

13 February 2023

Attn: Matamata Piako District Council
PO Box 266
Te Aroha 3342
Submission by email via: knaidu@mpdc.govt.nz

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON A
NOTIFIED PROPOSAL FOR PROPOSED DISTRICT PLAN CHANGE 54: PAPAKAINGA
TO THE OPERATIVE DISTRICT PLAN UNDER CLAUSE 6 OF SCHEDULE 1 OF THE
RESOURCE MANAGEMENT ACT 1991**

This is a submission by Kāinga Ora - Homes and Communities on Proposed District Plan Change 54: Papakāinga (PC54) to the Operative Matamata Piako District Plan (“the Plan” or “District Plan”) from Matamata Piako District Council (“the Council” or “MPDC”):

Kāinga Ora does not consider it can gain an advantage in trade competition through this submission. In any event, Kāinga Ora is directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that this submission relates to:

PC54 to the District Plan in its entirety.

This document and the Appendices attached is Kāinga Ora submission on PC54.

The Kāinga Ora submission is:

1. Kāinga Ora Homes and Communities (“**Kāinga Ora**”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
 - a) Provide people with good quality, affordable housing choices that meet diverse needs; and
 - b) Support good access to jobs, amenities and services; and
 - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
2. As part of the Kāinga Ora statutory requirements, Kāinga Ora must consider and provide for Māori interests by:
 - a) Maintaining systems and processes to ensure that, for the purposes of carrying out its urban development functions, Kāinga Ora has the capability and capacity to uphold the Te Tiriti o Waitangi and its principles, to understand and apply Te Ture Whenua Māori Act 1993, and to engage with Māori and to understand Māori perspectives;
 - b) Understanding, supporting, and enabling the aspirations of Māori in relation to urban development;
 - c) Identifying and protecting Māori interests in land, and recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
 - d) Partnering and having early and meaningful engagement with Māori and offering Māori opportunities to participate in urban development.
3. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Waikato region.
4. Kāinga Ora therefore has an interest in PC54 and how it:

- a) How it enables development opportunities for Māori on their land, whether it be general title land or Māori Title Land to enable Māori to undertake residential and associated activities in line with their cultural traditions and norms.
 - b) Gives effect to the National Policy Statement on Urban Development ("**NPS-UD**");
 - c) Minimises barriers that constrain the ability to deliver housing development across public housing, affordable housing, affordable rental and market housing; and
 - d) Provides for the provision of services and infrastructure and how this may impact on the existing and planned communities, including Kāinga Ora housing developments.
5. Kāinga Ora supports the recognition and enablement of papakāinga across the district plan and the introduction of a Māori Purpose Zone, however, as written, the new provisions are considered restrictive, and therefore do not enable Māori to develop land in a manner that supports their cultural, environmental, and economic wellbeing.
6. The Kāinga Ora submission seeks amendments to PC54 for the following:
- a) Allow for papakāinga and associated activities as a permitted activity on both Māori Title Land and general title land. Kāinga Ora supports the provision of papakāinga and associated activities on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily. It is also not for Council to determine if and how land will be maintained in whānau ownership in perpetuity.
 - b) Remove density restrictions for papakāinga and associated activities and rather rely on the development and performance standards and servicing requirements to manage the effects of such a development.
 - c) Kāinga Ora seeks the deletion of the need to submit Papakāinga Development Plans for permitted activities. This process in itself provides a resource management process within the Building Consent process and Kāinga Ora questions the control and discretion then provided to Council in this instance. Any activities requiring building consent will need to show compliance with the development and performance standards which in themselves provide appropriate management of the development.

- d) Enable communal living arrangements and communal buildings as an integral part of the papakāinga. Kāinga Ora consider that papakāinga should be recognised for their inter-generational and communal use as per Māori cultural norms.
- e) Include provisions for mixed-use development, including but not limited to marae, residential activities, cultural activities, business, and light industries. Kāinga Ora seeks that rules leave flexibility for tangata whenua to collectively manage activities and effects within the zone.

7. The changes sought are made to:

- i. Ensure that Kāinga Ora can carry out its statutory obligations;
- ii. Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991, relevant national direction and regional alignment;
- iii. Ensure that the s32 analysis has appropriately analysed and considered other reasonable options to justify the proposed plan provisions;
- iv. Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
- v. Provide clarity for all plan users; and
- vi. Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.

8. The Kāinga Ora submission points and changes sought can be found within Table 1 of **Appendix 1**, which forms the bulk of the submission.

Kāinga Ora seeks the following decision from MPDC:

That the specific amendments, additions or retentions which are sought as specifically outlined in **Appendix 1**, are accepted and adopted into Proposed Plan Change 54, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Kāinga Ora wishes to be heard in support of their submission.

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PC54 to address the matters raised in its submission.

If others make a similar submission, Kāinga Ora are happy to consider presenting a joint case at a hearing.

A handwritten signature in black ink, appearing to be 'BL' followed by a stylized flourish, positioned above a dotted line.

Brendon Liggett
Development Planning Manager
Kāinga Ora – Homes and Communities

ADDRESS FOR SERVICE: *Kāinga Ora – Homes and Communities, PO Box 74598, Greenlane, Auckland 1051. Email: developmentplanning@kaingaora.govt.nz*

Appendix 1: Decisions sought Proposed Plan Change 54

The following table sets out the amendments sought to Proposed Plan Change 54 to the Operative Matamata Piako District Plan and also identifies those provisions that Kāinga Ora supports.

