

PKA - Papakainga

Section / Sub-section / Provision	Submitter Name	Submission number / Point Number	Position	Summary of Submission	Relief Summary	Link to Submission (click to open)
PKA - Papakainga /Policies /PKA-P1: Provision for papakāinga development on whenua Māori	Wayne Ormsby	63.5	Amend	Supports PKA-P1 however requests that it be amended to provide for a two year rates remission for papakāinga development.	Amend PKA-P1 to provide for a two year rates remission for papakāinga development.	Open Submission
PKA - Papakainga /Introduction /	Sera Chambers	150.109	Oppose	opposes on the basis that the people of Napier should be allowed to enjoy their property rights as a guiding principle by maintaining their right to have their say on how a development may impact their property and any options to have the impact mitigated. In particular four of the areas listed, two are established low-lying liquefaction effected residential areas, one is located in a low-lying flood affected area and one is part of a reserve. Risks may need to be mitigated.	seeks to oppose provision on the basis that of four of the areas listed, two are established low-lying liquefaction effected residential areas, one is located in a low-lying flood affected area and one is part of a reserve. Risks may need to be mitigated.	Open Submission
PKA - Papakainga /Introduction /General	Development Nous Limited - Phil Stickney	280.3	Amend	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.	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.	Open Submission
PKA - Papakainga /Policies /PKA-P1: Provision for papakāinga development on whenua Māori	Development Nous Limited - Phil Stickney	280.4	Amend	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.	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.	Open Submission
PKA - Papakainga /Policies /PKA-P2: Provision for papakāinga on General Title	Development Nous Limited - Phil Stickney	280.5	Amend	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.	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.	Open Submission

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PKA - Papakainga /PKA - Papakainga - Rules Table /PKA-R2: Papakāinga	Development Nous Limited - Phil Stickney	280.6	Amend	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.	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.	Open Submission
PKA - Papakainga /PKA - Papakainga - Rules Table /PKA-R3: Industrial and commercial buildings and activities associated with papakāinga	Development Nous Limited - Phil Stickney	280.7	Amend	<p>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.</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 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.</p>	<p>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.</p> <p>Amend the provisions of PKA-R3 to enable the activities sought under the definition and any associated amendments to accommodate the relief sought.</p>	Open Submission
PKA - Papakainga /PKA - Papakainga - Standards Table /PKA-S5: Minimum site size	Development Nous Limited - Phil Stickney	280.8	Amend	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.	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.	Open Submission
PKA - Papakainga /PKA - Papakainga - Standards Table /PKA-S6: Privacy separation distances	Development Nous Limited - Phil Stickney	280.9	Amend	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.	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.	Open Submission

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PKA - Papakainga /PKA - Papakainga - Standards Table /PKA-S7: Building coverage	Development Nous Limited - Phil Stickney	280.10	Amend	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.	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.	Open Submission
PKA - Papakainga /Assessment criteria /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)	Development Nous Limited - Phil Stickney	280.11	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. See attached document for details.	Delete PKA-AC1(b) and (c).	Open Submission
PKA - Papakainga /PKA - Papakainga - Standards Table /PKA-S1: Height	Kainga Ora - Brendon Liggett	285.16	Oppose	Supports the inclusion of provisions relating to papakāinga developments within the PDP; however, Papakāinga developments should be subject to the same activity status and permitted standards, amended in accordance with this submission (see 6(a)(ii) above), as residential activities/dwellings within the GRZ, MRZ and the HRZ. Opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.	Opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.	Open Submission
PKA - Papakainga /PKA - Papakainga - Standards Table /PKA-S2: Front yards	Kainga Ora - Brendon Liggett	285.17	Oppose	Supports the inclusion of provisions relating to papakāinga developments within the PDP; however, Papakāinga developments should be subject to the same activity status and permitted standards, amended in accordance with this submission (see 6(a)(ii) above), as residential activities/dwellings within the GRZ, MRZ and the HRZ. Opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.	Opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.	Open Submission
PKA - Papakainga /PKA - Papakainga - Standards Table /PKA-S7: Building coverage	Kainga Ora - Brendon Liggett	285.18	Amend	Supports the inclusion of provisions relating to papakāinga developments within the PDP; however, Papakāinga developments should be subject to the same activity status and permitted standards, amended in accordance with this submission (see 6(a)(ii) above), as residential activities/dwellings within the GRZ, MRZ and the HRZ. Opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.	Opposes a tailored maximum height, yard setbacks and building coverage associated with papakāinga.	Open Submission
PKA - Papakainga /PKA - Papakainga - Rules Table /PKA-R2: Papakāinga	Kainga Ora - Brendon Liggett	285.19	Oppose	Supports the inclusion of provisions relating to papakāinga developments within the PDP; however, questions the inclusion under rule PKA-R2A of a requirement for general title land to have been held in ancestral ownership 'continuously' since the declaration. Seeks that the provisions reduce the barriers that Māori face in the development of papakāinga, acknowledging that general title land may be owned by Māori, but this may not have been 'continuously' as the proposed provisions requires. Requests amendments to the wording of these provisions to reduce the regulatory barriers, following further hui with Mana Whenua and Council.	Amend the wording of these provisions to reduce the regulatory barriers, following further hui with Mana Whenua and Council.	Open Submission
PKA - Papakainga /Objectives /PKA-O3: Provision for papakāinga development that maintains and enhances health, safety and amenity	Alec Duncan	288.41	Support	For Fire and Emergency, the primary operational requirements for papakāinga development are to ensure they developments are provided with adequate firefighting water supply and access so that Fire and Emergency can respond in a fire or other emergency. This is important to ensure that the health, safety and wellbeing of hapu who occupy papakāinga is provided for and protected.	Retain as notified.	Open Submission

