

## SECTION 13.1 PAKAINGA DISTRICT WIDE ACTIVITY

### 13.1.1 INTRODUCTION

The Resource Management Act 1991 introduced specific and new obligations for those exercising functions and powers under the Act to provide for the special relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Traditional Maori culture is closely linked with the environment. When settlement originally occurred in Hawke's Bay it was traditionally located in close proximity to the abundant food resources of the Heretaunga Plains such as waterways, salt and fresh water fishing areas and shell fish gathering areas. These settlements traditionally included a Marae which served as a focal point for daily life. It is important to Maori therefore, that this tradition is able to continue in order to meet their spiritual and cultural aspirations. Papakainga is the development of housing generally for Maori people on Maori Land. The ability to live on their traditional lands in Papakainga developments is seen as a way in which Maori will be able to maintain and enhance their culture and traditions.

This section of the District Plan specifically provides for Papakainga (Maori Housing) as a District Wide Activity on Maori Land. The Objectives, Policies and Methods are designed in a flexible manner that encourages communal type development. The aim of this is to encourage the sustainable use of land and resources by enabling services such as accessways and sewerage treatment plants to be used by more than one development over time as needed. This does not preclude however, the development of single home sites if this is wanted by the owners.

The Papakainga provisions are closely linked to the functioning of the Te Ture Whenua Maori Act 1993 and for this reason the land available for Papakainga development will be limited to land defined as Maori Land under the Te Ture Whenua Maori Act 1993. This is to ensure that Papakainga development occurs in accordance with the aims of the Resource Management Act and the Te Ture Whenua Maori Act, and is genuinely provided for Maori to meet their housing needs and cultural aspirations.

Marae are also provided throughout the District as part of the District Wide Activity for Places of Assembly, (See Section 13.5 Community Facilities, Recreation, Conservation and Natural Areas).

The preparation of Development Plans will be an essential means to guide the development of Papakainga. Development plans will reflect the aspirations of the Hapu and serve as a guide for development in the future. Council will encourage the development of these plans. Although these documents will be a key factor in ensuring that Maori Land is developed in accordance with the wishes of the Hapu, they will not be included as part of the District Plan. This will enable the Development Plans to remain flexible and recognise the potential of the land and resources and the needs of future generations at all times.

### 13.1.2 RESOURCE MANAGEMENT ISSUES

- ***Maori wish to pursue a quality of life consistent with their cultural values and customs in relation to their traditional lands, water sites, waahi tapu and other taonga (treasures).***

In the Hastings District there are areas of land that have always remained in Maori ownership. These areas of land have been treasured by generations and will remain so by future generations. The Te Ture Whenua Maori Act 1993 also protects these lands from being passed into non-Maori ownership. Maori wish to develop Papakainga on these lands to help to promote the traditional relationship with their land.

- ***Papakainga residential development will assist the sustainable use of the land by Tangata Whenua.***

The Papakainga provisions provide for residential development on Maori land, where Maori decide that this is appropriate. Residential occupation may stimulate further development and diversity of activity on their land resource.

- ***The development of Papakainga should only be limited by the servicing capacity of the land.***

Papakainga development will have to meet standards to ensure that adverse effects are addressed and adequate residential amenity is provided for within the development. The ability of the land to accommodate the development should be the only crucial factor limiting the development of Papakainga.

- ***New technology and the use of alternative servicing methods can enable previously unusable land to become usable.***

Potential adverse effects from the development of Papakainga should be avoided, remedied or mitigated at all times. It may be possible however to develop land that was previously unserviceable through conventional methods, by using alternative methods or developments with new technology. The District Plan should ensure that adverse effects are addressed by whatever effective means are available at the time.

- ***Marae and Papakainga are the focal point of traditional Maori culture and customs.***

Papakainga, together with Marae, provide the focal point for Tangata Whenua, and for the cultural and communal life of the District's Maori Community. The District Plan must provide for both areas to ensure the development and well being of the District's Tangata Whenua.

### 13.1.3 OBJECTIVES

- *PKO1 To recognise the desire of Maori to maintain and enhance their traditional relationship with their land.*
- *PKO2 To provide for Papakainga development on Maori Land.*
- *PKO3 To allow maximum freedom for Hapu to develop their settlement pattern, while ensuring appropriate health, safety and amenity standards are met.*

### 13.1.4 POLICIES

- **PKP1 Provide for Papakainga development on Maori Land subject to adverse effects being avoided, remedied or mitigated.**

#### Explanation

The District Plan recognises that Papakainga development is an essential means for Maori to pursue the traditional relationship with their land by enabling settlement on this land. This policy aims to maintain and strengthen this traditional relationship by enabling Papakainga development, providing potential adverse effects are avoided, remedied or mitigated.