Kāinga Ora proposed changes in Proposed Plan Change 54 are shown as ~~striketrough~~ for deletion and underlined for proposed additional text.

Table 1

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
<i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i>					
Māori Purpose Zone (MPZ)					
1.	Objectives	MPZ O1	Support in part	Kāinga Ora supports this objective however considers that it could be expanded to provide for papakāinga, marae and associated commercial activities.	Amend the objective as follows: Enable Māori to maintain and enhance their traditional and cultural relationship with their ancestral land <u>through the establishment of papakāinga, marae and associated commercial activities so as</u> and to enhance their social, economic and cultural wellbeing.
2.	Objectives	MPZ O2	Support	Kāinga Ora supports this objective as it recognises kaupapa Māori and tikanga as part of development.	Retain this objective.
3.	Objectives	MPZ O3	Oppose in part	Kāinga Ora support the management of effects associated with activities; however, rather than referring the assessment back to the character of the particular zone, the policy should refer to the planned environment. Kāinga Ora does considers that reverse sensitivity effects should be managed at the source and that an objective protecting primary production activities from reverse sensitivity effects that might arise from those activities, places an undue responsibility on the receiving environment to mitigate adverse effects.	Amend the objective as follows: Manage adverse effects of buildings, structures and activities on the <u>planned</u> amenity values, character and quality of the surrounding environment, including reverse sensitivity effects.
4.	Policies	MPZ P2	Oppose in part	Kāinga Ora supports the provision of papakāinga and associated activities on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily. It is also not for Council to determine if and how land will be maintained in whānau ownership in perpetuity.	Amend the policy as follows: For MPZ-PREC2-Papakāinga Rua To recognise existing papakāinga in the district and to enable further development of housing on these sites, only where <u>there is a whakapapa connection between the owner of the land and the land, as determined by mana whenua hapū.</u> a) The land is and will continue to be Maori Freehold land in perpetuity; or b) A legal mechanism is in place to ensure the land will be maintained in whanau ownership in perpetuity.
5.	Policies	MPZ P3	Oppose in part	Kāinga Ora support the management of effects associated with activities; however, rather than referring the assessment back to the character of the particular zone, the policy should refer to the planned environment.	Amend the policy as follows: To maintain the amenity of adjoining properties by controlling the bulk and location of buildings and structures at the interface of the zone. <u>Manage the bulk and location of buildings and structures om the planned rural character and amenity of adjoining properties.</u>

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6.	Policies	MPZ P4	Oppose in part	Kāinga Ora does considers that reverse sensitivity effects should be managed at the source and that an objective protecting primary production activities from reverse sensitivity effects that might arise from those activities, places an undue responsibility on the receiving environment to mitigate adverse effects.	Amend the policy as follows:
7.	Policies	MPZ P7	Oppose	Kāinga Ora does not consider that the submission of a Papakāinga Development Plan is necessary for permitted activities and questions the control and discretion then provided to Council in this instance. Any activities requiring building consent will need to show compliance with the development and performance standards which in themselves provide appropriate management of the development.	<p>Delete the policy in its entirety.</p> <p>Papakāinga (including non-residential activities) shall be of a scale that does not adversely affect:</p> <p>a) The safe and efficient operation and functioning of the surrounding transport network; and</p> <p>b) The functioning of legitimate land uses on adjacent sites.</p>
8.	Policies	MPZ P8	Oppose in part	<p>Kāinga Ora supports subdivision of papakāinga and associated activities on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily.</p> <p>In addition, sub point (a) is a Māori land court matter.</p>	<p>Amend the policy as follows:</p> <p>Subdivision of papakāinga shall only occur where:</p> <p>a) It can be demonstrated that the papakāinga will remain in whanau ownership in perpetuity; and</p> <p>b) The subdivision will not compromise the functionality of the papakāinga; and</p> <p>c) Infrastructure services are provided for each lot. Some of these services may be communal (for example: a shared wastewater system)</p>
MPZ-PREC1–Papakāinga Tahi					
9.	MPZ-PREC1-R(1) PER Activities	MPZ-PREC1-R(1)(b)	Oppose	Kāinga Ora does not consider that ‘relocatable buildings’ should be separately distinguished as an activity.	Delete sub point (b) in its entirety.
10.	MPZ-PREC1-R(1) PER Activities	MPZ-PREC1-R(1)(f)	Oppose in part	<p>Kāinga Ora consider the maximum number of Kāinga of 10 is arbitrary. In addition, the proposal for one Kāinga per 5000m² of site area will discriminate against owners of larger Māori land blocks, and will prevent the development of larger papakāinga.</p> <p>Kāinga Ora seek the deletion of a maximum density and instead rely on servicing a development and performance standards to determine appropriate density.</p> <p>Kāinga Ora does not consider that the submission of a Papakāinga Development Plan is necessary for permitted activities and questions the control and discretion then provided to Council in this instance. Any activities requiring building consent will need to show compliance with the development</p>	<p>Amend sub point (f) as follows:</p> <p>One kāinga (residential unit) per 5000m² of site area, up to a maximum of ten kāinga (residential units) per site</p> <p><u>Kāinga</u></p> <p>i. The Record of Title on which the kāinga will be located must have been issued prior to (date of plan notification).</p> <p>ii. A Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council prior to (or with) any application for building consent for two or more kāinga (residential units). The Plan shall show the entire</p>

