



Shaping Wanganui

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**WANGANUI DISTRICT COUNCIL
DISTRICT PLAN REVIEW**

Phase 4: Rural

**Papakāinga
Issues and Objective Report**

DISCUSSION PAPER

~~21 May 2013~~ 31 August 2013

Issues as identified through consultation

Through consultation, a number of issues regarding the development of papakāinga have been raised. Comments made include:

- There has been a long and enduring relationship with land that is used for papakāinga
- There is low employment and prosperity – this needs to be addressed so that people can afford to develop on their land
- Is papakāinga the wrong term? Kainga whenua?
- Every hapū/marae has a different definition of papakāinga
- Kaumatua and Kuia determine the boundaries of papakāinga and what constitutes papakāinga – this is not the place of the Council. Council is imposing controls and rules on Maori and it is a way to rate by stealth
- Some queried whether papakāinga need defining for the District Plan. Others thought the definition of “papakāinga” is crucial to this policy development
- The definition needs to be flexible but weary of “commercial” facets pushing the boundaries and taking over
- Definition needs to allow for evolution
- Could the definition have a tier system?
- Whakapapa is essential to the development of papakāinga
- Overlay system could be a simple solution/ zoning could be more substantive
- Papakāinga priority is housing development with a communal component
- How will this process facilitate the overall process of developing papakāinga as the District Plan is only a component of the Council, and the Council is only one agency involved in the process
- The Te Ture Whenua Act review may have an impact on this work

Common themes that emerged:

- Collaborative housing
- Community use/ activity for education, healthcare, commercial component
- Whakapapa (traditional connection) to the land
- Collective ownership of land
- Need to think beyond the traditional view/definition of papakāinga which may limit the aspirations of hapū

Through consultation, a number of additional issues have been raised:

- Developing papakāinga is a complex process which includes a number of agencies.
- Hapū have limited resources – they may lack time, knowledge of the process and/or funding
- Infrastructural issues are a significant barrier to the development of papakāinga on some sites – technical solutions can be cost prohibitive

The above issues are not issues that can be address via the District Plan; however the District Plan can be drafted in such a way that it does not add another significant hurdle to the development of papakāinga within the District.

Why review papakāinga in the District Plan?

Currently if anyone in the District wants to develop their land, they have to abide by the District Plan rules. The rules depend on what zone the land has. All land in the District has a District Plan zone. This is no different for Maori owned land.

The intention of the review of the papakāinga provisions is to create a set of provisions that enable the development of Maori multiply owned land in a manner that allows tangata whenua to meet their needs and aspirations.

What does papakāinga mean?

The first consideration that requires attention is a review of the District Plan definition of papakāinga. A definition for use in the District Plan is necessary so that proposals can be confirmed as papakāinga development or not and therefore assessed against the appropriate zone rules. This will determine which District Plan provisions are used to assess any proposal i.e. the zone rules or papakāinga provisions. The proposed definition of papakāinga in the District Plan is intended for use for the District Plan only.

Operative District Plan definitions:

“Papakāinga means a traditional Māori settlement on ancestral land and includes a marae complex, urupa, and farming activities”.

“Marae means the land and buildings (meeting house, kitchen/dining hall) generally associated with gatherings and meetings of Iwi, hapū or whanau for religious, educational, community or other purposes”.

In the District Plan, what differentiates the definition of “Marae” from “Papakāinga”?

Both of the definitions encapsulate settlement (i.e. buildings and land use) and papakāinga incorporates “marae” in its definition. However, neither definition explicitly allows for dwellings or residential use. In the definition of papakāinga, the use of the term “settlement” infers residential use but it is not clear.

These definitions do not relate well to each other and there is no obvious hierarchy between them which makes their application to land use activities for District Plan purposes difficult. The definition of papakāinga is also limited and excludes a number of land use activities that could plausibly be sought to be included in the development of Maori land.

It has been identified that the definitions for ‘Marae’ and ‘Papakāinga’ in the District Plan are inadequate as they do not clarify the range of activities that either definition incorporates and are open to much interpretation. Consultation has indicated that a new definition is required to be developed.

