

# PKH Papakāinga

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## PKH.1 Description & Expectations

The papakāinga provisions provide for the development of ancestral Māori land. These provisions seek to provide opportunities for Māori land owners to develop and live on their ancestral land. It is recognised that Māori land is subject to a number of development barriers and complications that require it to be treated differently to land held in European title.

In the context of the District Plan, papakāinga does not just focus on providing for housing. Papakāinga developments may also include activities such as community facilities, education, recreation and enterprise.

## PKH.2 Eligibility Rule

On **ancestral Māori land** administered under the Te Ture Whenua Māori Act 1993, papakāinga development is;

1. A *permitted activity* where the land is administered by a trust, incorporation, or is a Māori reservation.
2. A *controlled activity* where the land is held in multiple ownership.
3. A *discretionary activity* where the land the subject of proceedings before the Māori land court on the date the application for resource consent is made.
4. A *discretionary activity* where the land is 'general land owned by Māori' that has not been the subject of proceedings before the Maori Land Court.

On all other land papakāinga development will be a *non-complying activity*.

## PKH.3 Objectives

1. For the District Plan to recognise the desire of Māori to maintain and enhance their traditional and cultural relationship with their ancestral land.
2. Provide for papakāinga development on ancestral land in a manner which is sensitive to tikanga Māori and the sustainable management of the land resource.
3. Allow maximum flexibility for Māori to develop their ancestral lands, while ensuring appropriate health, safety and amenity standards are met.
4. Enable Māori to establish and maintain traditional settlement patterns, activities and development opportunities.
5. Protection and enhancement of ecological, landscape, cultural, heritage and other features which are of value to Māori and the wider community.

## PKH.4 General Policies

1. To limit papakāinga development to ancestral Māori land that is administered under the Te Ture Whenua Māori Act 1993.
2. To require the maximum intensity and scale of papakāinga development to be determined by the sustainable servicing capacity of the land and the surrounding environment.
3. To require the location and extent of built development to be determined by the physical characteristics of the land and tikanga Māori.
4. To provide for non-residential activities of a scale, character, and intensity that are compatible with the values of Māoritanga, character of the environment and the sustainable servicing capacity of the locality.
5. To encourage Māori to prepare Papakāinga Development Plans as a guide to sustainable management of ancestral land.

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## *PKH.5 Permitted Activities*

Prior to submitting an application to the Māori Land Court for an Occupation Order under Form 40 of Te Ture Whenua Maori Act 1993;

- a. A copy of the application must be supplied to the Council.
- b. The Council must supply plans and other information relating to the suitability of the whenua for papakāinga.
- c. The Council must provide written preliminary advice that a dwelling will be permitted on the proposed site.

## *PKH.6 Controlled Activities*

Applications for controlled activities will be considered and determined by the relevant iwi authority for the rohe in which the land is located. Control has been reserved over the following matters:

1. The administration and governance mechanisms of the papakāinga, including;
  - a. Allocation of responsibilities for the management of infrastructure & services on the land
  - b. The uses which may or may not be carried out on the land

## *PKH.7 Discretionary Activities*

Applications for discretionary activities will be considered and determined by a Commissioner(s) with expertise and qualifications in tikanga Māori and planning appointed by the Council. In exercising its discretion the consent authority will have regard to:

1. The administration and governance mechanisms of the papakāinga, including;
  - a. Allocation of responsibilities for the management of infrastructure & services on the land
  - b. The uses which may or may not be carried out on the land