought

Amend the current definition in the Plan to read:

PAPAKĀINGA HOUSING

*means a comprehensive residential development for tangata whenua residing in Napier City to provide residential accommodation for members of iwi or hapū groups on Māori land and/ or land which Mana Whenua have a connection to **and/or** within the Māori Purpose zone, and also includes communal buildings, facilities and commercial activities to support the papakāinga and community.*

Point 280.2

Section: Definitions

Sub-section: Definitions

Provision:

MĀORI PURPOSE
ACTIVITIES

means activities relating to the expression and revitalisation of Māori culture, including mahinga kai activities, performing arts/sporting activities, tangihanga and other mourning activities, Matariki and Pūanga observance activities, wānanga, hui, shorter-term (under seven days) events or festivals, temporary (under 14 days) camping that facilitates involvement in Māori customary activities, and other activities that reflect the special relationship mana whenua have to place, including any ancillary structures.

Sentiment: Amend

Submission:

The Submitter seeks a wider and more inclusive definition of Māori Purpose Activities to that currently set out in the Plan. The current definition centres largely on festivals, events (temporary), traditional cultural practices and ancillary structures to support such activities. MAT submit that this is a somewhat narrow view of Māori Purpose Activities, noting that there is already a definition for Māori Cultural Activity in the Plan. It is further noted that there is also a definition of Māori Cultural Tourism Activities in the Plan. It is considered that a merging and restructuring of such definitions is required in order to capture the relief sought by the Submitter on this issue and result in a more cohesive suite of definitions.

Relief sought

Add a new definition and/or restructure the existing relevant definitions within the Plan to ensure that the following matters are captured and can be utilised for the respective zones over which they are intended to apply:

MĀORI PURPOSE ACTIVITIES

means the use of land and/or buildings for a range of activities for Māori cultural, community and living purposes, and/or integrated Māori development, including but not limited to one or more of the following activities:

- a) *marae/pā;*
- b) *papakāinga;*
- c) *urupā;*
- d) *wānanga;*
- e) *customary activities;*
- f) *home occupation;*
- g) *arts and cultural centres;*
- h) *cultural education and research facilities;*
- i) *Māori cultural activities;*
- j) *child care services, kohanga reo or kura (schools); and*
- k) *whare karakia (Māori church)*

commercial activities to support the papakainga and community

Point 280.3

Section: PKA - Papakainga

Sub-section: Introduction

Provision: General

Sentiment: Amend

Submission:

The introduction highlights the importance of Papakāinga and of importance to MAT is the scope of the relationship of development to the land (be that Māori whenua land or land that Māori have an ancestral relationship with but is in general title). The Introduction to the PKA provisions appears to reflect that as they clearly state that PKA provisions apply to land that is whenua land or on land with an ancestral connection. This is appropriately acknowledged as being important in respect of Policy 1.a.ii of the NPS-UD 2020. However, the Introduction then sets a direction of being more enabling on land that has been declared as whenua land under the Te Ture Whenua Māori Act 1993 but then places general title under a caveat of "under certain circumstances".

This is not considered a reasonable application of Policy 1 of the NPS-UD. The Introduction seemingly separates the 2 classes of landholdings despite acknowledging the importance of an ancestral connection.

This has the effect in the rules that give effect to PKA of restricting the enablement of establishing such activities on sites that are in general title. MAT seeks that this be meaningfully addressed and clarify that the PKA provisions apply over all land and that is also translated into the relevant rules and standards in the PKA chapter.

Relief sought

Amend/clarify the Introduction to give effect to the relief sought and remove the distinction for development of Papakāinga in respect of land that is not identified under the Te Ture Whenua Māori Act 1993.

Point 280.4

Section: PKA - Papakainga

Sub-section: Policies

Provision:

PKA-P1: Provision for papakāinga development on whenua Māori

Provide for papakāinga development on whenua Māori subject to adverse effects being avoided, remedied or mitigated.

Relates to PKA-O2 and PKA-O3

Sentiment: Amend

Submission:

The Submitter seeks to have clarity over the nature of landholdings that the development of Papakāinga can be undertaken on. The Submitter supports *PKA-P2* which expressly seeks to enable the development of papakāinga on general title within the City. Similarly, the Submitter supports the intent of *PKA-P1* which relates directly to the development of Māori land and the ability to develop Papakāinga on those sites. The Submitter further supports the intent of *PKA- P5* which seeks to enable commercial and small-scale industrial activities as part of a papakāinga development. However, it is not considered necessary or reasonable to separate the general title and Māori land into separate policies given the relief that The Submitter seeks.

Relief sought

Amend the Policies in *PKA-P1 and PKA-P2* to link all land tenures to enabling papakāinga developments with an all- encompassing policy which does not distinguish between land tenure and classifications under legislation.

Point 280.5

Section: PKA - Papakainga

Sub-section: Policies

Provision:

PKA-P2: Provision for papakāinga on General Title

Enable papakāinga on General Title where there is an ancestral connection to the land and an expectation that the land will remain in Māori ownership in the long term.