Dictionary Definitions:

The Reed Dictionary of Modern Māori & the Raupō Dictionary of Modern Māori:

Papakāinga – original home, home base

Marae – meeting area of whanau or iwi, focal point of settlement, central area of village and its buildings, courtyard

Through consultation there has been considerable discussion regarding what papakāinga means and what land uses it incorporates. A number of options of proposed definitions have been prepared for review and critique.

A number of proposed definitions have been drafted in light of the consultation. The options and considerations are in the table below. Option 4 is the preferred option for a new definition:

“Papakāinga means development established on ancestral land by an iwi, hapū or whanau of the Whanganui District on behalf of and for use by its members which promotes Maori community development, and sustains a relationship for Maori with their culture, traditions and ancestral land.”

The reasons that this option is the preferred option are:

- It allows for development in its broadest sense which allows for greatest flexibility for tangata whenua to provide for their aspirations;
- It allows for a range of land statuses;
- [The applicant must whakapapa to tangata whenua groups within the Whanganui district.](#)

This definition defines ‘papakāinga’ for District Plan use only.

Proposed Definitions:

Proposed Definition of Papakāinga:	Comment:
1) Papakāinga: means housing provided generally for Maori people on Maori Land.	How “Maori Land” is defined is not clear It is limited to housing only – the definition doesn’t need to be so narrow. How does one determine who is Maori? “Generally” adds ambiguity
2) Papakāinga: means development by tangata whenua of land held under the Te Ture Whenua Maori Act (1993), in the traditional rohe of those tangata whenua and developed for residential, social, cultural, economic, conservation and recreation activities.	By specifying Te Ture Whenua Maori Land Act, it excludes land returned to Iwi through the Claims process. Allows for a full range of activities however some of these terms are currently defined in the Plan (residential, conservation work and recreation facilities) and others are not (social, cultural and economic). This leads to the question – what land-uses do these terms incorporate?
3) Papakāinga means housing established on ancestral land, as defined by the Te Ture Whenua Maori Land Act 1993, by an iwi, hapū or whanau of the Whanganui	By specifying Te Ture Whenua Maori Land Act, it excludes land returned to Iwi through the Claims process. Focus is on housing with community

District on behalf of and for use by its members to promote Tangata Whenua community development, and sustain a relationship for Tangata Whenua and their culture and traditions with their ancestral land.	development as secondary.
4) Papakainga means development established on ancestral land by an iwi, hapū or whanau of the Whanganui District on behalf of and for use by its members which promotes Tangata Whenua community development, and sustain a relationship for Tangata Whenua and their culture, traditions and ancestral land.	<p>It allows for Maori owned land in a broad sense.</p> <p>Requires a definition of “ancestral land” in the Plan to provide clarity.</p> <p>‘Development’ in its broadest sense which allows for greatest flexibility for iwi.</p> <p>The applicant must whakapapa to Whanganui</p> <p>“Development” has been defined in the District Plan and requires review. The common usage meaning of “development” is more appropriate for most incidents of the term.</p>
5) Papakainga means a development on Maori multiply owned land which is predominantly for housing and communal use but can be up to xx% gross floor area commercial activity.	Prescriptive by stating how much of the site can be used for commercial activities.

[If Option 4 is supported, a definition of ‘ancestral land’ will be required:](#)

Proposed Definition of ‘Ancestral Land’ for the District Plan:

- 1) *Maori Land as defined under Te Ture Whenua Maori Land Act 1993; or*
- 2) *Land returned via Treaty Settlement Claims process; or*
- 3) *Land procured via Treaty Settlement Claims process; or*
- 4) *General Land owned by Maori as defined under Te Ture Whenua Maori Land Act 1993.*

[The definition of ‘marae’ has been reviewed and a number of proposed definitions have been drafted. The options and considerations are in the table below. Option 2 is the preferred option for a new definition:](#)

“Marae means the land and buildings (meeting house/wharenuī, kitchen & dining hall/wharekai, ablution block/wharepaku) generally associated with gatherings and meetings of Tangata Whenua, hapū or whanau for religious, educational, or community purposes.”

