

Section 32 Report

Wahitua motuhake/Special Purpose Zone (Kāinga Nohoanga)

prepared for the

Proposed Waimakariri District Plan

18 September 2021



WAIMAKARIRI
DISTRICT COUNCIL

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Attachment 1 *“Waimakariri District Council District Plan Review, Kāinga Nohoanga (December 2018)*

Attachment 2 **Consideration of Alternative Zonings and Provisions for Residential 4B Land, Old North Road, Kaiapoi**

1. EXECUTIVE SUMMARY

Ngāi Tūāhuriri Rūnanga have continued to express their desire to occupy and use Māori land within their ancestral rohe in order to develop social, cultural, economic and environmental outcomes so that they can express and show kaitiakitanga. They have consistently expressed the aspiration to enable and encourage people to return to their ancestral land, and in particular for land within Reserve 873 to be used and developed in accordance with the purposes it was set aside.

In 1848, a group of Ngāi Tahu chiefs signed the Canterbury Purchase (Kemp's Deed), which included the setting aside of Reserve 873 amongst other areas of land to "*...reserve to the natives ample portions of land for their present and prospective wants.*" A number of commissions were subsequently carried out to determine the adequacy of the amount of land reserved and the funds that were meant to be set aside to establish and maintain hospitals and schools, as was originally promised in the Kemp Deeds. The Native Land Court was empowered to ascertain and determine who of Ngāi Tahu are entitled to participate in any relief that may be granted in respect of fulfilling the Kemp's Deed. This led to the creation of the 'Ngaitahu Census Committees' (first in 1925), whose purpose was to identify who were the beneficiaries of the Ngāi Tahu people alive in 1848 who would be entitled to any benefits arising from the deed (ie 'beneficiaries' or 'descendants'). Those descendants have been and continue to be identified.

Through a series of voluntary and enforced land sales since the setting aside of the Kemp's Deed land, approximately half of the land within Reserve 873 has been transferred to General European title. This is the reason why rules are proposed to enable the carrying out of activities by both owners of Māori land and owners of General European land that is owned by descendants and has not been transferred to Māori land title.

The Operative District Plan provisions for Reserve 873 were developed following the directed amendments to objectives and policies contained in the Land Use Recovery Plan. While the Land Use Recovery Plan provisions contained an objective that supported the recognition of the historic and cultural significance of Māori land and descendent land within Reserve 873, the objective and policies sought to cluster housing and other developments, require connection to Council reticulated water and sewer, and to retain extensive rural hinterland and character outlook (amongst other matters). This policy approach led to the application of the Rural, Residential 3 and Residential 4B zones to Reserve 873. The concept of kāinga nohoanga is more than just providing for papakāinga development, and even that form of development has been difficult to achieve, and therefore the provisions were not fully effective to meet the aspirations for kāinga nohoanga.

Enabling mana whenua to develop Māori land to achieve their aspirations, at the same time as providing for landowners of land that is not Māori land to develop their land, is a key resource management issue.

The key changes introduced for the Special Purpose Zone (Kāinga Nohoanga) are:

- a. A standalone chapter with specific objectives, policies, rules and new definitions to guide development within the zone;
- b. Recognition of the specific role that Reserve 873 has in providing a focal point for a wide range of activities for owners of Māori land and descendants of the signatories of Kemp's Deed who own land within the reserve;

- c. Introduction of the proposed 'Tuahiwi Precinct' that provides for similar activities and development standards to the operative Residential 3 zoning for land in and around Tuahiwi marae, as well as the activities and standards of the Kāinga Nohoanga zone;
- d. Introduction of the proposed 'Large Lot Residential Precinct' that provides for similar activities and development standards to the operative Residential 4B zoning for land along Old North Road, Kaiapoi, as well as the activities and standards of the Kāinga Nohoanga zone;
- e. Provisions to enable the ongoing use and development of other land;
- f. New policy direction that the provisions could be applied to other areas of land outside of the proposed zoned areas, in the future.

The proposed chapter will assist Council to fulfil its statutory functions and responsibilities as required by the Resource Management Act and directed in higher order and other policy documents.

2. OVERVIEW AND PURPOSE

2.1 Purpose of Section 32 RMA

The overarching purpose of Section 32 of the Resource Management Act 1991 (RMA) is to ensure that plans are developed using sound evidence and rigorous policy analysis, leading to more robust and enduring provisions.

Section 32 reports are intended to clearly and transparently communicate the reasoning behind plan provisions to the public. The report should provide a record of the evaluation process, including the consultation, technical work, methods, assumptions and risks that informed that process. A robust report can prove highly useful to decision makers, particularly where it clearly communicates the analysis undertaken to identify the most appropriate way to achieve the purpose of the RMA.

The District Council is required to undertake an evaluation of any proposed District Plan provisions before notifying those provisions. The Section 32 evaluation report provides the reasoning and rationale for the proposed provisions and should be read in conjunction with those provisions.

2.2 Topic Description

The proposed chapter relates to the longstanding issues surrounding the manner in which the provisions of the District Plan should enable Te Ngāi Tūāhuriri Rūnanga to fully occupy and use ancestral land that is still Māori land or owned by a descendant, for the purposes intended when the land was originally set aside as part of the Kemps Deed (1848).

The purpose and scope of this chapter relates specifically to seven areas of Māori Reserve land that were set aside in 1848 as part of Kemps Deed for the purpose of occupation, community and business activities.

The main area of land that has been under consideration is Māori Reserve 873, being an area of approximately 1,068 hectares of primarily rural land surrounding the Tuahiwi Marae. The purpose of this and other land was to provide Te Ngāi Tūāhuriri Rūnanga with the land resource to enable present and future wants to be met. The expression of this original purpose would include a settlement for Māori as well as a broad range of rural, commercial, social and community facilities. There are also six other Māori reserve areas that were set aside for the purpose of papakāinga, as follows:

- Reserve 2486 & Te Akaka 896, River Road, Waikuku;
- Rural Section 41401 & Taerutu No 898, Kaiapoi Pa Road, Kaiapoi;
- Orohaki MR 893 & Orohaki MR 894, Maori Reserve Road, Glentui;
- Maori Reserve 2038, Mairangi Road, Starvation Hill;
- Reserve 2061 (Tawera) & Section 18776, Luers Road, Coopers Creek; and
- Section 2 MR 897 Tawera, Island Road & Ram Paddock Road, View Hill.

Within all seven areas, there have been changes to land tenure from its original Māori land status, due to either voluntary or forced transfer into general titles. Some land held in general title remains in the ownership of descendants to the signatories of Māori Reserve 873, while other sites have been sold to 'non-descendants'. One of the aspirations of Ngāi Tūāhuriri Rūnanga is to purchase land owned by 'non-descendants' and potentially convert it to Māori land tenure. While this may be a long term aspiration, the provisions of the proposed Special Purpose Zone (Kāinga Nohoanga) do not require or facilitate this process.

The current provisions of the Operative Waimakariri District Plan in relation to Māori Reserve 873 were developed in response to directives contained in the Land Use Recovery Plan 2013 ('the LURP')

(refer to Appendix 3, Amendment 2: Māori Reserve 873). The LURP specified pre-written objective and policies to be inserted into the Operative Waimakariri District Plan with a direction to the Waimakariri District Council to develop and include methods to give effect to those objectives and policies, with respect to Māori Reserve 873. The LURP also directed that objectives, policies and methods be changed or varied to provide for the relationship with other reserves in the LURP area to be used for housing where appropriate and in accordance with its intended purpose. (Refer to Action 21 of the LURP).

The LURP provisions contained an objective that supported the recognition of the historic and cultural significance of Māori land and descendent land within Māori Reserve 873, and the policies sought to enable cluster housing and other developments, require connection to Council reticulated water and sewer, and to retain extensive rural hinterland, character and outlook (amongst other matters). This policy approach led to the application of the Rural, Residential 3 and Residential 4B zones along with specific rules, including those to provide for dwellings and cluster housing, applying to Māori Reserve 873. The intent of the rules developed in accordance with the 'pre-set' objective and policies within the LURP, was to enable land in Māori Reserve 873 to be used for places of residence (papakāinga) and living activities (kāinga nohoanga) for the original grantees and their descendants. However, the wording of the objective and policies has led to the setting up a rule framework (including the requirement to maintain a rural outlook) that has meant that the outcome sought in the objective has been difficult to achieve. Therefore, it is considered that the provisions were not fully effective in meeting the aspirations of Te Ngāi Tūāhuriri Rūnganga for kāinga nohoanga.

The Rural Zone provisions apply to the other six areas of Māori Land. This approach means that the purpose of these areas of land have become subsumed by generic rules that do not recognise or enable their cultural development.

This s32 report sets out the statutory and policy context, key resource management issues, specific consultation, and approach to this topic. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the RMA in relation to the topic.

2.3 Significance of this Topic

The Waimakariri District is at the heart of Ngāi Tūāhuriri takiwā, with its principal pā originally sited near Kaiapoi and another important pā site at Rakahuri. The central settlement area for Ngāi Tūāhuriri at Tuahiwi, along with the other six Māori Reserves provide focal areas for the ongoing return of rūnanga members to their land and the development of that land to support the social, cultural and economic aspirations of mana whenua.

As set out in *Section 3 – Statutory and Policy Context* of this s32 report, there are imperatives in the Resource Management Act, the Canterbury Regional Policy Statement and the Mahaanui Iwi Management Plan 2013 that require active support for the development of the Māori Reserves.

This topic is specifically related to the proposed approach to managing activities on Māori Reserve land with mana whenua and other landowners within and adjacent to them being primarily affected. However, the significance of this topic is wider than just the area of land involved, as the provisions are a recognition of one way in which kaitiakitanga can be exercised. Also, it will allow for the critical role the reserves and the activities carried out on them play in providing for social, cultural, economic and environmental well-being of Ngāi Tūāhuriri Rūnanga.

2.4 Current Objectives, Policies and Methods

This Section 32 report references, generally concurs with and draws support from a review report prepared by Mahaanui Kurataiao Limited following engagement with Te Ngāi Tūāhuriri Rūnanga. The report is titled “*Waimakariri District Council District Plan Review, Kāinga Nohoanga (December 2018)*” (the ‘**MKT Report**’ included as **Attachment 1**).

The **MKT Report** contains detailed analysis of the provisions of the Operative Waimakariri District Plan at the following sections:

- Operative District Plan Provisions (pages 11 – 15); and
- Assessment of District Plan Provisions (pages 15 – 19).