Relates to PKA-O1

Sentiment: Amend

Submission:

The Submitter seeks to have clarity over the nature of landholdings that the development of Papakāinga can be undertaken on. The Submitter supports *PKA-P2* which expressly seeks to enable the development of papakāinga on general title within the City. Similarly, the Submitter supports the intent of *PKA-P1* which relates directly to the development of Māori land and the ability to develop Papakāinga on those sites. The Submitter further supports the intent of *PKA- P5* which seeks to enable commercial and small-scale industrial activities as part of a papakāinga development. However, it is not considered necessary or reasonable to separate the general title and Māori land into separate policies given the relief that The Submitter seeks.

Relief sought

Amend the Policies in *PKA-P1 and PKA-P2* to link all land tenures to enabling papakāinga developments with an all- encompassing policy which does not distinguish between land tenure and classifications under legislation

Point 280.6

Section: PKA - Papakainga

Sub-section: PKA - Papakainga - Rules Table

Provision:

PKA-R2: Papakāinga

Control area (if applicable),	PKA-R2A	PKA-R2B
General Residential Zone, Medium Density Zone, Large Lot Residential Zone, Rural Zone, Rural Production Zone, Rural Lifestyle Zone, Settlement Zone, Māori Purpose Zone, Mixed Use Zone	Activity Status: Controlled Where: 1. The activity complies with all of the standards. 2. The development is located on either: a. Land declared Māori Land pursuant to the Te Ture Whenua Māori Act 1993, or b. Land which was declared General Land under the Māori Affairs Amendment Act 1967, provided the applicant can demonstrate that the land has remained in ancestral ownership continuously from the date of the declaration.	Activity Status where activity condition 1 is not met: Restricted Discretionary Matters of discretion are: 1. Consistency with any development plan for the Papakāinga development; 2. The matters of discretion stated for infringing the relevant standard(s); 3. Quality living environments; 4. Evidence of appropriate mechanisms to secure long-term Māori administration, ownership, and maintenance of the land, and 5. For papakāinga on General Title, evidence as to why the land should be considered for papakāinga development, and an explanation as to why land cannot be converted to Māori Freehold Title under Te Ture Whenua Māori Act 1993.
Purpose of the Rule: <i>to provide for papakāinga development within appropriate locations where the effects of the development will not impact on the surrounding environment and where reverse sensitivity issues are avoided.</i>	Matters of control are: 1. Purpose of the rule, objectives, and policies of the relevant underlying zone; 2. Whether the development is consistent with any development plan prepared for the site; 3. Evidence of appropriate mechanisms to secure long-term Māori ownership of the land, and 4. For papakāinga on General Title, evidence as to why the land should be considered for papakāinga development and an explanation as to why land cannot be converted to Māori Freehold Title under Te Ture Whenua Māori Act 1993.	Activity Status where activity condition 2 is not met: Discretionary

Sentiment: Amend

Submission:

Rule *PKA-R2* applies to a number of zones and those are considered appropriate as an underlying extent upon which papakāinga can be enabled. However, the matters of control in *PKA-R2A* split the consent status depending upon the land tenure. This undermines the enabling narrative contained within the Introduction to the Zone and fails to recognise land that may be returned to Iwi under a redress or acquisitions settlement process as a result of previous acquisition or alienation.

It is also considered unduly restrictive to render an activity on general title to be a Discretionary Activity whereas development on Māori land is rendered a Controlled Activity if it complies with the standards and restricted Discretionary if it does not. The rules are driven by land tenure as opposed to the substantive environmental effects that must be either avoided, remedied or mitigated. It is not considered that land tenure of itself should be the arbiter of an activity status for a development

Relief sought

Amend Rules *PKA-R2A*, *PKA-R2B* and *PKA-R3A*, *PKA-R3B* to remove the distinction between land tenure and apply consistency of provisions as a *Controlled Activity* where all standards are met and a *Restricted Discretionary* status where activity standards are not met regardless of the land tenure underpinning the activity.

Point 280.7

Section: PKA - Papakainga

Sub-section: PKA - Papakainga - Rules Table

Provision:

PKA-R3: Industrial and commercial buildings and activities associated with papakāinga

General Residential Zone, Medium Density Zone, Large Lot Residential Zone, Rural Zone, Rural Production Zone, Rural Lifestyle Zone, Settlement Zone, Māori Purpose Zone, Mixed Use Zone	PKA-R3A	PKA-R3B
	Activity Status: Controlled	Activity Status where activity conditions 1, 3, and 4 are not met:
	Where:	Restricted Discretionary
Purpose of the Rule:		Matters of discretion are:
<i>to provide for small-scale industrial and commercial activities associated with traditional cultural activities.</i>	<ol style="list-style-type: none"> 1. The activity complies with all of the standards 2. The development is located on either: <ol style="list-style-type: none"> a. Land declared Māori land pursuant to the Te Ture Whenua Māori Act 1993, or b. Land which was declared General Land under the Māori Affairs Amendment Act 1967, provided the applicant can demonstrate that the land has remained in ancestral ownership continuously from the date of the declaration. 3. For industrial buildings and activities: <ol style="list-style-type: none"> a. at least one person resident on site shall carry out the activity; b. The maximum number of additional employees is three, and c. The maximum gross floor area is 100 	<ol style="list-style-type: none"> 1. Consistency with any development plan for the papakāinga development; 2. The matters of discretion stated for infringing the relevant standard(s); 3. Consistency of commercial and/or industrial activities with traditional Māori cultural practices; 4. Contribution to local community wellbeing; 5. Neighbourhood character; 6. Quality living environments; 7. Infrastructure capacity; 8. Safety and efficiency of multi-modal transport network; 9. Vibrancy and vitality of centres; 10. Evidence of appropriate mechanisms to secure long-term Māori administration, ownership, and maintenance of the land title, and 11. For papakāinga on General Title, evidence

m² per residential building located on the same site up to a maximum of 500 m².

as to why the land should be considered for papakāinga development and an explanation as to why land cannot be converted to Māori Title under Te Ture Whenua Māori Act 1993.