Proposed Definition of Marae:	Comment:
1) Marae means the land and buildings (meeting house, kitchen/dining hall) generally associated with gatherings and meetings of iwi, hapū or whanau for religious, educational, community or other purposes.	Status quo
2) Marae means the land and buildings (meeting house/wharenuī, kitchen & dining hall/wharekai, ablution block/wharepaku) generally associated with gatherings, and meetings <u>and programmes</u> of <u>t</u> angata <u>w</u> henua, hapū or whanau for religious, educational, or community purposes.	Minor amendment from the status quo Amend to be bilingual i.e. meeting house/, wharenuī, kitchen/wharekai, add ablution block/wharepaku Potentially remove “other purposes” because this is so broad it doesn’t give clarity.
3) Marae: means a site reserved under the Maori Affairs Act 1953 which is owned or administered by legally appointed trustees or a trust body for the common benefit of a defined group of Maori people.	This will exclude Marae that are not reserved under the Maori Affairs Act 1953. In the Wanganui District, not all marae are gazetted.

District Plan Topic

The below text provides a scene setting introduction in the District Plan. The text does not carry any statutory weight but can provide the reader with a snapshot of the circumstance at the time of writing.

Tangata Whenua Resource Management Maori Development

Tangata whenua partnership is crucial in making good decisions on resource management issues. It is important to the Council to maintain good communication with tangata whenua* via the agreed protocols to address resource management matters of significance to tangata whenua*.

Tangata whenua* maintain a special relationship with the environment. Tangata whenua* identify that their role in respect of land and water is as guardians for future generations and this impacts on how land and resources are used, developed and protected. It relates to, but is not limited to, the following:

- a. Marae*, urupa*, ancestral lands, waahi tapu* sites*.
- b. Whanganui River, coastal water.
- c. Objects and places of cultural significance.

The Council* recognises the value and sensitivity of indigenous information shared between tangata whenua* and the Council*. Knowledge held by tangata whenua* has always been

closely guarded and what little has been accessed has in some cases been reinterpreted and/or misused. With the increased awareness by tangata whenua* and the community of the value of this information, and the need to protect the information, it is considered by tangata whenua* that mechanisms may need to be put in place to protect that information in the long term.

The marae* is recognised as traditionally being the centre of Maori communal life and activity. It is significant in terms of today's society as it continues as a spiritual and cultural focus for hapū*/whanau* members. Although protected through Gazettal procedures, and non-rateable under the Rating Powers Act, marae* development has in some cases been hindered by the imposition of rules related to 'residential' type development in rural and urban areas. Even so, development of urban and rural based marae* will promote the sustainable management of natural and physical resources* and avoid, remedy or mitigate adverse effects* on the environment*.

Multiple ownership of land has led to some difficulties with development and use. ~~The intention of the papakainga provisions is to provide for tangata whenua to cater for their aspirations, including subdivision and partitioning of land. Concerns expressed by iwi* and hapū* groups relating to the alienation of Maori land is an issue of tenure and cannot be addressed through the District Plan. However, the process of subdivision or partitioning for disposal outside the hapū* comes under the control of the Council*. In these instances, the requirements for creating esplanade reserves and/or strips adjacent to the coast and rivers in the District are part of the subdivision process. This may result in alienating Maori land and is recognised as an issue* by iwi* and hapū* groups.~~ It is recognised by Council* that papakainga has multiple meanings from hapū to hapū. The definition in the District Plan is intended to recognise the significance of marae and to enable hapū to utilise land in a way that meets their aspirations for the future.

Tangata whenua are nearing the end of a period of Treaty of Waitangi Claims settlement. They have either settled claims or settlement is imminent. This creates a dynamic environment and opens up new possibilities for tangata whenua. Cultural revitalisation and economic prosperity are key aspirations for tangata whenua and resource management plays a part in achieving these aspirations.

Planning Assessment of Operative District Plan

RAID Assessment

An assessment is required regarding the strengths and perceived weaknesses of the existing District Plan provisions.

To streamline the assessment of the existing plan, a RAID technique was applied (detail in table below).

	Recommendation	What it Means
R	REMAIN	The wording and intent of the issues, objective or policy is still relevant and should be included in the next district plan, as it appears in the existing plan

A	AMEND	The intent or purpose of the issue, objective or policy is still valid, but the wording requires amendment to align it with current best practice.
I	INCLUDE	The issue, objective or policy does not currently exist in the district plan and needs to be incorporated
D	DELETE	The issue, objective or policy no longer has relevance and should not be reflected in the next district plan.

