



SECTION 32 REPORT Special Purpose – Māori Purpose Zone

| | | |
|-----------|--|-----------|
| 1 | Executive Summary | 1 |
| 2 | Introduction and Purpose..... | 2 |
| 3 | Statutory and Policy Context..... | 3 |
| | 3.1 Resource Management Act..... | 3 |
| | 3.2 Statutory Planning Documents | 3 |
| | 3.3 Regional Policy Statement and Regional Plans | 4 |
| | 3.4 Iwi planning documents..... | 4 |
| | 3.5 Iwi strategy documents | 5 |
| | 3.6 Other Legislation, Guidance and Policy Documents..... | 5 |
| | 3.7 Local Policies, Plans and Strategies..... | 5 |
| 4 | Context, Research and Trends | 6 |
| | 4.1 Operative District Plan Approach | 6 |
| | 4.2 Other Methods..... | 7 |
| | 4.3 State of the Environment | 8 |
| | 4.4 Effectiveness of the Operative District Plan Approach | 10 |
| | 4.5 Effectiveness of Other Methods | 11 |
| | 4.6 Other Relevant Research/Documents..... | 12 |
| 5 | Consultation | 13 |
| | 5.1 General Consultation | 13 |
| | 5.2 Consultation with Iwi Authorities | 14 |
| | 5.3 Consultation with Marae trustees..... | 14 |
| 6 | Key Resource Management Issues | 15 |
| 7 | Proposed District Plan Provisions (Objectives, Policies & Methods/ Rules) | 16 |
| | 7.1 Strategic Objectives | 16 |
| | 7.2 Zone Structure..... | 16 |
| | 7.3 Objectives and Policies | 16 |
| | 7.4 Rules | 17 |
| | 7.5 Definitions | 17 |
| | 7.6 Spatial layers..... | 18 |
| | 7.7 Other Methods..... | 18 |
| 8 | Approach to Evaluation..... | 18 |
| | 8.1 Evaluation of Scale and Significance | 18 |
| | 8.2 Explanation Summary..... | 19 |
| 9 | Evaluation of Objectives (Special Purpose Zone) – Māori Purpose..... | 21 |
| 10 | Evaluation of Options to Achieve the Objectives | 24 |
| 11 | Summary | 30 |



1 Executive Summary

Tangata Whenua have continued to express a desire to occupy and use Māori land within their ancestral rohe in order to develop social, cultural, economic and/or environmental outcomes in accordance with mātauranga and tikanga. They have also consistently expressed the aspiration to encourage people to return to their ancestral land. Connection with ancestral rohe was traditionally through building and living on the land.

The Operative District Plan provides for certain activities to occur on Marae/Pa, such as offices, multiple buildings and events, and has specific rules allowing for some forms of papakāinga development on Māori land.

The Operative District Plan provisions are only partially achieving the use and development of Māori land. The underlying zoning (determined by the 'environment areas') restricts the type and scope of activities and development. Provisions for general zones such as boundary setbacks and traffic generation rules do not provide for Māori activities as they traditionally and usually occur. It is important to ensure that tangata whenua have the flexibility to undertake specific cultural activities across the district.

Enabling tangata whenua to develop Māori land to achieve their aspirations is a key resource management issue.

The key changes introduced for the Māori Purpose zones are:

- A standalone chapter and specific objectives, policies and rules for Māori Purpose Zones developed with the guidance of the kaupapa Māori framework (Rangatiratanga; Kaitiakitanga; Ūkaipōtanga; and Kotahitanga).
- Development of Māori land, including within natural heritage areas.
- Specific Māori Purpose Zone activities (irrespective of whether they occur on Māori Land or not) that enable development and provide for management of nuisance type effects in proximity to the zone.
- Recognition of mātauranga, kawa and tikanga in design and development.

The Proposed Plan will provide better outcomes for tangata whenua by providing for a wider group of activities in all zones, and for more extensive development to take place on Māori land.

2 Introduction and Purpose

This report contains a summary section 32 evaluation of the objectives, policies and methods in the Proposed New Plymouth District Plan relating to enabling Māori to undertake specific activities and uses across the district, manage nuisance effects in proximity to Marae/Pa, and to managing the resource of Māori land. It is important to read this report in conjunction with the section 32 overview report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

The term 'Māori land' is defined as land administered by the Māori Land Court under Te Ture Whenua Māori Act 1993, including Māori freehold land, Māori customary land, and land held by trusts constituted under Te Ture Whenua Māori Act. Māori emphasise the need for development within the district that reflects their identity and aspirations. These aspirations include:

- Social aspirations – focusing on housing, health and social well-being.
- Environmental aspirations – including the practical application of kaitiakitanga in the management of the natural and physical resources of the district.
- Economic aspirations – focussing on the use of customary resources and creating an economic base from resources acquired through Treaty settlements; and
- Cultural and spiritual aspirations - including the establishment and strengthening of cultural institutions such as papakāinga and marae, the availability of urupā, and the recognition of Māori knowledge and design principles in the development in the district, as well as the review of wāhi taonga, or sites and areas of significance to Māori, to correctly identify and record their location and extents.

In developing the strategy around the use and management of Māori land, Ngā Kaitiaki identified the following values/principles to guide the plan making process:

- Rangatiratanga – The spiritual, cultural and historical associations, interests and aspirations of tangata whenua to land, sites of significance, freshwater and coastline are recognised, safeguarded and advocated.
- Kaitiakitanga – Impacts on the spiritual, cultural and historical associations, interests and aspirations of tangata whenua to land, sites of significance, freshwater and coastline are resolved, mitigated and/or co-managed effectively.
- Ūkaipōtanga – Through an intimate connection to place, and ensuing sense of belonging, the contribution of tangata whenua to mutually beneficial outcomes are valued and acknowledged.
- Kotahitanga – Tangata whenua, the Council, and other key stakeholders have listened closely to each other, and worked together to challenge social beliefs and practices.

This report sets out the statutory and policy context for the approach to management of Māori land, the key resource management issues, specific consultation and approach to evaluating this topic that was used to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA or the Act) in relation to this topic.

3 Statutory and Policy Context

3.1 Resource Management Act

The RMA sets out in Section 31 the functions of territorial authorities. The key function for the district council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. "*Natural and physical resources*" includes natural landforms, buildings, and structures.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. The Section 6 matters of national importance relevant to the proposed Special Purpose – Māori Purpose Zone provisions are:

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.

Section 7 of the RMA requires the Council to have particular regard to the following matters:

(a) Kaitiakitanga;

(c) the maintenance and enhancement of amenity values;

(f) maintenance and enhancement of the quality of the environment;

(g) any finite characteristics of natural and physical resources;

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Principles of the Te Tiriti o Waitangi/Treaty of Waitangi that are relevant to the proposed approach to managing the resource of Māori land include reciprocity (tino rangatiratanga), autonomy, options and active protection. The proposed approach takes into account these principles.

Tangata Whenua have been consulted through iwi authorities as part of the review process; the obligation to make informed decisions based on that consultation is noted.

All of the above matters are relevant to the approach to managing the resource of Māori land.

3.2 Statutory Planning Documents

3.2.1 National Planning Standards

Released in April 2019, the purpose of the National Planning Standards (planning standards) is to improve consistency in plan and policy statement structure, format and content.

The planning standards were introduced as part of the 2017 amendments to the RMA. Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

As discussed in the Overview Report, the Proposed District Plan will give effect to the planning standards. Of particular relevance is the ability to include provisions for a Special Purpose – Māori Purpose Zone chapter within the Proposed Plan. This zone uses definitions for Māori Cultural Activities and Māori Purpose Activities that provides

for a wider range of cultural, community and living purposes across all zones, for Marae/Pa, and for integrated development of Māori land.