4. Commercial activities shall be limited to:

- a. Māori cultural tourism activities, visitor accommodation, and entertainment facilities including serving food and beverages;
- b. At least one person resident on site shall carry out the activity;
- c. The maximum number of additional employees is three, and
- d. The maximum gross floor area of a Commercial Building is 100 m² per residential building located on the same site up to a maximum of 500 m².

Activity Status where activity condition 2 is not met:

Discretionary

Matters of control are:

1. Whether the development is consistent with any development plan prepared for the site.
2. Evidence of appropriate mechanisms to secure long-term Māori ownership of the land title.
3. For papakāinga on General Title, evidence as to why the land should be considered for papakāinga development, and an explanation as to why land cannot be converted to Māori Title under Te Ture Whenua Māori Act 1993.

Sentiment: Amend

Submission:

Rule *PKA-R2* applies to a number of zones and those are considered appropriate as an underlying extent upon which papakāinga can be enabled. However, the matters of control in *PKA-R2A* split the consent status depending upon the land tenure. This undermines the enabling narrative contained within the Introduction to the Zone and fails to recognise land that may be returned to Iwi under a redress or acquisitions settlement process as a result of previous acquisition or alienation.

It is also considered unduly restrictive to render an activity on general title to be a Discretionary Activity whereas development on Māori land is rendered a Controlled Activity if it complies with the standards and restricted Discretionary if it does not. The rules are driven by land tenure as opposed to the substantive environmental effects that must be either avoided, remedied or mitigated. It is not considered that land tenure of itself should be the arbiter of an activity status for a development.

The Submitter notes the same approach taken to commercial and industrial activities within *PKA-R3A* and *PKA-R3B* and the same concerns as that for *PKA-R1* and *PKA-R2* manifest themselves.

The Submitter also seeks amendments to *PKA-R3A(4)* which limits activities in such developments. The Submitter seeks that the rule incorporates the relevant components from the definition sought for a Māori Purpose Activity in this rule as required to give effect to the relief sought by the inclusion of the definition. If multiple buildings/activities are proposed, The Submitter seeks that these are set out as an individual control rather than a cumulative control linked to the number of dwellings.

Relief sought

Amend Rules *PKA-R2A, PKA-R2B and PKA-R3A, PKA-R3B* to

remove the distinction between land tenure and apply consistency of provisions as a *Controlled Activity* where all standards are met and a *Restricted Discretionary* status where activity standards are not met regardless of the land tenure underpinning the activity.

Amend the provisions of *PKA-R3* to enable the activities sought under the definition and any associated amendments to accommodate the relief sought.

Point 280.8

Section: PKA - Papakainga

Sub-section: PKA - Papakainga - Standards Table

Provision:

PKA-S5: Minimum site size

All zones

1. The minimum site size for a residential building unit will be the sum of the area of land required in a to d below:

- a. House site – will be the footprint of the residential unit.
- b. Outdoor living space – for each residential building an outdoor living space shall be provided, situated adjacent to the principal living area of the residential building with an area of at least 80 m² and a minimum dimension of 5 m, except that:

- i. Where the main areas of residential buildings front onto a landscaped communal open space of not less than 400 m² with no dimensions less than 15 m, the outdoor living space of those residential units may be reduced to 25 m² with a minimum dimension of 3.5 m.

- c. Service court – for each residential building a service court shall be provided adjacent to or within 10 m of the residential unit with an area of 15 m² and a minimum dimension of 2.5 m.
- d. Domestic sewage treatment system (where applicable) – an area of land required to be allocated for a domestic sewage treatment system.
- e. Onsite stormwater management system (where applicable) – an area of land required to be allocated for the collection and storage of stormwater.

Matters of discretion are restricted to:

1. Neighbourhood character;
2. Safety and attractiveness of streets and public open spaces;
3. Quality living environments, and
4. Sufficient space to meet servicing needs.

Purpose: *to provide for the wellbeing of all residents within the development, including their servicing needs.*

Sentiment: Amend

Submission:

The standards contained within PKA-S5 to PKA-S7 are suitable for larger sites. The underlying zones over which the standards apply will not, in many instances, render such forms of development as being capable of being achieved, with the result being that they are pushed into a more arduous consenting category. It means that smaller urban sites will not be capable of being enabled as a papakāinga development. The PKA provisions are enabling Papakāinga in more urban zones however the standards as currently drafted do not enable such sites to be developed.

Relief sought

Amend the standards to enable a greater degree of flexibility and relate to the underlying zone as may be appropriate to the site subject to development.

