

**OFFICER'S REPORT FOR:**

**Independent Hearing Commissioners:**

**Trevor Robinson (Chair)  
Miria Pomare  
Mark St Clair  
Julia Williams**

**SUBJECT:**

**Proposed Porirua District Plan: Tangata  
Whenua Strategic objectives and Papakāinga**

**PREPARED BY:**

**Torrey McDonnell  
Gina Sweetman**

**REPORT DATED:**

**24 September 2021**

**DATE OF HEARING:**

**29 October to 15 November 2021**

## Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed Porirua District Plan (PDP) as they apply to Strategic Objectives TW-O1 to TW-O4 and the Papakāinga chapter and provisions. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on these chapters. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the chapters:
  - Amendments sought to strategic objectives;
  - Amendments sought to papakāinga provisions to permit the activity on general title land.
3. This report addresses each of these key issues, as well as any other issues raised by submissions.
4. We have recommended amendments to TW-O1 and TW-O2 as outlined in Appendix A to address matters raised in submissions and are summarised below.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, we recommend that the PDP should be amended as set out in Appendix A of this report.
6. For the reasons set out in the Section 32AA evaluation included throughout this report, we consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
  - achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the PDP, in respect to the proposed provisions.

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## Interpretation

7. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 below:

**Table 1: Abbreviations**

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Porirua City Council
the Operative Plan/ODP	Operative Porirua District Plan 1999
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESFW	National Environmental Standards for Freshwater 2020
NESMA	National Environmental Standards for Marine Aquaculture 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013

**Table 2: Abbreviations of Submitters' Names**

Abbreviation	Means
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island Limited
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Harvey Norman	Harvey Norman Properties (N.Z.) Limited
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited

NZDF	New Zealand Defence Force
Oranga Tamariki	Oranga Tamariki – Ministry of Children
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
Survey+Spatial	Survey+Spatial New Zealand (Wellington Branch)
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WE	Wellington Electricity Lines Limited
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

# 1 Introduction

## 1.1 Purpose

8. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the topic and to recommend possible amendments to the PDP in response to those submissions.
9. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant objectives, policies, rules, and definitions as they apply to the topic in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
10. This report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the preceding discussion in the report.
11. In preparing this report the authors have had regard to recommendations made in other related s42A reports.
12. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
13. This report is intended to be read in conjunction with Officers' Report: Part A – Overview which contains factual background information, statutory context and administrative matters pertaining to the district plan review and PDP.

## 1.2 Authors

14. Our names are Gina Sweetman and Torrey James McDonnell. Our qualifications and experience are set out in Appendix C of this report.
15. Our role in preparing this report is that of expert planners.
16. Mr McDonnell was involved in the preparation of the PDP and authored the Section 32 Evaluation Reports for: Hongoeka and Papakāinga; Open Space and Recreation Zones, Rural Zones; Special Purpose Zone (BRANZ) and Hospital Zone; and the Overview to s32 Evaluation
17. Ms Sweetman was involved in the preparation of the PDP and peer-reviewed all of the PDP including the Section 32 Evaluation Reports. She was directly involved in drafting all the Strategic Objectives.
18. Although this is a Council Hearing, we have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. We have complied with that Code when preparing our written statement of evidence and we agree to comply with it when we give any oral evidence.

19. The scope of our evidence relates to Strategic Objectives TW-O1 to TW-O4, and the Papakāinga chapter and provisions.
20. We confirm that the issues addressed in this statement of evidence are within our area of expertise as expert policy planners.
21. Any data, information, facts, and assumptions we have considered in forming our opinions are set out in the part of the evidence in which we express our opinions. Where we have set out opinions in our evidence, we have given reasons for those opinions.
22. We have not omitted to consider material facts known to us that might alter or detract from the opinions expressed.

