

TIMARU



DISTRICT COUNCIL
Te Kaunihera ā-Rohe
o Te Tihi o Maru



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW

Māori Purpose Zone S.32

May 2022



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LAND USE PLAN

Timaru District Council

Section 32 Report

District Plan Review

Māori Purpose Zone

May 2022

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1 Māori Purpose Zone

1.1 Introduction

Section 6(e) of the RMA requires the Council, in managing the use, development and protection of natural and physical resources through its District Plan, to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka as a matter of national importance. However, the Operative District Plan has almost no provision for Māori values and limited provision for the establishment of papa Kainga housing for Māori communities.

Occupational reserves were granted to Kāti Huirapa at Arowhenua and Waipopo and their purpose was to allow whānau to live on their ancestral lands and also to provide for communal activities and for food production from the land. However, this has not been clearly facilitated by the planning framework to date. In addition, fragmentation of the land, including disposal to non-Māori landowners, has occurred.

The Proposed District Plan intends to address this through zoning the historic reserve areas as 'Māori Purpose Zone' and including a chapter within the Plan with provisions aimed at providing for the social, cultural, environmental and economic wellbeing of mana whenua, and ensuring a thriving and self-sustaining Māori community. While the zone will apply to the areas of land originally granted as Native Reserve, the zone framework will only apply to areas within it that meet the definition of 'Māori Land'. All other land within the zone will be subject to the General Rural Zone framework. This report provides an evaluation under section 32 of the RMA of the provisions in the Māori Purpose Zone (MPZ) chapter.

1.2 Community / Stakeholder / Iwi Engagement

The Council has committed to a partnership with Te Rūnanga o Arowhenua in the development of the proposed District Plan. As part of achieving this the Council established a Takata Whenua Steering Group (see **Appendix 1** for the terms of reference for this group).

The steering group has met numerous times to discuss the various parts of the proposed District Plan, particularly focusing on the development of the Mana Whenua chapter, the Sites and Areas of Significance to Māori chapter and the MPZ chapter. These workshops have enabled robust discussion of the issues and collaboration on the methods to respond to issues raised. Following feedback received on the MPZ within the draft District Plan, the steering group was also expanded to include additional landowner representatives, who worked together to resolve issues raised through the feedback, and to refine the approach taken.

The Mana Whenua chapter has provided an important basis for understanding the Māori history of the area and the issues of importance to Kāti Huirapa. A key component to the development of the Māori Purpose Zone chapter is the Research Report on Māori Purpose (Kāinga Nohoanga) Zone, provided by Aoraki Environmental Consultancy Limited (AECL) on behalf of Kāti Huirapa¹. This report includes sections relevant to the section 32 analysis and should be read in conjunction with this analysis report.

Hui were held with the Tākata Whenua Steering Group on 24 April 2020, 1 May 2020, 15 May 2020 and 1 July 2020, and these hui enabled the group to work through the issues and potential content of the draft chapter.

Following feedback received on the Draft District Plan, additional hui were held with the community on 11 March 2021, 29 May 2021 and 2 November 2021. Notes of these hui and the outcomes are

¹ <https://www.timaru.govt.nz/pdp-supporting-info>

available². As a result of the feedback received at these hui, an expanded Steering Group was formed which also included landowner representatives, as voted for at the hui. The expanded Tāngata Whenua Steering Group met on three occasions in 2021.

Feedback on the Draft District Plan

A range of feedback was also provided on the draft District Plan. Key areas of feedback, and the way they have been responded to, are set out below:

Feedback Summary	Response
<p>Whether it is appropriate to have a MPZ rather than retaining a rural zoning.</p>	<p>The proposed MPZ enables a greater range of activities to be undertaken on the land within the zone. This reflects that the purpose of the occupational reserves at Arowhenua and Waipopo was to allow whānau to live on their ancestral lands and also to provide for communal activities and for food production from the land. This is not facilitated by the current rural zoning. There are also strong directions in the RMA in terms of ensuring that the approach taken in the district plan appropriately recognises and provides for the matters in RMA s 6(e), has taken account of Treaty principles (s 8), and has had particular regard to the exercise of kaitiakitanga (s 7(e)). Policy 5.3.4 of the CRPS also includes direction that the types of activities facilitated by the proposed MPZ zoning “...are appropriate when they occur on their ancestral land in a manner that enhances their ongoing relationship and culture and traditions with that land”³ and directs that these activities are provided for if, amongst other things, regard has been given to amenity values of the surrounding environment Other zones provided for in the proposed District Plan are not considered to sufficiently align with these higher order directions. Provision for the MPZ is therefore considered to be the most appropriate approach to meet the respective directions in the RMA and the CRPS.</p>
<p>Concern over the zone encompassing all historic reserve land, regardless of current ownership. Requests to exclude land owned by non-Māori from the Zone</p>	<p>The MPZ framework will only apply to Māori Land, with non-Māori land within the identified area subject to the General Rural zone provisions. This is consistent with the approach taken in the Christchurch District Plan.</p>
<p>There is a lack of infrastructure to support the proposed zone</p>	<p>The MPZ provisions include requirements relating to servicing. It is understood that there are some limitations or uncertainty regarding the current servicing available for this zone. It is accepted that this results in a risk that the servicing limitations may mean that the full aspirations for the area may not be realized. While it is common in urban zones for servicing capacity to be established prior to zoning, in this case, there is a need to balance the potential servicing limitations with the desire to allow for this area to be able to be developed to provide for Māori needs and activities. The zoning therefore provides a basis for servicing to be further investigated. The approach taken to servicing is also consistent with the approach taken in the draft Plan to the Settlement Zone.</p>

² <https://www.timaru.govt.nz/services/planning/district-plan/district-plan-review/district-plan-review-consultation/maori-purpose-zone-consultation>

³ CRPS Policy 5.3.4

Concern at appropriateness of enabling further development in a flood-prone area.	Flooding is addressed in the district-wide provisions of the District Plan. This is considered an appropriate way to address the flood hazard within this zone and is no different to the way it is managed in other areas (such as the Temkua township) where development is enabled in the underlying zone framework.
The potential impact the zoning will have on the surrounding environment, such as increased traffic and pollutants.	While development facilitated under the MPZ will result in changes, the adverse effects on the surrounding area are able to be managed through the zone standards or are already managed under the regional plan. Wider effects such as the potential for a general increase in traffic and noise are not considered sufficiently adverse to outweigh the directions in the RMA and CRPS which support the type of development the MPZ seeks to facilitate.
The boundaries of the zone.	The Takata Whenua Steering Group has considered the boundary of the zone and agreed to include areas that are part of the former Māori Reserve land.
The appropriateness of the approach taken to different activities in the MPZ	The provisions have been amended to take into account feedback on the types of activities enabled in the zone and those that should be considered through consent process or prohibited.

1.3 Strategic directions

The following strategic direction is particularly relevant to the Māori Purpose Zone topic:

SD-O5 Mana Whenua

The mana whenua status of Kāti Huirapa is recognised and their historic and contemporary relationship with the district's land, water bodies and wetlands, coastal environment, and indigenous species is recognised and provided for by ensuring:

- i. mahika kai resources and habitats of indigenous species are sustained and opportunities for their enhancement or restoration are encouraged;
- ii. the health of water body and wetland environments is protected from adverse effects of land use and development;
- iii. the values of identified sites and areas of significance to Kāti Huirapa are recognised and protected;
- iv. Kāti Huirapa retains, and where appropriate is able to enhance access to their sites and areas of significance;
- v. Māori reserve lands are able to be used by Kāti Huirapa for their intended purposes;
- vi. Kāti Huirapa are able to carry out customary activities in accordance with tikanga;
- vii. Kāti Huirapa are actively involved in decision making that affects their values and interests in these matters and are able to exercise their kaitiakitaka responsibilities.

1.4 Problem definition

1.4.1 The efficiency and effectiveness of the Operative Plan

There is no Māori Purpose Zone in the Operative District Plan. The only provision that specifically address and provide for the establishment of papakāinga activities is Rule 1.19 in the Rural 2 Zone, which permits marae, schools, kohanga reo or pre-school facilities, places of assembly and papakainga, on MR 881, MR 882 and MR 4074 where the land is under the control of the Maori Land Court.

There is mention of takata whenua values in various places in the objectives and policies in the Natural Environment⁴, Heritage⁵ and Rural Zone⁶ sections. Some key objectives and policies include (emphasis added):

Natural Environment, Issue 1

Policy 2 To protect the heritage, cultural and traditional values associated with natural areas identified by the Council.

Policy 13 To consider varying the size or width of an esplanade reserve or esplanade strip or to consider waiving the requirement to provide an esplanade reserve or esplanade strip in special circumstances.