3.3 Regional Policy Statement and Regional Plans

Under Section 75(3)(c) of the RMA, the District Plan must give effect to the Regional Policy Statement. The Taranaki Regional Policy Statement 2010 (RPS) includes a number of provisions, including methods, that are relevant to the approach to managing the resource of Māori land, and which the Council may wish to consider:

- TOW Objective 1 – To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the Resource Management Act.
- KTA Objective 1 – To have particular regard to the concept of kaitiakitanga in relation to managing the use, development and protection of natural and physical resources in the Taranaki Region, in a way that accommodates the views of individual iwi and hapū.
- REL Objective 1 – To recognise and provide for the cultural and traditional relationship of Māori with their ancestral lands, water, air, coastal environment, wāhi tapu and lands, water, air, coastal environment, wāhi tapu and other sites and taonga within the Taranaki region.
 - REL Policy 1 – The development, use, or protection of iwi and hapū land will be supported in a manner which is consistent with the purpose of the Act.
 - REL Policy 2 – The aspirations of iwi and hapū concerning the development of marae, papakāinga, kaumatua housing, whare wānanga, water supplies and other facilities on iwi and hapū land will be recognised and supported.
- CSV Objective 1 – Management of the natural and physical resources in the Taranaki region will be carried out in a manner that takes into account the cultural and spiritual values of Iwi o Taranaki and in a manner which respects and accommodates tikanga Māori.

3.4 Iwi planning documents

- 3.4.1 The Ngāti Maniapoto environmental management plan – Ko Tā Maniapoto Mahere Taiao – includes a specific section on the development of marae and papakāinga (section 8.0). This includes directive provisions regarding the enablement of marae and papakāinga development and cultural activities through regional and district plans, policies and methods. This plan has not been lodged with Council.
- 3.4.2 The Ngāti Mutunga environmental management plan includes a section headed “Subdivision, Development and Changing Land Use” that states the iwi “... supports policies and rules which provide for the development of papakāinga housing.” This plan has not been lodged with Council and is still under revision.
- 3.4.3 Taranaki Iwi – Taiao, Taiora environmental management plan includes a section on “Urban and Township Planning and Development”, which contains context, issues, objectives and guidance relevant to the approach to managing Māori land and supporting the development of papakāinga housing. This plan has been lodged with the Council.
- 3.4.4 Te Ātiawa Iwi Tai Whenua, Tai Tangata, Tai Ao environmental management plan contains context, issues, objectives and guidance relevant to the approach to managing Māori land and supporting the development of papakāinga housing and

marae and activities associated with those developments. Te Ātiawa requires local authorities to recognise and provide for these activities in their planning documents. Council has provided comments on the draft form of this plan.

3.5 Iwi strategy documents

Te Korowai o Nga Ruahine has developed and administers a 25-year strategic plan for its iwi Ngāruahine Rangī. The strategic plan includes a number of aspirations relevant to the development of Māori land. Ngāruahine also has an environmental management plan under development.

3.6 Other Legislation, Guidance and Policy Documents

Other pieces of legislation and regulations that are relevant to the approach to managing the resource of Māori land, and have been considered in preparing the Proposed District Plan, are:

- Te Ture Whenua Māori Act 1993.
- Settlement legislation – Ngāruahine Claims Settlement Act 2016, Taranaki Iwi Claims Settlement Act 2016, Te Ātiawa Claims Settlement Act 2016, Ngāti Mutunga Claims Settlement Act 2006, Ngāti Tama Claims Settlement Act 2003. The Ngāti Maru agreement in principle (signed in 2017) has also been considered.

3.7 Local Policies, Plans and Strategies

3.7.1 New Plymouth District Strategic Framework

The vision for the New Plymouth Strategic Framework is Building a Lifestyle capital (He Whakatutu Haupu Rawa Hei Ahua Noho). The community outcomes this will achieve are: Putting people first (Aroha kit e Tangata), Caring for our place (Manaaki whenua, manaaki tangata, haere whakamua) and Supporting a prosperous community (Awhi mai, Wahi atu, tatou katoa).

3.7.2 The New Plymouth District Blueprint

First adopted in 2015, the Blueprint is a 30-year spatial plan that provides eight key directions for Council. The key directions relevant to the Māori Purpose Zone are:

- Communities – strengthen and connect local communities.
- Citizens – enable engaged and resilient citizens.

3.7.3 Regional Economic Development – Tapuae Roa

Tapuae Roa–Make Way for Taranaki: Taranaki Regional Economic Development Strategy, August 2017 (Tapuae Roa) is a culmination of work undertaken by the district councils and regional council of Taranaki in partnership with Ngā Iwi o Taranaki. It is designed to feed into the Long-Term Plans of all the councils in the region, influence private sector investment decision-making and contribute to the future activities and investment decisions of Ngā Iwi o Taranaki.

Tapuae Roa identifies Māori Economy Futures as a key opportunity for the region, with investment announced (Regional Economic Development Funding) to complete a stocktake of education and enterprise in the region. Tapuae Roa articulates the need for provisions that are supportive of, and enable flexibility to develop Māori land to its potential, and to realise iwi/hapū aspirations for that land.

3.7.4 Ngā Kaitiaki issues paper regarding papakāinga and the development of Māori land.

4 Context, Research and Trends

4.1 Operative District Plan Approach

4.1.1 Context

The Operative District Plan provides for certain activities to occur on Marae/Pa, such as offices, multiple buildings and events, and manages the resource of Māori land through the implementation of effects-based provisions, some of which specifically provide for Māori development types such as papakāinga. However the Plan is silent on specific Māori cultural activities (irrespective of whether they occur on Māori Land or not) and on management of nuisance type effects in proximity to Marae/Pa.

The history of Māori land in the District is well reported in numerous reports (e.g. The Taranaki Report, Kaupapa Tuatahi), legislation (e.g. Treaty of Waitangi settlements, West Coast Settlement Reserves Act 1881), royal commissions (e.g. the Simms Commission), waiata, karakia, whakatauki and the like. This history is not repeated here, but suffice it to note the impact that the confiscation of land has had in the District, and the importance of the whenua (land) that remains in Māori ownership to support Tangata Whenua aspirations.

There has been a general lack of positive outcomes for Māori from successive planning frameworks, and more specifically a pronounced lack of acknowledgement and provision for the relationships between Māori and their whenua.

The outcomes of the Operative District Plan provisions are only partially achieving use and development of Māori land. Māori land is zoned into a variety of environment areas including rural, open space, residential and industrial, and consequently is subject to the provisions of the relevant environment area, which is sometimes very restrictive about the type and scope of activities and development. Provisions for general zones such as boundary setbacks and traffic generation rules have not provided for Maori activities as they traditionally and usually occur.

Māori land is also subject to a range of overlays including coastal hazard and policy areas, Significant Natural Areas, Notable Trees, Wāhi Taonga, Priority Water-Bodies, Outstanding Natural Landscapes and features and other scheduled features.