### **1.3 Supporting Evidence**

23. No expert evidence, literature, legal cases or other material is relevant to this topic.

### **1.4 Key Issues in Contention**

24. A number of submissions and further submissions were received on the provisions relating to these chapters.
25. We consider the following to be the key issues in contention in the chapter:
  - Amendments sought to strategic objectives; and
  - Amendments sought to papakāinga provisions to permit the activity on general title land.
26. We address each of these key issues in this report, as well as any other issues raised by submissions.

### **1.5 Procedural Matters**

27. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.



## 2 Statutory Considerations

### 2.1 Resource Management Act 1991

28. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans,

29. As set out in Section 32 Evaluation Report Part 1 - Overview to s32 Evaluation, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in detail within the Section 32 Evaluation Report Part 2: Hongoeka and Papakāinga. There is further discussion in the Section 32 Evaluation Report Part 1 – Overview to the s32 Evaluation on the Strategic Objectives and on the approach the Council has taken to giving effect to the NPSUD and NPSFM. This is also discussed in the Officer's Report: Part A.

### 2.2 Section 32AA

30. We have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA . Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

31. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the assessment of the relief sought in submissions in section 3 of this report.

### **2.3 Trade Competition**

32. No consideration of trade competition has been given with respect to these chapters. Trade competition is not considered relevant to the relevant provisions of the PDP.
33. There are no known trade competition issues raised within the submissions.

### 3 Consideration of Submissions and Further Submissions

#### 3.1 Overview

34. There were 23 original submissions on the Tangata Whenua Strategic Objectives Chapter, and one further submission.
35. There were five original submissions received on Papakāinga provisions; three on the chapter itself, and two on rules that sit in residential zone chapters.
36. There were two further submission points on Kāinga Ora 81.547 and 81.614, both from TROTR. TROTR withdrew both of these further submission points. They are included in the Appendix B for the record.

##### 3.1.1 Report Structure

37. Given the low number of submissions on these chapters and in accordance with Clause 10(3) of the First Schedule of the RMA, we have undertaken the following evaluation on a provisions-based approach, as opposed to a submission by submission approach. We have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
38. Due to the low number of submission points, this evaluation contains specific recommendations on each submission point where an amendment to the PDP is sought. Specific recommendations on each submission point are contained in Appendix B.
39. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where we agree with the relief sought and the rationale for that relief, we have noted our agreement, and our recommendation is provided in the summary of submission table in Appendix B. Where we have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. We have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A.

##### 3.1.2 Format for Consideration of Submissions

40. For each identified topic, we have considered the submissions that are seeking changes to the PDP in the following format:
  - Matters raised by submitters;
  - Assessment;
  - Summary of recommendations; and
  - Section 32AA evaluation.
41. The recommended amendments to the relevant chapters are set out in in Appendix A of this report where all text changes are shown in a consolidated manner.
42. We have undertaken a s32AA evaluation in respect to the recommended amendments in our assessment.

## 3.2 Strategic Objectives

### 3.2.1 Matters raised by submitters

43. The submission points seeking changes to the Tangata Whenua Strategic Objectives are set out below.
44. TROTR [264.100] seek that an additional sentence be added to the end of paragraph 5 to state that all objectives and policies are to be read and achieved in a manner consistent with the TW strategic objectives. This is for the reason that they want it to be clear that the TW strategic objectives are to be read and achieved in a manner consistent with strategic objectives TW-O1 to TW-O4.
45. TROTR [264.102] seeks that TW-O1 is amended to align with s6(e) of the RMA.
46. TROTR [264.103] seeks that TW-O2 is amended to align with s8 of the RMA.
47. TROTR [264.101] seeks that TW-O2 is amended as follows:

*TW-O2 Active participation*

*Ngāti Toa Rangatira is a partner in District Plan development and implementation, this includes opportunities for Ngāti Toa to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu, wāhi tupuna and other taonga that:*

*a) Recognises the role of Ngāti Toa as kaitiaki and provides for the practical expression of kaitiakitanga*