Existing Issues:

An “issue” in the District Plan is an existing or potential problem that must be resolved to promote the purpose of the Resource Management Act 1991.

Existing District Plan wording:	R A I D	Review of effectiveness and proposed amendments:
<p>Involvement of Tangata Whenua in Resource Management</p> <p>Issue Number: I4</p> <p>Existing DP Number 2.2 Tangata Whenua Issue 1</p> <p>This issue is not directly related to avoiding, remedying or mitigating the effects* of activities* on the environment*. It is related to recognising and implementing processes and obligations under the Act *in relation to resource management, and providing for Tangata Whenua* involvement in this. It is important to the Council to establish agreed approaches with Tangata Whenua* to address resource management matters of significance to Tangata Whenua*. This is in the early stages at present. It is expected that when decisions are made about the ongoing relationship between the Council* and Tangata Whenua*, and the nature of that relationship, that agreed protocols and methodologies will be developed. Identifying this involvement at this stage respects the wishes of Tangata Whenua* and signals the Council's* ongoing commitment.</p>	D	<p>This is not a resource management matter</p> <p>Memorandum of Understanding should cover how tangata whenua interacts with resource management issues</p>

<p>Recognising Maori Culture and Traditions</p> <p>Issue Number: I5</p> <p>Existing DP Number 2.3 Tangata Whenua Issue 2</p> <p>The Act* requires recognition of the special relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu* and other taonga*, and the concept of Kaitiakitanga*. How this is implemented at a local level depends very much on the information provided to the Council* by Tangata Whenua*.</p> <p>Maori identify that their role in respect of land and water is as guardians for future generations and this impacts on how land and resources are used, developed and protected. It relates to, but is not limited to, the following:</p> <ul style="list-style-type: none"> a. Marae*, urupa*, ancestral lands, waahi tapu* sites*. b. Whanganui River, coastal water. c. Objects and places of cultural significance. <p>The concept of Kaitiakitanga* is defined in the Act* as ‘the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.’ This definition is not necessarily the same as that which Maori would give the word. Although it is a Maori term, the courts have defined that the exercise of Kaitiakitanga* is a responsibility placed on all people exercising functions under the Act*, including the Council*. Determining exactly how effect is to be given to this concept for implementation throughout the District is part of the consultation process.</p>	<p>A</p> <ul style="list-style-type: none"> • Resource management currently occurs in a predominantly European paradigm while alienating tangata whenua world views. Tangata whenua have interest in resource management and the environment and how it affects them, and these must be considered more broadly than just tangata whenua sites of significance. <p>Proposed Issue Statements: <i>Land use activities have the potential to affect tangata whenua culture, values and traditions which are not always well recognised in the decision making process.</i></p>
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<p>The Council* recognises the value and sensitivity of indigenous information shared between Tangata Whenua* and the Council*. Knowledge held by Tangata Whenua* has always been closely guarded and what little has been accessed has in some cases been reinterpreted and/or misused. With the increased awareness by Tangata Whenua* and the community of the value of this information, and the need to protect the information, it is considered by Tangata Whenua* that mechanisms may need to be put in place to protect that information in the long term.</p>	
<p>Provision for Maori Land</p> <p>Issue Number: I6</p> <p>Existing DP Number 2.5 Tangata Whenua Issue 3</p> <p>The marae* is recognised as traditionally being the centre of Maori communal life and activity. It is significant in terms of today's society as it continues as a spiritual and cultural focus for hapū*/whanau* members. Although protected through Gazettal procedures, and non-rateable under the Rating Powers Act, marae* development* has in some cases been hindered by the imposition of rules related to 'residential' type development* in rural and urban areas. Even so, development* of urban and rural based marae will promote the sustainable management of natural and physical resources* and avoid, remedy or mitigate adverse effects* on the environment*.</p> <p>Multiple ownership of land has led to some difficulties with development* and use, including subdivision and partitioning of land. Concerns expressed by Iwi* and hapū* groups relating to the alienation of Maori land is an issue of tenure and cannot be addressed through the District Plan. However, the process of subdivision or partitioning for disposal outside the hapū* comes under the control of the Council*. In</p>	<p>A</p> <ul style="list-style-type: none"> • 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 Wanganui 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. Te Ture Whenua Maori Act 1993 promotes the retention of Maori land in the hand of its owners, whanau and hapu. Tangata Whenua may wish to develop Papakainga on these lands to help to promote the traditional relationship with their land. • Difficulty in developing Maori land may arise due to multiple ownership, lack of funding, and infrastructure requirements. While these are considerations outside of the District Plan, the Plan can ensure that it does not add another layer of complexity to an already complicated process. The zone of the land may hinder development potential of the site. <p>Proposed Issue Statement:</p> <p><i>Difficulty in developing multiply-owned Maori land may inhibit efficient use of such land.</i></p>