In summary, the review comes to the following conclusions with each conclusion discussed where required:

Conclusion 1: There is a mixture of good objective and restrictive policy support for Kāinga Nohoanga within Māori Reserve 873

Chapter 2 – *Maori*, includes Objective 2.1.3 and its related Policy 2.1.3.4, that recognises the historical and cultural associations of Māori to Māori Reserve 873 as a place for residence and living activities for original grantees and their descendants. Policy 2.1.3.4 and LURP directed Policy 2.1.3.5 set out matters to guide development in a way that meets the needs of Māori and other residents, integrates with infrastructure services and protects natural and physical resources (such as the Cam River corridor and views to Maungatere).

Chapter 13 – *Resource Management Framework*, includes Objective 13.1.1 and in particular Policy 13.1.1.1 that sets out the matters to guide management of natural and physical resources, which includes matter (h) “*historical and cultural associations with Maori Reserve 873*”.

Chapter 14 – *Rural Zones*, includes Objective 14.1.2 that requires recognition of the historic and cultural significance of Māori Reserve 873. However, LURP directed Policy 14.1.2.1 is focused on subdivision and/or dwelling house development which would enable places of residence for original grantees and their descendants (ie papakāinga only, not wider kāinga nohoanga uses). In addition, Policy 14.1.2.1 lists a number of matters that must be taken into consideration (such as connecting to Council reticulated water and wastewater, maintaining the rural environment, and implementing an Outline Development Plan), all of which are considered to counter achievement of the objective.

Chapter 17 – *Residential Zones*, includes Objective 17.1.1 and Policies 17.1.1.1 and 17.1.1.2 that are generic to all residential zones in that they recognise the different characteristics of the living environments. Table 17.1 lists a number of characteristics and for the Residential 3 zone as it applies within Māori Reserve 873, specifically recognises a range of housing options including comprehensive housing development focussed around village areas at Tuahiwi and for a centrally located mixed use centre for community facilities, convenience retail, recreation and business opportunities. Policy 17.1.1.5 is similar to Māori Policy 2.1.3.5 and Rural Policy 14.1.2.1, in that it identifies a number of matters that must be included within any development (such as implementing an Outline Development Plan, connecting to Council services and maintaining a rural outlook and setting).

Conclusion 2: The rules are not effective in achieving the objectives and policies

Residential Activities

Rural zone rules generally permit one dwelling house on a site with a minimum area of 4ha, irrespective of descendency. Rule 31.33.1 provides for a dwelling house on a site less than 5,000m², provided the title existed at 29 October 2015, is outside a 0.2% AEP flood event, is connected to Council reticulated potable water and reticulated sewage disposal (much of Māori Reserve 873 does not have such reticulation), and the site is one where one or more owners is a descendant of an original grantee of land within Maori Reserve 873. Where the conditions of permitted activity cannot be met or the site is between 5,000m² and 4ha, establishing a dwelling house would be a non-complying activity.

Rural zone rule 31.34 provides for cluster housing as a discretionary activity, subject to meeting the requirements of 17 conditions. Where one or more of the 17 conditions cannot be met, the cluster housing would be a non-complying activity.

Residential 3 and Residential 4B zone rules do not treat residential development in the Tuahiwi Residential 3 and 4B zones differently to other Residential 3 and 4B areas, with residential density set at one dwelling per 600m² in the Residential 3 zone and 5,000m² in the Residential 4B zone. There are no additional provisions to implement the Chapter 17 policies discussed previously. Where conditions of permitted activity cannot be met, activities would generally be a non-complying activity.

Non-Residential Activities

Ngāi Tūāhuriri Rūnanga consider that to give effect to the intent of the Kemp's Deed, provision should not only be made for residential but also for non-residential activities (ie the activities that enable living on land within Māori Reserve 873). While there are generic rules that enable limited non-residential activities (such as retail), there are no specific rule provisions in the Rural, Residential 3 or Residential 4B zones for commercial, business or community activities to apply within Māori Reserve 873.

Conclusion 3: The adoption of the Rural and Residential 3 zones is a fundamentally inappropriate basis to support Kāinga Nohoanga.

Refer to discussion with respect to Conclusion 2.

Conclusion 4: The requirement for management plans and outline development plans in addition to the onerous activity status makes the development of Māori Reserves more difficult for mana whenua.

Refer to discussion with respect to Conclusions 1, 2 and 3.

Conclusion 5: There is no recognition of other Māori Reserves in the District

In addition, to the above, while Māori Reserve 873 is accorded recognition in the Operative Waimakariri District Plan (noting the limitations in Conclusions 2, 3 and 4 above), there is no similar recognition of other Māori Reserves in the District.

2.5 Information and Analysis

The “*District Plan Effectiveness Review – Strategic Framework*” identified the following key finding with respect to Māori Reserve 873:

“1. *Cultural matters need to be taken into account and incorporated into development and consent conditions. Maori Reserve 873 and areas of cultural significance, together with the Iwi Management Plan need to be considered at a strategic level.*”

None of the other summaries of the seven review documents or the Core Project Group memorandum (30 January 2017) provide any specific mention of Māori Reserve 873 or the development of papakāinga housing on that or other reserve land.

The document titled “*Waimakariri 2048 District Development Strategy – Our District. Our Future*” identified the following key high-level actions that specifically relate to this topic:

- Papakāinga housing – Work with Ngāi Tūāhuriri to provide for papakāinga housing on Māori land – District Plan Review, currently underway (page 49); and
- Reticulated services – Continue to explore infrastructure provision options in smaller settlements, including within Maori Reserve 873 – Develop infrastructure plans for the areas (page 50).

As noted in Section 2.4 of this s32 report, Mahaanui Kurataiao Limited has undertaken a detailed analysis of this topic within the report titled “*Waimakariri District Council District Plan Review, Kāinga Nohoanga (December 2018)*” (the ‘**MKT Report**’). That report has taken into consideration the provisions of other relevant documents including,

- Canterbury Regional Policy Statement;
- National Policy Statement on Urban Development Capacity (2016) (Note: subsequently updated in July 2020);
- Mahaanui Iwi Management Plan; and
- Land Use Recovery Plan.

The **MKT Report** sets out options and recommendations for future Kāinga Nohoanga provisions.

The **MKT Report** does not cover the following relevant documents and they are discussed later in this s32 evaluation:

- National Policy Statement on Urban Development (2020); and
- Our Space 2018 – 2048, Greater Christchurch Settlement Pattern Updated (July 2019).

2.6 Consultation Undertaken

General consultation has been undertaken as part of this District Plan Review process with key internal and external stakeholders and the wider community. The key result of wider community consultation is summarised in the ‘*District Plan Review Issues and Options – Summary of Comments Received (November 2017)*’. No specific comments were received with respect to kāinga nohoanga or Māori Reserve 873.

The primary engagement in the development of this chapter has been with the key stakeholder Te Ngāi Tūāhuriri Rūnanga through Mahaanui Kurataiao Limited. The result of that engagement has been incorporated within the **MKT Report** which is referenced within this s32 report.

Prior to the development of the proposed provisions, Council had received formal feedback from one applicant with respect to a resource consent application to undertake a cluster housing development within Māori Reserve 873. In summary, the feedback highlighted the following:

- Constraining development to original descendants – there is no criteria to guide consideration where for example the selling of a section or a house to a ‘non-descendant’ would provide a funding source to enable the development to proceed;
- Unit title subdivision – for a development of a number of dwellings, it is likely that this will be staged. Unit title development requires the forming of a body corporate and then approval of that body for subsequent development; and
- District plan rules and activity status – non-compliance with some of the rules (such as site coverage) made the whole application to be considered as a non-complying activity. A number of the rules are set at a level where most developments would be a non-complying activity.

A number of drafts of the proposed Waimakariri District Plan provisions have been provided to and commented on (at meetings and via email and phone conversations) by advisors to Te Ngāi Tūāhuriri Rūnanga and Mahaanui Kurataiao Limited.

The draft provisions have also been presented and discussed at the Mahi Tahī Joint Development Committee at its meetings on 2 February 2020, 24 March 2020, 16 June 2020, 8 December 2020, 20 April 2021 and 24 August 2021.

Te Ngāi Tūāhuriri Rūnanga hosted a hui with whanau members at the Tuahiwi School on the evening of 10 June 2021. His Worship the Mayor, Councillors, council officers and consultant were invited to attend in an observer role to hear the matters being discussed. In summary, the matters raised that related specifically to the proposed district plan approach, included the following:

- Review of provisions to ensure that rules (such as landscape and significant natural area overlays; building setback rules) are not so unreasonable that they would create a barrier to enabling development;
- Onsite individual and community infrastructure (such as potable water and wastewater) enabled where connection to Council reticulated infrastructure is not available;
- Ensure renewable energy provisions are enabling;
- Include rules to require resource consent for intensive farming for land zoned Rural Lifestyle; and
- Treat all seven areas of Māori Reserve land the same.

In addition, other matters that were outside the specific role of the proposed district plan that were discussed, related to:

- Role of the Māori Land Court with respect to the administration of Māori land;
- Potential transfer of functions, powers or duties from Council to iwi as provided by s33 of the Resource Management Act;
- Who and what is the process to determine whakapapa to the land; and
- Process of selling of land to ‘non-descendants’.

The main feedback from consultation with Mahaanui Kurataiao Limited and Te Ngāi Tūāhuriri Rūnanga during the development of the Special Purpose Zone (Kāinga Nohoanga) provisions is summarised below:

Date	Group	Subject Matter	Feedback and response
Various	Mahaanui Kurataiao Limited	Narrow focus on residential and non-residential activities	Ensure the policies and rules provide for the wider aspects of resource use

			and development including kāinga nohoanga and mahinga kai <i>Response:</i> Policies and rules amended to recognise and provide for these activities.
Various	Mahaanui Kurataiao Limited	Whakapapa unit vs Māori Land Court to determine descendency	Whakapapa Unit can be relied on to determine descendency as this is standard custom and practice (also supported by the provisions of Te Rūnanga o Ngāi Tahu Act 1996) <i>Response:</i> Provisions amended to apply to land owned by a Ngāi Tūāhuriri descendant.
Various	Mahaanui Kurataiao Limited	Approach to Residential 3 / Settlement zoning around Tuahiwi	If Settlement Zone applied need to ensure that the Kāinga Nohoanga Zone provisions were not more restrictive. <i>Response:</i> Settlement Zone provisions apply to 'other' land. Kāinga Nohoanga Zone – Tuahiwi Precinct provisions more enabling than Settlement Zone.
Various	Mahaanui Kurataiao Limited	Approach for activities with greater scale or intensity or need for infrastructure to locate closer to village centre at Tuahiwi	Draft approach was to direct larger scale or more intense development to locate near Tuahiwi as one way in which to support the efficient development of infrastructure. <i>Response:</i> Policy 2 includes a direction that land use and infrastructure should preferably be integrated and this policy would be considered for any resource consent application
Various	Mahaanui Kurataiao Limited	Development standards to apply should not preclude development.	Due to size and shape of some properties, development could be unnecessarily hindered through standards requiring resource consent approval. <i>Response:</i> Standards relating to setbacks and site coverage amended to provide standards relative to size of the site.
Various	Mahaanui Kurataiao Limited	Restrict on-selling of land once developed for papakāinga or other activities	Concern that Council would seek to restrict on-selling of land through rules in the plan. <i>Response:</i> Council confirmed that no such provision applied when the Kemp Deed land was originally established