When considering whether to vary or waive the requirement to provide esplanade protection, the following matters shall be considered: ...

(f) Māori cultural values; ...

Policy 14 To control tree planting, vegetation clearance, structures and earthworks within or adjacent to significant wetlands, rivers and the coast where these activities have the potential to adversely affect natural character and functioning, habitat values, amenity or cultural values.

Natural Environment, Issue 2

Objective 1 That the Takata Whenua have access to those areas of the district to which they attach traditional or cultural value.

Policy 1 To create, maintain and improve opportunities for the Takata Whenua to gain access to mahika kai and other resources.

Natural Environment, Issue 4

Objective 1 That present rights of public access be retained and enhanced. That provision be made for additional access allowing the public to enjoy the amenity and recreational opportunities of the coast, rivers and places of historic and cultural interest in the district.

Policy 1 To promote and enhance opportunities for public access and recreational use of the margins of rivers, wetlands, and coastal areas where compatible with the conservation values of these areas.

When considering whether to provide for access and recreational use of these areas, attention will be given to whether: ...

(c) there are circumstances when public access or public ...

(ii) Tikaka Māori (Māori cultural values);

Policy 4 To use esplanade reserves and esplanade strips to protect and enhance river and coastal margins and to use access strips to provide access to and along natural surface waters and the coast, and to other areas of natural, cultural or heritage value. When evaluating whether a river or coastal margin should be given protection, the area shall satisfy one or more of the criteria listed in Policy 8 under Issue 1.

Heritage, Issue 1

Policy 4 When assessing land use and subdivision applications for resource consents, to take into account and where practical avoid any adverse effects on archaeological sites within the district which contain evidence of early Māori or European settlement.

Policy 5 To ensure that, through the implementation of appropriate procedures within the Council's administration, all development and building proposals in close proximity to

⁴ Part B, Section 2 Natural Environment.

⁵ Part B Section 10 Heritage Values.

⁶ Part D, Section 1 Rural Zones.

recorded waahi tapu and archaeological sites are notified to the Historic Places Trust and the Takata Whenua (where the site is associated with Māori history and culture).

Rural Zones

1.3.3 Policy 1 To avoid, remedy or mitigate adverse effects on natural areas containing significant indigenous vegetation and significant habitats of indigenous fauna, the coastal environment, rivers and wetlands.

When assessing resource consent applications Council will have regard to the impact of the proposed land use or subdivision on: ...

- cultural and heritage values including archaeological sites

Rural Zones, 1.7 Takata Whenua

Objective Increased opportunities for Takata Whenua to gain access to mahika kai and to have input into matters which may adversely affect mahika kai.

Policy 1 To recognise and provide for the relationship of the Takata Whenua (people of the land) with their culture and traditions.

Policy 2 To have regard for the Takata Whenua as kaitiaki (guardians) of the natural resources in their rohe (district).

Policy 3 To take account of the principles of the Treaty of Waitangi.

However, the methods applied to these provisions focus on consultation and are not directive in terms of process or through rules requiring any action.

Essentially the Operative District Plan is not considered to be effective at providing for the relationship of Māori with ancestral land or providing for Māori community needs.

1.4.2 Issues identified

The report prepared by AECL⁷ identifies the relationship of Kāti Huirapa with the land and aspirations for settlement to meet the needs of Kāti Huirapa whanau. The desired outcomes expressed in the report are:

- Flexibility to configure development to suit a communal lifestyle.
- An approach that enables community and business activities.
- Consistent rules irrespective of land tenure.
- A practical response to flood hazard that enables development while keeping people safe.
- Futureproofing for water supply and wastewater services.
- Recognition of rangatiratanga over ancestral land.

The key issue therefore is the way in which this chapter of the district plan can achieve these identified outcomes, to the extent possible.

The issues outlined in the report and the feedback collected have guided the development of the MPZ Chapter for inclusion in the PDP.

1.4.3 Best practice / other Council approaches

Section 5.1 of the AECL report assesses the approaches to this issue by a number of other territorial authorities (Mackenzie, Ashburton, Waimate, Christchurch, Porirua, Dunedin and Whangarei) and to consider as options for approaching this zone..

The approach historically around the country provided for papakāinga housing (narrowly applied term) in some districts but many did not provide for such activity at all. In many parts of the country this approach is being replaced by kāinga nohoanga concepts encompassing a broader range of activities.