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				and performance standards which in themselves provide appropriate management of the development.	<p><i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i></p> <p>papakāinga development (although the development may be staged) and must include:</p> <ul style="list-style-type: none"> a) A site plan demonstrating compliance with the relevant standards of the Māori Purpose Zone and other relevant rules of the District Plan. b) The bulk, scale and location of existing, proposed and future buildings and structures. c) The location of solid waste storage areas and a statement as to how waste shall be managed. d) The location of any archaeological site, heritage site, waahi tapu site, or any other scheduled item under the District Plan. e) How the development will be serviced with three waters infrastructure, electricity and telecommunications. f) Compliance with the transportation provisions, including parking, location and formation of vehicle crossings and access arrangements. g) Location of overflow parking for events or commercial activities. h) Landscaping and communal areas. i) Any proposed staging for the development.
11.	MPZ-PREC1-R(1) PER Activities	MPZ-PREC1-R(1)(g)	Oppose in part	<p>Kāinga Ora consider this provision is unnecessarily restrictive and seeks that only heavy vehicle controls and compliance with permitted activity performance standards should be required.</p> <p>Additionally, this provision does not allow for commercial activities at a kāinga-wide level.</p>	<p>1. Amend sub point (g) as follows:</p> <p>A maximum of one home business per residential unit <u>Commercial activities utilising an area of ≤60m² are</u> permitted on the site, subject to compliance with the following standards:</p> <ul style="list-style-type: none"> i. A maximum of two full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the residential unit; ii. The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3,500kg or more) on site; iii. The sale of goods directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site; iv. The total area dedicated to a home occupation shall be limited to 60m² floor area. This may include up to 20m² outdoor areas for the activity including storage subject to this area being screened by fencing and/or landscaping to a minimum height of 1.8m; v. A maximum outdoor area of 10m² for the display of goods for sale in addition to iv. This rule is a maximum total area for all home businesses on site combined; vi. Includes non self contained visitor accommodation for up to six people. Only one visitor accommodation per site is permitted; vii. All on site activities must individually and collectively comply with all permitted activity performance standards;

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					<p><i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i></p> <p>viii. Shall not involve any pet day care or grooming services; and ix. The hours for delivery and collection of goods as well as onsite customer visits shall be between 7.30am to 5.30pm, Monday to Sunday. x. All vehicle loading and parking shall be provided on-site.</p> <p>2. Include a new RDA rule as follows:</p> <p><u>Commercial activities on the site ≥60m² are a restricted discretionary activity.</u></p> <p><u>The Council will restrict its discretion to all the following matters when assessing a restricted discretionary resource consent application:</u></p> <p>a) <u>the effect on the surrounding area from all of the following:</u></p> <p>(i) <u>intensity and scale;</u> (ii) <u>traffic and access; and</u> (iii) <u>noise, lighting and hours of operation.</u></p>
12.	MPZ-PREC1-R(1) PER Activities	MPZ-PREC1-R(1)(h)	Oppose	Kāinga Ora consider this provision is unnecessarily restrictive and consider location and servicing of community, education and healthcare facilities instead be managed by development and performance standards.	Delete the provision in its entirety.
13.	MPZ-PREC1-R(2) RDIS Activities	MPZ-PREC1-R(2)(a)	Oppose in part	<p>Kāinga Ora considers that the assessment criteria is unnecessarily restrictive and matters of discretion do not consider the planned built form or consider the intended change to the environment.</p> <p>Noting consequential changes as requested within this submission also.</p>	<p>Any permitted activity which does not comply with one or two general standards listed in MPZ-PREC1-R(5)(a) to MPZ-PREC1-R(5)(f). <u>the permitted activity standards.</u></p> <p><u>Matters of discretion:</u></p> <p>In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:</p> <p>(i) <u>The extent of non-compliance with any performance standards</u> (ii) <u>Traffic and access effects, including the safety and efficiency of the roading network;</u></p> <p>(i) The adverse effects on the amenity values of nearby residents, including outlook, privacy, and shading. (ii) The ability to mitigate adverse effects, including through landscaping. (iii) Effects on the transportation network. (iv) In relation to the river protection yard, any adverse effects on the river environment. (v) On site amenity values. (vi) Adverse effects relating to the bulk and dominance of buildings and structures.</p>