Point 280.9

Section: PKA - Papakainga

Sub-section: PKA - Papakainga - Standards Table

Provision:

PKA-S6: Privacy separation distances

All zones

1. Between each residential building unit there shall be a minimum separation distance of 5 m, or 10 m where the main glazing of the principal living area of one residential unit faces another, except the standard will not apply to semi-detached or adjoining residential building units.

***Purpose:** to maintain privacy between residential buildings and to maintain the neighbourhood character.*

Matters of discretion are restricted to:

1. Neighbourhood character;
2. Safety and attractiveness of streets and public open spaces, and
3. Quality living environments.

Sentiment: Amend

Submission:

The standards contained within PKA-S5 to PKA-S7 are suitable for larger sites. The underlying zones over which the standards apply will not, in many instances, render such forms of development as being capable of being achieved, with the result being that they are pushed into a more arduous consenting category. It means that smaller urban sites will not be capable of being enabled as a papakāinga development. The PKA provisions are enabling Papakāinga in more urban zones however the standards as currently drafted do not enable such sites to be developed.

Relief sought

Amend the standards to enable a greater degree of flexibility and relate to the underlying zone as may be appropriate to the site subject to development.

Point 280.10

Section: PKA - Papakainga

Sub-section: PKA - Papakainga - Standards Table

Provision:

PKA-S7: Building coverage

All zones

1. The maximum building coverage shall be 20% of the net site area.

Matters of discretion are:

1. Neighbourhood character;

***Purpose:** to maintain a*

low density character; to minimise effects on the quality of the neighbours' living environment; and to manage the impact of impermeable surfaces on stormwater management, amenity, and landscaping.

2. Safety and attractiveness of streets and public open spaces, and
3. Quality living environments.

Sentiment: Amend

Submission:

The standards contained within PKA-S5 to PKA-S7 are suitable for larger sites. The underlying zones over which the standards apply will not, in many instances, render such forms of development as being capable of being achieved, with the result being that they are pushed into a more arduous consenting category. It means that smaller urban sites will not be capable of being enabled as a papakāinga development. The PKA provisions are enabling Papakāinga in more urban zones however the standards as currently drafted do not enable such sites to be developed.

Relief sought

Amend the standards to enable a greater degree of flexibility and relate to the underlying zone as may be appropriate to the site subject to development.

Point 280.11

Section: PKA - Papakainga

Sub-section: Assessment criteria

Provision:

PKA-AC1: Buildings accessory to existing or consented residential buildings (PKA-R1); Papakāinga (PKA-R2); Industrial and commercial Buildings and activities associated with papakāinga (PKA-R3); and Papakāinga, buildings accessory to existing or consented residential buildings, and industrial and commercial buildings and activities associated with papakāinga in all other zones not provided for in Rules PKA-R1-PKA-R3 (PKA-R4)

General

- a. The extent to which the site layout (location and design of buildings, access/car parking and open spaces) optimises the quality of the living environment and the safety and attractiveness of streets and public open spaces by addressing each of the criteria below.

Long-term Māori ownership of the land declared General Land under the Māori Affairs Amendment Act 1967 and long-term ownership of papakāinga on land with a General Title

- b. For applications on land declared General Land under the Māori Affairs Amendment Act 1967 and on land with a General Title, applicants must provide documentation showing the availability of appropriate mechanisms, including covenants, to secure long-term Māori administration, ownership, and maintenance of the land title.
- c. For applications on land which is in General Title, applicants must provide an explanation as to the historical reasons that the land was given General Title, evidence as to the historical reasons as to why the land should be considered for papakāinga development, and an explanation as to why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993.

Papakāinga development plan

- d. When assessing applications, Council will have regard to any 'development plan' prepared for the site which is to detail, but is not limited to detailing, the following:
- i. Location of house sites and availability of land for future house sites with consideration given to retaining the potential of any residual land;
 - ii. Location of structures other than dwellings;
 - iii. How compatible the layout and design of any buildings are with any other buildings or services that are present or planned on the site;
 - iv. Areas of the site proposed to be devoted to rural productive activities or other employment-generating activities;
 - v. Location of any community facilities, industrial or commercial buildings;
 - vi. Location of utility servicing requirements;
 - vii. Location of access(s) and internal roading network;
 - viii. Identification of and avoidance or mitigation from the locational constraints of natural hazards, such as erosion, falling debris, subsidence, slippage, or inundation from any source, and
 - ix. How the principles of tikanga and kaitiakitanga have been incorporated into the development.
- e. For papakāinga developments of more than five residential units, the applicant must also provide the following:
- i. Location of communal open spaces;
 - ii. Elevations and detailed description of the character, scale and intensity of community facilities, industrial and commercial activities proposed to be undertaken in any building or buildings;
 - iii. How the development will be adequately landscaped to mitigate the visual effects of clustered housing, and
 - iv. How the development can meet servicing requirements including the incorporation of low impact urban design principles as outlined in the Napier Subdivision Design Guide and the Hastings Residential Intensification Design Guide.

Housing supply and diversity

- f. The extent to which the development will provide for a mix of housing types to suit differing needs in the community.

Neighbourhood character

- g. The extent to which the established character of the area is maintained by the development. This includes consideration of any character, amenity values, and heritage values identified for the area in the character statements in Schedule 4.

Sentiment: Oppose

Submission:

Based upon the points of submission above, the Submitter seeks that PKA-AC1(b) be removed as those criteria are again related to the tenure of the land and which determines the activity status of a development.