*b) Builds and maintains partnerships and relationships with Ngāti Toa*

*c) Provides for timely, effective and meaningful engagement with Ngāti Toa at all stages of the Resource Management process including policy and plan development*

*d) Recognises and provides for Ngāti Toa mātauranqa and tikanga.*

48. Te Whānau Horomona [249.4] seeks that TW-O2 be amended to read:

*“Ngāti Toa Rangatira is a partner in District Plan development and implementation, and is supported by Porirua City Council to provide meaningful input into planning processes”*

### 3.2.2 Assessment

49. We agree with TROTR that TW-O1 could be amended to be better aligned with s6(e) of the RMA, specifically by including reference to traditions and culture and what the relevant interests of Ngāti Toa Rangatira are. We have set out recommended amendments below and in Appendix A.
50. We have considered both requested amendments from TROTR and Te Whanau Horomona to TW-O2. We agree that as drafted it does not provide sufficient direction as to how it reflects s8 of the RMA and what partnership with Ngāti Toa Rangatira means in respect to the PDP, and

better direction should be given. Accordingly, we have recommended amendments to TW-O2, which we consider meets both submitters requested amendments.

51. We have considered TROTR's request for additional wording in the introduction to the strategic objectives. While we appreciate the desire for this wording, we do not think this is necessary as it is already set out in the "General Approach" section of the "How the Plan Works" chapter in Part 1 of the Plan. It would also make the introduction inconsistent with the other Strategic Objective introductions.

### 3.2.3 Summary of recommendations

52. We recommend for the reasons given in the assessment, that the Hearings Panel:
- a. **Amend** TW-O1 and TW-O2 as set out below and in Appendix A of this report.

#### Strategic objectives

##### TW-O1 Ngāti Toa Rangatira's values, rights and interests

The values, [culture and traditions](#), rights and interests of Ngāti Toa Rangatira [in their ancestral lands, water, sites, wāhi tapu and other taonga](#)<sup>1</sup> are recognised and protected.

##### TW-O2 Active participation

~~Ngāti Toa Rangatira is a partner in District Plan development and implementation.~~

~~Porirua City Council supports and partners with Ngāti Toa Rangatira to actively participate in the sustainable management of natural and physical resources including plan development, consent processes, compliance and monitoring in a manner that:~~

- ~~a) Recognises the role of Ngāti Toa as kaitiaki and provides for the practical expression of kaitiakitanga; and~~
- ~~d) Recognises and provides for Ngāti Toa mātauranga and tikanga.<sup>2</sup>~~

53. We recommend that the submissions from TROTR [264.102, 264.103 and 264.101] and Te Whānau Horomona [249.4] be **accepted in part**.
54. We recommend that the submission from TROTR [264.100] be **rejected**.
55. Our recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.2.4 Section 32AA evaluation

56. In our opinion, for the reasons set out in our evaluation, the amendments to TW-O1 and TW-O2 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, we consider that they will better recognise and provide for s6(e) and take into account s8 of the RMA and reflect the partnership role of Ngāti Toa Rangatira with Council in RMA processes. They will also provide better direction for all plan users on the intended outcomes.

<sup>1</sup> TROTR [264.102]

<sup>2</sup> TROTR [264.101, 263.103]; Te Whānau Horomona [249.4]

Consequently, they more appropriately achieve the purpose of the Act than TW-O1 and TW-O2 as notified.

### 3.3 General Submissions on Papakāinga

#### 3.3.1 Matters raised by submitters

57. Two submissions points and two further submission points were received on papakāinga provisions that sit within zones.
58. Kāinga Ora [81.547, 81.614] supports papakāinga as a permitted activity, but considers that this should not be limited to land under Te Ture Whenua Māori Act 1993 as:

*Kāinga Ora does not support limiting papakāinga only to land held under Te Ture Whenua Māori Act 1993 – noting the definition of papakāinga anticipates this form of housing on land that is also outside of this classification.*