4.1.2 Plan Changes

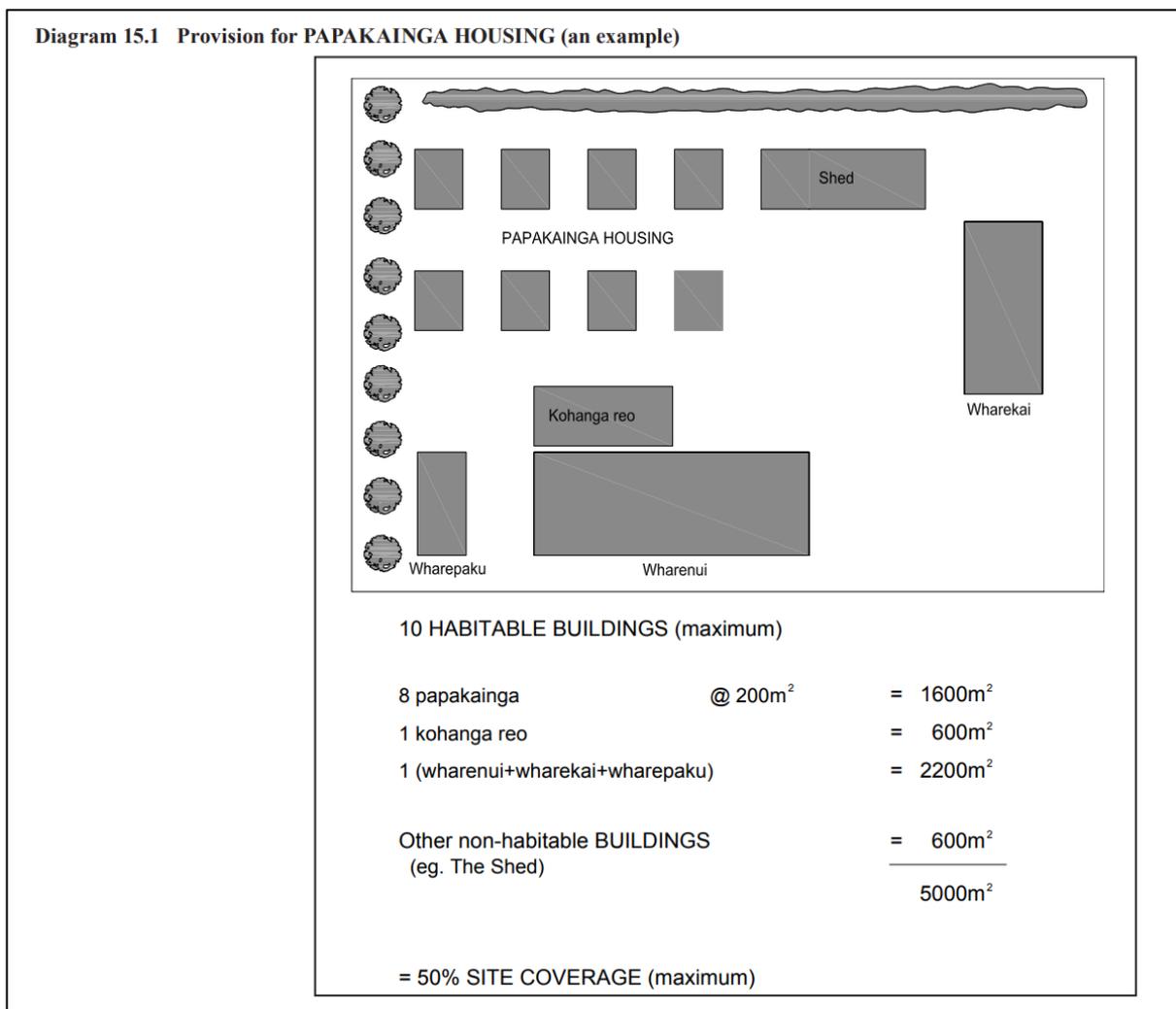
No specific plan changes are immediately relevant to the management of the resource of Māori land.

4.1.3 Operative District Plan Provisions

The objective and policy framework relating to the management of the resource of Māori land is outlined below:

- Objective 19 – To recognise and provide for the cultural and spiritual values of Tangata Whenua in all aspects of resource management in the district in a manner which respects and accommodates tikanga Māori.
- Policy 19.1 – The use of land for traditional Māori activities should be recognised and provided for.
- Methods of implementation 19.1:
 - Standards which allow Marae and other associated facilities to establish subject to meeting the standards for permitted activities

- Special provisions for papakāinga housing relating to:
 - : Coverage of the site.
 - : Number of habitable buildings in the rural environment area.
- Appendix 15 – Papakāinga Housing:



4.2 Other Methods

Other methods outside the District Plan that are used are:

- Marae development grants.
- Encouraging access to reserve land for traditional activities in accordance with reserve management plans.
- Advocating for and facilitating access to traditional areas of resources.
- Consulting with iwi and hapū to determine the meaning of kaitiakitanga in terms of the management of the district's resources so that the Council can appropriately incorporate this ethic into resource management decision-making.
- Consulting with iwi and hapū on how best to accommodate the role of tribal kaitiaki in the management of natural and physical resources of the district.
- Consulting with iwi on how best to provide for iwi management of tribal land.

- Supporting iwi initiatives to prepare iwi planning documents through the provision of technical and financial assistance, as appropriate, on a case by case basis.

4.3 State of the Environment

4.3.1 Māori land

Māori Land is different to General Land. This has largely resulted from historical efforts by past governments to reconcile the differences in customary Māori communal ownership of land, and the individual title system favoured by British law. Māori land generally has multiple owners, with descendants inheriting ownership as owners die (via applying to the Te Kooti Whenua Māori / Māori Land Court (MLC)).

The MLC is the only Court with specific jurisdiction over Māori Land, as prescribed by Te Ture Whenua Māori Act 1993 ('TTWM Act') also known as the Māori Land Act 1993. Owners of Māori Land must apply to the MLC if they want to administer their land. This is different to General Land where, for example, a person does not need to apply to a Court to succeed to land interests left to them.

The passage of TTWM Act represented the end of lengthy discussions within the Māori community on how to balance the often-competing objectives of retaining Māori Land in Māori ownership with development of the land. The TTWM Act remains the MLC's guiding legislation, and it directs that the Act be interpreted in a manner that best furthers the principles set out in the Preamble:

"Whereas the Treaty of Waitangi established the special relationship between the Māori people and the Crown: And whereas it is desirable that the spirit of the exchange of kāwanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whānau, and their hapū, and to protect wāhi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whānau, and their hapū: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Māori people to achieve the implementation of these principles."

Section 2(2) of the TTWM Act states:

"...it is the intention of Parliament that powers, duties, and discretions conferred by this Act shall be exercised, as far as possible, in a manner that facilitates and promotes the retention, use, development and control of Māori land as taonga tuku iho by Māori owners, their whanau, their hapū, and their descendants."

As a resource, there is very little Māori land left in the district: less than 0.43% of land in the New Plymouth District is classed as Māori freehold land. This is made up of about 262 blocks which together total less than 10,000 hectares of the 2.3 million hectares in the district. The small amount of Māori land still available is located throughout the district in a variety of uses, generally categorised as either Marae or for agricultural purposes. Some of this land is difficult to develop due to the shape of the land parcel or because it is on erosion-prone coastal land which is subject to other protective overlays.

4.3.2 Scheduled features

Māori land is disproportionately affected by overlays of scheduled features because the land has remained undeveloped while surrounding land has been cleared and built on. In addition, a lot of the region's Māori land is in coastal areas, parts of which are protected by the Outstanding Natural Landscape and Outstanding Natural Character Overlays. The provisions of these overlays conflict with the desire to develop Māori land, particularly through the restrictions placed on building and vegetation clearance for buildings, and potentially economic activities such as forestry.

4.3.3 Existing Marae

There are ten existing Marae in the district, and another that has been consented, but is yet to be constructed. Te Rewa Rewa Reserve is not located on Maori land, however, the Council and Ngāti Tawhirikura are parties to an agreement on this land that provides for activities allowed under the Māori Purpose zoning. Table 1 below identifies these marae and their current built environment and function zoning.