<p>these instances, the requirements for creating esplanade reserves and/or strips adjacent to the coast and rivers in the District are part of the subdivision process. This may result in alienating Maori land and is recognised as an issue* by Iwi* and hapū* groups.</p>		
	I	<ul style="list-style-type: none"> • Wanganui’s community makeup is not homogenous however to look at the built urban environment this is not evident. • Consider how to move from a single cultural expression in the landscape to more inclusive cultural expression which reflects our community <p>Proposed Issue Statement:</p> <p><i>The character of development in the Wanganui District does not reflect the long established tradition of Maori settlement which may diminish the community awareness of the significance of this history.</i></p>
	I	<p>Proposed Issue Statement:</p> <p><i>Marae are places with a high cultural value that are centres of learning, traditional arts, community interaction, celebration and mourning. There is potential for activities that surround Marae to adversely impact on these activities, and conversely for activities within the Marae to impact on surrounding activities.</i></p>

Existing Objectives:

[An objective is a statement of what will be achieved through the resolution of the issue.](#)

District Plan wording	Effectiveness?
<p>Participation of Tangata Whenua in Resource Management</p> <p>Objective Number: O3</p> <p>The Act* places an obligation on people and organisations to take into account the</p>	<p>This is not a resource management issue</p>

<p>principles of the Treaty of Waitangi*, and to consult with Tangata Whenua*. To do so effectively requires goodwill, trust and communication. Developing meaningful relationship which takes into account the unique roles and responsibilities of tangata whenua* and the Council* is essential, but how this will be actioned is not really a District Plan matter. It is important however, that a commitment is made to go beyond consultation and consider the processes available for active participation by Tangata Whenua*.</p>	
<p>Recognition of Maori Culture and Traditions</p> <p>Objective Number: O4</p> <p>Traditional practices and beliefs in resource management are to be recognised in the resource management framework for the District. To achieve this requires ongoing consultation with hapū* and Iwi* groups. Protection of sensitive information, and finding methods to achieve this, is a significant issue.</p>	<p>Proposed Plan Change 27 Objective Statement:</p> <p><i>Traditional practices and beliefs in resource management are recognised and valued.</i></p>
<p>Appropriate use, development and protection of Maori land</p> <p>Objective Number: O5</p> <p>The marae is the centre of Maori communal life. In many cases it provides a focus for spiritual and secular activity. Providing for the development of marae* and associated activities in a manner which recognises traditional values and current day expectations is essential. This should be carried out in a way which avoids, remedies or mitigates any adverse effects* on the environment.</p> <p>Multiple ownership of Maori land places restrictions on development* and use which are outside the control or influences of resource management. In some cases, partitioning or subdivision of Maori land is required to meet the requirements of the</p>	<p>Proposed Objective Statement:</p> <p><i>Development of multiply owned Maori land development that sustainably achieves tangata whenua aspirations.</i></p>

<p>Council*, eg when being disposed of outside the hapū*. Consideration of the implications of this for the provision of esplanade reserves and access to waterways and the coast is a resource management matter.</p>	
<p>Include</p>	<p>Proposed Objective Statement:</p> <p><i>Development reflects a culturally inclusive community</i></p> <p>Or</p> <p><i>Inclusive cultural expression is evident in the District.</i></p>
<p>Proposed Plan Change 27 – submission in support</p>	<p>O44 Development and Maori values</p> <p>Development that avoids or mitigates adverse effect on the cultural values of items and places of significance to Maori.</p>

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