			and that it is up to mana whenua to determine how they exercise their social, economic and cultural well-being, not Council.
16 June 2020	Mahi Tahi Joint Development Committee	Recognition of rangatiratanga as well as kaitiakitanga	Te Ngāi Tūāhuriri Rūnanga sought that recognition of rangatiratanga be provided to reflect the recognition in s6(7) of the Ngāi Tahu Claims Settlement Act 1998. <i>Response:</i> Council considers that rangatiratanga (ie self-determination as to control of land without Council regulation) is not within the ambit or intent of the Kāinga Nohoanga Zone provisions. Rather it is a wider matter for discussion and agreement between Te Ngāi Tūāhuriri Rūnanga and Council.
8 December 2020	Mahi Tahi Joint Development Committee	Removal of road setback for 'underwidth' roads	Te Ngāi Tūāhuriri Rūnanga sought that draft rule SPZ(KN)-BFS2 Road boundary setback not include a wider setback with respect to five 'underwidth' roads. <i>Response:</i> Mahi Tahi Joint Development Committee agreed to removing the specific rule on the basis that development and provision of infrastructure would need to be accommodated around the narrower road width.
24 August 2021	Mahi Tahi Joint Development Committee	Re-instatement of road setback for 'underwidth' roads	The matter was reconsidered in light of the potential for installation of infrastructure to be restricted, thereby inhibiting development. <i>Response</i> Draft rule SPZ(KN)-BFS2 Road boundary setback has been refined to provide for a 6m setback for roads with a width of less than 16m, as well as a 3m setback for a specific section of Topito Road.

In addition to the matters listed in the table above, the following main matters have been subject to further consideration by Mahaanui Kurataiao Limited and council officers:

Clarification on Status of Special Purpose Zone (Kāinga Nohoanga)

Objectives and policies (particularly in the 'Rautaki ahunga / Strategic Directions' and 'Āhuatanga auaha ā tāone / Urban Form and Development' chapters) do not specifically recognise the unique

and evolving character of the Special Purpose Zone (Kāinga Nohoanga). The definition of “Urban environments” and the relevant objectives and policies relate to the traditional form of residential and urban development. Whereas the Special Purpose Zone (Kāinga Nohoanga) is neither rural nor urban. Accordingly, the following main changes were made to clarify the unique role and character of the zone:

a. SD – Rautaki ahunga / Strategic Directions

Inclusion of new subpart ‘8.’ to the objective SD-O2 Urban development to state:

“Urban development and infrastructure that: ...

8. *supports the transition of the special Purpose Zone (Kāinga Nohoanga) to a unique mixture of urban and rural activities reflecting the aspirations of Te Ngāi Tūāhuriri Rūnanga; ...”*

b. UFD – Āhuatanga auaha ā tāone / Urban form and development

Inclusion of a new policy to state:

“UFD-P9 Unique purpose and character of the Special Purpose Zone (Kāinga Nohoanga)

Support a mix of development on Māori Land within the Special Purpose Zone (Kāinga Nohoanga) that:

1. *enables Te Ngāi Tūāhuriri Rūnanga to fully occupy and use land in accordance with the principles and purposes for which the land was originally set aside;*
2. *will occur over generations and take place in different parts of the zone, and occur at different times; and*
3. *connects to reticulated infrastructure where available, but recognises that as public reticulated infrastructure is not available to all parts of the zone, alternative forms of onsite independent individual and communal infrastructure will be required.”*

Clarification with respect to connecting to Reticulated Infrastructure

The rules in chapter *EI-Pūngao me te hanganga hāpori / Energy and Infrastructure* relating to the need to connect to reticulated infrastructure and the ability to provide onsite or community infrastructure (rules EI-R45 and EI-R46) have been amended to recognise that due to the lack of reticulated infrastructure, development within the Special Purpose Zone (Kāinga Nohoanga) will need to provide water, wastewater and stormwater onsite.

Clarification as to which of the Part 2 District Wide rules apply to the Special Purpose Zone (Kāinga Nohoanga)

As one of the means of recognising the role of kaitiakitanga, a number of district-wide rules did not need to apply to development on Māori land within the Special Purpose Zone (Kāinga Nohoanga). The onsite management of traffic associated with marae activities is one such example, where due to the manner in which traffic has been managed there is no requirement for resource consent to be sought under the district plan. The rules that do and do not apply are set out in ‘SPZ(KN)-APP1 – How to interpret and apply the rules’.

Waimakariri District Council invited all landowners to an open evening on 21 July 2021 at the Ruataniwha Kaiapoi Civic Centre. His Worship the Mayor, Councillors, council officers and consultants

were in attendance, with landowners able to discuss matters in a 'one-on-one' setting. In summary, the matters raised that related to the proposed district plan approach, include the following:

- Reticulated infrastructure planning and integration with development, plus who will cover the costs;
- The ability of on-site infrastructure to manage wastewater and stormwater;
- Activities on adjoining Māori land (such as the number of dwellings) and the ability of proposed standards (such as boundary setbacks, landscaping) to protect current character and amenity values;
- Potential intensity of development affecting amenity values;
- Increased development effect on roading infrastructure and safety; and
- Sale of under-sized lots to non-Māori landowner.

Some of the attendees were descendants and were interested in the following matters:

- Process to establish descendency through the whakapapa unit (including those Māori in the area who do not whakapapa back to a descendant of the Kems Deed);
- Significant impediment to development because of multiple land ownership and Māori Land Court processes; and
- Standards to be met for accessway, water supply and other infrastructure.

No changes have been made to the proposed Special Purpose (Kāinga Nohoanga) chapter as a result of the comments made at the open evening.

2.7 Iwi Authority Advice

Clause 3(1)(d) of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities during the preparation of a proposed plan.

Detailed advice on various drafts of the chapter was provided to Council through Mahaanui Kurataiao Limited and the Mahi Tahi Joint Management Committee. Council has to a large extent adopted the advice provided as set out in the summary in Section 2.6 of this report, and it is understood that there are no outstanding matters needing to be resolved.

Clause 4A requires the Waimakariri District Council to provide a copy of a draft proposed plan to iwi authorities and have particular regard to any advice received. The draft has been provided and no specific advice relevant to the Special Purpose Zone (Kāinga Nohoanga) chapter was received from the iwi authority. Accordingly, there is no need for the District Council's consideration of, and response to that advice (as required by Section 32(4A)(b) of the RMA).

2.8 Reference to Other Relevant Evaluations

This Section 32 topic report should be read in conjunction with the following evaluation:

- (a) Rural Zone (with respect to the Rural Lifestyle and Settlement Zone provisions);
- (b) Residential Zone (with respect to Large Lot Zone provisions);
- (c) Earthworks;
- (d) Sites and Areas of Significance to Māori; and
- (e) Subdivision.

3. STATUTORY AND POLICY CONTEXT

3.1 Resource Management Act 1991

Section 5 of the RMA sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. In achieving this purpose, authorities need to recognise and provide for matters of national importance identified in Section 6, have particular regard to other matters listed in Section 7, and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8.

Section 6

The Section 6 matters relevant to this topic / chapter are primarily:

- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*

Section 7

The Section 7 matters relevant to this topic / chapter are:

- (a) *Kaitiakitanga;*
(c) *The maintenance and enhancement of amenity values;*
(f) *Maintenance and enhancement of the quality of the environment; and*
(g) *Any finite characteristics of natural and physical resources.*

Section 8

Section 8 requires the Council to take into account the principles of Te Tiriti o Waitangi (Treaty of Waitangi) in relation to managing the use, development and protection of natural and physical resources. With respect to the Kāinga Nohoanga chapter, consultation undertaken through Mahaanui Kurataiao Limited has met the obligation of Council to make informed decisions based on the outcome of that consultation.

All of the above s6, s7 and s8 matters are relevant to the approach to managing the resource of Māori Land.

3.2 National Instruments

3.2.1 National Planning Standards

The part of the National Planning Standards that is of particular relevance to this topic/chapter is the requirement within “PART 3 AREA SPECIFIC MATTERS”, that if there is to be a “Māori purpose zone”, it is to be within the “Special purpose zones’.

The provisions of the “Special purpose zone (Kāinga Nohoanga)” is in accordance with the planning standards.

There are no National Planning Standard definitions that are specifically relevant to this chapter. The following definitions have been developed to apply within the Māori Purpose Zone (Kāinga Nohoanga):

- Mahinga kai;
- Māori land;

- Marae complex; and
- Papakāinga.

3.2.3 National Policy Statement on Urban Development 2020 ('NPSUD 2020')

The NPSUD 2020 identifies Waimakariri as a Tier 1 local authority within the Tier 1 Christchurch urban environment.

The proposed Special Purpose Zone (Kāinga Nohoanga) provisions as they apply to Reserve 873, would enable large parts of the Zone to be developed as predominantly urban in character (Tuahiwi Precinct, Residential Large Lot Precinct and descendant land), supplementing and being complementary to the existing and developing urban areas of Rangiora and Woodend. As such it is subject to the provisions of the NPSUD 2020. While all the objectives and policies of NPSUD 2020 apply, the following are specifically relevant with respect to the Special Purpose Zone (Kāinga Nohoanga):

“Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti of Waitangi).

***Policy 1:** Planning decisions contribute to well-functioning urban environments, which are environments that as a minimum:*

- (a) have or enable a variety of homes that:

 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and...*

***Policy 9:** Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:*

- (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
- (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and...”*

As noted in Sections 2.6 and 2.7 of this report, consultation with hapū and iwi through Mahaanui Kurataiao Limited and the Mahi Tahi Joint Management Committee has been ongoing throughout the development of the Special Purpose Zone (Kāinga Nohoanga) chapter. Accordingly, it is considered that the zone has been prepared in accordance with and gives effect to these specific objectives and policies of the NPSUD 2020.

Objective 6(a) of the NPSUD 2020 seeks that urban development decisions are integrated with infrastructure planning and funding decisions. Council has and continues to work through the Mahi Tahi Committee to determine the manner in which infrastructure can be incrementally provided to parts of Māori Reserve 873 in a manner that ultimately supports overall development. As noted in Section 2.6 previously, a new Policy UFD-P9 *Unique purpose and character of the Special Purpose Zone (Kāinga Nohoanga)* has been added to UFD – *Āhuatanga auaha ā tāone / Urban form and development* to recognise the specific role that the zone plays in urban development.