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					<p><i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i></p> <p>(vii) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites.</p> <p>(viii) <u>(iii)</u> Management of waste.</p> <p>(ix) <u>(iv)</u> The effect of increased coverage on the ability to effectively dispose of stormwater within the boundaries of the site.</p> <p>(x) <u>(v)</u> The effect of increased coverage on the ability to effectively treat and dispose of wastewater within the boundaries of the site.</p>
14.	MPZ-PREC1-R(3) DIS Activities	MPZ-PREC1-R(3)(a)-(e)	Oppose	<p>Kāinga Ora seeks that the activity status for non compliance in sub parts (a)-(e) are restricted discretionary, rather than discretionary, to provide for clarity when applying for resource consent.</p> <p>Noting consequential changes as requested within this submission also.</p>	Delete MPZ-PREC1-R(3) DIS Activities (a)-(e) in its entirety.
15.	MPZ-PREC1-R(5) Standards	MPZ-PREC1-R(5)(b)	Oppose	Kāinga Ora consider that this standard is unnecessarily confusing and seeks that the rule is amended to provide for ease of plan use.	<p>Replace the standard with the following:</p> <p><u>(1) Buildings must not project beyond a 45° recession plane measured from a point 3 metres vertically above ground level along all boundaries. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</u></p> <p><u>(2) This standard does not apply to—</u></p> <p>a. <u>a boundary with a road:</u></p> <p>b. <u>existing or proposed internal boundaries within a site:</u></p> <p>c. <u>site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</u></p>
16.	MPZ-PREC1-R(5) Standards	MPZ-PREC1-R(5)(c)	Oppose in part	Kāinga Ora consider the setbacks unnecessarily restrictive and impede the ability to undertake residential development.	<p>Amend the standard as follows:</p> <p>i. Front yard: 25m <u>5m</u></p> <p>ii. Side and rear yard: 20m <u>5m</u></p> <p>iii. River protection yard: 20m</p> <p><u>Provided that:</u></p> <p>(a) The side and rear yard for habitable buildings (excluding marae, community, education, and healthcare facilities) may be reduced to 100m <u>so</u></p>

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					long as the written consent of all property owners contiguous to the habitable building is obtained. (b) Non-habitable buildings and structures (excluding marae, community, education, and healthcare facilities) may be erected on any rear and/or side yard so long as the written consent of all property owners contiguous to any building/structure is obtained, subject to compliance with the Building Act 2004.
17.	MPZ-PREC1-R(5) Standards	MPZ-PREC1-R(5)(e)	Oppose in part	Kāinga Ora consider a maximum building coverage of 10% unnecessarily restrictive to allow for appropriate development on smaller sites.	Amend the standard as follows: The maximum building coverage shall not exceed 40% <u>10%</u> of the net site area.
18.	MPZ-PREC1-R(5) Standards	MPZ-PREC1-R(5)(f)	Oppose in part	Kāinga Ora consider that requiring each Kāinga to include a 'solid waste' service area that is screened from the public and set back 10m from a boundary to be unnecessarily restrictive.	Delete standard MPZ-PREC1-R(5)(f) in its entirety.
MPZ-PREC2–Papakāinga Rua					
19.	MPZ-PREC2-R(1) PER Activities	MPZ-PREC2-R(1)(a)	Oppose	Kāinga Ora consider the density requirement as unnecessarily restrictive. Kāinga Ora consider that the development and performance standards can control the density of kāinga on the site without the need to impose density provisions.	Replace provision as follows: One kāinga (residential unit) per Record of Title <u>Kāinga and kāinga activities</u>
20.	MPZ-PREC2-R(1) PER Activities	MPZ-PREC2-R(1)(b)	Oppose	Kāinga Ora supports kāinga on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily.	Delete the provision in its entirety and instead rely on MPZ-PREC2-R(1)(a) as amended in submission point 16 above.
21.	MPZ-PREC2-R(1) PER Activities	MPZ-PREC2-R(1)(c)	Oppose	Kāinga Ora does not consider that 'relocatable buildings' should be separately distinguished as an activity.	Delete sub point (c) in its entirety.
22.	MPZ-PREC2-R(1) PER Activities	MPZ-PREC2-R(1)(e)	Oppose in part	Kāinga Ora consider the maximum earthwork provisions too restrictive and seek that the maximum volume is increased to 500m ³ instead to allow for meaningful development of a site. Kāinga Ora also considers that as there is no definition for site as it relates to sub point 'iv' which makes the extent of the 'site' unclear.	Amend sub point (e) as follows: i. Maximum cut or fill height: (a) 0.5m within minimum building setback. (b) 1.5m outside minimum building setback. ii. All site works shall be reinstated within 6 months of works commencing. iii. Maximum volume of earthworks is 500 <u>100</u> m ³ within any 12 month period. iv. Works must not affect or be located within any archaeological site, heritage site, waahi tapu site, or any other scheduled <u>site or</u> item under the District Plan.

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23.	MPZ-PREC2-R(2) RDIS Activities	MPZ-PREC2-R(2)(a)	Oppose in part	Kāinga Ora considers that the assessment criteria is unnecessarily restrictive and matters of discretion do not consider the planned built form or consider the intended change to the environment.	<p>Amend sub point (a) as follows:</p> <p>Any permitted activity which does not comply with one or two general standards listed in MPZ-PREC1-R(5)(a) to MPZ-PREC1-R(5)(f). <u>the permitted activity standards.</u></p> <p><u>Matters of discretion:</u></p> <p>In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:</p> <p>(iii) <u>The extent of non-compliance with any performance standards</u></p> <p>(iv) <u>Traffic and access effects, including the safety and efficiency of the roading network;</u></p> <p>(xi) — The adverse effects on the amenity values of nearby residents, including outlook, privacy, and shading.</p> <p>(xii) — The ability to mitigate adverse effects, including through landscaping.</p> <p>(xiii) — Effects on the transportation network.</p> <p>(xiv) — In relation to the river protection yard, any adverse effects on the river environment.</p> <p>(xv) — On site amenity values.</p> <p>(xvi) — Adverse effects relating to the bulk and dominance of buildings and structures.</p> <p>(xvii) — Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites.</p> <p>(xviii) <u>(iii)</u> Management of waste.</p>