Table 1: Existing Marae in the District

| Iwi | Marae | Environment Area |
|-----------------|--|-------------------------|
| Ngāti Maru | Te Upoko o te Whenua | Rural |
| Taranaki | Ōākura (Okorotua) | Rural |
| Te Ātiawa | Ōwae Whaitara | Residential |
| | Otaraua (Mangaemiemi) | Rural |
| | Kairau | Rural |
| | Muru Raupatu | Rural |
| | Katere Ki-Te-Moana | Open Space |
| | Ngāti Tawhirikura – Te Rewa Rewa Reserve | Open Space |
| Ngāti Mutunga | Urenui | Rural |
| Ngāti Tama | Pukearuhe | Rural |
| Community Marae | Te Kohanga Moa | Open Space |

Table 2: Consented Marae in the District

| Iwi | Marae | Environment Area |
|------------|---------------------------------------|-------------------------|
| Te Ātiawa | Ngāti Te Whiti – Ngamotu ¹ | Open Space |

4.3.4 Papakāinga

Historically there were numerous papakāinga throughout the District, some of which are identified as sites of significance to Māori elsewhere in the Proposed New Plymouth District Plan. Today, there are several smaller papakāinga in the District at Te Kawau, Pukearuhe and Muru Raupatu, with other hapū verbalising aspirations around developing papakāinga around Marae or other Māori land.

4.3.5 Māori purpose activities on non-Māori land

The Operative District Plan is an effects-based plan, and does not provide explicitly for Māori cultural or Māori purpose activities outside of Marae or Pa sites. However some parcels of general land are held in Māori ownership, and some reserve land owned or administered by the Council is leased to Māori, particularly land that adjoins Marae

¹ This Marae is consented, but not yet built.

sites. Transfers of general land through treaty settlements has also occurred since the Operative District Plan came into force. Zoning under the Operative District Plan restricts the type and scope of Māori cultural or Māori purpose activities that can currently take place on non-Māori land.

4.3.6 Parininihi ki Waitotara

Parininihi ki Waitotara (PKW) manage land and investments on behalf of over 10,000 Māori shareholders. They manage 20,000ha of land in the district primarily utilised for dairy farming, dry stock or other agricultural uses (supplement feed etc.).

4.3.7 Resource Consent Trends/Data

The Council received a resource consent application from the Ngāti Te Whiti hapū in 2015 to develop Ngamotu Marae at Bayly Road in New Plymouth and this application remains open. The application includes construction of wharenuī and wharekai buildings including office and kitchen facilities.

4.4 Effectiveness of the Operative District Plan Approach

From a policy perspective the Operative Plan provisions are only partially achieving the anticipated environmental outcomes. The effects-based rule approach achieves the requisite flexibility in land use to enable the mix of activities that commonly occur on Marae/Pa (hapū offices, meetings, multiple buildings, events etc.). In this regard existing plan provisions align with tangata whenua expectations of what it is possible to achieve in these areas. However there are no provisions to allow other Māori cultural uses and activities (irrespective of whether they occur on Māori Land or not) or to manage nuisance type effects or reverse sensitivity effects in proximity to Marae/Pa.

The Operative Plan zones Māori land into a variety of environment areas including rural, open space, residential and industrial, and it is consequently subject to the provisions of the relevant environment area. Issues can arise because of the restrictions caused by the underlying environment areas, and Māori activity/use can often require resource consent. For example, Ōākura Marae/Pa is zoned rural on the edge of urban Ōākura, adjoining the Residential C environment area. Consequently, the Marae/Pa would need to meet 30m boundary setbacks for all habitable buildings or apply for resource consent, compared to the opposite side of the road where there are no road boundary setbacks. While requiring consent in itself is not a significant barrier; the plan framework (underlying environment area, activity status of rules and associated policies) which the Marae/Pa would be applying under, has meant that their application is considered against a rural character outcome or similar, which is not fit for purpose for activities that have occurred in those locations for decades. This has implications for affected party decisions and the subsequent cost is prohibitive in many instances. Additionally, the Operative Plan makes specific rule allowances for some elements of papakāinga development (as defined) on Māori land, but does not allow for papakāinga on other zones.

The key issues related to Māori land use and development are as follows:

| Issue | Comment | Response |
|--|--|---|
| Issue 1: No specific objectives, policy framework or rules for the use and development of Māori land. | Provisions in the current plan are only partially achieving use and development of Māori land due to restrictions on activities set by the underlying environment areas. | <ul style="list-style-type: none"> • Inclusion of a standalone chapter with provisions for the use and development of Māori land and providing for the use of iwi/hapū development plans for specific sites. |
| Issue 2: Māori land is subject to a range of overlays including coastal hazard and policy areas, Significant Natural Areas, Notable Trees, Wāhi Taonga, Priority Water-Bodies, Outstanding Natural Landscapes and features and other scheduled features. | The current plan restricts use and development of Māori land through the use of overlays, as well as environment areas. | <ul style="list-style-type: none"> • Overlay provisions allow for the development of Māori land. |
| Issue 3: There are no provisions for specific cultural use and activities and across the region. | Provisions for general zones such as boundary setbacks and traffic generation rules have not provided for Maori activities as they traditionally and usually occur and the Plan is silent on cultural activities and uses. | <ul style="list-style-type: none"> • Under the Proposed plan, a wide range of cultural activities and uses is enabled across all zones and other potentially compatible uses are managed |
| Issue 4: There are no provisions to manage reverse sensitivity effects where Marae/Pa are hoping to develop next to existing industry. | Industrial zoning requires setbacks from scheduled sites of significance to Maori but not from Marae/Pa and this can cause adverse amenity effects for cultural uses and activities. | <ul style="list-style-type: none"> • Māori Purpose Zone provisions manage boundary effects through landscaping and other methods. |

4.5 Effectiveness of Other Methods

Other methods have had a mixed impact on facilitating the use and development of Māori land in the District. Marae grants are generally supportive from a maintenance perspective over time, with good communication and process due to the length of time they have been available. Conversely, reserve management planning has generally included generic policies and limited implementation, other than signage and interpretation. Exceptions to this situation include agreements with specific hapū – e.g. The Agreement regarding Rewa Rewa Reserve with Tawhirikura A Hapū Trust, and lease agreements with other hapū/iwi for land adjacent to existing Marae. Consultation with iwi/hapū regarding the meaning of kaitiakitanga continues to evolve, and the process undertaken as part of the Proposed District Plan Review will continue the implementation of the consultation method. A similar consultation process is being undertaken with iwi on how best to manage iwi land.

4.6 Other Relevant Research/Documents

4.6.1 Occupation of Māori land

Tangata Whenua have continued to express a desire to occupy and use Māori land within their ancestral rohe to develop social, economic and cultural activities. In general, Māori Freehold Land is under-utilised. The reasons for under-utilisation include regulatory constraints (Ngā Kaitiaki papakāinga position paper, 2016). One consistent theme across iwi is the aspiration to encourage the return of their people to their ancestral lands. This requires the provision of housing, employment, education and health services in and around those ancestral lands. The attraction of returning to the land pre-dates the recent Treaty settlement process. However, the ability to secure a good standard of living has been thwarted by a range of barriers, largely based upon access to employment opportunities.

There are several recreation or other local reserves adjacent to Marae, and within the rohe or ancestral lands of iwi/hapū, over which tangata whenua are not currently able to exercise their full kaitiaki role.

4.6.2 Housing choice – Papakāinga

A report entitled "*Government planning and support for housing on Māori land*" released by the Office of the Auditor-General in 2011 included two relevant recommendations:

- We recommend that local authorities build appropriate flexibility into their district plans to allow housing to be built on Māori land.
- We recommend that local authorities identify and work with landowners who have particularly suitable land blocks and who want to build housing on Māori land. Concern has also been raised regarding the prescriptive nature of papakāinga provision in some district plans – for example the list of assessment criteria included in the proposed Rotorua District Plan (Kennedy 2008, p. 18).

The concerns identified in the Auditor-General's 2011 report were echoed in "*He Whare Ahuru He Oranga Tangata - the Māori Housing Strategy*", published by the Ministry of Business, Innovation and Employment (MBIE) in July 2014. The report identifies national directions or goals for Māori housing in New Zealand. These include increasing housing on Māori-owned land.