3.3 Canterbury Regional policy statement and plans

3.3.1 Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement ('CRPS') includes the following chapters that are of specific relevance to this topic:

- Resource management issues of significance to Ngāi Tahu (Chapter 2);
- Provision for Ngāi Tahu and their relationship with resources (Chapter 4);
- Land-use and infrastructure (Chapter 5); and
- Recovery and Rebuilding of Greater Christchurch (Chapter 6).

Section 2.3 of Chapter 2 CPRS sets out issues of significance to and the outcomes desired by Ngāi Tahu. Of particular relevance to this topic are the issues and outcomes in relation to "Land-use and Infrastructure", as set out below:

Issue

Lack of policy and planning provisions for papakāinga zoning and housing.

Outcomes desired by Ngāi Tahu

Appropriate identification of papakāinga zoning and housing issues in plans, and robust guidance to territorial authorities about papakāinga provisions.

The majority of Chapter 4 CPRS sets out how the relationship between Ngāi Tahu and the Canterbury Regional Council could develop, including involvement of Ngāi Tahu in decision-making processes, joint management agreements and transfer of powers. Most of this chapter is not specifically relevant to this topic. However, the part of the chapter that is relevant to this topic is the direction to territorial authorities at sections 4.15 and 4.16 to:

Include provisions for the relationship between Ngāi Tahu, their culture and traditions, and their ancestral lands, water, sites, wāhi tapu and other taonga within district plans.

Include methods for the protection of Ngāi Tahu ancestral lands, water, sites, wāhi tapu and other taonga within district plans.

Chapter 5 CRPS contains issues for land-use and infrastructure within the wider region. The provisions of Chapter 5 are set out and discussed in the **MKT Report** (pages 7 – 9), concluding that the provisions direct and anticipate that district plans will provide for Kāinga Nohoanga on ancestral lands where adverse effects are managed. The analysis in the **MKT Report** is concurred with.

Chapter 6 CRPS provisions focus on the metropolitan urban area of Greater Christchurch, within which three of the proposed seven areas to be zoned Māori Purpose Zone (Kāinga Nohoanga) are located, being:

- Māori Reserve 873, Tuahiwi Road, Tuahiwi;
- Reserve 2486 & Te Akaka 896, River Road, Waikuku; and
- Rural Section 41401 & Taerutu No 898, Kaiapoi Pa Road, Kaiapoi.

This section of the CRPS was not discussed within the **MKT Report** and for completeness is discussed below. There are a number of references to the role that Māori Reserves could have in the recovery and rebuilding of Greater Christchurch, as set out below:

"Objective 6.2.1 Recovery framework

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that: ...

12. *provides for development opportunities on Māori Reserves in Greater Christchurch.*

Objective 6.2.2 Urban form and settlement pattern

The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation and intensification of urban areas, and avoids unplanned expansion of urban areas, by: ...

7. *Providing for development opportunities on Māori Reserves.”*

The principal reasons and explanation for the above objectives note that following the earthquakes a number of Māori have sought to return and live on the Māori Reserves and accordingly, development opportunities need to be provided to realise the original intent of those reserves.

The CRPS includes a specific Policy 6.3.10 for development and use of Māori Reserves for their intended purposes for which they were originally reserved, taking into account seven specific matters where relevant:

- natural hazards;
- rural amenity;
- compact urban form;
- range of housing options;
- local retail/commercial centres;
- any outline development plan; and
- range of lot sizes and densities.

The methods direct that territorial authorities are to include objectives, policies and rules (if any) into district plans for Māori Reserve Land and Māori Reserve 873 including an outline development plan and provisions to control the size and scale of Tuahiwi.

With respect to the preparation of an outline development plan, the third paragraph of the section headed “*Principal reasons and explanation*”, notes that Māori Reserve land is:

- a. neither a greenfield priority area nor a rural residential area;
- b. development is likely to take on a more dense form and closely settled development pattern; and
- c. that development needs to be appropriate for the surroundings and that rural amenity and outlook is maintained.

Accordingly, it concludes that an outline development plan needs to be prepared.

With respect to rural amenity and outlook, it is considered that this justification for the preparation of an outline development plan is not in accordance with nor is it supported by the direction in the NPSUD 2020. Objective 4 and Policy 6 of the NPSUD 2020 anticipate that urban environments will need to change over time (including their amenity values):

Objective 4: *New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) ...
- (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) *are not, of themselves, and adverse effect*

However, it is recognised that the development of Māori Reserve land will need to be adequately serviced for sewage, stormwater disposal and potable water, as well as roading and other infrastructure. The development will also need to be safe from natural hazards and be sensitive to and manage effects on, and from the surrounding environment.

No outline development plan has been prepared for Māori Reserve 873. However, provisions relating to natural hazards have been included within the Proposed Waimakariri District Plan, and these will apply in order to guide development.

At the time of preparing the Special Purpose Zone (Kāinga Nohoanga) provisions, it was recognised that although there was potential for development, there were significant landownership, economic and infrastructure matters that needed to be resolved before Te Ngāi Tūāhuriri Rūnanga and landowners would be in a position to develop an outline development plan. The establishment of the Mahi Tahī Joint Development Committee will provide one forum within which the preparation of an outline development plan to guide development could be undertaken, if that was considered necessary. However, as noted in the **MKT Report** (Page 27), Te Ngāi Tūāhuriri Rūnanga do not support the necessity for an outline development plan to be in place prior to development, as this will delay development, potentially imposes an additional layer of approval and is not in accordance with an approach based on tikanga. This s32 report evaluation concurs that the zoning of Reserve 873 as Special Purpose Zone (Kāinga Nohoanga) is not precluded by the absence of an outline development plan. The Councils approach to integrating development with infrastructure in the absence of an outline development plan is to continue working through the Mahi Tahī Committee to determine the manner in which infrastructure can be incrementally provided to parts of Māori Reserve 873 in a manner that ultimately supports overall development.

With respect to the existing Tuahiwi East Outline Development Plan shown on Map 176B, it is noted that most of the land within the 'Outline Development Plan Area' and the 'View Protection Area' is Māori land. In accordance with the approach of enabling Māori landowners and descendants to manage development on Māori land, it is unnecessary to include the Tuahiwi East Outline Development Plan. Any specific matters within this outline development plan can be considered within the overall development of an outline plan for Māori Reserve 873.

3.4 Iwi Management Plan

The Mahaanui Iwi Management Plan (2013) is the relevant iwi management plan.

A range of objectives and policies in the Mahaanui Iwi Management Plan are relevant to the Māori Purpose Zone (Kāinga Nohoanga) (refer to heading "Papakāinga", pages 110 – 111 of the Mahaanui Iwi Management Plan), with those that are of specific relevance being identified and commented on

in the **MKT Report** (pages 9 & 10). The four policies (Policies P5.1 – P5.4) recognise the issues and barriers to the use and development of Kāinga Nohoanga land in the manner that is consistent with the purposes that it was originally identified and that district plans need to include objectives, policies and methods to enable papakāinga and mixed-use development to provide an economic, social and cultural base for Te Ngāi Tūāhuriri Rūnanga.

3.5 Any relevant management plans and strategies

The document titled “*Waimakariri 2048 District Development Strategy – Our District. Our Future*” that identifies key high-level actions that specifically relate to this topic was discussed in Section 2.5 of this s32 Report.

3.5.1 Our Space 2018-2048, Greater Christchurch Settlement Pattern Update (July 2019) (‘Our Space’)

The updated document draws on previous collaborative work (from the original ‘Greater Christchurch Urban Development Strategy’ in 2016), to outline the planning directions for supporting urban growth in Greater Christchurch through to 2048. It is noted that ‘Our Space’ has not been updated to take into consideration the objectives and policies of the National Policy Statement for Urban Development 2020. However, this current version of Our Space is helpful to consider as part of this topic, in that the review has continued to highlight the importance of supporting the establishment of kāinga nohoanga settlements.

At Section 4.2, one of the five key strategic planning direction priorities that is identified is:

“Ensuring that further housing provides a range of dwelling types to meet the changing demand profile in Greater Christchurch, including the projected higher demand for smaller, more affordable units, and the future demand of Ngāi Tahu whanau to establish kāinga nohoanga settlements on their ancestral land.”

This direction is further developed within the table at Section 5.1 – **What will urban growth look like in different areas of Greater Christchurch?** The quote is important as it recognises that it is not only housing arrangements that are to be enabled, but also customary employment activities.

	Customary Maori Lands	Kāinga nohoanga settlements on customary Māori land build stronger Ngāi Tahu networks and relationships, enabling more Ngāi Tahu whānau to live in more traditional housing arrangements, including clusters of housing with a range of housing types, linked to marae, social and community facilities and locally appropriate customary employment activities.
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This outcome is further elaborated on at Section 5.6 – **Land for cultural purposes** where it is noted that:

“Kāinga nohoanga is not only about creating housing opportunities on tribal land. It is also about providing the commercial, social and community facilities and opportunities that allow Ngāi Tahu whānui to fully occupy and use ancestral land, recognising and enabling the principles for which the land was originally set aside”.

The approach to and provisions within the proposed Special Purpose Zone (Kāinga Nohoanga) is considered to give effect to directions in Our Space.

3.6 Any other relevant legislation or regulations

The specific relevant legislation to this matter is the Te Runanga o Ngai Tahu Act 1996. This legislation confirms at s7 that Te Runanga of Ngai Tahu have the authority to determine who are the descendants of Ngai Tahu iwi living in the year 1848.

No other legislation or regulations are known to be specifically relevant to this chapter.

3.7 Any plans of adjacent territorial authorities

The District Council is required to have regard to the extent to which the district plan needs to be consistent with the plans and proposed plans of adjacent territorial authorities under Section 74(2)(c) of the RMA.

The Christchurch District Plan (2016) approach to Māori reserve land is noted in the **MKT Report** (refer to pages 23 – 28) as an example of an approach that adopts a range of permitted activities, a level of control within or at the boundary of sites and zone, compliance with relevant built form standards, and non-notification provisions. The report recommends that the Christchurch District Plan approach be used as the basis for the development of the Special Purpose Zone (Kāinga Nohoanga) provisions. Given the similar historical background (Kemps Deed) and the desire to use Māori land as the base for the economic, social and cultural development of the respective runanga in both Christchurch and Waimakariri, the general approach is consistent between the two district plans. The main difference between the two district plans is that the provisions of the Christchurch District Plan reference Māori Land as determined and administered by the Māori Land Court. The provisions of the proposed Special Purpose Zone (Kāinga Nohoanga) extend that approach to also include land owned by descendants, with no requirement that the land is converted to Māori Land.

It is understood that the implementation of some of the provisions within the Christchurch District Plan, have raised issues that were not anticipated during its preparation (such as written approvals for development standard infringements). Christchurch City Council recently notified Plan Change 8 to the Papakāinga/Kāinga Nohoanga zone to better enable the use and development of Māori land. A number of the changes align with the flexible approach to site development being proposed in the Special Purpose Zone (Kāinga Nohoanga).