⁷ <https://www.timaru.govt.nz/pdp-supporting-info>

In terms of the wider plans reviewed they can be broadly divided into two approaches:

1. Zone provisions that apply to all land, or to land in specific tenure, in a defined spatial area; or
2. Provisions for a 'floating' zone applying to any land that meets specified ownership/ tenure criteria irrespective of the underlying zone.

1.5 Statutory and Planning Context

District plans are part of a hierarchy of RMA policy and planning instruments. The RMA prescribes how district plans are to align with other instruments, and this is summarised in the table below:

Statutory document	Alignment requirement for Proposed District Plan	Comment
NZCPS	Give effect to	Implement according to the applicable policy statement's intentions. CRPS directs a response to this issue.
NPS/NES		
CRPS		
Regional Coastal Environment Plan	Not be inconsistent with	N/A
Canterbury Land and Water Plan		
Specific management plans and strategies prepared under other legislation	Have regard to	Give genuine attention and thought to the matter
Adjoining district plans: Ashburton District Plan Waimate District Plan Westland District Plan Mackenzie District Plan	Have regard to the extent to which there is a need for consistency	
Iwi Management Plan of Kāti Huirapa Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region	Take into account	Address the matter and record.

1.5.1 Resource Management Act

The general Section 32 report for the district plan review sets out an overview of Part 2 of the RMA.

Of particular relevance to the topic of a MPZ, section 6(e) requires the Council, in managing the use, development and protection of natural and physical resources through its District Plan, to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga as a matter of national importance.⁸

In addition, section 7(a) imposes a requirement to have particular regard to kaitiakitanga, and section 8 requires that the principles of the Treaty of Waitangi are taken into account. Section 8 matters are in part being addressed in this review process through the joint development of these provisions and the Tāngata Whenua Steering Group process.

⁸ RMA section 6(e)

1.5.2 National Policy Statements

No National Policy Statements are of particular relevance to the Māori Purpose zone topic in relation to the provision of management of ancestral land for Māori community development. Māori values are however touched on in a range of national policy documents including the NZCPS and the NPS-FM.

1.5.3 National Environmental Standards

A territorial authority must prepare and change its district plan in accordance with any regulations.⁹ None of the National Environmental Standards currently in place are of particular relevance to the Māori Purpose Zone topic, with the exception of the need to ensure that the private drinking water supply at Arowhenua remains safe.

1.5.4 National Planning Standards

A territorial authority must prepare and change its district plan in accordance with any regulations.¹⁰ The National Planning Standards require that District Plans may include a Māori Purpose Zone chapter within the Special Purpose zones section under Part 3 Area Specific Matters¹¹. The Māori Purpose zone is described as “Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities”¹².

1.5.5 Te Ture Whenua Māori Act 1993

The Te Ture Whenua Māori Act 1993 (the Māori Land Act 1993) governs administration of Māori land. The Act is intended to promote Māori land being used, developed and controlled by Māori owners and their whānau, hapū and descendants. To achieve those goals, the Act requires that almost all dealings with Māori land must be examined and approved by the Māori Land Court, including partitions of land between multiple owners and land transfers.

1.5.6 Canterbury Regional Policy Statement 2013

A district plan must give effect to any regional policy statement.¹³

Of relevance to the Māori Purpose zone topic, the Canterbury Regional Policy Statement (CRPS) includes Chapter 2 setting out the Issues of Resource Management Significance to Ngai Tahu and Chapter 4 containing Provision for Ngai Tahu and their Relationship with Resources.

Chapter 5 Land-Use and Infrastructure includes Objective 5.2.1 (Location, design and function of development) which requires that development is located and designed so that it functions in a way that, among other matters, facilitates the establishment of papakāinga and marae.

Specific provision is made for papakāinga housing, marae and ancillary activities in Policy 5.3.4, as follows:

To recognise that the following activities, when undertaken by tāngata whenua with mana whenua, are appropriate when they occur on their ancestral land in a manner that enhances their on-going relationship and culture and traditions with that land:

- 1. papakāinga housing;*
- 2. marae; and*
- 3. ancillary activities associated with the above;*

⁹ RMA section 74(1)(f)

¹⁰ RMA section 74(1)(ea)

¹¹ National Planning Standards, 4. District Plan Structure Standard, Mandatory directions, Table 4

¹² National Planning Standards, 8. Zone Framework Standard, Mandatory directions, Table 13.