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					(ix) <u>(iv)</u> The effect of increased coverage on the ability to effectively dispose of stormwater within the boundaries of the site. (x) <u>(v)</u> The effect of increased coverage on the ability to effectively treat and dispose of wastewater within the boundaries of the site.
24.	MPZ-PREC2-R(3) DIS Activities	MPZ-PREC2-R(3)	Oppose	<p>Kāinga Ora seeks that the activity status for non-compliance in sub parts (a) and (b) are restricted discretionary, rather than discretionary, to provide for clarity when applying for resource consent.</p> <p>Noting consequential changes as requested within this submission also.</p>	Delete MPZ-PREC2-R(3) DIS Activities (a) and (b) in its entirety.
25.	MPZ-PREC2-R(5)	MPZ-PREC2-R(5)(b)	Oppose	Kāinga Ora consider that this standard is unnecessarily confusing and seeks that the rule is amended to provide for ease of plan use.	<p>Replace the standard with the following:</p> <p><u>(1) Buildings must not project beyond a 45° recession plane measured from a point 3 metres vertically above ground level along all boundaries. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</u></p> <p><u>(2) This standard does not apply to—</u></p> <p>d. <u>a boundary with a road:</u></p> <p>e. <u>existing or proposed internal boundaries within a site:</u></p> <p>f. <u>site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</u></p>
26.	MPZ-PREC2-R(5)	MPZ-PREC2-R(5)(e)	Oppose in part	Kāinga Ora consider a maximum building coverage of 35% unnecessarily restrictive to allow for appropriate development on smaller sites.	<p>Amend the standard as follows:</p> <p>The maximum building coverage shall not exceed <u>40%</u> 35% of the net site area.</p>
27.	MPZ-PREC2-R(5)	MPZ-PREC2-R(5)(f)	Oppose in part	Kāinga Ora consider that requiring each Kāinga to include a 'solid waste' service area that is screened from the public and set back 10m from a boundary to be unnecessarily restrictive.	Delete standard MPZ-PREC1-R(5)(f) in its entirety.
28.	MPZ Principal Reasons	MPZ-PR2 and MPZ-PR3	Oppose	Consistent with the submission points within this table above, Kāinga Ora seeks that MPZ-PR2 and MPZ-PR3 are deleted.	Delete MPZ-PR2 and MPZ-PR3 in their entirety.
District Wide Provisions					

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
<i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i>					
29.	Objectives	Papakāinga O1	Support in part	Kāinga Ora supports this objective however considers that it could be expanded to provide for papakāinga, marae and associated commercial activities.	Amend the objective as follows: Enable Māori to maintain and enhance their traditional and cultural relationship with their ancestral land <u>through the establishment of papakāinga, marae and associated commercial activities so as</u> and to enhance their social, economic and cultural wellbeing.
30.	Objectives	Papakāinga O2	Support	Kāinga Ora supports this objective as it recognises kaupapa Māori and tikanga as part of development.	Retain this objective.
31.	Objectives	Papakāinga O3	Oppose in part	Kāinga Ora support the management of effects associated with activities; however, rather than referring the assessment back to the character of the particular zone, the policy should refer to the planned environment. Kāinga Ora oppose considering reverse sensitivity effects. The development and performance standards are intended to manage set backs appropriately.	Amend the objective as follows: Manage adverse effects of buildings, structures and activities on the <u>planned</u> amenity values, character and quality of the surrounding environment including reverse sensitivity effects.
32.	Policies	Papakāinga P1	Oppose in part	Kāinga Ora supports the provision of papakāinga and associated activities on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily. It is also not for Council to determine if and how land will be maintained in whānau ownership in perpetuity.	Amend the policy as follows: To provide for papakāinga on Māori Freehold Land that is administered under Te Ture Whenua Māori Act 1993 <u>and on general title land.</u>
33.	Policies	Papakāinga P2	Oppose	Kāinga Ora supports the provision of papakāinga and associated activities on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily. It is also not for Council to determine if and how land will be maintained in whānau ownership in perpetuity. Kāinga Ora consider that Papakāinga P1 sufficiently provides for papakāinga as amended within submission point 26 above.	Delete the policy in its entirety.
34.	Policies	Papakāinga P3	Oppose in part	Kāinga Ora support the management of effects associated with activities; however, rather than referring the assessment back to the character of the particular zone, the policy should refer to the planned environment.	Amend the policy as follows: To maintain rural character and the amenity of adjoining properties by controlling the bulk and location of buildings and structures. <u>Manage the bulk and location of buildings and structures om the planned rural character and amenity of adjoining properties.</u>