The provisions for the proposed Waimakariri District Plan have taken account of those situations, the draft consultation material, the proposed plan change provisions and submissions..

The Operative Hurunui District Plan (although recently made operative) does not specifically provide for papakāinga development. It is noted that the nohoanga sites in that plan relate to water bodies. However, it is understood that the areas of Māori land are small (generally near Leithfield and Amberley Beach) and the pressure for development of Māori land is not the same as for within Waimakariri District, particularly Māori Reserve 873.

The Proposed Selwyn District Plan includes the Māori Purpose Zone, with provisions that are similar to those in the Proposed Waimakariri District Plan, (such as providing for different activities and activity status for Māori land and General land). Although the activities and activity status provided for in Proposed Selwyn Plan differs, the intent is generally the same, being to provide an external envelope of development and activity standards (with minimal internal standards such as density of dwellings) within which development can occur without resource consent. This is consistent with the approach in the proposed Waimakariri District Plan.

Although they are not adjacent territorial authorities, the provisions of the proposed New Plymouth and Porirua District Plans have been considered as one way to test the consistency of the proposed provisions for the Waimakariri District Plan. Both proposed district plans adopt a similar approach to that in the proposed Waimakariri District Plan in that they include objectives, policies and rules that enable social, cultural and economic development of Māori Land. The approach in both proposed plans is generally consistent with the approach in the Proposed Selwyn and Waimakariri District Plans.

The main difference between the proposed Waimakariri District Plan provisions and the provisions of the other five district plans, is the application of the provisions to descendants of Māori Reserve 873 on 'other' land. This proposed approach recognises the importance of Māori Reserve 873 to Te Ngāi Tūāhuriri Rūnanga, the provision in Te Runanga o Ngai Tahu Act 1996 to determine descendancy and that much of land within Māori Reserve 873 is not 'Māori Land'. The proposed approach (based on the current descendancy provisions of the Operative Waimakariri District Plan) also recognises the development in thinking since the introduction of the Papakāinga/Kāinga Nohoanga Zone into the Christchurch District Plan, as to the best way in which to achieve the purpose of the Kemp's Deed.

4. KEY RESOURCE MANAGEMENT ISSUES

The resource management issues set out in this section have been identified using sources of information including (but not limited to) the following:

- a. Mahaanui Iwi Management Plan 2013;
- b. Land Use Recovery Plan;
- c. Canterbury Regional Policy Statement;
- d. Mahaanui Kurataiao Limited report titled "*Waimakariri District Council District Plan Review, Kāinga Nohoanga* (December 2018)"; and
- e. Reports, draft provisions, hearing and decisions related to the Replacement Christchurch District Plan.

The key resource management issue that the provisions of the Kāinga Nohoanga Zone seek to address, is the effect of historical district plan provisions (such as restrictions on the number of dwellings) that in combination with other events (such as the urban shift of Māori population), have led to the decline in Māori being able to live on and retain their relationship with their ancestral lands, particularly around rural marae.

The issue is not new and has been subject to numerous reports and recommendations, both locally and nationally. However, more recent actions (including the settlement of Te Tiriti o Waitangi claims and the maturing of partnership working relationships between Māori and councils) and the engagement of tangata whenua in the plan development (rather than resource consent) stage of district and regional plans, have all lead to creating an understanding that the complexity of the Resource Management Act and the provisions of a district plan should not further and unnecessarily limit use of Māori land.

Accordingly, the provisions of the proposed district plan seek to provide the opportunity for Te Ngāi Tūāhuriri Rūnanga to develop ancestral land in accordance with the original purposes of the Kemps Deed. Not only will this provide for papkāinga development but will also enable opportunities for social and cultural well-being and economic prosperity. The decision making around the manner in which the development is undertaken on Māori and descendant land is best placed with mana whenua, as this is a legally mandated function under Te Runanga o Ngai Tahu Act 1996.

The other key issue that the district plan needs to address is the management of potential effects on the boundaries between Māori land (which by definition includes descendant land) with general land, and on the wider public infrastructure (such as efficient and safe operation of the roading network). Associated with this issue is ensuring that owners of ‘other land’ are able to continue to enjoy and use their land for the purposes that have been provided under the Operative District Plan.

5. OVERVIEW OF PROPOSED OBJECTIVES, POLICIES AND METHODS

5.1 Strategic Direction

The applicability of all the proposed Strategic Objectives have been considered during the development of the Special Purpose Zone (Kāinga Nohoanga) provisions. Of specific relevance to the development of the Kāinga Nohoanga zone is strategic objective SD-O5 at part 4 of the objective which states:

“Te Ngāi Tūāhuriri Rūnanga’s role in the management of natural and physical resources is recognised, so that:

- 1. Ngāi Tūāhuriri Rūnanga’s historic and contemporary connections, and cultural and spiritual values, associated with the land, water and other taonga are recognised and provided for;*
- 2. the values of identified sites and areas of significance to Ngāi Tūāhuriri Rūnanga are protected;*
- 3. Ngāi Tūāhuriri Rūnanga can retain, and enhance access to sites of cultural significance;*
- 4. Māori reserve lands are able to be used by Ngāi Tūāhuriri Rūnanga for their intended purposes and to enable them to maintain their relationship with their ancestral land;*
- 5. recognised customary rights are protected;*
- 6. Ngāi Tūāhuriri Rūnanga are able to carry out customary activities in accordance with tikanga; and*
- 7. Ngāi Tūāhuriri Rūnanga are able to actively participate in decision-making and exercise kaitiakitanga.”*

The provisions of the Special Purpose Zone (Kāinga Nohoanga) are also considered to give effect to or be in accordance with the other relevant strategic directions as follows:

- SD-O3 Infrastructure – integration and coordination of new development with the necessary infrastructure;
- SD-O4 Rural areas – enabling rural land within the zone to be used for compatible rural purposes; and
- SD-O6 Natural hazards and resilience – applying the natural hazard provisions to the zone.

Also considered are the objectives and policies within the *UFD – Āhuratanga auaha ā tāone / Urban Form and Development* chapter. This has led to the inclusion of the new policy UFD-P9 *Unique purpose and character of the Special Purpose Zone (Kāinga Nohoanga)*. This matter is discussed earlier in Section 2.6 of this s32 report.

5.2 Zone Subject

The nature and purpose of the Special Purpose Zone (Kāinga Nohoanga) is area specific and is summarised in Section 2.2 above. It is a new zone that provides more permissive conditions for the development of Māori land, including where the owner is a descendant.

5.3 Proposed Objectives and Policies

The proposed objective and policies are set out in the Special Purpose Zone (Kāinga Nohoanga). These provisions should be read in conjunction with this evaluation report.

In summary, the one objective and six policies are designed to enable the development of ancestral Māori land within the remaining Māori reserve areas within the district. The policies recognise the special role that land within Māori Reserve 873 (focussing around the Tuahiwi Marae) and the other reserve areas have in providing for a wide range of residential, rural, community and commercial activities (Policy P1). The Tuahiwi and Large Lot Residential precinct policy recognises the Residential 3 and Residential 4B zonings respectively under the Operative Waimakariri District Plan and that a more urban style of development is anticipated (Policy P5).

For all areas, development needs to be integrated and coordinated with infrastructure, respond to natural hazards and ensure adverse effects (including reverse sensitivity effects) are managed (Policy P2).

While the Special Purpose Zone (Kāinga Nohoanga) is applied to the existing Māori reserve land, it is recognised that through other mechanisms (such as land purchase or settlement), the zone may be applied to new areas outside of the proposed seven areas (Policy P3).

Policy P6 provides for the ongoing use of 'other' land in accordance with the zoning as Rural in the Operative Waimakariri District Plan.

5.4 Proposed Methods

Rules and definitions are proposed that will enable a range of activities to establish within the Special Purpose Zone (Kāinga Nohoanga) on Māori land. Most of the definitions that apply generally throughout the plan are applicable when used within the zone. However, the following definitions have been developed to apply specifically within the zone:

- Mahinga kai - *refers to Ngāi Tahu interests in traditional food and other natural resources and the places where those resources are obtained;*
- Māori land - *in relation to the Special Purpose Zone - Kāinga Nohoanga, means land:*
 - *that has been gazetted or determined by an order of the Māori Land Court as having a particular land status as defined or provided for within Te Ture Whenua Maori Act 1993, which may apply to any form of ownership that is recognised or provided for under Te Ture Whenua Maori Act 1993; or*
 - *where one or more owners of the land provide written confirmation from Te Runanga o Ngāi Tahu Whakapapa Unit that they are a direct descendant of the original grantees of the land.*
- Marae complex - *means a specific area containing a complex of buildings and facilities used for the provision of a focal point for social, cultural and economic activity for Te Ngāi Tūāhuriri Rūnanga; and*

- Papakāinga - means a development for mana whenua to provide residential accommodation for members of iwi or hapū groups on Māori land and/or within the Māori purpose zone (Kāinga Nohoanga), and also includes all forms of accommodation for visitors and short-term residents, and communal buildings and facilities to provide centralised services or facilities.

A range of activities (such as health care facilities and education facilities) are recognised as being suitable for the zone and are provided as permitted activities. However, potential adverse effects once the activity is over a certain size need to be considered through the resource consent evaluation process (either as restricted or full discretion). Accordingly, a gross floor area standard has been included to provide the trigger for assessment.

For 'other' land within Reserve 873, the rules of the Rural Lifestyle Zone are proposed to apply. This approach recognises that the Rural Lifestyle Zone provides for a range of agricultural and residential activities that are currently carried out in the area and are compatible with the future changing character of the area to a more urban character.

The 'Tuahiwi precinct' has been developed to recognise the existing 'Residential 3' zoning under the Operative Waimakariri District Plan, and that property owners of 'other' land need to have the form of land use provided by that zoning continue. In addition, the provisions of the Tuahiwi precinct give effect to the objectives and policies of the zone.

The 'Residential Large Lot precinct' has been developed to recognise the existing 'Residential 4B' zoning under the Operative Waimakariri District Plan of land along Old North Road at Kaiapoi. A number of options for the zoning of this land were considered (refer to **Attachment 2**). In a similar manner to the Tuahiwi precinct, this precinct recognises that property owners of 'other' land need to have the rural residential land use of the Operative Plan continue.

The use of the precinct is in accordance with the National Planning Standards that provides for the precinct spatial layer to be used "...where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s)." (refer to Table 18 in Section 12. District Spatial Layers Standard).

The built form standards are focussed on the external effects of the activity on adjoining land uses and activities or infrastructure (roads). Road boundary setback standards are included in rule *SPZ(KN)-BFS2 Road boundary setback*, with specific provisions to recognise 'under width' roads to enable consideration as to how infrastructure and access will be enabled while development occurs.

