



# Planning for Papakāinga



**WHANGAREI**  
DISTRICT COUNCIL

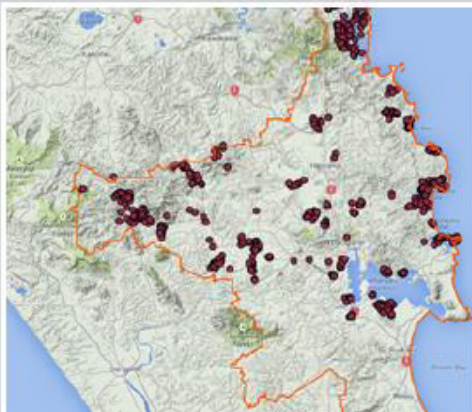


## Introduction

On 12 November 2014 the Council's Planning Committee unanimously endorsed the draft phase 2 papakāinga provisions going out for pre-consultation with iwi, hapu and other stakeholders. This document summarises the key features of the draft phase 2 provisions.

Council want to hear your thoughts. Pre-consultation represents a great opportunity for you or your organisation to make a meaningful contribution to making papakāinga provisions that work for everyone involved.

## Māori Land in the Whangarei District



- Approx 14,350ha (5% of total land) is Māori land that falls within the jurisdiction of the Māori Land Court under Te Ture Whenua Māori Act 1993.
- 868 individual titles.
- Average size 16.76ha.
- Median size 1.56ha.
- Concentrations in western fringes and eastern coastline.
- Approximately 21% administered by trusts or other management structure.

## Why is the Council doing this?

Phase One of the Whangārei District Plan's Papakāinga policy became operative on 28 April 2011. The provisions were developed in response to the significant Council barriers encountered by Māori trying to develop papakāinga developments on their ancestral Māori land. Currently applications are considered on a case by case basis as discretionary activities (e.g. they require resource consent).

The existing provisions have not been used since they became operative. Possible applicants have met with Council to discuss papakāinga developments but no formal applications have been lodged. This is a strong indicator that while the existing provisions represented a positive step forward, they do not go far enough. The draft phase 2 provisions represent Council's attempt to promote greater provision of papakāinga developments on ancestral Māori Land.

## Key features of the Phase 2 Provisions

### No Changes to existing Objectives and Policies

There are no changes proposed to the existing objectives and policies. As such when the draft phase 2 provisions are publically notified, submitters would be unable to contest them as they would be outside of the scope of the plan change.

### Change of Chapter Title

It is proposed to change the chapter title from 'Papakāinga Housing' to 'Papakāinga'. This acknowledges that as a term papakāinga means more than just housing.

### New Activity Statuses

The overall discretionary activity status for papakāinga on ancestral Māori land, has been replaced by a regulatory hierarchy relative to the extent of oversight by the Māori Land Court:



## Permitted Activity

Where the land is ancestral Māori Land administered by a trust, incorporation or Māori reservation. A permitted activity status means that papakāinga developments could be done as of right without a resource consent.

## Controlled Activity

Where the land is held in multiple ownership. A controlled activity means that a resource consent is required but shall be granted subject to conditions relating to certain matters of control.

## Discretionary Activity

Where the land is subject to proceedings before the Māori Land Court on the date the application for resource consent is made OR where the land is 'general land owned by Māori' that has not been the subject of proceedings before the Māori Land Court.

## Non-Complying

On all other land. This is no different to what exists currently. The Non-complying activity status is the most restrictive



## Transfer of Powers

It is proposed that applications for controlled activities would be considered by the relevant iwi authority for the rohe in which the land is located. The transfer of powers acknowledge that Council do not hold expertise in tikanga with respect to papakāinga developments and that iwi authorities are better placed to determine applications on Māori land held in multiple ownership. Beyond the plan change process the transfer would require undertaking the special consultative procedure in the Local Government Act, notifying the Minister for the Environment and ensuring that the iwi authority have capacity to exercise those powers in accordance with the RMA.

## Māori Commissioners

It is proposed that applications for discretionary activities would be considered by and determined by a panel including, or exclusively made up of Māori Commissioner(s) with expertise and qualifications in tikanga and planning. It is important that the Commissioner(s) have knowledge in both areas to ensure holistic decision making in accordance with the RMA.





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## Process from here

At this stage pre-consultation is open until 13th March 2015. If you or your organisation are interested to learn more, we are more than happy to facilitate hui at marae, Council offices or anywhere else that may be appropriate - to arrange hui please contact Council on the details provided below. Otherwise feel free to fill out the pre-consultation comment form and return it to Council.

### Postal address

Whangarei District Council, Policy and Monitoring  
Division, Private Bag 9023, Whangarei 0148

Attention: David Badham

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Phone: (09) 430 4230 ext: 8907

For more information see

[www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/  
DistrictPlan/DistrictPlanChanges/Pages/default.aspx](http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/DistrictPlan/DistrictPlanChanges/Pages/default.aspx)