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PKA - Papakainga /Policies /PKA-P4: Servicing of papakāinga developments	Alec Duncan	288.42	Support	Fire and Emergency recognise that papakāinga developments are unique in their purpose, design and layout and often have communal areas that are shared by whanau. In this regard, Fire and Emergency supports the adoption of servicing methods that are suitable for individual site conditions and, where possible, the use of communal infrastructure such as a communal firefighting water supply. The New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 provides this flexibility and Fire and Emergency can support whanau in improving fire safety and creating more resilient papakāinga developments.	Retain as notified.	Open Submission
PKA - Papakainga /PKA - Papakainga - Standards Table /PKA-S5: Minimum site size	Alec Duncan	288.43	Amend	To give effect to PKA-O3 and PKA-P4, Fire and Emergency requests an addition sub-standard be added to PKA-S5 requiring space to be allocated for the storage of a firefighting water supply, where applicable. This amendment acknowledges that some papakāinga may be able to connect to the reticulated water supply network however, where no connection or required level of service can be achieved, that sufficient space is provided for the onsite storage of firefighting water supply in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	Amend as follows: PKA-S5: Minimum site size 1. The minimum site size for a residential building unit will be the sum of the area of land required in a to d f below:... f. Onsite water supply management system (where applicable) – an area of land required to be allocated for the storage of firefighting water supply.	Open Submission
PKA - Papakainga /PKA - Papakainga - Standards Table /General	Alec Duncan	288.44	Amend	To give effect to PKA-O3 and PKA-P4, Fire and Emergency requests a new standard be added for papakainga activities. This new standard acknowledges that some papakāinga may be able to connect to the reticulated water supply network however, where no connection or required level of service can be achieved, that sufficient firefighting water supply is provided in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. This standard acknowledges that in many cases, papakāinga developments are not often subdivided and therefore will not be subject to the servicing standards set out in the subdivision chapter. It is therefore important that the land use provision address the serving requirements for papakāinga development.	Add new standard as follows: PKA-S9: Firefighting water supply 1. All new developments must be connected to a public reticulated water supply, where one is available. 2. Where the new development will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory firefighting water supply can be provided to the development in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Matter of discretion: 1. The extent of consistency with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	Open Submission
PKA - Papakainga /Assessment criteria /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).	Alec Duncan	288.45	Amend	Fire and Emergency supports the requirements of the papakāinga development plan to the extent that Council must have regard to the location of access(s) and internal roading network. Fire and Emergency understand that papakāinga activities will be subject to the standards set out in TRT. Fire and Emergency also supports the identification or, and avoidance or mitigation from the locational constraints of natural hazards. Fire and Emergency requests amendments to the assessment criteria to reflect the relief sought above.	Amend as follows: Papakāinga development plan 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: ... x. Location of firefighting water supply in relation to buildings that are present of planned on the site. Sufficient space to meet servicing needs q. Whether the site layout provides for easy storage and access of recycling and rubbish for collection. r. Whether the site layout provides for emergency service access and wayfinding. Infrastructure capacity and stormwater management r.s. Whether the development can be sufficiently serviced by water (including firefighting), wastewater, and stormwater infrastructure, including through the use of low impact stormwater design where appropriate.	Open Submission