¹³ RMA section 75(3)(c)

And provide for these activities if:

*4. adverse effects on the health and safety of people are avoided or mitigated; and
5. as a result of the location, design, landscaping and management of the papakāinga housing and marae:*

(a) adverse effects on the following are avoided, and if avoidance is not practicable, mitigated:

(i) the important natural character values of coastal environment, wetlands, lakes, rivers and their margins;

(ii) the values of the outstanding natural features and landscapes;

(iii) the values of the historic heritage; and

(iv) the values of areas of significant indigenous vegetation and habitats of indigenous fauna.

(b) regard has been given to amenity values of the surrounding environment.

1.5.7 Iwi management plans

Relevant iwi planning documents must also be considered in preparation of a district plan.

Te Whakatau Kaupapa (TWK) is a resource management strategy for the Canterbury region that was published by Ngāi Tahu in 1990. TWK discusses resource management issues and sets out policies on key issues and there are policies relating to the development of land intended for settlement of Ngāi Tahu whānui. Key policies seek:

- That district plans should provide recognition of the originally intended purposes of Māori Reserve lands, in consultation with the owners;
- That proposals to build, or to establish business, on such land should be considered in light of the original intent (which should be interpreted to include any activities that support the development of the communal base for Ngāi Tahu);
- That proposals to initiate community-owned businesses should be actively encouraged and not subject to unnecessary constraints;
- That proposals to construct community buildings for communal use should be actively assisted;
- That minimum area requirements should not apply to Ngāi Tahu individuals and Rūnanga wishing to build dwellings or establish businesses near their marae; and
- That the local Rūnanga should be consulted on all matters affecting Māori Reserve land in their area.

The Iwi Management Plan of Kāti Huirapa for the Area Rakaia to Waitaki (IMP) was published in 1992. This document has a strong focus on protection and restoration of mahika kai and is primarily directed at matters within the jurisdiction of the regional council. However, the IMP also includes a statement seeking “that all things which affect Maori land will be dealt with by Maori first and foremost”.

2 Approach to Evaluation

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

2.1 Scale and significance

The table below sets out the scale and significance of including a MPZ in the District Plan, in terms of Council's statutory obligations, who may be affected by any proposed changes to the management regime, the type of effects that may occur and where in the District is mostly likely to be affected by the proposed changes to the District Plan.

This will inform the nature and extent of the analysis of the proposed MPZ provisions. For example, proposed provisions that will result in an overall high level of scale and significance will require a more in-depth analysis of proposed objectives, policies and rules including, potentially, an economic analysis, compared to changes that will have a low-level significance.

The proposed provisions relevant to the MPZ chapter have been assessed in accordance with the following issues:

- The need to provide for the relationship of Māori with ancestral land and for Māori community needs.

Issue: Providing for the relationship of Māori with ancestral land and for Māori community needs		
Reasons for change in policy	District Plan Review Giving effect to a matter of national importance in the RMA Giving effect to a higher order RMA document (RPS)	High
Relevant Statutory Considerations / Drivers	RMA Parts 5, 6, 7, 8 and 31 National Planning Standards RPS Chapters 2 and 5	High
Degree of shift from status quo required	A considerable shift to give effect to the approach in the National Planning Standards, to provide for a MPZ and to incorporate provisions to direct development within that zone.	High
Who and how many will be affected?	This will affect iwi, landowners and the Council in areas identified as MPZ.	Medium
Degree of impact on, or interest from iwi / Māori	Kāti Huirapa, Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu have a particular interest in this topic and have been actively involved in developing appropriate provisions.	High
When will affects occur?	Effects will occur on an ongoing basis into the future as development occurs.	Medium
Geographic scale of impacts / issue	Two relatively small areas of the district to be identified as MPZ at Arowhenua and Waipopo.	Low
Type of effect(s)	Identification of areas raises awareness. Objectives and policies provide direction on outcomes for development of the land. Rules manage adverse effects and allow for development in accordance with tikanga Māori in the Māori Purpose zone.	Medium
Degree of policy risk, implementation risk, or uncertainty	There is a high level of understanding of these issues and mechanisms to achieve this. The policy approach has been tailored to this understanding. There is a good level of	Low

	understanding of benefits and costs, and the approach is like that employed elsewhere.	
Overall Assessment of Scale and Significance		Medium / High

2.2 Approach to Managing Māori Purpose Zone Issues

The objective and policy framework is intended to provide clarity on the need to provide a MPZ and to tailor the zone to meet the needs of mana whenua.