4.6.3 Tino Rangatiratanga and Kaitiakitanga

A report entitled "*Ko Ngā Tumanako o Ngā Tāngata Whai Whenua Māori – Owner Aspirations Regarding the Utilisation of Māori Land*" commissioned by Te Puni Kokiri in 2011 reported the aspirations of landowners around the country. This report identified land utilisation as a cultural responsibility, noting that "As kaitiaki, the responsibility of receiving the tāonga of land was to utilise it and improve it for coming generations. Commercial use was simply a mechanism to achieve that cultural imperative" (Te Puni Kokiri 2011, p.16).

4.6.4 The impact of scheduled features

The issue of scheduled features and the impact they have on Māori land is discussed in the *Report of the Biodiversity Collaborative Group, 2018*, with specific objectives and policies supportive of the development of Māori land where features identified as

matters of national importance under section 6(c) of the RMA are located. It is also reflected in the Proposed National Policy Statement for Indigenous Biodiversity 2010.

4.6.5 Use of Māori land for infrastructure

In the Summary of Submissions on the Review of the Public Works Act, compiled by LINZ in 2001 (Appendix 3.17.3), it is noted that:

"Many Māori submissions noted that public works legislation used for the development of New Zealand's infrastructure had resulted in considerable loss of Māori land and a number of these referred to historical Treaty grievances involving ancestral lands. Inclusion of Treaty of Waitangi provisions is keenly sought by Māori (and also supported by a number of non-Māori) in the body of the Act (rather than in a preamble) to legislatively protect their interests. Māori consider that it should also be binding on all bodies exercising powers under the Act" (LINZ 2001, p.3).

Aspects of the review of the Public Works Act are encompassed in ongoing RMA reforms. The Waitangi Tribunal has also made recommendations in relation to public works grievances.

Ngā Kaitiaki has advised that this is consistent with historic experiences with infrastructure development in the district (for example the Bell Block oxidation ponds, and the New Plymouth Airport).

4.6.6 Summary of Context, Research and Trends

There are a number of issues affecting the management of Māori land in the district, including the ability to develop Māori land, and general land across the district, to achieve the social, cultural, economic or and/or environmental outcomes of tangata whenua. These issues are not unique to the New Plymouth district, with a number of reports from different agencies articulating housing challenges, and the role of planning frameworks in addressing these challenges.

The existing approach to managing Māori land is a combination of the Operative District Plan provisions, and non-regulatory methods such as advocacy, provision of information, and technical advice relating to potential development. Overall, the current approach is only partially achieving the objectives of the Operative Plan; however, this falls short of meeting the expectations of tangata whenua as articulated via Ngā Kaitiaki.

5 Consultation

5.1 General Consultation

Extensive consultation has been undertaken as part of this District Plan Review process with key stakeholders and the local community. Refer to the General Overview Section 32 Report for details on the methods that were used to carry out that consultation. Feedback from consultation relevant to the Special Purpose – Māori Purpose Zone is summarised below.

5.2 Consultation with Iwi Authorities

Iwi Authorities were invited to engage throughout the review of the District Plan via a specific Ngā Kaitiaki forum. Some Iwi Authorities elected to devolve this position to hapū or to groups of Marae trustees.

Ngā Kaitiaki provided feedback on the Draft District Plan (2016). The comments from Ngā Kaitiaki on relevant sections of the Draft Plan are summarised below:

- Māori Purpose Zone:
 - Ngā Kaitiaki are generally supportive of the need for a Māori Purposes Zone (MPZ) as long as it is not the only tool used to recognise and provide for Māori Purpose activities in the district and that it will contain less regulatory requirements for development when compared with other zones.
 - Enabling the potential for employment opportunities to be created in association with a rural Pa/Marae would be an important benefit of the MPZ.
 - In addition, where development is taking place in accordance with an integrated iwi or hapū development plan, Ngā Kaitiaki sought exemptions from the rule provisions.
- Papakāinga and Māori activities throughout the district:
 - Ngā Kaitiaki are concerned to make sure that the MPZ zoning would not limit the ability to develop Pa/Marae or Papakāinga outside of the MPZ, and to ensure that the provisions are not open to exploitation by non-Māori or the development community.
 - The objectives and definitions for Papakāinga as contained in the Residential Zone provisions may need expanding to allow for the full range of facilities and activities that may take place in a Papakāinga development.
 - To be consistent with the rest of the plan, Ngā Kaitiaki suggests that policies that list, variously, Pa/Marae, Papakāinga housing and customary activities, use the umbrella term 'Māori Purpose Activities' instead.
- Impact of infrastructure on Māori land:
 - Ngā Kaitiaki stress that understanding the history of the land on which a utility is located, or proposed to be located, is fundamental to designing and providing for the relationship of Māori with their land, water, sites, and other taonga alongside the functional requirements of a network utility.
- Scheduled features and impact on development on Māori land:
 - Scheduled feature overlays, such as Outstanding Natural Landscapes and Outstanding Natural Character, create disproportionate negative effects for the development of Māori land as compared to general land.

5.3 Consultation with Marae trustees

Meetings were held at various times with groups of Marae trustees to explain the principles behind the proposed Māori Purpose Zone, and its provisions, and to answer any specific questions that trustees posed. Under the Operative Plan each Marae has different zoning and this creates different issues for each Marae.

Diagrams of how the proposed Māori Purpose Zoning would impact on the marae in each zone were developed, along with a document comparing different provisions. Maps of the formal Marae boundaries were also provided so that trustees could discuss the current extent of the Marae and future aspirations for it, together with adjacent reserve land.

6 Key Resource Management Issues

Tangata Whenua traditionally had connection with their ancestral lands through building and living on their lands. Successive central and local governments have impeded this relationship in various ways; for example, in the case of local government, through relatively high minimum site sizes in rural areas. Economic forces have created an urban shift for the majority of the Māori population. However, some Māori still live on land around rural marae, and many retain a relationship with their ancestral lands. Some aspire to return to live and work there. In some cases Māori Purpose Activities also occur on reserve land. The Council has worked in partnership with Māori and some areas of this land are under co-management.

It is important to ensure that Tangata Whenua have the flexibility to develop Māori land, in accordance with mātauranga, kawa and tikanga, to achieve social, cultural, economic and/or environmental outcomes, while ensuring appropriate health, safety and amenity standards are met. This is the key resource management issue that will be managed through the implementation of Māori Purpose zoning in the Proposed District Plan.

There are also other important resource management issues related to Māori land in the District that require addressing in the Proposed Plan:

- Lack of a specific planning framework to provide for and manage Māori land or land under co-management. Specific provisions which recognise and provide for the relationship of Māori with their land, are required to meet higher order planning documents, as well as Tangata Whenua expectations.
- Lack of a planning framework to encourage maximum decision-making on the use and development of marae areas, by marae committees themselves, with minimum planning requirements.
- No provision for development on Māori land beyond what is provided for on surrounding land through district provisions and permitted activities, irrespective of the location of the Māori land.
- Protection of sites and areas of significance to Māori.
- Requirement for reverse sensitivity protection around marae complexes. Marae can be adversely affected by the establishment of industry or other offensive land uses that are not compatible with the character and amenity of marae in the District.
- Conflict between aspirations of Tangata Whenua and principles of open space or other environment areas adjacent to Marae sites.

It is imperative that the management of Māori land in the District is integrated, planned and appropriate to meet the obligations set out in higher order planning documents.

Following identification of the key resource management issues, the existing objectives, policies and methods were reviewed to determine whether they effectively

address the issues. Based on this review, the Māori Purpose Zone provisions were revised, and new draft provisions were released as part of the Draft Digital District Plan in February 2018. Feedback on the new draft provisions was considered and the draft provisions revised where appropriate. The evaluation is summarised below.

