

PK - Papakāinga

[Added 01 Sep 23 PC2]

The purpose of the *Papakāinga* Chapter is to assist *tangata whenua* in the *development* and use of *papakāinga* on their *ancestral land*. *Ancestral land* is land that belonged to *tipuna/tupuna*. It was a base upon which the *hapū* was nurtured and was handed down in succession through generations by continuous occupation. This is known as *ahi kā* or *ahi kā roa*. In the context of the District Plan, *ancestral Māori land* includes *land* held under the Te Ture Whenua Māori Act 1993, Māori customary *land*, Māori freehold *land*, and *general title land* owned by Māori.

It is recognised that *tangata whenua* face barriers to developing and using their *land* in the way that fits into the principle of *Tino Rangatiranga*, and that this is different to *land* held in European title. The emergence of these barriers can be linked to the process of land alienation. This process occurred alongside the introduction by the Crown of a system of land tenure that individualised title to land in a manner that did not provide for the communal approach that underpinned Māori institutions, including Māori decision-making around the traditional use and *development* of land. Over time, this has contributed to the fragmentation and loss of land owned by *tangata whenua*, and created barriers to the *development* of the land that does remain in the ownership of *tangata whenua*.

The status of *Māori land* held under Te Ture Whenua Māori Act 1993 creates unique ownership issues, demonstrating the need for *Māori land* to be treated differently to *land* under European title. The costs associated with obtaining approval for *papakāinga development* from *Council* and other organisations are an issue for *tangata whenua*. The provisions in this Chapter seek to reduce the barriers that *tangata whenua* face in the *development* of *papakāinga* on their *ancestral land*.

Papakāinga developments are *developments* led by Māori landowners on their *ancestral land*. These *developments* reconnect Māori to their *land*. *Papakāinga development* provides a pathway to sustain the social, economic and cultural well-being of *tangata whenua*. *Papakāinga developments* include housing and associated activities such as social, cultural, educational, recreational and *commercial activities*.

This Chapter outlines the Objectives and Policies that provide for the *development* and use of *papakāinga* by *tangata whenua* on *land* where there is a *whakapapa* or ancestral connection. In addition to providing for *papakāinga* through these provisions, the *Council* is committed to working actively with *tangata whenua* on the *development* of *papakāinga* through the range of other strategies and plans that it prepares and implements (including the Long Term Plan and Infrastructure Strategy).

The Objectives and Policies contained within this Chapter apply to *papakāinga* throughout the *District*. The rules that provide for *papakāinga* are located within the relevant Zone Chapters. The Zones where *papakāinga* are provided for are:

- The General Residential Zone;
- The High Density Residential Zone;
- The General Rural Zone;
- The Rural Production Zone;
- The Rural Lifestyle Zone;

- The Future Urban Zone;
- The *Metropolitan Centre Zone*;
- The *Town Centre Zone*;
- The *Local Centre Zone*; and
- The Mixed Use Zone.

Strategic Context

The Primary Objectives that this chapter implements are:

- DO-O24 - *Papakāinga - Papakāinga are a Taonga*;
- DO-O25 - *Papakāinga - Kia ora te mauri o te Whānau (Māori living as Māori)*;
- DO-O26 - *Papakāinga - Provide for the sustained occupation of Ancestral Land*;
- DO-O27 - *Papakāinga - Provide for the development of land owned by Tangata Whenua*;
- DO-O28 - *Papakāinga - Working in partnership with Tangata Whenua to exercise their Tino Rangatiratanga*;
- DO-O29 - *Papakāinga - Increasing the visibility of Tangata Whenua through the design of papakāinga*;
- DO-O30 - *Papakāinga - Implementing Te Ao Māori and demonstrating Kaitiakitanga in papakāinga development*.

DO-O24 *Papakāinga - Papakāinga are a Taonga*

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To provide for traditional *papakāinga*, which are a *taonga* that:

1. empower and enable *tangata whenua* to live on their *ancestral land*;
2. provide for *tangata whenua* to maintain and enhance their traditional and cultural relationship with their *ancestral land*; and
3. are *developed* and used in accordance with *tikanga Māori*, while recognising that *papakāinga* may *develop* their own *tikanga*.

DO-O25 *Papakāinga - Kia ora te mauri o te Whānau (Māori living as Māori)*

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Oranga is central to a thriving whānau/hapū/iwi. *Tangata whenua* are supported to ensure they can thrive as a Māori community living on and around their *papakāinga*.

To provide for *papakāinga development* that achieves:

1. a place where *Kaupapa* and *Tikanga Māori* are in the ascendant;
2. affordable, warm, dry and safe housing for *tangata whenua*;
3. security of tenure, connection and participation for *tangata whenua* in their community; and
4. access to the services needed by *tangata whenua* to sustain their housing.

DO-O26 *Papakāinga - Provide for the sustained occupation of Ancestral Land*

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To provide for the sustained occupation of *ancestral land* by *tangata whenua*, through *papakāinga development* that provides for the *land* to be held and managed for the benefit of current and future generations.