Relief sought

Delete PKA-AC1(b) and (c)

Point 280.12

Section: MPZ - Maori Purpose Zone

Sub-section: Introduction

Provision: General

Sentiment: Amend

Submission:

The Submitter generally supports the proposed Introduction and the Issues framework (contained within MSPZ-I1 – MPS-I5 subject to amendments to the issues that capture the definition sought in this submission relating to a Māori Purpose Activity.

Relief sought

Amend the Introduction and Issues section to clearly reflect the nature of the activities captured within the Māori Purpose Activity definition.

Point 280.13

Section: MPZ - Maori Purpose Zone

Sub-section: Issues

Provision: General

Sentiment:

Submission:

The Submitter generally supports the proposed Introduction and the Issues framework (contained within MSPZ-I1 – MPS-I5 subject to amendments to the issues that capture the definition sought in this submission relating to a Māori Purpose Activity.

Relief sought

Amend the Introduction and Issues section to clearly reflect the nature of the activities captured within the Māori Purpose Activity definition

Point 280.14

Section: MPZ - Maori Purpose Zone

Sub-section: Policies

Provision: General

Sentiment: Amend

Submission:

The Submitter seeks an encompassing policy which captures the core intent of the activities listed whilst still placing the same obligations on those activities under the Act in respect of avoidance, mitigation and remediation.

Relief sought

Insert a new Policy in PKA-P section which reads:

Māori Purpose Activities and the comprehensive, coordinated and efficient development of land are enabled in the Māori Purpose Zone whilst ensuring actual or potentially adverse effects of activities are avoided, remedied or mitigated.

Point 280.15

Section: MPZ - Maori Purpose Zone

Sub-section: MPZ - Maori Purpose Zone - Rules Table

Provision: General

Sentiment: Amend

Submission:

The Submitter seeks to ensure that the range of activities provided for within the MPZ and to be amended as per the extent of the definition sought in this submission, are capable of enabling such activities subject to the reasonable consideration of the effects that may arise and the nature of amended or additional controls that may be required for their effects to be assessed, where it is reasonable to do so.

Relief sought

Amend the rules and standards to reflect a logical cascade of consenting status depending upon the nature of the activity enabled as part of a Māori Purpose Activity and appropriate matters for assessment.

Point 280.16

Section: MPZ - Maori Purpose Zone

Sub-section: MPZ - Maori Purpose Zone - Standards Table

Provision: General

Sentiment: Amend

Submission:

The Submitter seeks to ensure that the range of activities provided for within the MPZ and to be amended as per the extent of the definition sought in this submission, are capable of enabling such activities subject to the reasonable consideration of the effects that may arise and the nature of amended or additional controls that may be required for their effects to be assessed, where it is reasonable to do so

Relief sought

Amend the rules and standards to reflect a logical cascade of consenting status depending upon the nature of the activity enabled as part of a Māori Purpose Activity and appropriate matters for assessment.

Appendix 1 – Submission of MAT - Specific Submission Details

PDP Section/Provision	Support/Oppose	Reason	Nature of Relief Sought
Part 1 – Introductions/General Provisions			
1	Definitions	Oppose	<p>To clarify and aid in useability of the PAK provisions, the definition of Papakāinga in the Definitions section of the Plan should be refined and expanded upon. The importance of the Papakāinga definition is the linkage to be established between the activity and the relationship of Mana whenua to the land as well as capturing the fact that other activities are often an integral component of such communities.</p>
			<p>Amend the current definition in the Plan to read:</p> <p>PAPAKĀINGA HOUSING</p> <p><i>means a comprehensive residential development for tangata whenua residing in Napier City to provide residential accommodation for members of iwi or hapū groups on Māori land and/ or land which Mana Whenua have a connection to and/or within the Māori Purpose zone, and also includes communal buildings, facilities and commercial activities to support the papakāinga and community.</i></p>
2.	Definitions	Oppose	<p>The Submitter seeks a wider and more inclusive definition of Māori Purpose Activities to that currently set out in the Plan. The current definition centres largely on festivals, events (temporary), traditional cultural practices and ancillary structures to support such activities. MAT submit that this is a somewhat narrow view of Māori Purpose Activities, noting that there is already a definition for Māori Cultural Activity in the Plan. It is further noted that there is also a definition of Māori Cultural Tourism Activities in the Plan. It is considered that a merging and restructuring of such definitions is required in order to capture the relief sought by the Submitter on this issue and result in a more cohesive suite of definitions.</p>
			<p>Add a new definition and/or restructure the existing relevant definitions within the Plan to ensure that the following matters are captured and can be utilised for the respective zones over which they are intended to apply:</p> <p>MĀORI PURPOSE ACTIVITIES</p> <p><i>means the use of land and/or buildings for a range of activities for Māori cultural, community and living purposes, and/or integrated Māori development, including but not limited to one or more of the following activities:</i></p> <ul style="list-style-type: none"> a) <i>marae/pā;</i> b) <i>papakāinga;</i> c) <i>urupā;</i> d) <i>wānanga;</i> e) <i>customary activities;</i> f) <i>home occupation;</i> g) <i>arts and cultural centres;</i> h) <i>cultural education and research facilities;</i> i) <i>Māori cultural activities;</i> j) <i>child care services, kohanga reo or kura (schools); and</i> k) <i>whare karakia (Māori church)</i> l) <i>commercial activities to support the papakainga and community</i>
Part 2 – Districtwide Matters			
PKA – (Papakāinga)			
PKA	Introduction	Support in part	<p>The introduction highlights the importance of Papakāinga and of importance to MAT is the scope of the relationship of development to the land (be that Māori whenua land or land that Māori have an ancestral relationship with but is in general title). The Introduction to the PKA provisions appears to reflect that as they clearly state that PKA provisions apply to land that is whenua land or on land with an ancestral connection. This is appropriately acknowledged as being important</p>
			<p>Amend/clarify the Introduction to give effect to the relief sought and remove the distinction for development of Papakāinga in respect of land that is not identified under the Te Ture Whenua Māori Act 1993.</p>