- PKP2 Encourage Hapu, Whanau and Marae to establish Development Plans as a guide to development on Maori Land in accordance with the provisions of the resource Management Act and the District Plan.**

Explanation

Papakainga is a unique type of development that will develop over time in a traditional manner, according to family and cultural needs. Development plans will help to ensure that the land is developed in the most efficient manner. Council will encourage the formulation of Development Plans in accordance with the provisions of the Resource Management Act and the District Plan and facilitate joint discussions with other authorities such as the Hawke's Bay Regional Council.

- PKP3 Allow the sustainable servicing capacity of Maori Land to control the maximum size of Papakainga development.**

Explanation

This policy indicates that Papakainga development will not be restricted by a minimum lot size. Development will be dependant upon the number of residential units that can be accommodated, according to the characteristics of the land. Therefore, the ultimate size of any Papakainga will be dependant upon the ability of the land to accommodate services such as a water supply, sewage and stormwater disposal, as well as outdoor living spaces and service areas.

- PKP4 Encourage Papakainga Developments to adopt whichever servicing methods are suitable for individual site conditions, and where possible, the use of communal infrastructure.**

Explanation

Council will encourage Papakainga developments to adopt alternative methods of servicing sites if these can adequately achieve safe and effective waste disposal. These methods will not always be the "conventional" methods used in the past, and may be recently developed and approved systems.

- PKP5 Control the impact of Papakainga developments on adjoining activities, the community and the environment.**

Explanation

The Maori land eligible for Papakainga development is located in scattered pockets all over the District. Papakainga should not adversely impact upon the use of adjoining land. Setback distances at the boundary of the Maori Land have been established to control the effects of conflicts with adjoining land uses.

- PKP6 Control Papakainga developments to protect residential amenity within the site.**

Explanation

Papakainga development will be required to achieve amenity standards comparable to the residential zones, and these will need to be maintained for the benefit of the existing and future residents. This will be achieved within the site by design requirements for outdoor living spaces and service areas, to ensure that there are no adverse effects of one Papakainga development on another.

- **PKP7 Ensure that adequate sunlight and daylight is available to Papakainga developments.**

Explanation

Papakainga shall be designed in a manner to ensure that adequate sunlight and daylight is available to residential buildings. Standards are provided to ensure that buildings do not overshadow each other.

- **PKP8 Ensure that open space, service areas, access and parking are provided for Papakainga developments.**

Explanation

This policy recognises that the development of Papakainga will not just include buildings, but all the additional site requirements to ensure that a suitable environment is provided. The Council will assess the combination of all these essential services to determine the amount of land that will be required for the Papakainga Development rather than rely on a minimum site size.

- **PKP9 Ensure that the privacy of residential units is maintained.**

Explanation

Papakainga development may occur on a communal type basis and this is recognised. It will be necessary to ensure that a minimum standard of privacy between residential units is maintained for the health and well being of those who will live in the Papakainga development

### 13.1.5 METHODS

These Objectives and Policies will be implemented through the following Methods:

- **Hastings District Plan**

Papakainga DWA: This Section facilitates the development of residential housing on maori land throughout the District.

Urban Development & Strategic Urban Directions (Section 2.4): This Section recognises the integral role that Papakainga plays as part of the wider urban development objectives of the community. The District Plan recognises Papakainga as a complementary form of urban development.

Community Facilities, Recreation and Marae DWA (Section 13.5): This Section recognises marae as activities permitted throughout the District (subject to standards). This will enable the dynamic redevelopment of strong marae based communities on maori land in the District.

- **Council assistance to Marae through the establishment of Marae Development Plans**

The establishment of Marae Development Plans is useful to the Council's decision making process so Council staff and relevant information will be made available to facilitate the creation of these Plans.

- **Te Ture Whenua Maori Act 1993**

This Act provides for the classification of land as Maori land. The District Plan recognises maori land for the purpose of Papakainga.

- **Regional Policy Statement and Plans**
- **Guidelines for Alternative Waste Disposal Methods, prepared by the Hastings District Council.**

Council will produce a guideline for Alternative Waste Disposal Methods. This will indicate to landowners and developers means in which to develop sites that are unsuitable for septic tank wastewater disposal.

### 13.1.6 ANTICIPATED OUTCOMES

It is anticipated that the following specific environmental outcomes will be achieved:

- Maintenance or improvement of the Maori quality of life consistent with their cultural values and customs in relation other traditional lands, water, sites, waahi tapu and other taonga (treasures).
- Maintenance of the character and amenity of the District where the Papakainga development takes place.
- Adverse environmental effects on adjoining activities or land users will be avoided, remedied or mitigated.