7 Proposed District Plan Provisions (Objectives, Policies & Methods/ Rules)

The proposed provisions are set out in the following sections of the Proposed New Plymouth District Plan:

- Strategic objectives.
- Special Purpose – Māori Purpose Zone.
- Low Density Residential Zone, General Residential Zone, Medium Density Residential Zone, Rural Production Zone, Rural Lifestyle Zone and Open Space Zone.
- Definitions.

These provisions should be referred to in conjunction with this evaluation report.

The four Kaupapa Māori values that guide the draft Proposed District Plan – Rangatiratanga; Kaitiakitanga; Ūkaipōtanga; and Kotahitanga (see the Introduction section) – also guide the Māori Purpose Zone provisions. The purpose of the values is to enable iwi and hapū to participate meaningfully in district planning processes and to assist the Council to recognise and respond to iwi and hapū needs, values and aspirations in a district planning context. The four values are set out in the Introduction section of this report.

7.1 Strategic Objectives

The applicability of all the proposed Strategic Objectives will need to be considered for all development proposals requiring resource consent under the Proposed District Plan. Of relevance to Māori Purpose Zone provisions are Strategic Objectives TW-8 to TW-12; in particular TW-10:

- Tangata whenua are able to protect, develop and use Māori land in a way which is consistent with their culture and traditions and their social and economic aspirations.

7.2 Zone Structure

The Māori Purpose Zone structure is a new zone and provides more permissive conditions for development of Marae/Pa and development on other Māori land. It also creates a framework to enable more extensive Māori cultural uses and activities across the district.

7.3 Objectives and Policies

Zone objectives provide for tangata whenua to exercise their kaitiaki and mana whenua responsibilities within the Māori Purpose Zone and enable Māori Purpose activities and the comprehensive, coordinated and efficient development of Māori land in the zone, whilst ensuring that adverse effects are avoided, remedied or mitigated.

Zone policies allow certain compatible activities and manage those that are potentially compatible with the role, function and predominant character of the zone based on certain criteria. They support the use of iwi/hapū development plans for coordinated

and efficient development of different areas within the zone (MPZ-P3) and provide for the character and amenity of the zone to be maintained through the control of building and other activities. Other policies ensure that reverse sensitivity effects for sites adjoining certain zones are minimised through various means, and that expressions or demonstration of the values, interests, and aspirations of tangata whenua are provided for, together with the restoration of cultural heritage; and provision of health and social services and educational facilities. The final policy seeks to promote meaningful and genuine tangata whenua engagement to manage the actual or potential effects within the zone, including by seeking input from, and the expertise of, kaumatua and/or pukenga.

7.4 Rules

- Rules within the zone provide for activities including Māori purpose activities, Māori cultural activities, living activities, general retail activities, business service activities, educational facilities, visitor accommodation, agricultural, pastoral and horticultural activities, and community facilities where effects standards are complied with.
- Rules also manage the effects of other, potentially compatible, activities industrial activities such as oil and gas activities, commercial service activities and entertainment and hospitality activities, among others.
- Rules within the zone permit building activities, with or without an iwi or hapū development plan, and relocation of a building onto the zone, subject to the development plans or effect standards and requiring restricted discretion over such activities if compliance with certain criteria is not achieved.
- The rules section includes specific effects standards which identify maximum building and structure height, height in relation to boundary, minimum building setbacks and coverage requirements, together with outdoor storage and minimum landscaped surface area requirements, which reflect the specific development type.
- The rules apply in the Low Density, General Residential and Medium Density Residential Zones; in the Rural Production and Rural Lifestyle Zones; and in the Open Space Zone, allowing Māori purpose activities while managing their design, scale and intensity for each particular zone.

7.5 Definitions

To help clarify the intent of the provisions, manage Māori Purpose Zone activities and align with the planning standards, new definitions have been introduced, including:

- Māori Cultural Activities (NPDC Proposed Plan definition)
- Māori Purpose Activities (NPDC Proposed Plan definition)
- General retail activities (NPDC Proposed Plan definition)
- Iwi or Hapū Development Plans (NPDC Proposed Plan definition)
- Living activities (NPDC Proposed Plan definition)
- Business service activities (NPDC Proposed Plan definition)

- Agricultural, pastoral and horticultural activities (NPDC Proposed Plan definition).
- Generic District Plan-wide definitions such as height, site, building setbacks, outdoor storage requirements and landscaping are also applicable to the Māori Purpose Zone.

7.6 Spatial layers

The Special Purpose – Māori Purpose Zone areas are identified spatially on the E-Plan.

7.7 Other Methods

In addition to the proposed provisions, the methods outside the District Plan set out in Section 4.2 are proposed to continue. These include:

- Ngā Kaitiaki monitoring performance function.
- Marae development grants.
- Encouraging access to reserve land for traditional activities in accordance with reserve management plans, lease agreements or other memoranda of understanding.
- Advocating for and facilitating access to traditional areas and resources.

8 Approach to Evaluation

Section 32(1)(a) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal.

The section of the RMA requires that:

- New proposals must be examined for their appropriateness in achieving the purpose of the RMA.
- The benefits and costs, and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed.
- All advice received from iwi authorities and the response to the advice needs to be summarised.
- The analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

8.1 Evaluation of Scale and Significance

| | Minor | Low | Medium | High |
|--|-------|-----|--------|------|
| Degree of change from the Operative Plan | | | ✓ | |
| Effects on matters of national importance | | | ✓ | |
| Scale of effects – geographically (local, district wide, regional, national). | | | ✓ | |
| Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations). | | ✓ | | |

| | Minor | Low | Medium | High |
|---|-------|-----|--------|------|
| Scale of effects on those with specific interests, e.g. Tangata Whenua | | | | ✓ |
| Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? | | | ✓ | |
| Likelihood of increased costs or restrictions on individuals, communities or businesses. | ✓ | | | |

8.2 Explanation Summary

In summary:

- The degree of change from the Operative District Plan is moderate:
 - Whilst the operative District Plan envisions and provides for the use and development of Māori land across the District, the Māori Purpose Zone is a new zone designed to provide specifically for Māori purpose activities, with provisions that recognise and provide for existing marae and set an appropriate management framework for future marae in the district.
 - The Māori Purpose Zone introduces specific rule provisions that enable the development of Māori land for Māori purposes, in particular around marae.
 - The Māori Purpose Zone identifies land within the district as a specific zone, and activities which require management where they occur within proximity to that zone (e.g. noisy or high traffic producing activities).
- The proposal relates to s.5, 6(e), 6(f), 6(g), 7(a) and 8 matters in the RMA. This is a significant number compared to other topics in the District Plan. Māori land is taonga tuku iho, and the management of these areas in the district directly relates to matters of national importance, other matters and te Tiriti o Waitangi (Treaty of Waitangi).
- The geographical scale of effects is generally limited to discrete locations around the district, largely around existing marae or those consented at time of notification.
- The identification procedures and proposed provisions (which are discussed in detail below) are in accordance with commonly-accepted best practice, and consistent with approaches in other second-generation District Plans that have been produced around New Zealand.
- The proposal relates to the 'communities' strategic matter in the Blueprint.
- The scale of effects on people and Treaty partners is high. Tangata Whenua of the district will primarily be affected by the proposed approach to managing activities on Māori land. The provision of a specific zone, as well as nuanced objectives, policies, rules and other methods that recognise the unique challenges of using and developing Māori-owned land, will allow for the critical role these activities play in providing for social, economic, cultural and environmental well-being.

Overall, it is considered that the scale and significance of the proposal is medium. The level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of specific Māori Purpose Zone activities (irrespective of whether they occur on Māori Land or not) that enable development and provide for management of nuisance type effects in proximity to the Māori Purpose Zone, and an approach to managing Māori land in the district.