			<p>in respect of Policy 1.a.ii of the NPS-UD 2020. However, the Introduction then sets a direction of being more enabling on land that has been declared as whenua land under the Te Ture Whenua Māori Act 1993 but then places general title under a caveat of “under certain circumstances”.</p> <p>This is not considered a reasonable application of Policy 1 of the NPS-UD. The Introduction seemingly separates the 2 classes of landholdings despite acknowledging the importance of an ancestral connection.</p> <p>This has the effect in the rules that give effect to PKA of restricting the enablement of establishing such activities on sites that are in general title. MAT seeks that this be meaningfully addressed and clarify that the PKA provisions apply over all land and that is also translated into the relevant rules and standards in the PKA chapter.</p>	
PKA	Objectives and Policies	Support in part	<p>The Submitter seeks to have clarity over the nature of landholdings that the development of Papakāinga can be undertaken on. The Submitter supports <i>PKA-P2</i> which expressly seeks to enable the development of papakāinga on general title within the City. Similarly, the Submitter supports the intent of <i>PKA-P1</i> which relates directly to the development of Māori land and the ability to develop Papakāinga on those sites. The Submitter further supports the intent of <i>PKA-P5</i> which seeks to enable commercial and small-scale industrial activities as part of a papakāinga development. However, it is not considered necessary or reasonable to separate the general title and Māori land into separate policies given the relief that The Submitter seeks.</p>	<p>Amend the Policies in <i>PKA-P1 and PKA-P2</i> to link all land tenures to enabling papakāinga developments with an all-encompassing policy which does not distinguish between land tenure and classifications under legislation.</p>
PKA	Rules	<p>Oppose</p> <p>Oppose</p> <p>Oppose</p>	<p>Rule <i>PKA-R2</i> applies to a number of zones and those are considered appropriate as an underlying extent upon which papakāinga can be enabled. However, the matters of control in <i>PKA-R2A</i> split the consent status depending upon the land tenure. This undermines the enabling narrative contained within the Introduction to the Zone and fails to recognise land that may be returned to Iwi under a redress or acquisitions settlement process as a result of previous acquisition or alienation.</p> <p>It is also considered unduly restrictive to render an activity on general title to be a Discretionary Activity whereas development on Māori land is rendered a Controlled Activity if it complies with the standards and restricted Discretionary if it does not. The rules are driven by land tenure as opposed to the substantive environmental effects that must be either avoided, remedied or mitigated. It is not considered that land tenure of itself should be the arbiter of an activity status for a development.</p> <p>The Submitter notes the same approach taken to commercial and industrial activities within <i>PKA-R3A and PKA-R3B</i> and the same concerns as that for <i>PKA-R1 and PKA-R2</i> manifest themselves.</p> <p>The Submitter also seeks amendments to <i>PKA-R3A(4)</i> which limits activities in such developments. The Submitter seeks that the rule incorporates the relevant components from the definition sought for a Māori Purpose Activity in this rule as required to give effect to the relief sought by the inclusion of the definition. If multiple buildings/activities are proposed, The Submitter seeks that these are set out as an individual control rather than a cumulative control linked to the number of dwellings.</p>	<p>Amend Rules <i>PKA-R2A, PKA-R2B and PKA-R3A, PKA-R3B</i> to remove the distinction between land tenure and apply consistency of provisions as a <i>Controlled Activity</i> where all standards are met and a <i>Restricted Discretionary</i> status where activity standards are not met regardless of the land tenure underpinning the activity.</p> <p>Amend the provisions of <i>PKA-R3</i> to enable the activities sought under the definition and any associated amendments to accommodate the relief sought.</p>
PKA	Standards	Oppose	<p>The standards contained within <i>PKA-S5 to PKA-S7</i> are suitable for larger sites. The underlying zones over which the standards apply will not, in many instances, render such forms of development as being capable of being achieved, with the result being that they are pushed into a more arduous consenting category. It means that smaller urban sites will not be capable of being enabled as a papakāinga development. The PKA provisions are enabling Papakāinga in more urban zones however the standards as currently drafted do not enable such sites to be developed.</p>	<p>Amend the standards to enable a greater degree of flexibility and relate to the underlying zone as may be appropriate to the site subject to development.</p>