It is proposed to incorporate policy that focusses on:

- Enabling integration of whānaungatanga, mātauranga and tikanga in the use, design and layout of development within the zone.
- Enabling papakāika and other appropriate and compatible activities within the zone that meet the needs of the mana whenua and avoiding incompatible activities.
- Allowing for consideration of alternative approaches to infrastructure provision where development of a site is constrained by availability of reticulated infrastructure.
- Providing for consideration of other locations for the zone to meet Kāti huirapa needs in the future.

Providing for on-going rural activity within the Zone, that is consistent with aspirations to bring whanau back to the area. Rules within the chapter are focused on activities that have been identified as being appropriate or inappropriate, or which require consideration on a case-by-case before determining appropriateness. This includes:

- Generally permitting papakāika activities, subject to build form and servicing standards intended to minimise effects on adjoining landowners and the environment.
- Permitting small-scale commercial activities, consistent with the approach taken in the General Rural zone, while requiring consent for commercial services, offices, and retail activities.
- Permitting fewer intensive forms of primary production activities and managing potential effects of such activities on the amenity of the zone through similar standards to those applied in the General Rural zone or requiring a resource consent for those activities that are considered potentially less compatible with the purpose of the zone.
- Generally discouraging activities, through a non-complying activity status, that are considered unlikely to be compatible with the purpose of the zone such as quarrying, plantation forestry and some intensive forms of primary production.
- Prohibiting outright brothels and licensed premises, which are not considered to be appropriate in the zone in any instance.

2.2.1 Changes proposed

Operative Plan	Proposed Plan
Objective and policy framework scattered through the plan and no specific Māori Purpose zone	Objective and policy framework specific to Māori Purpose zone emphasising where the issues lie, what the issues entail and how they are to be managed.

<p>A single rule permitting marae, schools, kohanga reo or pre-school facilities, places of assembly and papakainga, on MR 881, MR 882 and MR 4074 where the land is under the control of the Maori Land Court</p>	<p>Specific rules relating to activities with the potential to be inappropriate or cause adverse effects on cultural values.</p> <p>Specific rules relating to activities that are appropriate / support Kāti Huirapa aspirations for use and development of their land.</p>
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2.3 Quantification of Costs and Benefits

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. It is considered that the costs and benefits of a Māori Purpose zone are difficult to quantify in monetary terms and it is seen as inappropriate to try to do so, therefore a detailed economic analysis has not been undertaken to assist in the quantification of benefits and costs.

2.4 Choice of Evaluation Method

Given the scale and significance of the issues related to the Māori Purpose zone, it is proposed to assess the preferred option against the status quo. The options will be assessed using a cost-benefit analysis, given the discussion above on costs and benefits.

2.5 Proposed objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

MPZ-O1 Enabling use and development of Māori land

The occupation of ancestral land by mana whenua is recognised and provided for within the Māori Purpose Zone

MPZ-O2 Purpose of the Zone

The Māori Purpose Zone specifically provides for mana whenua needs and activities, including papakāika, through a kāika nohoaka approach which achieves a thriving, sustainable and self-sufficient Māori community.

3 Evaluation of Objectives

Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the RMA. The following table has been used to evaluate the appropriateness of the relevant objectives.

Category	Criteria	Comments
Relevance	Directed to addressing a resource management issue	Achieves The objectives seek to provide clarity and direction around the outcomes being sought through this chapter and which deal directly with provision of a Māori Purpose zone to recognise the relationship of Māori with ancestral land.

	Focused on achieving the purpose of the Act	Achieves The objectives directly address the resource management issue of natural importance set out in section 6(e) of the Act, as well as sections 7 and 8.
	Assists a council to carry out its statutory functions	Achieves The objectives set the direction for providing a Māori Purpose zone.
	Within scope of higher-level documents	Achieves The objectives will align with the National Planning Standards and give effect to the CRPS .

Feasibility	Acceptable level of uncertainty and risk	Achieves The Council has worked closely with rūnanga to understand the issues and how they can be managed. This knowledge is supported by the Tāngata Whenua steering group process and the comprehensive report prepared by AECL. Feedback and hui following release of the draft District Plan have also provided greater information about community views.
	Realistically able to be achieved within council's powers, skills and resources	Achieves The Council can achieve these outcomes within Council's powers, skills, and resources, but will also rely on input from Kāti Huirapa and Te Runanga o Arowhenua.
Acceptability	Consistent with identified iwi/Māori and community outcomes	Achieves The proposed approach has been developed in conjunction with the Tāngata Whenua steering group and is agreed as meeting the needs of iwi.
	Will not result in unjustifiably high costs on the community or parts of the community	Achieves The proposed provisions are based on similar provisions being applied elsewhere around the country and are tailored to be specific to the issues of relevance. These are not expected to result in unjustifiably high costs on the community or parts of the community when understood considering having to give effect to the Act and higher order documents.