DO-O27 *Papakāinga - Provide for the development of land owned by Tangata* **Added 01**

<i>Whenua</i>		Sep 23 PC2
To provide for the connection between <i>tangata whenua</i> and their <i>ancestral land</i> through providing for the <i>development of papakāinga</i> on <i>land</i> owned by <i>tangata whenua</i> .		
DO-O28	<i>Papakāinga</i> - Working in partnership with <i>Tangata Whenua</i> to exercise their <i>Tino Rangatiratanga</i>	Added 01 Sep 23 PC2
To work in partnership with <i>tangata whenua</i> to exercise their <i>rangatiratanga</i> through the <i>development of papakāinga</i> , by providing maximum flexibility for <i>tangata whenua</i> to <i>develop</i> and live on their <i>ancestral land</i> , within the limitations of the <i>site</i> .		
DO-O29	<i>Papakāinga</i> - Increasing the visibility of <i>Tangata Whenua</i> through the design of <i>papakāinga</i>	Added 01 Sep 23 PC2
To increase the visibility of <i>tangata whenua</i> through <i>papakāinga</i> design that is led by <i>tangata whenua</i> and guided by <i>tikanga Māori</i> .		
DO-O30	<i>Papakāinga</i> - Implementing Te Ao Māori and demonstrating <i>Kaitiakitanga</i> in <i>papakāinga development</i>	Added 01 Sep 23 PC2
To protect and enhance ecological, cultural and environmental and indigenous values through the design, <i>development</i> and use of <i>papakāinga</i> .		

Policies

PK-P1	Providing for <i>papakāinga</i> on Māori owned <i>land</i>	Added 01 Sep 23 PC2
<p><i>Papakāinga</i> will be:</p> <ol style="list-style-type: none"> provided for on <i>land</i> held under Te Ture Whenua Māori Act 1993; and allowed on <i>general title land</i> where it can be demonstrated that there is a <i>tangata whenua whakapapa</i> or ancestral connection to the <i>land</i>, and the <i>land</i> will remain in Māori ownership. 		
PK-P2	<i>Papakāinga development</i> to be led by <i>Tangata Whenua</i>	Added 01 Sep 23 PC2
The design and <i>development of papakāinga</i> will be led by <i>tangata whenua</i> .		
PK-P3	Location, extent and design of <i>papakāinga</i>	Added 01 Sep 23 PC2
The location, extent and design of <i>papakāinga</i> , including extensions to existing <i>papakāinga</i> , will be guided by kaupapa Māori in accordance with <i>tikanga Māori</i> .		
PK-P4	Maximum scale of <i>papakāinga development</i>	Added 01 Sep 23 PC2
<p>The maximum intensity and scale of <i>papakāinga development</i> will be determined by the limitations of the <i>site</i>, including:</p> <ol style="list-style-type: none"> adequate provision of: <ol style="list-style-type: none"> on-site or off-site <i>infrastructure</i>, or integration with planned <i>infrastructure</i>; and access 		

to serve the *papakāinga*; and

2. adverse effects on the *environment* are avoided, remedied or mitigated;

while recognising that *papakāinga* may contain activities of a character, scale, intensity or range that are not provided for in the surrounding area.

PK-P5

Non-residential aspects of *papakāinga*

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Social, cultural, educational, recreation and *commercial activities* will be provided for as part of a *papakāinga*, where they:

1. are consistent with *tangata whenua* aspirations for the *papakāinga*; and
2. are of a scale, character and intensity that are consistent with kaupapa, kawa and *tikanga Māori*.

Note: refer to chapter BA — Business Activities for other policies on *commercial activities* located outside of *Centres Zones*.

PK-P6

Papakāinga Design Guides and Development Plans

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The *Council* will actively partner with *tangata whenua* to prepare *papakāinga* design guides that are clearly underpinned by kaupapa Māori. The guidelines should draw on traditional land use and other environmental features distinctive to the takiwā. As an ecosystem it should give expression to the whānau/hapū/iwi traditional *papakāinga*. *Tangata whenua* will be encouraged to prepare *development plans* for *papakāinga* that are consistent with these design guides.

Advice notes:

1. Where these Objectives and Policies are relevant to the consideration of a resource consent application, the *Council* will seek advice from the relevant *iwi authority* (Ngāti Toa Rangatira, Ngā Hapū o Ōtaki (Ngāti Raukawa ki te Tonga), or Te Āti Awa ki Whakarongotai) and will rely on this advice. The matters that *Council* will seek advice from *iwi authorities* on include:
 - where the *papakāinga* is on *general title land*, whether the applicant has demonstrated a *whakapapa* or ancestral connection to the *land*;
 - any other matter related to *tikanga Māori*.
2. Subject to the requirements of section 33 of the Resource Management Act 1991, the *Council* is able to transfer its powers to the relevant *iwi authority* for the *rohe* in which the *land* is located.
3. Provisions in other chapters of the Plan may also be relevant.

Rules

Note: refer to the following chapters for *papakāinga* rules:

- The General Residential Zone;
- The High Density Residential Zone;

- The General Rural Zone;
- The Rural Production Zone;
- The Rural Lifestyle Zone;
- The Future Urban Zone;
- The *Metropolitan Centre Zone*;
- The *Town Centre Zone*;
- The *Local Centre Zone*;
- The Mixed Use Zone.