#### 3.3.2 Assessment

59. GRZ-R10 and MRZ-R12 limit papakāinga as a permitted activity to land held under Te Ture Whenua Māori Act 1993, otherwise it is a restricted discretionary activity with matters of discretion restricted to PK-P2:

*PK-P2 Papakāinga on General Title*

*Allow for papakāinga on General Title where it can be demonstrated that there is an ancestral connection to the land and:*

1. *The land will remain in Māori ownership in the long term; or*
2. *The land will be converted to Māori Freehold land.*

60. The PDP definition of Papakāinga was developed in partnership with TROTR and specifically limits it to ancestral land that is held under Te Ture Whenua Māori Act. We note that Kāinga Ora submitted in support of the definition [81.122]. The consent process provides a mechanism for the landowner to demonstrate this ancestral connection where land is not held under Te Ture Whenua Māori Act. One way, for example, would be to provide evidence they are a registered member of Ngāti Toa through written confirmation from Te Rūnanga o Toa Rangatira.
61. We do not support the approach proposed by Kāinga Ora to permit Papakāinga on General Title land for two reasons. In the first instance, there would be resultant compliance issues in determining whether a building consent application for a papakāinga met the definition of papakāinga or not. The accepted premise of a permitted activity rule is that it needs to be certain and able to be interpreted on face value. In our view, determining whether there was an ancestral link and that it would be retained in Māori ownership in the long term is not a matter that is certain enough to meet the requirement for a permitted activity.
62. In the second instance, the provisions for papakāinga expressly provide for the relationship of Ngāti Toa Rangatira and its whanau with its ancestral land, and therefore directly recognises

and provides for s6(e) of the RMA. Opening the provision for papakāinga as sought by Kāinga Ora brings with it the potential consequence of it being sought to be used by parties who are not Ngāti Toa Rangatira and would undermine their special relationship with their whenua.

63. We consider that these provisions should remain as notified.

### **3.3.3 Summary of recommendations**

64. We recommend for the reasons given in the assessment, that the submissions from Kāinga Ora [81.547, 81.614] be **rejected**.

### **3.4 Minor Errors**

65. There were no minor errors identified in relation to the topic.

## 4 Conclusions

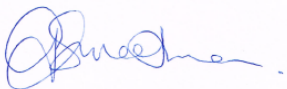

66. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, we recommend that PDP should be amended as set out in Appendix A of this report.
67. For the reasons set out in the Section 32AA evaluation included throughout this report, we consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
  - achieve the relevant objectives of the PDP, in respect to the proposed provisions.

### Recommendations:

We recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
2. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

### Signed:

Names and Title		Signatures
Report Authors	Gina Sweetman, Consultant Planner for Porirua City Council	
	Torrey McDonnell, Principal Policy Planner, Porirua City Council	



## Appendix A. Recommended Amendments to the Hongoeka Zone

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struckthrough~~.

## Tangata Whenua

The Council, through the District Plan, is required to take into account the Principles of the Treaty of Waitangi.

The Council is also required to, in partnership with mana whenua, recognise and provide for the relationship of Ngāti Toa Rangatira and its culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and to have particular regard to kaitiakitanga. The relationship between Ngāti Toa Rangatira and the District Plan is outlined further in the Tangata Whenua chapter.

The strategic objectives set the direction for the District Plan and help to implement the Council's community outcomes set out in its Long Term Plan. They reflect the intended outcomes to be achieved through the implementation of the District Plan.

The objectives, policies and rules in Parts 2 and 3 of the District Plan implement the strategic objectives and reconcile any tensions between them.

The strategic objectives will be particularly relevant for any future changes to the Plan and any significant resource consent applications. Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter.

### Strategic objectives

#### TW-01 Ngāti Toa Rangatira's values, rights and interests

The values, culture and traditions, rights and interests of Ngāti Toa Rangatira in their ancestral lands, water, sites, wāhi tapu and other taonga<sup>3</sup> are recognised and protected.