9 Evaluation of Objectives (Special Purpose Zone) – Māori Purpose

| Existing Objective(s) | Appropriateness to achieve the purpose of the Act |
|--|--|
| <p>Objective 19 <i>To recognise and provide for the cultural and spiritual values of tangata whenua in all aspects of resource management in the district in a manner which respects and accommodates tikanga Māori.</i></p> | <p>The existing high-level objective is generally considered appropriate in that it is consistent with the Council’s position and the statutory and policy context. However, it fails to address the resource management issue relating to the development of Māori land or the need to allow for cultural uses and activities (irrespective of whether they occur on Māori Land or not) or reverse sensitivity effects in proximity to Marae or Pa. The lack of specific objectives also does not adequately recognise and provide for the relationship of Māori with their land in accordance with Section 6 (e) of the RMA, or Tangata Whenua expectations.</p> <p>It is important to ensure tangata Whenua have the flexibility to develop Māori land, in accordance with mātauranga, kawa and tikanga, to achieve social, cultural, economic and/or environmental outcomes while ensuring appropriate health, safety and amenity standards are met. The existing objective is no longer considered appropriate in achieving the aspirations of tangata whenua to develop their land and enable the return of descendants to ancestral land.</p> |
| Proposed Objective(s) | Appropriateness to achieve the purpose of the Act |
| <p>MPZ-O1: Tangata whenua are able to exercise their responsibilities as kaitiaki in the Māori Purpose Zone to protect, maintain and promote their spiritual, cultural, social, economic and environmental interests and associations.</p> <p>MPZ-O2: Tangata whenua are able to exercise their responsibilities as mana whenua in the Māori Purpose Zone to:</p> <ul style="list-style-type: none"> • provide a safe, nurturing environment for ngā uri (decedents), whānau (family), hapū | <p>The purpose of the RMA is to promote the sustainable management of natural and physical resources by managing the use, development and protection of physical resources in a way which enables people and communities to provide for their social, economic and cultural well-being.</p> <p>Under Section 5 of the RMA, the management of Māori land must enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety while sustaining the potential of natural and physical resources; safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and avoiding, remedying, or mitigating adverse effects of activities on the environment.</p> <p>Under Section 6 (f) of the RMA, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga; the protection of historic heritage from inappropriate subdivision, use and development; and the protection</p> |

| Proposed Objective(s) | Appropriateness to achieve the purpose of the Act |
|---|--|
| <p>(extended family), iwi me ngā manuhiri (tribe and visitors);</p> <ul style="list-style-type: none"> • ensure the protection, maintenance and promotion of ngā taonga tuku iho (treasures); • avoid, remedy or mitigate actual or potentially adverse effects of activities. <p>MPZ-O3: Māori Purpose Activities and the comprehensive, co-ordinated and efficient development of Māori land are enabled in the Māori Purpose Zone, whilst ensuring actual or potentially adverse effects of activities are avoided, remedied or mitigated.</p> | <p>of protected customary rights are matters of national importance that Council must recognise and provide for.</p> <p>Under Section 7(a), the Council must have particular regard to kaitiakitanga.</p> <p>Under Section 8 of the RMA, all persons managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</p> <p>Inclusion of a Māori Purpose Zone will provide for greater use and development of Māori land, and additional provisions for cultural and Māori Purpose activities will enable a wider range of cultural activities and uses throughout the district.</p> <p>The new provisions are also necessary to better give effect to the provisions of the Regional Policy Statement for Taranaki 2010, and the expectations of tangata whenua in the District. Inclusion of a Māori Purpose Zone with specific provisions also gives effect to the RMA.</p> <p>The proposed objectives are also aligned with the principles identified by Ngā Kaitiaki; in particular:</p> <p>Kaitiakitanga – Impacts on the spiritual, cultural and historical associations, interests and aspirations of tangata whenua to land, sites of significance, freshwater and coastline are resolved, mitigated and/or co-managed effectively.</p> <p>Ūkaipōtanga – Through an intimate connection to place, and ensuing sense of belonging, the contribution of tangata whenua to mutually beneficial outcomes are valued and acknowledged.</p> <p>The proposed objectives provide for tangata whenua to exercise their kaitiaki and mana whenua responsibilities within the Māori Purpose Zone and enable Māori Purpose activities and the comprehensive, coordinated and efficient development of Māori land in the zone, whilst ensuring that adverse effects are avoided, remedied or mitigated.</p> <p>Objective O3 gives specific recognition to managing and developing the resource of Māori land including within natural heritage areas, and protecting such land from inappropriate subdivision, use and development. It provides certainty to Plan users that Māori Purpose Zone areas should be recognised, identified and protected to achieve the social,</p> |

| Proposed Objective(s) | Appropriateness to achieve the purpose of the Act |
|-----------------------|---|
| | <p>environmental, economic and cultural aspirations of Māori for their land. The retention and protection of Māori land contributes to Māori identity and sense of place as it provides connections to the past and to future generations.</p> <p>The proposed objectives are aligned with best-practice, and are reasonable and achievable as they are consistent with districts similar to New Plymouth. The objectives will sustain the potential of physical resources for current and future generations, maintaining and enhancing amenity values and quality of the environment. Therefore, the proposed objectives will achieve the purpose of the RMA.</p> |

| Evaluation of Alternative Options | Appropriateness to achieve the purpose of the Act |
|--|---|
| <p>Do not provide for a Māori Purpose Zone or for the overall management of Māori land in the district.</p> | <p>This option would hinder decision makers when assessing resource consent applications as they would have little guidance on what outcomes are expected. It would also fail to properly recognise the social, environmental, economic and cultural aspirations of Māori for their land or provide for the historical or tangata whenua values that Māori land can contribute to an area, including sense of place and community identity.</p> |
| <p>Summary The proposed objectives will achieve the purpose of the RMA as they are a clear statement of intent that recognises the tangata whenua values and Māori aspirations for the development of their land and protects the land from inappropriate subdivision, use and development. The objectives provide certainty as to the outcomes that are appropriate under the District Plan provisions and are aligned with best practice throughout New Zealand.</p> | |

10 Evaluation of Options to Achieve the Objectives

| Options to achieve the District Plan objectives relating to the Māori Purpose Zone | Benefits | Costs | Efficiency and Effectiveness | Risks of acting/not acting |
|--|---|---|---|--|
| <p>Option A: Proposed approach considered most appropriate to achieve the objectives.</p> <ul style="list-style-type: none"> • Provision for development on Māori land, beyond what is provided for on surrounding land through District wide provisions and permitted activities, irrespective of location • Identify a Special Purpose – Māori Purpose Zone. • Allow a range of activities with support for the cultural, social, economic and environmental aspirations of Tangata Whenua of the district. • Manage buildings, structures or outdoor storage in relation to zone boundaries. | <ul style="list-style-type: none"> • Environmental benefit includes: • Facilitate the implementation of kaitiakitanga, including those provisions expressed in iwi management planning documents. • Potential benefits from use of alternative infrastructure (e.g. land-based wastewater infrastructure) which reduce impacts on the environment. • Economic benefit includes: • This approach addresses current issues, by providing for the aspirations of tangata whenua for the development of Māori land across the district. • Certainty for landowners of development | <ul style="list-style-type: none"> • Environmental cost includes: • Potential for more dispersed development than envisaged in compact city model • Potential for adverse environmental effects if alternative infrastructure solutions are not installed and maintained adequately • Economic cost includes: • Potentially inefficient use and development of Māori land to meet baseline requirements. • Social cost includes: • Potential for adverse effects related to noise and traffic associated with permitted residential and marae complex development • Cultural cost includes: | <ul style="list-style-type: none"> • The proposed zone and standards enable the outcome set out in the Regional Policy Statement for Taranaki 2010 with respect to: use and development of Māori land supports the environmental, economic, social and cultural aspirations of Tangata Whenua. • The rules and standards allow some progress towards the objective of enabling minor development on Māori land. • Rules and standards are considered effective and efficient assuming that minimum site size and maximum GFA will prevent adverse effects from permitted baseline development. • Rules and standards are considered effective and | <ul style="list-style-type: none"> • Risk of not acting is reduced as zoning needs to be specifically applied to an area and an assessment undertaken before the zone is in place. • Approximately 0.43% of New Plymouth district is currently held as Māori land, but complete information is not available. The provisions are worded to encompass all land held under Te Ture Whenua Māori Act – however only the extent of Māori freehold land is known. • Additional land can be converted to Māori land through the Māori Land Court. The risk of acting is that, as land is converted to Māori land, provisions developed to |