Matters of discretion (for both the Special Purpose Zone (Kāinga Nohoanga) and the Tuahiwi precinct) are proposed to guide the District Council's exercise of discretion regarding activities that exceed the gross floor area activity standard and/or a built form standard.

6. SCALE AND SIGNIFICANCE EVALUATION

Section 32 (1)(c) of the RMA requires that a Section 32 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 the proposed objectives, policies and methods.

The level of detail undertaken for the subsequent evaluation of the proposed objectives, policies and methods has been determined by this scale and significance assessment.

In particular, Section 32 (1)(c) of the RMA requires that:

- (a) Any new proposals need to be examined for their appropriateness in achieving the purpose of the RMA;
- (b) The benefits and costs, and risks of new policies and methods on the community, the economy and the environment need to be clearly identified and assessed; and
- (c) All advice received from iwi authorities, and the response to the advice, needs to be summarised.

Further, the analysis has to be documented to assist stakeholders and decision-makers understand the rationale for the proposed objectives, policies and methods under consideration.

In making this assessment regard has been had to a range of scale and significance factors, including whether the provisions:

- (a) Are of regional or district wide significance;
- (b) Involve a matter of national importance in terms of Section 6 of the RMA;
- (c) Involve another matter under Section 7 of the RMA;
- (d) Raise any principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8 of the RMA;
- (e) Address an existing or new resource management issue;
- (f) Adversely affect people's health and safety;
- (g) Adversely affect those with particular interests including Maori;
- (h) Adversely affect a large number of people;
- (i) Result in a significant change to the character and amenity of local communities;
- (j) Result in a significance change to development opportunities or land use options;
- (k) Limit options for future generations to remedy effects;
- (l) Whether the effects have been considered implicitly or explicitly by higher order documents; and
- (m) Include regulations or other interventions that will impose significant costs on individuals or communities.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

6.1 Evaluation of Scale and Significance

	Low	Medium	High
Degree of change from the Operative Plan		✓	
<p>The new zone along with the objectives, policies, rules and definitions are a refinement of the provisions of the Operative Plan in that they change those existing provisions to further enable development of Māori land with minimal district plan controls along with a range of additional activities not provided for in the previous Rural, Residential 3 and Residential 4B zones.</p> <p>The new zone also continues the approach with respect to 'other' land of recognising the existing land uses and providing for those to continue under the new Rural Lifestyle, Settlement and Large Lot zones.</p>			
Effects on matters of national importance		✓	

The proposal relates to s5, s6(e), s7(a),(c),(f) & (g) and s8 matters in the RMA. The management of Māori land relates directly to matters of national importance, other matters and Te Tiriti o Waitangi (Treaty of Waitangi).			
Scale of effects geographically (local, district wide, regional, national)	✓		
<p>The geographical extent of effects is limited to discrete locations around the district associated with marae and Māori land.</p> <p>It is accepted that the size and location of Māori Reserve 873 near to Rangiora and Woodend has the potential to over time change the area to a more urban character. However, the provisions of the Residential 3 and Residential 4B zones of the Operative Plan (proposed to be incorporated within the new Tuahiwi and Residential Large Lot precincts respectively) already enable an essentially urban form of development in those areas. Accordingly, the change in this part of the zone is not significant.</p>			
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)	✓		
There would be potential for landowners (of Māori Land and land in General title) who share a boundary with the zone or a site within the zone to be adversely affected by activities. However, it is considered that the built form and activity standards (along with district wide provisions, such as noise standards) provide a level of effect that ensures amenity values are acceptable, within what will be a changing environment.			
Scale of effects on those with specific interests, e.g., Mana Whenua, industry groups			✓
The issues addressed and the proposed solutions are of great significance to Ngāi Tūāhuriri Rūnanga. The provisions recognise the unique challenges associated with the use and development of Māori and descendant owned land, and the critical role that such use and development will have on the development of their social, cultural, economic and environmental well-being.			
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? Is it consistent, inconsistent or contrary to those?		✓	
<p>The proposed approach is in alignment with and supported by higher order documents (including the National Policy Statement for Urban Development 2020, the Canterbury Regional Policy Statement and the Mahaanui Iwi Management Plan), is consistent with approaches in other second generation district plans, and has been consulted on with Ngāi Tūāhuriri Rūnanga and landowners within Māori Reserve 873.</p> <p>The one area where alignment with the National Policy Statement for Urban Development 2020 and the Canterbury Regional Policy Statement still needs to be developed, is with respect to the integration of urban development with infrastructure servicing (potentially through an outline development plan process).</p>			
Likelihood of increased costs or restrictions on individuals, communities or businesses	✓		
The provisions of the zone and precincts are enabling in terms of the activities provided for and the environmental standards for Māori and General Title landowners. As such, they are likely to continue having a positive impact on economic, environmental, social and cultural well-being.			

6.2 Summary - Scale and Significance

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, social and

cultural effects that are anticipated from the implementation of the Special Purpose Zone (Kāinga Nohoanga), irrespective of whether the activities occur on Māori land, descendant owned land or other land in general title.

7. EVALUATION OF EXISTING AND PROPOSED OBJECTIVES

Section 32(1)(a) of the RMA requires the District Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA. The level of detail undertaken for the evaluation of the proposed objectives has been determined by the preceding scale and significance assessment. Below is a summary of the proposed objectives that have been identified as the most appropriate to address the resource management issue(s) and achieve the purpose of the RMA, against those objectives in the operative plan.

7.1 Evaluation of Existing and Proposed Objectives

Relevant Existing Objective/s	Appropriateness to achieve the purpose of the RMA
<p>Objective 2.1.1 <i>Effective and appropriate processes and practices that acknowledge the status of tangata whenua as treaty partner and take into account the principles of the Treaty of Waitangi (Te Tiriti of Waitangi).</i></p> <p>Objective 2.1.2 <i>Recognition and provision for the manawhenua concept and practice of kaitiakitang in the management of natural and physical resources.</i></p> <p>Objective 2.1.3 Maori <i>Recognition and protection of wahi taonga that is culturally, spiritually and/or physically important to Ngai Tuahuriri.</i></p> <p>Objective 13.1.1 Resource Management Framework <i>Recognise and provide for the community's social and economic relationships within the District and external to the District, particularly those with Christchurch City, so that the District's natural, living, and productive environments:</i></p> <ul style="list-style-type: none"> a) <i>Are managed in an integrated and sustainable way;</i> b) <i>Provide for and safeguard the community's wellbeing, health, and safety;</i> c) <i>Are managed to enable the protection and enhancement of natural and physical resources; and</i> d) <i>Are not adversely affected by resource use, development and protection.</i> 	<p><i>Relevance:</i></p> <p>Objective 2.1.1 is relevant as it provides the link to Policy 2.1.1.1 which sets out the relationship between Te Rūnanga o Ngāi Tahu (iwi authority) and Te Ngāi Tūāhuriri as manawhenua, and their participation in the management of the District's natural and physical resources.</p> <p>Objective 2.1.2 and Policy 2.1.2.1 link to Policy 2.1.1.1 as it sets out the concept and practice of kaitiakitanga in the management of natural and physical resources</p> <p>Objective 2.1.3 is relevant as it provides the link to Policy 2.1.3.5, which seeks to provide for the use, development and protection of Māori Reserve 873.</p> <p>Objective 13.1.1 is relevant as it provides the link to Policy 13.1.1.1 which sets up the basis for the different planning zones. Although policy 13.1.1.1(h) relates to the different historical and cultural associations with Māori Reserve 873, it is not referenced in either the Rural or Settlement zones that apply to the land area.</p> <p>However, the land within Māori Reserve 873 is zoned either Rural, Residential 3 or Residential 4B, none of which provide any specific or different provisions. This results in cultural and other considerations relating to development being subsumed by generic provisions (refer to Objective 14.1.1 and 17.1.1).</p>

Relevant Existing Objective/s	Appropriateness to achieve the purpose of the RMA
<p>Objective 14.1.1 Rural Zones <i>Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:</i></p> <ul style="list-style-type: none"> a) <i>the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities;</i> b) <i>separation between dwellinghouses to maintain privacy and a sense of openness;</i> c) <i>a dwellinghouse clustered with ancillary buildings and structures on the same site;</i> d) <i>farm buildings and structures close to lot boundaries including roads;</i> e) <i>generally quiet – but with some significant intermittent and/or seasonal noise from farming activities;</i> f) <i>clean air – but with some significant short term and/or seasonal smells associated with farming activities; and</i> g) <i>limited signage in the Rural Zone.</i> <p>Objective 14.1.2 <i>Recognise the historic and cultural significance of Maori Reserve 873 to Ngai Tuahuriri and the different rural character arising from settlement by the original grantees and their descendants.</i></p> <p>Objective 17.1.1 Residential Zones <i>Residential Zones that provide for resident’s health, safety and wellbeing and that provide a range of living environments with distinctive characteristics.</i></p>	<p>It is noted that although Objective 14.1.2 recognises Māori Reserve 873, the rest of the objective and related Policy 14.1.2.1, limit development to subdivision and/or dwelling house development, while still maintaining rural character. They do not support other activities (such as marae complex) or the change in character to a more urban environment.</p> <p>Objective 17.1.1 sets up policies to provide for a range of living environments. Policy 17.1.1.5 recognises both business and residential development within Māori Reserve 873. However, the policy then goes on to restrain development by the requirement to implement an Outline Development Plan, connect to Council reticulated water and sewer, and maintain a rural outlook.</p> <p>In addition, the objectives and policies do not relate to the six other areas of Māori land in the district.</p> <p>Overall, the existing approach to expressing the outcome sought is less reasonable than the proposed approach.</p> <p><i>Reasonableness:</i></p> <p>These existing high-level objectives can be considered appropriate in that they are not contrary to the Council’s position and the statutory policy context.</p> <p>However, the non-specific approach reflected in the current objectives pose problems to the development of Māori and descendant land, and the carrying out of cultural uses and activities. The lack of clearly expressed outcomes for Maori Reserve 873 and other areas of Māori land creates ambiguity and uncertainty. This has enabled policies to be developed which constrain the form of development on Māori land and descendant owned land (refer to discussion under the heading ‘Relevance’).</p> <p>Overall, the existing approach is no longer considered reasonable to assist in achieving the aspirations of mana whenua to develop their land and enable the return of descendants to ancestral land.</p> <p><i>Achievability:</i></p> <p>The existing objectives fail to specifically address the resource management issues relevant to the development of Māori and descendant land. The objectives are supported by policies and rules that provide no additional support to enable the full purpose of the Kemp’s Deed to be achieved. In fact, in some circumstances they work</p>