4 Identification of Options for policies and methods

Section 32(1)(b) of the RMA requires an examination of whether the provisions in the proposal the most appropriate way are to achieve the objectives, by: identifying other reasonably practicable options for achieving the objectives; assessing the efficiency and effectiveness of the provisions in achieving the objective; and summarising the reasons for deciding on the provisions. The following sections therefore identify other reasonably practicable options, assess the efficiency and effectiveness of each option, and provide an overall summary on why the proposed approach has been chosen.

The evaluation of provisions has been bundled, because they are expected to work together to achieve the objectives.

Option 1: Tailored approach

This option provides a tailored approach to introducing a Māori Purpose zone, including policies and rules to target compatible and incompatible activity within the zone, while managing adverse effects on the surrounding area.

The intent of this approach is to give effect to the outcomes sought by mana whenua for ancestral land.

Option 2: Status Quo

This option involves a continuation of the operative Plan provisions including no specific zone, policies scattered throughout the plan and a single rule providing for particular activities on specific land parcels, where the land is under the control of the Māori Land Court..

5 Evaluation of Options

5.1 Evaluation table

The following tables provide an evaluation of the two options set out above:

OPTION 1 <i>Tailored approach</i>			
Benefits Environmental	Economic	Social	Cultural
<p>Medium The provisions will provide for the needs and wellbeing of mana whenua. The provisions will also enable beneficial activities such as conservation and mahika kai development.</p>	<p>Medium The ability to develop ancestral land in accordance with the proposed rules to provide for the economic wellbeing of mana whenua.</p> <p>May result in fewer resource consent applications or less arduous consenting processes.</p>	<p>Medium The proposed provisions will provide significant benefit to mana whenua in their ability to provide for their needs and the wellbeing of whānau. It will also benefit the community by raising awareness of cultural values.</p>	<p>High The proposed provisions will provide significant benefit to mana whenua in their ability to provide for their needs and the provision of land to undertake specific cultural activities. This will provide a more direct recognition and provision for their relationship with ancestral land.</p>

Costs	Economic	Social	Cultural
<p>Environmental</p> <p>Low The provisions will enable greater development within the zone than presently anticipated. Such development has the potential to change the character of the area.</p>	<p>Medium There will be some economic cost in introducing new rules which require monitoring and implementation by Council and working with iwi and landowners to achieve the required outcomes.</p> <p>The provisions in some cases are more restrictive than those currently applying under the rural zone, for example in relation to more intensive forms of primary production. This introduces costs in terms of both additional standards that must be met, resource consent costs, or loss of opportunity to undertake some types of more intensive primary production activities.</p>	<p>Low None identified</p>	<p>Low None identified</p>
<p>Efficiency</p>	<p>This option is an efficient method of meeting the objectives given the costs and benefits identified above, and the issues identified with the existing provisions. In particular, the rule and policy framework are targeted towards providing for appropriate activities, where specified standards are met, while requiring resource consent for activities that may have a wider impact and require consideration on a consent-by-consent basis.</p>		
<p>Effectiveness</p>	<p>This option will be effective at implementing the objectives and more effective than the status quo. The targeted approach will better recognise and provide for occupation of ancestral land by mana whenua and will appropriately provide for mana whenua needs and activities.</p>		
<p>Strategic Direction(s)</p>	<p>This option is better aligned with the strategic objectives as it allows for recognition of Māori ancestral land and provision for cultural activities.</p>		
<p>Overall Appropriateness of Option 1</p>	<p>This option is the most appropriate in achieving the objectives</p>		