| Options to achieve the District Plan objectives relating to the Māori Purpose Zone | Benefits | Costs | Efficiency and Effectiveness | Risks of acting/not acting |
|--|--|--|---|--|
| <ul style="list-style-type: none"> Manage activities that occur in proximity to the zone. | <p>permitted without a resource consent.</p> <ul style="list-style-type: none"> Social benefit includes: Enhanced Mana Whenua well-being through self-reliance and improved living conditions Cultural benefit includes: Provisions are designed to align with principles identified by Ngā Kaitiaki. Residential and marae development allows re-occupation of Māori land. | <ul style="list-style-type: none"> Opportunity cost for economic growth Potential restrictions for tangata whenua to utilise the land for economic development due to restrictions on the range of uses provided. Potential loss of employment on the land as a result of restrictions on the range of uses provided for. Risk of development permitted as a baseline preventing more comprehensive development in future Risk of further fragmentation of Māori land due to more development access permitted. | <p>efficient as the cumulative impact of costs of development on Māori land is likely to be small.</p> <ul style="list-style-type: none"> This approach is effective and efficient as it protects Māori land from inappropriate subdivision, use and development. The approach is practical and pragmatic (“fit for purpose”). The rules and standards are effective and efficient because works requiring resource consent would be limited to those that are considered “inappropriate” and decision-makers could make an informed decision based on detailed policy guidance, and on tangata whenua values stipulated in the provisions. | <p>recognise Mana Whenua aspirations will come to apply much more widely across the region. To avoid this risk, it would be necessary to stipulate that Māori land provisions will only apply to Māori land at the time of notification. However, restricting the provisions to Māori land at time of notification could create practical difficulties if land is converted in or out of Māori land tenure during the life of the plan.</p> <ul style="list-style-type: none"> The risk of not acting is that Council’s relationship with iwi and hapū will deteriorate because of a perceived reluctance to acknowledge the challenges of developing Māori land. |

| Options to achieve the District Plan objectives relating to the Māori Purpose Zone | Benefits | Costs | Efficiency and Effectiveness | Risks of acting/not acting |
|--|----------|-------|------------------------------|---|
| | | | | <ul style="list-style-type: none"> • The risk of acting on these provisions is that whilst the Council considers the development of Māori land is important to Tangata Whenua, and that development on Māori land should require resource consent for inappropriate works, it has not received significant feedback from tangata whenua on this matter. • Not acting may mean that the aspirations of tangata whenua to develop their land will not be achieved through the District Plan Review. • Overall, it is considered that there is sufficient information to act, and that the benefits of acting outweigh those of not acting. |

| Options to achieve the District Plan objectives relating to the Māori Purpose Zone | Benefits | Costs | Efficiency and Effectiveness | Risks of acting/not acting |
|---|---|--|---|---|
| Option B: Status quo regulatory approach | <ul style="list-style-type: none"> • Māori land is identified, protected and tangata whenua are able to develop it for present and future generations, adding to community identity, sense of place and enhancing the cultural values of the MPZ. • Tangata whenua are familiar with current provisions, resulting in reduced costs in understanding and complying with the amended provisions of the plan. • There are no (potentially unreasonable) restrictions in terms of the development of Māori land or undue interference with existing buildings, structures or network utilities. | <ul style="list-style-type: none"> • Implementing a Māori Purposes Zone may have unknown negative impacts on sites where Māori purpose activities occur but the site is not on Māori land. Any such site may need to be converted from general to Māori land. | <p>This approach is permissive, which is generally effective and efficient as it allows tangata whenua to develop the site for Māori purpose activities including providing for papakāinga.</p> <p>A more permissive approach may lead to future development and economic opportunities and may be more efficient for tangata whenua.</p> | <p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> • Māori land that would be designated as Māori Purpose Zone would not be identified and protected through the District Plan review. • The current policy framework does not provide for the kind or extent of development, or the range of activities, aspired to by tangata whenua. • Flexible provisions could lead to inappropriate activities locating in close proximity to the Māori Purpose Zone and causing adverse and reverse sensitivity effects. • The ineffectiveness of the current planning framework is demonstrated in section 3 and is no longer |

| Options to achieve the District Plan objectives relating to the Māori Purpose Zone | Benefits | Costs | Efficiency and Effectiveness | Risks of acting/not acting |
|--|---|---|---|--|
| | | | | <p>considered to be 'best practice'.</p> <ul style="list-style-type: none"> It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is sufficient information not to act on this approach. |
| <p>Option C: Methods outside the District Plan Rely solely on non-regulatory methods, such as education, information, advice and financial assistance to provide for development of Māori land.</p> | <ul style="list-style-type: none"> Increased economic and development opportunities and flexibility for tangata whenua is able to occur in other ways on Māori land. | <ul style="list-style-type: none"> No regulatory controls mean the land cannot be developed to allow the achievement of tangata whenua aspirations. Uncertainty could lead to loss of cultural values, sense of place, amenity values and quality of the environment. Additional costs for council in providing free technical advice, support and information, such as site-specific development and management plans and | <ul style="list-style-type: none"> No rules or performance standards would enable inappropriate activities, subdivision and development to occur, which could allow adverse activities to locate close by. This approach has no certainty and has the potential to result in significant adverse effects. No rules or standards is not considered effective to achieve the objective of providing for the development of Māori land. | <ul style="list-style-type: none"> The risk of acting on the non-regulatory approach means that Council may not be carrying out its duty/requirements under the RMA and it is likely to result in the further loss of Māori land throughout the district. It is considered that there is sufficient information not to act on this option. |

| Options to achieve the District Plan objectives relating to the Māori Purpose Zone | Benefits | Costs | Efficiency and Effectiveness | Risks of acting/not acting |
|--|----------|--|------------------------------|----------------------------|
| | | other incentives to allow the best use of the sites. <ul style="list-style-type: none"> • | | |
| <p>Quantification Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.</p> <p>Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p> | | | | |
| <p>Summary Option A – Proposed Approach is the most appropriate method for identifying, recognising and providing for the development of Māori land in the District, for a more extensive range of cultural uses and activities to occur across the district, and for management of activities on the boundary of Marae/Pa. The existing regulatory approach in Option B would not effectively achieve the objective. The current provisions do not recognise the unique activities associated with Marae and other uses of Māori land, nor the importance of the ability to develop this land to provide for social, economic, cultural and environmental well-being. The methods outside the district plan such as education, information, advice and financial assistance will continue to be used in conjunction with the Proposed District Plan approach.</p> <p>Accordingly Option A is recommended and best meets the requirements of section 32 of the Resource Management Act as it represents the most appropriate means of achieving the objectives in respect of Māori land, Māori cultural uses and activities and protecting Marae/Pa from adverse boundary effects.</p> | | | | |

11 Summary

This evaluation has been undertaken in accordance with Section 32 of the Act in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The objectives and policies provide direction and certainty to plan users on the outcomes expected for the Māori Purpose Zone; and
- Methods are designed to provide for specific development anticipated on Māori land, as well as recognising the need to manage potential impacts at zone interfaces with other uses.
- Principles identified by Ngā Kaitiaki to guide the development of the zone have been adopted, with planning provisions aligned to the outcomes required to implement those principles.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.