#### TW-02 Active participation

~~Ngāti Toa Rangatira is a partner in District Plan development and implementation.~~

Porirua City Council supports and partners with Ngāti Toa Rangatira to actively participate in the sustainable management of natural and physical resources including plan development, consent processes, compliance and monitoring in a manner that:

- a) Recognises the role of Ngāti Toa as kaitiaki and provides for the practical expression of kaitiakitanga; and
- d) Recognises and provides for Ngāti Toa mātauranga and tikanga.<sup>4</sup>

#### TW-03 Kaitiakitanga and customary activities

Ngāti Toa Rangatira is able to exercise customary activities and sustain themselves through the use and development of their land, including through papakāinga and marae.

#### TW-04 Takapūwāhia and Hongoeka

Takapūwāhia and Hongoeka remain unique kāinga and the cultural and spiritual centres for Ngāti Toa Rangatira in Porirua.

<sup>3</sup> TROTR [264.102]

<sup>4</sup> TROTR [264.101, 263.103]; Te Whānau Horomona [249.4]

## **Appendix B. Recommended Responses to Submissions and Further Submissions**

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions on Tangata Whenua Strategic Objectives

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Recommended Amendments to PDP?
64.27	Latoya Flutey	The Council, through the District Plan, is required to take into account the Principles of the Treaty of Waitangi [...]	Support.	N/A	Accept	Agree with submitter	No
64.26	Latoya Flutey	Strategic Objectives Introduction; The Council is also required to, in partnership with mana whenua [...]	Support this use of words.	N/A	Accept	Agree with submitter	No
81.228	Kāinga Ora	Details of the steps Plan users should take when using the District Plan [...]	Amend: <del>Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter.</del>	N/A	Reject	Disagree with submitter. I consider the text is relevant, and will assist the plan user.	No
64.16	Latoya Flutey	TW-01	This is important.	N/A	Accept	Agree with submitter	No
64.19	Latoya Flutey	TW-02	Support.	N/A	Accept	Agree with submitter	No
64.24	Latoya Flutey	TW-03	Support.	N/A	Accept	Agree with submitter	No
64.25	Latoya Flutey	Strategic Objectives; TW-04	Support this use of words.	N/A	Accept	Agree with submitter	No
137.21	GWRC	Strategic Objectives	Retain.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
264.34	TROTR	General	Retain as notified subject to the amendments in other submission points.	3.2	Accept	Agree with submitter	No
264.100	TROTR	General	Insert an additional sentence to the TW section description statement under paragraph 5:  • For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.	3.2	TBC	See body of report	
81.229	Kāinga Ora	TW-01	Retain objective as notified	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
126.4	DOC	TW-01	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
264.102	TROTR	TW-01	Amend TW-01 to align to S6(e) RMA 1991.	3.2	Accept	See body of report	Yes
81.230	Kāinga Ora	TW-02	Retain objective as notified	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
264.103	TROTR	TW-02	Amend TW-02 to align to S8 RMA 1991 to give effect to the principles of the Treaty.	3.2	Accept	See body of report	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Recommended Amendments to PDP?
264.101	TROTR	TW-02	Amend TW-02 to include: TW-02 Active participation Ngāti Toa Rangatira is a partner in District Plan development and implementation, this includes opportunities for Ngāti Toa to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu, wāhi tupuna and other taonga that: a) Recognises the role of Ngāti Toa as kaitiaki and provides for the practical expression of kaitiakitanga b) Builds and maintains partnerships and relationships with Ngāti Toa c) Provides for timely, effective and meaningful engagement with Ngāti Toa at all stages of the Resource Management process including policy and plan development d) Recognises and provides for Ngāti Toa mātauranga and tikanga.	3.2	Accept in part	See body of report	Yes
249.4 <sup>5</sup>	Te Whānau Horomona	TW-02	Amend: Ngāti Toa Rangatira is a partner in District Plan development and implementation, <u>and is supported by Porirua City Council to provide meaningful input into planning processes</u>	3.2	Accept in part	See body of report	Yes
81.231	Kāinga Ora	TW-03	Retain objective as notified	N/A	Accept	Agree with submitter	No
81.232	Kāinga Ora	TW-04	Retain objective as notified	N/A	Accept	Agree with submitter	No