### 13.1.7 RULES

**The following rules apply to land declared Maori Land pursuant to the Te Ture Whenua Maori Act 1993. The activity status and performance standard requirements provided for in the rules of this District Wide Activity (DWA) may be modified by the specific provisions of individual Resource Management Units (RMUs). It will be necessary to check first whether the activity is located within a RMU. Any activity must first comply with the RMU provisions before applying the following rules.**

#### 13.1.7.1 PERMITTED ACTIVITIES

The following activities shall be Permitted, provided that they comply with the General Performance Standards and Terms in Section 13.1.8.

- BUILDINGS ACCESSORY TO EXISTING OR APPROVED RESIDENTIAL BUILDINGS.

#### 13.1.7.2 CONTROLLED ACTIVITIES

- (a) The following activities shall be Controlled provided they comply with the General Performance Standards and Terms in Section 13.1.8, and any relevant Specific Performance Standards and Terms in Section 13.1.9.

- RESIDENTIAL BUILDINGS

- (b) Applications for Controlled Activities will be considered without notification or without the requirement to serve notice. Conditions may be imposed in relation to the matters over which control will be exercised, identified in the Assessment Criteria in Section 13.1.10 of the Plan.

**13.1.7.3 RESTRICTED DISCRETIONARY ACTIVITIES**

- (a) For the following activities the Council will restrict the exercise of its discretion to the ability of the activity to achieve the particular outcome(s) of the General or Specific Performance Standard(s) and Terms which it fails to meet, and the ability of the activity to meet the remaining General or relevant Specific Performance Standards and Terms in Section 13.7.8 and 13.7.9. Council will, in addition to the existing provisions, restrict its discretion to the ability of activity to achieve the particular outcome(s) of the General or Specific Performance Standards and Terms in Sections 14.1.8 and 14.1.9.
  - ANY PERMITTED OR CONTROLLED ACTIVITY NOT MEETING THE GENERAL PERFORMANCE STANDARDS AND TERMS IN SECTION 13.1.8 OR THE SPECIFIC PERFORMANCE STANDARDS AND TERMS IN SECTION 13.1.9.
- (b) Applications may be considered without the need to obtain the written approval of affected persons and may be considered without the requirement to serve notice. Activities will be assessed and conditions may be imposed in relation to those matters identified in Section 13.1.10 that Council has restricted its discretion over. Council will, in addition to the existing provisions, assess activities and impose conditions in relation to those matters identified in Section 14.1.10 (Assessment Criteria - Restricted Discretionary Activities) that Council has restricted its discretion over.

**13.1.7.4 NON-COMPLYING ACTIVITIES**

The following activities shall be Non-Complying Activities.

- ANY ACTIVITY WHICH IS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED OR RESTRICTED DISCRETIONARY ACTIVITY SHALL BE A NON-COMPLYING ACTIVITY.

**13.1.8 GENERAL PERFORMANCE STANDARDS AND TERMS**

The following Performance Standards and Terms apply to all Permitted and Controlled Activities.

**13.1.8.1 BUILDING HEIGHT**

The maximum height of buildings or structures shall be 10 metres.

Outcome  
*The amenity value of the rural environment will be maintained by preventing tall, obtrusive structures or buildings.*

**13.1.8.2 YARDS**

The following setback distances of buildings from boundaries shall apply:

Residential Buildings

Front Yards - 7.5 metres  
 Other Yards - 5.0 metres

Yards for residential buildings may be reduced to the equivalent standard for an adjoining zone where the site abuts a residential zone.

Yards for Papakainga accessory buildings may be reduced to 1.5 metres where adjoining owners' written consent is obtained.

Outcome  
*The open character and amenity of the area will be maintained, by buildings being set back a generous distance from roads. Buildings will be separated from adjoining sites to ensure that conflicts between adjoining land uses are avoided*

**13.1.8.3 COVERAGE**

The maximum building coverage shall be 35% of net site area.

Outcome

*The low density rural character of Maori Land will be maintained.*

**13.1.8.4 TRAFFIC SIGHTLINES, PARKING, ACCESS AND LOADING**

Activities shall comply with the provisions of Section 14.1 of the District Plan on Traffic Sightlines, Parking, Access and Loading.

Outcome

*The outcomes of Section 14.1 of the District Plan on Traffic Sightlines, Parking, Access and Loading will be achieved.*

**13.1.8.5 PROTECTION OF FLOOD CHANNELS**

Note: Under the Regional Plan, no building, structure, fence, planting, deposit of earth, shingle or debris, or any activity which impedes access to any river, lake or watercourse is permitted within 6 metres of the bed of a river, lake or watercourse which is within a land drainage or flood control scheme area.