PKA	Assessment Criteria	Oppose	Based upon the points of submission above, the Submitter seeks that PKA-AC1(b) be removed as those criteria are again related to the tenure of the land and which determines the activity status of a development.	Delete <i>PKA-AC1(b) and (c)</i>
Part 3 - Area Specific Matters				
MPZ – Māori Purpose Zone				
MPZ	Introduction and Issues	Support in part	The Submitter generally supports the proposed Introduction and the Issues framework (contained within MSPZ-I1 – MPS-I5 subject to amendments to the issues that capture the definition sought in this submission relating to a Māori Purpose Activity.	Amend the Introduction and Issues section to clearly reflect the nature of the activities captured within the Māori Purpose Activity definition
MPZ	Objectives and Policies	Support in part	The Submitter seeks an encompassing policy which captures the core intent of the activities listed whilst still placing the same obligations on those activities under the Act in respect of avoidance, mitigation and remediation.	Insert a new Policy in PKA-P section which reads: <i>Māori Purpose Activities and the comprehensive, coordinated and efficient development of land are enabled in the Māori Purpose Zone whilst ensuring actual or potentially adverse effects of activities are avoided, remedied or mitigated.</i>
MPZ	Rules and Standards	Support in Part	The Submitter seeks to ensure that the range of activities provided for within the MPZ and to be amended as per the extent of the definition sought in this submission, are capable of enabling such activities subject to the reasonable consideration of the effects that may arise and the nature of amended or additional controls that may be required for their effects to be assessed, where it is reasonable to do so.	Amend the rules and standards to reflect a logical cascade of consenting status depending upon the nature of the activity enabled as part of a Māori Purpose Activity and appropriate matters for assessment.

Proposed Napier City District Plan - Submission

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council
Attn: District Plan Review Team

Via email: districtplanreview@napier.govt.nz

Submitter Details:

Full Name:	Mana Ahuriri Trust (“MAT”/ “The Submitter”)
Company / Organisation Name:	As above
Contact person/agent (if different):	C/- Development Nous Limited Phil Stickney - Technical Director – Planning and Land Development
Full Postal Address:	502 Karamu Road North PO Box 385 Hastings 4156
[REDACTED]	[REDACTED]
Email:	Phil.stickney@developmentnous.nz
The Submitter could not gain an advantage in trade competition through this submission.	
The Submitter is directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition	
The specific provisions of the Plan that the submission relates to are: See the submission below and the Attachments in <i>Appendix 1</i> .	
The Submitter wishes to be heard in support of this submission.	
If others make a similar submission, the Submitter will consider presenting a joint case with them at a hearing.	

1. The MAT submission is:

1.1 Mana Ahuriri Trust (MAT) is a private trust set up to receive the proceeds of the Ahuriri Deed of Settlement from the Crown. It is an Iwi Authority in terms of the RMA. MAT was established to receive, manage, hold, and administer the Trust's assets on behalf of and for the benefit of the present and future beneficiaries of Mana Ahuriri Trust in accordance with its Deed.

1.2 Mana Ahuriri approaches matters in accordance with the principles of Te Tiriti, including as partners with local government and the Crown. MAT promotes the voice of nga hapū tokowhito o Ahuriri; and considers that the Council has a critical role in advancing our shared aspirations. As Mana Whenua, MAT has a vested interest in the role of Council and the planning instruments it proposes over our rohe. These should be enabling for Mana Ahuriri to realise its aspirations, vision and values:

*Ko rua te paia ko Te Whanga
He Kainga te ata
He Kainga ka awatea
He Kainga ka ahiahi
e Tama e i*

*The storehouse that never closed is Te Whanga
A meal in the morning, at noon, in the evening
Providing sustenance for whānau and hapū in the past,
present and for future generations.*

1.3 Ngā Uara (Our Values) underpin MAT's approach to achieving the vision of its through five strategic pou. These pou encompass the themes and aspirations shared from our hapū during hui and inform our future direction in achieving our aspirations.

- Whai rawa – Growing our assets, mokopuna and rohe wealth and prosperity
- Ahurea Tuakiri – Whānau are connected, proud and culturally strong
- Whānau ora – Our people thrive, with their ora achieved in the ways they desire
- Te Taiao – Active kaitiaki of our natural environment so that it supports our ora
- Rangatiratanga – Leadership and excellence across all we do

1.3 As such, MAT's submission seeks to ensure that the District Plan will enable MAT to deliver long term intergenerational solutions that will benefit our members and the community as a whole.

1.4 The Ahuriri Hapū Deed of Settlement represents the full and final settlement of all the historical Treaty of Waitangi claims of Ahuriri Hapū resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a package that includes:

- (a) An agreed historical account, Crown acknowledgements and a Crown apology to Ahuriri Hapū; and
- (b) Cultural redress; and
- (c) Financial and commercial redress.