Relevant Existing Objective/s	Appropriateness to achieve the purpose of the RMA
	<p>against such outcomes (such as the requirement in the Residential 3 zone to maintain rural character and amenity).</p> <p>The generic focus of the objectives on rural and residential outcomes does not fully enable the aspirations of tangata whenua to be achieved.</p>

Proposed Objective/s	Appropriateness to achieve the purpose of the RMA
<p>MPZ(KN)-O1 Use and development of Te Ngāi Tūāhuriri Rūnanga Māori Reserve 873 and other land</p> <p><i>Te Ngāi Tūāhuriri Rūnanga exercise kaitiakitanga in the use and development of ancestral land for their economic, social and cultural well-being.</i></p>	<p><i>Relevance:</i></p> <p>The proposed objective is directly relevant to the purpose, the matters of national importance, and other matters of the RMA and taking into account the principles of Te Tiriti o Waitangi.</p> <p>The proposed objective is also relevant to the specific objectives and policies in the Canterbury Regional Policy Statement, National Policy Statement on Urban Development and the Mahaanui Iwi Management plan, that all seek an outcome of enabling the use and development of Māori land (kaitiakitanga). The proposed objective is directly relevant to proposed Strategic Objective O5 – Ngāi Tahu mana whenua/Te Ngāi Tūāhuriri Rūnanga.</p> <p>Inclusion of the Special Purpose Zone (Kāinga Nohoanga) will provide specific recognition of the need to provide for values, rights and interests with respect to the Kemp Deed lands.</p> <p>The supporting policies and rules also provide for owners of ‘other’ land to continue using and developing their properties in accordance with the activities provided under the Operative Rural, Residential 3 and Residential 4B zones (Rural Lifestyle, Residential Settlement and Residential Large Lot zones respectively in the Proposed District Plan).</p> <hr/> <p><i>Reasonableness:</i></p> <p>The objective seeks to increase development opportunities and land use options for Te Ngāi Tūāhuriri Rūnanga. As noted above under the ‘<i>Relevance</i>’ category, the proposed objective is reasonable as it aligns with specific higher order policy directions and has been developed in consultation with and support of the rūnanga.</p> <p>The objective does not seek an outcome that restricts development of land by landowners of ‘non-Māori’ and ‘non-descendant’ land for rural and residential purposes. As such it is considered to be reasonable.</p> <hr/> <p><i>Achievability:</i></p> <p>The objective provides certainty that the use of the land within the zone is to enable rūnanga to exercise</p>

Proposed Objective/s	Appropriateness to achieve the purpose of the RMA
	kaitiakitanga to the extent possible within the RMA framework.

7.2 Summary - Evaluation of Proposed Objective

The proposed objective will achieve the purpose of the RMA as it is a clear statement of intent that recognises that mana whenua values and Māori aspirations for the development of their land and enables the land to be subdivided, used and developed in a manner that supports those aspirations. The objective is certain as to the outcome being sought.

8. EVALUATION OF PROPOSED POLICIES AND METHODS

Section 32 (1)(b) of the RMA requires an evaluation of whether the proposed policies and methods are the most appropriate way to achieve the proposed objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the proposed policies and methods in achieving the objectives, and summarising the reasons for deciding on the proposed policies and methods.

The level of detail undertaken for the evaluation of the proposed policies and methods has been determined by the preceding scale and significance assessment.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed policies and methods, including opportunities for economic growth and employment.

The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

8.1 Evaluation of Proposed Policies and Methods

Option A: Proposed policies and methods to achieve the objective	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
<ul style="list-style-type: none"> • Provision for development on Māori land; • Apply the Special Purpose Zone (Kāinga Nohoanga) to all of Reserve 873 land and Māori land within other reserve areas; • Provide for the existing development opportunities around Tuahiwi; • Allow a wide range of activities which support the cultural, social, community, economic and 	Environmental: Facilitates the implementation of kaitiakitanga, including those expressed in the objectives and policies of the Mahaanui Iwi Management Plan. This may include alternative approaches to infrastructure provisions (particularly with respect to management of wastewater and stormwater).	Environmental: Potential for dispersed development which may increase the demand to manage adverse effects of wastewater and stormwater to be managed on-site. Diffuse and/or cumulative adverse effects can have incremental environmental effects which can in some circumstances be more difficult to identify and manage than point discharges (such as clustering of wastewater treatment systems potentially affecting groundwater quality).	The proposed zone and standards enable the outcome for Māori land and descendent land as articulated in the higher order documents, being the environmental, social, economic, social and cultural aspirations of Ngāi Tūāhuriri Rūnanga. The rules and standards are considered to be effective and efficient in enabling development on Māori land, descendant land and General Title land within potential adverse effects from the permitted activities. The gross floor area standard has been set at a level to	The risk of not acting is that this will perpetuate historical limitations to the aspirations of Ngāi Tūāhuriri Rūnanga to utilise their land in accordance with the purposes the land was set aside to provide. This is likely to cause a deterioration in the relationship between mana whenua and council, as it will be seen as a reluctance by council to acknowledge the challenges of developing the land while enabling mana whenua to exercise kaitiakitanga. Also, in not acting, the Council will not be giving effect to the directions in higher order documents with respect

<p>environmental aspirations of Te Ngāi Tūāhuriri Rūnanga;</p> <ul style="list-style-type: none"> • Manage the adverse effects of activities and built form in relation to site and zone boundaries; and • Provide for use and development of 'other' land by landowners in accordance with their aspirations by application of the activities from the Rural Lifestyle, Residential Settlement and Residential Large Lot zones. 	<p>Economic: Provides for development of Māori land, descendant land and General Title land, thereby facilitating increased economic growth and employment related benefits.</p> <p>There would be reduced resource consenting costs for all landowners due to the enabling nature of the rules and standards.</p> <p>Use of rules to preclude notification for some activities on Māori and descendent land will provide certainty for resource consent timeframes and costs.</p>	<p>Economic: Due to lack of bulk infrastructure services, costs of supplying individual bespoke solutions may be inefficient and costly.</p> <p>Additional costs associated with management and monitoring of onsite wastewater and stormwater treatment.</p> <p>Potential restrictions on rural activities needing to manage adverse effects on residential and other sensitive activities on adjoining land.</p>	<p>trigger an assessment of potential adverse effects.</p> <p>This approach is also considered to be effective and efficient in that it protects Māori land and descendent land from inappropriate subdivision, use and development through the exercise of kaitiakitanga by mana whenua.</p> <p>The activities provided for and the standards within which those activities can be undertaken are limited to those that have the potential to be contrary to the outcomes sought. The objective and policies are considered to provide a clear basis upon which decision makers can consider such activities and developments.</p>	<p>to development within Māori Reserve 873 in particular and other reserve areas.</p> <p>There is a risk that development could occur within Māori Reserve 873 area, in locations and in a manner that will make it difficult and/or expensive to provide infrastructure. However, Council and Ngāi Tūāhuriri Rūnanga are well aware of this potential and are working collaboratively through the Mahi Tahī Committee and other processes to develop solutions.</p>
	<p>Social: Enhanced well-being through increased self-reliance and social interaction as a result of more enabling housing and community opportunities for Māori land and descendant land across Māori Reserve 873 and other Māori reserve land.</p> <p>Enabling economic and employment opportunities will likely enhance socio-economic wellbeing.</p>	<p>Social: Potential for more enabling provisions for permitted activities to generate adverse effects (noise, increased traffic) and the increase in the number of people to lead to social change from a predominantly rural to a more urban character.</p>		

	Cultural: Enhanced cultural wellbeing as the provisions align with and enable the expression of Te Ngāi Tūāhuriri Rūnanga principles, including kaitiakitanga, whanaungatanga and rangatiratanga.	Cultural: No cultural costs have been identified.		
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Opportunities for economic growth and employment

The provisions that enable the development of Māori reserve land for a range of activities, supports members of Ngāi Tūāhuriri Rūnanga to return to their land and to undertake activities that would potentially not be supported or viable elsewhere within and outside the Waimakariri District. For land in General Title, the provisions enable their continued use for economic activity and employment. Accordingly, while no economic analysis has been undertaken, there is potential for economic growth and employment.

Quantification

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

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.

Options less appropriate to achieve the objective

Option B: Status Quo	Benefits	Costs	Efficiency and Effectiveness	Risk of acting / not acting
<ul style="list-style-type: none"> Retain Rural Lifestyle, Residential Settlement and Residential Large Lot zoning across Māori Reserve 873 and other reserves; Include objectives and policies within each of the three zones to recognise Māori Reserve 873 and other reserves; Include specific activities and 	environmental, economic, social and cultural effects anticipated,	environmental, economic, social and cultural effects anticipated,		if there is uncertain or insufficient information about the subject matter of the provisions
	Environmental: Potential for development that cannot connect to suitable infrastructure that could have an adverse effect on the environment, being excluded. Development of Māori land and descendent land in accordance with kaitiakitanga has the potential to reduce adverse environmental effects	Environmental: Some loss of rural character and outlook resulting from cluster housing development.	The approach requires resource consent application for a number of activities (such as papakāinga) that is not efficient and effective in enabling development of Māori and descendent land for the purposes intended. This is not efficient or effective.	The risk of not acting is that the full aspirations of Ngāi Tūāhuriri Rūnanga would not be realised, potentially leading to a tension in the good will and open partnership relationship developing between them and council that may be difficult to reconcile. Given the direction in higher order statutory documents and the approach being adopted in adjoining councils and other councils throughout

standards within each of the three zones to recognise Māori Reserve 873 and other reserves	<p>Economic: Development of Māori and descendant land for residential and living activities will provide additional economic benefit to the District.</p>	<p>Economic: The potential for Māori land and descendent land to be developed and enable people to return to their land would not be enabled to the full potential envisaged by Ngāi Tūāhuriri.</p> <p>Potential restrictions on rural activities needing to manage adverse effects on residential and other sensitive activities on adjoining land.</p>		Aotearoa New Zealand, Council would be at risk of being subject to challenge through the RMA process. Even though the approach is more enabling than provided for in other district plans, the position would be difficult to defend.
	<p>Social: Owners of land in General title would not be as concerned with potential new or more intense development of existing activities, that will see a change in some rural amenity values over time, as the provisions that enable such development to occur have been in place for a number of years.</p>	<p>Social and Cultural: There would be significant social and cultural costs to Ngāi Tūāhuriri Rūnanga in not being able live on their land and to exercise kaitiakitanga to the full potential envisaged by them.</p>		
	<p>Cultural: Enhanced cultural wellbeing as the provisions align to some extent with and enable the expression of Te Ngāi Tūāhuriri Rūnanga principles, including kaitiakitanga, whanaungatanga and rangatiratanga. This includes the protection of the viewshaft to Maungatere.</p>			
<p>Opportunities for economic growth and employment</p>				
<p>The opportunities for economic growth and associated employment that the proposed alternative would provide, would not be realised to the same extent as Option A.</p>				

8.2 Summary - Evaluation of Proposed Policies and Methods

Option A – Proposed Approach is the most appropriate method of identifying, recognising and providing for the full development of Māori land in the District, for a more extensive range of economic, social and cultural activities across the district. It also manages the effects of those activities on the boundaries of the zone and the boundaries with General land (and vice versa).