OPTION 2 <i>Status Quo</i>			
Benefits Environmental	Economic	Social	Cultural
Low None identified.	Low There may be savings in terms of time and cost as the Council and community are familiar with the provisions	Low No change from the existing situation	Low None identified.
Costs Environmental	Economic	Social	Cultural
Low None identified.	Low None identified	Medium The community and particularly mana whenua may be dissatisfied with the outcomes achieved by the existing provisions.	High The outcomes achieved by the existing provisions do not provide for cultural needs or the wellbeing of Kāti Huirapa
Efficiency	This option is not particularly efficient in achieving the outcomes sought. The current approach provides a singular rule, rather than a broader and more comprehensive approach which provides clear direction on how the outcomes are to be achieved.		
Effectiveness	This approach is somewhat effective in achieving the objectives of the proposed Māori Purpose zone, through the provisions of the current permitted activity rule for certain activities in certain circumstances. However, it is not as effective as the proposed approach which provides a targeted and comprehensive zone framework.		
Strategic Direction(s)	This option only does partway to enabling the use of Māori reserve lands by Kāti Huirapa for their intended purposes.		
Overall Appropriateness of Option 2	This option would in part achieve the objectives, but is not as efficient and effective as Option		

5.2 Risk of Acting or Not Acting

Where there is uncertain or insufficient information, an evaluation of the risk of acting or not acting is important. In this case it is considered that there is little uncertainty in the issues or the potential significance of the issues. Much information has been available and considered through the Tākata Whenua Steering Group process, feedback on the draft District Plan, and the reporting provided, to understand what is proposed and the necessity for this.

It is therefore concluded that there is a low risk of acting in the proposed manner to introduce a MPZ and related provisions.

6 Preferred Option

This evaluation has been undertaken in accordance with Section 32 of the RMA to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The evaluation demonstrates that Option 1 is the most appropriate option as:

- The approach better aligns with section 6(e) of the RMA, through appropriately recognising the relationship of Māori with these reserve areas and providing for their occupation through a targeted framework that provides for mana whenua needs and activities in the zone.
- The approach will achieve the purpose of the Act, through enabling mana whenua to provide for their social, economic and cultural well-being, while including rules and standards to appropriately manage adverse effects of activities within the zone on the environment.
- The approach gives effect to the CRPS, by providing for papakāinga housing and related activities to be undertaken by tāngata whenua with mana whenua to occur on their ancestral land, in a manner that enhances their on-going relationship and culture and traditions with that land.
- The use of a specific Māori Purpose zone, and a set of targeted provisions which enables activities that provides for mana whenua needs and activities and other compatible activities, is a more efficient and effective way of achieving the outcomes sought than the approach taken in the operative District Plan.
- The benefits of the approach outweigh the costs and it will be effective in achieving the desired outcomes.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also negligible given the extent of work undertaken on this topic.

This preferred approach will appropriately provide for the needs of iwi to retain connections to the land and their history.

Appendices:

Appendix 1: Tākata Whenua Steering Group Terms of Reference

Steering Group Role

1. Make recommendations to Timaru District Council's Environmental Services Committee and Te Rūnanga o Arowhenua regarding Draft District Plan's Tāngata whenua chapters.

Deliverables

2. The Group will recommend objectives, policies, and rules for the sites of significance to Māori chapter and the Māori Special Purpose zone (or similar).
3. The above shall be made to the Environmental Services Committee and Te Rūnanga o Arowhenua by no later than the end of November 2019.

Steering Group Membership:

4. The steering group will be made up of the following:
 - a. An elected member of the Timaru District Council
 - b. Mark Geddes, District Planning Manager, Timaru District Council
 - c. Two cultural advisors from Aoraki Environmental Consultancy
 - d. Sandra McIntyre, representing Aoraki Environmental Consultancy
5. Specialist assistance to the group will be provided by Timaru District Council on an as required basis.
6. The meetings will be chaired by an elected member of Timaru District Council.

Group Operation Principles

7. Members of the Steering group agree to:
 - a. Collaborative with one another.
 - b. Be outcome focused.
 - c. Make decisions by consensus. If consensus cannot be reached, a report on the points of disagreement will be provided to the Environmental Services Committee and Te Rūnanga o Arowhenua, along with the points of major agreement.
 - d. Ensure recommendations are practical and capable of being implemented.
 - e. In making recommendations, be aware of limited agency resources and the need to budget for actions.
 - f. Endorse the following District Plan matters provided by Aoraki Environmental Consultancy Ltd:
 - o The definition of Te Reo Māori terms
 - o Description of Tāngata whenua issues and values
 - o The identification of sites of significance to Māori
 - o Outcomes sought for the Māori purposes zone.
 - g. The recommendations as to policy approach made by Aoraki Environmental Consultancy Ltd will be considered by the group but do not bind the collaborative group or the Council and may be amended.