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
					<i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i>
35.	Policies	Papakāinga P4	Oppose in part	Kāinga Ora oppose considering reverse sensitivity effects. The development and performance standards are intended to manage set backs appropriately.	Amend this policy as follows: Papakāinga (including non-residential activities) shall be of a scale, and location that does not adversely affect: a) The safe and efficient operation and functioning of the surrounding transport network; and b) The functioning of legitimate land uses on adjacent sites.
36.	Policies	Papakāinga P7	Oppose	Kāinga Ora does not consider that the submission of a Papakāinga Development Plan is necessary for permitted activities and questions the control and discretion then provided to Council in this instance. Any activities requiring building consent will need to show compliance with the development and performance standards which in themselves provide appropriate management of the development.	Delete the policy in its entirety.
37.	Policies	Papakāinga P8	Oppose in part	Kāinga Ora supports subdivision of papakāinga and associated activities on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily. In addition, sub point (a) is a Māori land court matter.	Amend the policy as follows: Subdivision of papakāinga shall only occur where: a) It can be demonstrated that the papakāinga will remain in whānau ownership in perpetuity; and b) The subdivision will not compromise the functionality of the papakāinga; and c) Infrastructure services are provided for each lot. Some of these services may be communal (for example: a shared wastewater system)
38.	Part B: Rules	1.1.2 Plans	Oppose	Kāinga Ora does not consider that the submission of a Papakāinga Development Plan is necessary for permitted activities and questions the control and discretion then provided to Council in this instance. Any activities requiring building consent will need to show compliance with the development and performance standards which in themselves provide appropriate management of the development.	Delete the provision in its entirety.
39.	Part B: Rules	1.4.30 Papakāinga	Oppose in part	Kāinga Ora considers that the assessment criteria is unnecessarily restrictive and matters of discretion do not consider the planned built form or consider the intended change to the environment. Kāinga Ora oppose considering reverse sensitivity effects. The development and performance standards are intended to manage set backs appropriately.	Amend the assessment criteria as follows: In assessing any resource consent application for Papakāinga, Council shall have regard to the following matters (in addition to those matters as required as part of the Papakāinga Development Plan). However, for discretionary and

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
					<p><i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i></p> <p>non-complying activities, there is no limit or restriction on the matters or effects that may be assessed.</p> <p>i. How the papakāinga will be retained in whānau ownership in perpetuity.</p> <p>ii. Whether any management structure exists for the papakāinga and how this management will retain the quality and amenity of the existing environment.</p> <p>iii. The benefits of the activity in providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p> <p>iv. Whether any landscaping or design feature is proposed to provide on-site amenity and/or mitigate adverse effects of the development.</p> <p>v. Whether the bulk, scale and location of the papakāinga is compatible in the context of the site and receiving environment.</p> <p>vi. <u>If there are any</u> Adverse effects on archaeological sites, heritage sites, waahi tapu sites, or any other feature protected under the District Plan.</p> <p>vii. Whether there are any capacity issues where public reticulation is proposed to service the site <u>at the point of connection</u>.</p> <p>viii. Any input, advice or consents for wastewater, stormwater and water provided by the Waikato Regional Council.</p> <p>ix. The potential for reverse sensitivity effects.</p> <p>x. Adverse effects on the transportation network as a result of the proposed activity.</p> <p>xi. Construction related effects.</p>
40.	6. Papakāinga	6.1 Papakāinga	Oppose in part	Kāinga Ora supports the provision of papakāinga and associated activities on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily.	<p>Amend Section 6 to provide for Papakāinga on general title land as well as Māori Freehold Land and Treaty Settlement Land.</p> <p>Papakāinga on Māori Freehold Land, <u>General Land owned by Māori or Treaty Settlement Land</u>.</p>

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
<i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i>					
41.	6. Papakāinga	6.1.1	Oppose in part	Consistent with previous submission points, Kāinga Ora oppose density restrictions on papakāinga and consider that the density and performance standards appropriately manage 'density' on site. Kāinga Ora also consider that papakāinga within the business zone should be a Restricted Discretionary activity rather than Non Complying.	1. Amend Rule 6.1.1 as follows: 6.1.1. One kāinga per hectare, up to a maximum of five kāinga (residential units) per site, where the title was issued prior to (date of plan notification)- 2. Amend kāinga in residential zones to be Permitted 3. Amend kāinga in Business zone to be RD instead of NC.
42.	6. Papakāinga	6.1.2	Oppose	Consistent with the relief sought above in submission point 33, Kāinga Ora seeks the deletion of Rule 6.1.2.	Delete Rule 6.1.2 in its entirety.
43.	6. Papakāinga	6.1.3	Oppose in part	Kāinga Ora consider that marae activities should be a permitted activity within residential zones and restricted discretionary in business zones.	1. Amend marae in residential zones to be Permitted. 2. Amend marae in Business zone to be Restricted Discretionary.
44.	6. Papakāinga	6.1.4	Oppose in part	In keeping with the relief sought within this submission, Kāinga Ora seek that small businesses of 60m ² or less be a permitted activity within the residential zone and restricted discretionary within the Industrial and Business zone.	1. Amend the activity name as follows: Ahumahi ā kāinga (home businesses) <u>Commercial activity (≤60m²)</u> 2. Amend the activity status from N/C to RD in Business zone. 3. Amend the activity status from N/C to RD in the industrial zone. 4. Provide for a restricted discretionary activity for commercial activities greater than 60m ² in the rural, rural residential and residential zones.
45.	6. Papakāinga	6.1.5	Oppose in part	Kāinga Ora consider that the need for communal buildings is an integral part of papakāinga and that inter-generational living and communal use is integral to Māori cultural norms.	3. Amend 6.1.5 to read as follows: Communal living arrangement <u>and communal buildings</u> 4. Amend the activity status from Discretionary to Permitted in the Residential, Rural and Rural Residential Zones. 5. Amend the activity status from N/C to RD in the Business zone.
46.	6. Papakāinga	New Rule		In keeping with the relief sought within this submission, Kāinga Ora seek that educational facilities and healthcare facilities are also provided for within this section.	Include a new rule as follows: Educational and healthcare facilities Activity status within all zones – permitted.
47.	6. Papakāinga	6.2 Papakāinga on General Land owned by Māori, Treaty Settlement Land, or	Oppose	Consequential to the relief sought in Section 6.1, Kāinga Ora seek that Section 6.2 be deleted in its entirety.	Delete Section 6.2 in its entirety.