**13.1.8.6 NOISE**

Activities shall comply with the provisions of Section 14.2 of the District Plan on Noise.

Outcome

*The outcomes of Section 14.2 of the District Plan on Noise will be achieved.*

**13.1.8.7 SUNLIGHT AND DAYLIGHT PROVISION**

The height of a building shall be equal to or less than 2.75 metres plus  $\frac{3}{4}$  of the shortest horizontal distance between that part of the building and the midpoint between any residential building unit.

Outcome

*Access to sunlight and daylight of adjoining residential buildings will be protected.*

**13.1.8.8 FINANCIAL CONTRIBUTIONS**

Activities shall be required to provide financial contributions where appropriate in compliance with the provisions of Section 15.2 of the District Plan on Reserves Contributions, Section 15.3 of the District Plan on Development Levies, and Section 15.4 of the District Plan on Roading Contributions.

Outcome

*The outcomes of Section 15.2, 15.3 and 15.4 of the District Plan on Financial Contributions will be achieved.*

**13.1.8.9 VEHICLE CROSSINGS**

A vehicle crossing shall be provided from the edge of an existing public road the boundary of every Papakainga Development in compliance with the standards in the Engineering Code of Practice (April 1997).

Outcome

*Safe, efficient and convenient vehicular, pedestrian and bicycle access will be provided to each allotment.*

**13.1.9 SPECIFIC PERFORMANCE STANDARDS AND TERMS**

The following Specific Performance Standards, and Terms apply to the activities specified below:

**13.1.9.1 RESIDENTIAL BUILDINGS**

**(1) Minimum Site Size**

The minimum site size for a residential building unit shall be the sum of the area of land required to comply with Section 13.1.9.1 (1) (a) to (e) below.

(a) House Site

Which shall be the footprint of the residential unit.

(b) Outdoor Living Space

For each residential building an outdoor living space shall be provided, situated adjacent to the principal living area of the residential building with an area of at least 80m<sup>2</sup> and a minimum dimension of 5m.

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Outcome

*An outdoor living space providing for the well being of residents will be provided for each residential building.*

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(Where the main areas of residential buildings front on to a landscaped communal open space of not less than 400m<sup>2</sup> with no dimension less than 15m, the outdoor living space of those residential units may be reduced to 25m<sup>2</sup> with a minimum dimension of 3.5m).

(c) Service Court

For each residential building a service court shall be provided adjacent to or within 10m of the residential unit with an area of 15m<sup>2</sup> and a minimum dimension of 2.5m.

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Outcome

*Space for servicing requirements for each residential unit will be provided for residents.*

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(d) Parking Space

A parking space as required in Section 14.1 Parking, Access and Loading.

(e) Domestic Sewage Treatment System (where applicable)

An area of land required to be allocated for a Domestic Sewage Treatment System. (Note: Details of the proposed system should be discussed with the Hawke's Bay Regional Council before deciding upon the area required so that any necessary discharge consent requirements can be identified)



**(2) Location of Buildings**

Between each residential building unit there shall be a minimum separation distance of 5 metres; or 10 metres where the main glazing of the principal living area of one residential building unit faces another.

Outcome

*The privacy of adjoining neighbours will be protected.*

**13.1.10 ASSESSMENT CRITERIA – CONTROLLED AND RESTRICTED DISCRETIONARY ACTIVITIES**
Explanation of Assessment Criteria

For Controlled Activities, the following identify those matters which Council may exercise its control over, or matters in respect of which Council may impose conditions, in accordance with the Rules above; For Restricted Discretionary Activities, the following identify those matters which Council has restricted its discretion over in assessing resource consent application.

**13.1.10.1 WATER AND WASTE DISPOSAL**

- (a) The methods of provision of water and waste disposal for the residential buildings.

Outcome

*The physical needs of the community in terms of water supply and waste disposal will be adequately met without adverse effects on the environment. The most efficient use and reuse of existing services will be achieved.*

**13.1.10.2 COMPATIBILITY WITH EXISTING AND FUTURE DEVELOPMENT**

- (a) How compatible the layout and design of any buildings is with any other buildings or services that are present or planned on the site. (If a Development Plan is available the objectives of this will be taken into account).
- (b) How the provision of services for the residential building units will affect the existing and future servicing needs of the Maori Land.

Outcome

*Developments that are in keeping with the character and amenity of the area. Future use and development of the land will not be compromised.*

**13.1.10.3 FINANCIAL CONTRIBUTIONS**

Development Levies may be taken where it is possible for the proposed Papakainga development site to be connected to an existing reticulated system for water supply, or wastewater or stormwater disposal.