Table B 2: Recommended responses to submissions and further submissions on Papakāinga

## PK- Papakāinga

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Recommended Amendments to PDP?
264.60	TROTR	General	Retain as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
265.1	Te Āhuru Mōwai	General	Maintenance and strengthening of support for Papakāinga development.	N/A	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
FS70.56	TROTR	General	Allow				No

<sup>5</sup> Support – TROTR [FS70.49]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p><i>That part of the submission that seeks to retain the specific provision for Papakāinga which enables uri (descendants) or Ngāti Toa Rangatira to exercise their customary rights including the provision of housing and associated activities is allowed.</i></p> <p><i>TROTR also supports the addition to maintain and strengthen Council's support for Papakāinga development and recommends it be allowed.</i></p>				
263.9	Regional Public Health	General	<p>[Not specified, refer to original submission.]</p> <p>While no specific decision sought, submitter "commends the introduction of the Papakāinga concept which empowers mana whenua to make decisions on their own land."</p>	N/A	N/A	Accept in part, subject to amendments made in response to other submissions	No
81.547 <sup>6</sup>	Kāinga Ora	GRZ-R10	<p>Amend:</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. <del>The site is held under Te Ture Whenua Māori Act 1993;</del></p> <p>b. The gross floor area of all commercial activities does not exceed 100m<sup>2</sup> per site; and</p> <p>c. The gross floor area of all community facilities does not exceed 200m<sup>2</sup> per site.</p> <p>(.....)</p>	3.3	Reject	See body of report	Yes
81.614 <sup>7</sup>	Kāinga Ora	MRZ-R12	<p>Amend:</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. <del>The site is held under Te Ture Whenua Māori Act 1993;</del></p> <p>b. The gross floor area of all commercial activities does not exceed 100m<sup>2</sup> per site; and</p> <p>c. The gross floor area of all community facilities does not exceed 200m<sup>2</sup> per site.</p> <p>(.....)</p>	3.3	Reject	See body of report	Yes

<sup>6</sup> Further submission point FS70.21 withdrawn by TROTR

<sup>7</sup> Further submission point FS70.22 withdrawn by TROTR

## Appendix C. Report Author's Qualifications and Experience

### Gina Sweetman

I hold the following qualifications: Master of Planning (First Class Honours) and Bachelor of Planning from the University of Auckland. I am a full member of the New Zealand Planning Institute. I have over 28 years' experience in working as a planner for local and central government and as a private consultant. I am an Accredited Independent Hearings Commissioner with Chair endorsement and a government-appointed Development Contributions and Freshwater Commissioner. My work experience includes, amongst other matters:

- Independent technical review for several district and regional plan reviews
- Expert witness in the Environment Court
- Author of various chapters of district plans
- Manager, Resource Management Practice, Ministry for the Environment
- Contractor at Te Puni Kōkiri, Office of Treaty Settlements and the Ministry of Agriculture and Forestry

I have been engaged by the Porirua City Council since 2015 as a Consultant Planner for the Environment and City Planning Team.

### Torrey James McDonnell

I hold the following qualifications:

- Bachelor of Science (Majoring in Geography), Otago University
- Master of Planning, Otago University
- New Zealand Certificate in Te Reo Māori (Level 4), Te Wānanga o Aotearoa

I have 12 years' experience working as a planner for local and central government organisations.

My work experience includes working as a planner for the Transit New Zealand Otago/Southland regional office (consent processing and plan advocacy), and as a Senior Analyst for the Ministry for the Environment (developing national direction under the RMA).

I have been employed by the Porirua City Council since May 2017 as a Principal Policy Planner within the Environment and City Planning Team.

I am a full member of the New Zealand Planning Institute.