- 1.5 The District Plan review process is fundamental to enabling MAT to deliver positive cultural, social, environmental, and economic outcomes, including in terms of s5, 6(e), 7(a) and 8 of the RMA for its members for generations to come.
- 1.6 The Submitter therefore has an interest in the entire PDP and more specifically in a number of the chapters and associated provisions which will manage development of those sites. *Appendices 1 and 2* detail the extent of the Plan that this submission more specifically relates to (but it is a submission on the entire plan, seeking to achieve outcomes that are most appropriate in terms of s5, 6(e), 7(a) and 8 of the RMA).
- 1.7 Those points of submission and the relief sought relate to:
- a) Part 1- Introduction/General Provisions – Mana whenua.
 - b) Part 2 – Districtwide Matters – Cultural Values – PKA (Papakāinga).
 - c) Part 3 – Area Specific Matters including the MSPZ – (Māori Special Purpose Zone).
- 1.8 The points of submission are all intended to render the Plan a more effective tool in achieving the outcomes sought by Mana Ahuriri Trust for the City and in doing so, also enable the Trust to achieve the outcomes it must in order to be effective. The points of submission take a longer-term view of the City and future form and environmental outcomes.
- 1.9 The key issue of submission is the separation of Māori land and general title in respect of papakāinga development and the more arduous consenting regime that places on mana whenua.
- 1.10 The definitions within the Plan do not include an all-encompassing definition of what constitutes a Maori Purpose Activity and that places restrictions on the ability for Mana whenua to achieve economic, social and cultural wellbeing. These matters are all captured in the Specific Points of Submission in *Appendix 1*.

2. The Submitter seeks the following decision from the Napier City Council:

- 2.1 That the relief, additions, or retentions which are sought as outlined in this submission and *Appendices 1- 3* are accepted and adopted into the PDP and including such further, alternative, or consequential relief as may be necessary to fully address the issues and/or achieve the relief sought in this submission. The changes sought are made to:
- (a) Ensure that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991, including sections 6(e), 7(a) and 8 of the Act; and
 - (b) Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development; and
 - (c) Provide clarity for all plan users; and aid in the certainty of future planning; and
 - (d) Enable Mana Ahuriri Trust and Mana whenua to better achieve their economic, cultural and social aspirations.

The Submitter welcomes the opportunity to further engage with Napier City on this significant planning document to both Mana whenua and the City.

Signed for and on behalf of The Submitter:

A handwritten signature in black ink, appearing to read 'Phil Stickney', with a stylized flourish at the end.

Phil Stickney

Technical Director | Development Nous Ltd

15th December 2023

Attached:

Appendix 1 – Specific Points of Submission



MANA AHURIRI TRUST

170A Waghorne Street, Ahuriri, NAPIER 4110

PO BOX 12076, Ahuriri, NAPIER 4144

www.manaahuritrust.com

15 December 2023

Napier City Council

Attn: District Plan Review Team

Via email: districtplanreview@napier.govt.nz

Tena koe

RE: Napier City - District Plan Review: Mana Ahuriri Trust

Mana Ahuriri Trust (MAT) would like to thank Napier City Council (Council) for the opportunity to submit on the Proposed District Plan (PDP) as part of the Proposed District Plan Review (PDPR) process.

As Mana Whenua we have a vested interest in the role of Council and the planning instruments it proposes over our rohe. Instruments that we view should be enabling in helping Mana Ahuriri realise its aspirations and vision as Mana Whenua.

We wish to see an alignment of Council's planning framework and plans to our own social, cultural, environmental and commercial objectives in realising our vision:

Ko rua te paia ko Te Whanga
He Kainga te ata
He Kainga ka awatea
He Kainga ka ahiahi
e Tama e i

The storehouse that never closed is Te Whanga
A meal in the morning, at noon, in the evening
Providing sustenance for whānau and hapū in the past,
present and for future generations.

Ngā Uara (Our Values) underpin our attitude to achieving our vision through five strategic pou. These pou encompass the themes and aspirations shared from our hapū during hui and inform our future direction in achieving our aspirations.

- Whai rawa – Growing our assets, mokopuna and rohe wealth and prosperity
- Ahurea Tuakiri – Whānau are connected, proud and culturally strong
- Whānau ora – Our people thrive, with their ora achieved in the ways they desire
- Te Taiao – Active kaitiaki of our natural environment so that it supports our ora
- Rangatiratanga – Leadership and excellence across all we do

As such our submission and focus of our submission seeks to provide responses that will enable Mana Ahuriri to deliver long term intergenerational solutions that will benefit our members and the community as a whole.

Our submission on the PDP is underpinned by the following key focus areas:

- the preservation and enhancement of key spaces and places of importance to Mana Ahuriri are cultural important to us;
- the realignment of activities to places where they best fit and that best fit with our long term view of the world;
- is focused on creating a vibrant and intense CBD, a place where our whanau can live work and play;
- an emphasis on providing leadership in the delivery of housing for all of our members and the community as a whole;
- creating precincts of activity that will form key cultural and commercial markers for our City and provide spaces and places that make sense for the activities proposed;
- seeking to mobilise landholdings with a view for the next 100, 200 and 300+ years; and
- most importantly ensuring our rights and status as mana whenua are protected and enhanced through the planning settings outlined within the PDP.

Fundamental to this, is having plans and policy settings that help to enable Mana Ahuriri Papakainga and Maori Purpose Zones that will support our vision and Ngā Uara.

Our approach is to be bold, whilst not losing sight of what is in front of us and expect Council to support and enable Mana Ahuriri on our journey.

We believe this is important, as to our very unique relationship that we have with Council, that must be considered and fully recognised as part of this process.

We would welcome the opportunity to present our submission to Council and if you require any further information, please free to contact me.

Nga mihi o te wa Pohutukawa

A handwritten signature in black ink, appearing to read 'Parris Greening', written in a cursive style.

Parris Greening
General Manager