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
		land converted to Māori Freehold Land after (date of plan notification)			<i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i>
48.	3. Development controls	3.2.1 (iii)	Oppose	<p>Kāinga Ora consider that this standard is unnecessarily restrictive and questions why yards for papakāinga are more restrictive than other residential activities.</p> <p>Kāinga Ora also seek that all internal setback controls are removed. Council should control setbacks to neighbouring activities only.</p>	<p>Amend the standard with the following:</p> <p>Side and rear yards where the building is part of a papakāinga – <u>5</u> 20m.</p> <p>Note: Where a building is part of a Papakāinga that spans multiple Records of Title, a minimum of 1.5m from the Record of Title boundary is required</p> <p><u>Provided that: Buildings and structures may be erected on any rear and/or side yard so long as the written consent of all property owners contiguous to any building/structure is obtained, subject to compliance with the Building Act 2004.</u></p>
49.	4.4 Papakāinga	4.4.1.1 Performance Standards: Permitted Activities	Oppose	Kāinga Ora does not consider that the submission of a Papakāinga Development Plan is necessary for permitted activities and questions the control and discretion then provided to Council in this instance. Any activities requiring building consent will need to show compliance with the development and performance standards which in themselves provide appropriate management of the development.	Delete provision 4.4.1.1 in its entirety.
50.	4.4 Papakāinga	4.4.1.2 Performance Standards: Permitted Activities	Oppose	Kāinga Ora consider that the maximum building coverage of 10% is too restrictive, especially on smaller sites.	Delete provision 4.4.1.2 in its entirety.
51.	4.4 Papakāinga	4.4.1.2 Performance Standards: Permitted Activities	Oppose in part	Kāinga Ora supports the provision of a service area for each unit but does not consider that such an area needs to be set back 10m from an external boundary.	<p>Amend the provision as follows:</p> <p>4. Each kāinga (residential unit) shall have a service area which meets the following:</p> <p>i. Has a minimum area of 10m², with a minimum dimension of 3m.</p> <p>ii. Is readily accessible from the residential unit.</p> <p>iii. Is screened from a public road or other public place.</p> <p>iv. Is set back 10m from the boundary of another property</p>
52.	4.4 Papakāinga	4.4.1.2 Performance Standards: Permitted Activities	Oppose in part	<p>Kāinga Ora consider this provision is unnecessarily restrictive and seeks that only heavy vehicle controls and compliance with permitted activity performance standards should be required.</p> <p>Additionally, this provision does not allow for commercial activities at a kāinga-wide level.</p>	<p>Amend sub point (f) as follows:</p> <p>A maximum of one home business per residential unit <u>Commercial activities utilising an area of ≤60m² are</u> permitted on the site, subject to compliance with the following standards:</p>

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					<p><i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i></p> <p> i. A maximum of two full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the residential unit; ii. The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3,500kg or more) on site; iii. The sale of goods directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site; iv. The total area dedicated to a home occupation shall be limited to 60m² floor area. This may include up to 20m² outdoor areas for the activity including storage subject to this area being screened by fencing and/or landscaping to a minimum height of 1.8m; v. A maximum outdoor area of 10m² for the display of goods for sale in addition to iv. This rule is a maximum total area for all home businesses on site combined; vi. Includes non self contained visitor accommodation for up to six people. Only one visitor accommodation per site is permitted; vii. All on site activities must individually and collectively comply with all permitted activity performance standards; viii. Shall not involve any pet day care or grooming services; and ix. The hours for delivery and collection of goods as well as onsite customer visits shall be between 7.30am to 5.30pm, Monday to Sunday </p> <p><u>Commercial activities on the site ≥60m² are a restricted discretionary activity.</u></p> <p><u>The Council will restrict its discretion to all the following matters when assessing a restricted discretionary resource consent application:</u></p> <p>b) <u>the effect on the surrounding area from all of the following:</u></p> <p> (iv) <u>intensity and scale;</u> (v) <u>traffic and access; and</u> <u>noise, lighting and hours of operation.</u> </p>
53.	4.4 Papakāinga	4.4.2 Performance Standards: General Land Owned by Māori, Treaty Settlement Land, or land converted to Māori Freehold Land after (date of plan notification	Oppose	Kāinga Ora supports papakāinga on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily.	Delete Rule 4.4.2 in its entirety.