Option A also provides for the owners of ‘other land’ within Māori Reserve 873 to continue using and developing their land in accordance with the provisions of the Rural Lifestyle zone and Tuahiwi and Residential Large Lot precincts.

This option has been developed in collaboration with Ngāi Tūāhuriri Rūnanga and has their general support.

The option of retaining the existing approach within the Operative Waimakariri District Plan is not realistic or viable.

9. SUMMARY

This evaluation has been undertaken to identify the need, benefits and costs, and the appropriateness of the proposed approach having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. This evaluation demonstrates that the proposed provisions are the most appropriated way of addressing this topic for the following main reasons:

- a. The provisions significantly improve upon the existing provisions in the Operative District Plan to provide a comprehensive approach to the topic, as directed by other policy documents;
- b. The objectives and policies provide direction and certainty to plan users and landowners within the zone on the outcomes expected; and
- c. The rules are designed to provide for specific development anticipated on Māori land, as well as recognising the need to manage potential adverse effects at zone and property boundaries with other land uses and occupiers.

Overall, it is considered that the set of preferred provisions are the most appropriate given that the benefits significantly outweigh any costs and there are considerable efficiencies to be gained from adopting the preferred provisions.

Attachment 2 Consideration of Alternative Zonings and Provisions for Residential 4B Land, Old North Road, Kaiapoi

CONSIDERATION OF ALTERNATIVE ZONINGS AND PROVISIONS

FOR

RESIDENTIAL 4B LAND – OLD NORTH ROAD, KAIAPOI

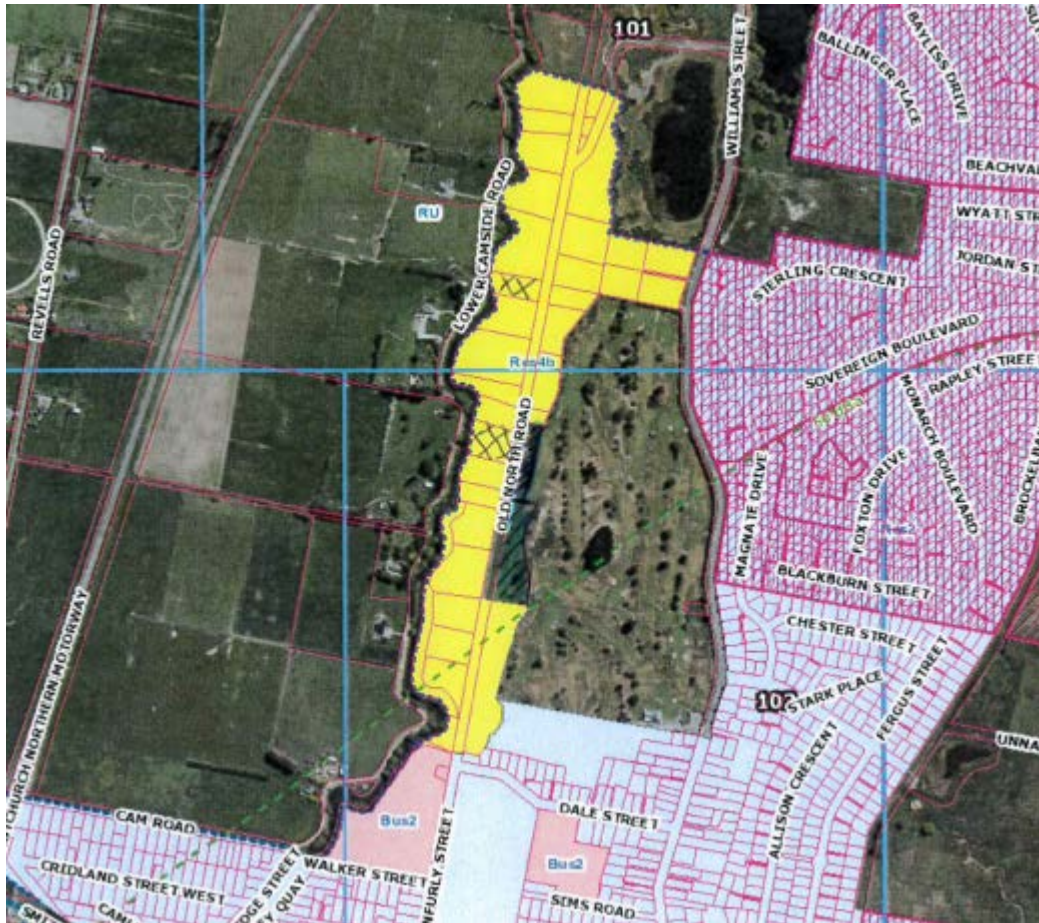
1. Background

As part of developing the Māori Purpose Zone (Kāinga Nohoanga) provisions with respect to Māori Reserve 873, consideration as to the what provisions should apply to the land currently zoned Residential 4B along Old North Road needs to be considered.

The land along Old North Road was zoned Residential 4B at the time the Rural Residential Development Strategy was undertaken. This area was within the Proposed Infrastructure Boundary, which has the purpose of providing for additional urban development capacity for Kaiapoi. Accordingly, this area was not suitable for inclusion within the Rural Residential Development Strategy, and its urban zoning would be determined as part of the district plan review process.

The Residential 4B zoning is an 'Urban Environment' zone, characterised by a very low density detached dwelling living environment in a rural setting (minimum area of 0.5 hectare and average area of not less than 1ha for each subdivision). Some limited farming and horticulture activities are still anticipated in the zone. It is anticipated that over time, the servicing standards for water and sewerage will mirror urban rather than rural standards. However the area will retain a rural style of roading and access.

The Residential 4B zoning is shown in yellow in the plan below.



2. Māori Reserve 873

All of the Residential 4B land (as well as 5 properties on the eastern side of Old North Road and part of the Kaiapoi Golf Course) is within Māori Reserve 873.

3. Zoning and Provisions Options

The objective and policy directives in the Canterbury Regional Policy Statement, the Operative Waimakariri District Plan and the Mahaanui Iwi Management Plan apply to the whole of Māori Reserve 873, irrespective of its ownership or zoning. Accordingly, in terms of the zoning options consideration, there is no justification to exclude the area from the proposed Māori Purpose Zone (Kāinga Nohoanga).

As noted above, the potential zoning options to be considered all assume that the proposed Māori Purpose Zone (Kāinga Nohoanga) applies. On that basis and in accordance with the National Planning Standards the possible spatial layer provisions include:

- An overlay;
- A precinct;
- Specific controls; and
- Development Plan.

In light of the function description of each spatial layer as set out in Table 18 (Section 12 National Planning Standards), the use of a precinct is considered relevant as it is an area where additional provisions apply that modify or refine the policy approach or outcome anticipated in the zone.

Accordingly, four precinct options are considered relevant and the main advantages and disadvantages of each option are set out in the following table.

Option	Advantages	Disadvantages
1. Rural Lifestyle Precinct	Enables owners of Māori land and owners of land by descendants access to the provisions of the Māori Purpose Zone (Kāinga Nohoanga).	<p>Does not recognise existing urban zoning that reflects its location within the Infrastructure Boundary (ie not giving effect to the Canterbury Regional Policy Statement).</p> <p>Not in accordance with the Rural Residential Development Strategy which recommended consideration of suitable urban zoning to be part of the district plan review.</p> <p>Is a 'down zoning' of property with no resource management justification.</p> <p>Is not in accordance with proposed Natural Hazards objective NH-01 which provides for natural hazards to be managed within existing urban areas.</p>
2. Rural Lifestyle Precinct with specific provisions to enable lower residential density	<p>Enables owners of Māori land and owners of land by descendants access to the provisions of the Māori Purpose Zone (Kāinga Nohoanga).</p> <p>Provides owners of 'non-Māori' and 'non-descendant' land with development rights similar to existing Residential 4B zone.</p>	<p>Does not fully recognise existing urban zoning that reflects its location within the Infrastructure Boundary (ie not giving effect to the Canterbury Regional Policy Statement).</p> <p>Not in accordance with the Rural Residential Development Strategy which recommended consideration of suitable urban zoning to be part of the district plan review.</p>
3. Residential Large Lot Precinct	<p>Consistent with proposed approach of 'Tuahiwi Precinct' to apply to the existing Residential 3 zoned land in and around Tuahiwi.</p> <p>Better provides for owners of 'non-Māori' and 'non-descendant' land with similar development rights to the previous Residential</p>	None identified

	<p>4B zone (noting higher density subdivision enabled).</p> <p>Recognise existing urban zoning that reflects its location within the Infrastructure Boundary (ie gives effect to the Canterbury Regional Policy Statement).</p> <p>Is in accordance with the Rural Residential Development Strategy which recommended consideration of suitable urban zoning to be part of the district plan review.</p> <p>Is in accordance with proposed Natural Hazards objective NH-01 which provides for natural hazards to be managed within existing urban areas, as density of development enables mitigation to be undertaken.</p>	
<p>4. General Residential or Settlement Precinct</p>	<p>Consistent with proposed approach of 'Tuahiwi Precinct' to apply to the existing Residential 3 zoned land in and around Tuahiwi.</p> <p>Better provides for owners of 'non-Māori' and 'non-descendant' land with similar development rights to the previous Residential 4B zone (noting higher density subdivision enabled).</p> <p>Recognise existing urban zoning that reflects its location within the Infrastructure Boundary (ie gives effect to the Canterbury Regional Policy Statement).</p> <p>Is in accordance with the Rural Residential Development Strategy which recommended consideration of suitable urban zoning to be part of the district plan review.</p>	<p>Is not in accordance with proposed Natural Hazards objective NH-01 which provides for natural hazards to be managed within existing urban areas, as the density of residential development would require significant mitigation work on the site to be developed, as well as adjacent properties.</p> <p>Existing rural residential development (such as location of substantial dwellings) will make higher density residential development difficult to achieve.</p> <p>Existing rural residential activities including farming and other rural activities not provided as a permitted activity, meaning that existing activities would need to rely on existing use rights.</p> <p>Upgrading and provision of new infrastructure (water, wastewater, stormwater/flooding, roading and undergrounding of electricity)</p>

		required to bring up to urban standard, unlikely to be economically feasible.
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4. Conclusion and Recommendation

Option 3 – Residential Large Lot Precinct is recommended to be included in the Māori Purpose Zone (Kāinga Nohoanga) as the advantages far outweigh the disadvantages in comparison with the other three reasonable options.

Alan Matheson
Consultant Planner
2 November 2020