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					<i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i>
54.	4.4 Papakāinga	4.4.3 Matters of Discretion	Oppose in part	<p>Kāinga Ora considers that the assessment criteria is unnecessarily restrictive and matters of discretion do not consider the planned built form or consider the intended change to the environment.</p> <p>Kāinga Ora oppose considering reverse sensitivity effects. The development and performance standards are intended to manage set backs appropriately.</p>	<p>Amend the assessment criteria as follows:</p> <p>In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:</p> <p>(a) Any The adverse effects on the amenity values of nearby residents, including in relation to outlook, privacy and shading.</p> <p>(b) The ability to mitigate adverse effects, including through landscaping.</p> <p>(c) Effects on the transportation network.</p> <p>(d) In relation to the river protection yard, any adverse effects on the river environment.</p> <p>(e) On site amenity values.</p> <p>(f) Adverse effects relating to the bulk and dominance of buildings and structures.</p> <p>(g) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites.</p> <p>(h) Management of waste.</p> <p>(i) The effect of increase coverage on the ability to effectively dispose of stormwater within the boundaries of the site.</p> <p>(j) The effect of increased coverage on the ability to effectively treat and dispose of wastewater within the boundaries of the site.</p>
55.	6 Subdivision	Types of Subdivision – 9 Subdivision of Papakāinga	Oppose	Kāinga Ora consider that the subdivision rules for papakāinga are too onerous and question why subdivision of papakāinga purports a higher activity status to subdivision in other zones.	<p>6. Amend the activity status within the Rural zone to RD from D.</p> <p>7. Amend the activity status within the Rural Residential zone to RD from D.</p> <p>8. Amend the activity status within the Business zone to RD from N/C.</p> <p>9. Amend the activity status within the Maori Purpose zone to RD from D.</p>
56.	6 Subdivision	6.3.13(i) Subdivision of Papakāinga	Oppose	Kāinga Ora supports papakāinga on all land and not just on land in Māori title or where there is a requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily.	Delete Rule 4.4.2 in its entirety.

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
				Consistent with this submission, Kāinga Ora opposes the need for a Papakāinga Development Plan.	<i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i>
57.	6 Subdivision	6.3.13(ii) Subdivision of Papakāinga	Oppose in part	<p>Kāinga Ora considers that the assessment criteria is unnecessarily restrictive and matters of discretion do not consider the planned built form or consider the intended change to the environment.</p> <p>Kāinga Ora oppose considering reverse sensitivity effects. The development and performance standards are intended to manage set backs appropriately.</p> <p>Kāinga Ora opposes the requirement to hold land in whānau ownership in perpetuity. Kāinga Ora considers that this restricts Māori unnecessarily.</p>	<p>Amend the assessment criteria as follows:</p> <p>ii. Assessment Criteria</p> <p>In assessing an application for subdivision of papakāinga, Council shall take into account the following in addition to the general assessment criteria under Section 1.4 of the District Plan:</p> <p>a) How the lots will be serviced with three waters infrastructure, electricity and telecommunications;</p> <p>b) Access arrangements;</p> <p>c) Location of communal areas;</p> <p>d) The location of any archaeological site, heritage site or waahi tapu site;</p> <p>e) The nature and context of surrounding land use and built form;</p> <p>f) Any input, advice or consents for wastewater disposal and treatment provided by the Waikato Regional Council;</p> <p>g) How the development will function and be retained as a papakāinga in perpetuity</p>
58.	9 Transportation	9.1.2 Access (v)(iii)	Oppose in part	Kāinga Ora considers that the threshold for the amount of kāinga that requires a private way to be in accordance with the Development Manual is increased.	<p>Amend the provision as follows:</p> <p>These performance standards do not apply to private roads or private ways within a papakāinga development for up to five residential units. If the private road or private way serves more than ten <u>five</u> kāinga (residential units), it shall be designed, constructed and located in accordance with the Development Manual.</p>
59.	13 Other methods	13.6 Tangata whenua	Oppose in part	Consistent with the relief sought within this submission, Kāinga Ora opposes the requirement to submit a Papakāinga Development Plan.	Remove reference to Papakāinga Development Plans.
60.	15 Definitions		Oppose	Consistent with the relief sought within this submission, Kāinga Ora seek a new definition for papakāinga which allows for papakāinga on general title land and where there is no requirement to prove whakapapa to that land.	Replace the definition of papakāinga with the following:

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
					<i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i>
					<u>A development by tangata whenua established to be occupied by tangata whenua for residential activities and ancillary social, cultural, economic, conservation and/or recreation activities to support the cultural, environmental, and economic wellbeing of tangata whenua.</u>
61.	15 Definitions		Oppose in part	Kāinga Ora opposes the definition of kāinga where it restricts the use of a building for one household only. Kāinga should be recognised for their inter-generational and communal use as per Māori cultural norms.	Amend the definition as follows: Kāinga / Residential unit (in the Māori Purpose Zone): means a building(s) or part of a building that is used for a residential activity exclusively by one household , and must include sleeping, cooking, bathing and toilet facilities
62.	15 Definitions		Oppose in part	Kāinga Ora seeks the definition of Treaty settlement land be amended to remove the note regarding RFR lands.	Delete the note within the Treaty settlement definition as follows: Note: Does not include land returned through Right of First Refusal or Investment lands

