



Attachment 1.7

Proposed provisions – New National Environmental Standards for Papakāinga

National direction consultation – Package 1: Infrastructure and development

Instrument topic: Proposed National Environmental Standards for Papakāinga (NES-P)

- The proposed provisions are for consultation purposes and do not represent the proposed National Environmental Standard (NES) wording, which will be drafted after the consultation phase.
- The table below provides some illustrative wording to help you understand the intent of the NES.
- The numbering convention for the proposed NES is included to help submitters reference proposed provisions and uses the following abbreviations: D (definition), PA (permitted activity rule), PAS (permitted activity standard), RDA (restricted discretionary activity), RDM (matters of discretion), DA (discretionary activity), R (rule) and IM (implementation measure).

Application		Reasons
Where would it apply?	This NES is proposed to apply to the whole of New Zealand.	This policy is proposed to enable Māori to develop homes and communities on their land anywhere in New Zealand by ensuring consistent minimum requirements for enabling papakāinga apply nationally.

Definitions	Proposed provisions	Reasons
D1 Māori ancestral land	<p>Means:</p> <ul style="list-style-type: none"> • <i>Māori freehold land (as defined in section 129 of Te Ture Whenua Māori Act 1993), including land deemed to be Māori freehold land under section 243 or section 256 of TTWMA;</i> • <i>Māori customary land (as defined in section 129 of TTWMA);</i> • <i>land set apart as a Māori reservation under Part 17 of TTWMA and predecessor legislation;</i> • <i>land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and remains subject to that Act;</i> • <i>general land owned by Māori that was previously Māori freehold land, but ceased to have that status in accordance with an order of the Māori Land Court made on or after 1 July 1993 and is beneficially owned by the persons who beneficially owned the land immediately before the land ceased to be Māori land, or their successors;</i> • <i>general land owned by Māori that was previously Māori freehold land, but ceased to have that status under Part 1 of the Māori Affairs Amendment Act 1967 and is beneficially owned by the persons who beneficially owned the land immediately before the land ceased to be Māori land, or their successors;</i> • <i>general land owned by Māori that was previously Māori land (as defined in TTWMA), and has at any time been acquired by the Crown or any local or public body for a public work or other public purpose, and has been subsequently returned to its former Māori owners or their successors, and is beneficially owned by the persons who it was returned to, or their successors;</i> • <i>land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over that land;</i> • <i>land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land under section 7 of the Te Urewera Act 2014); and</i> • <i>the maunga listed in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.</i> 	Describes the types of Māori land and general land where papakāinga will be permitted.

Definitions	Proposed provisions	Reasons
D2 Ancillary activity	<i>means an activity that supports and is subsidiary to the primary activity.</i>	<p>This term is used within D14 Papakāinga development to clarify the types of non-residential activity that will be permitted in papakāinga.</p> <p>It has the same definition as in the National Planning Standards for consistency.</p>
D3 Commercial activities	<i>means any activity trading in goods, equipment or services. It includes any ancillary activity to a commercial activity (for example, administrative or head offices).</i>	This term is used to interpret the NES. It has the same definition as in the National Planning Standards.
D4 Conservation activities	<i>means the use of land and/or buildings for the management, maintenance and enhancement of ecological values for indigenous vegetation and indigenous fauna and their habitats. It includes:</i> <ul style="list-style-type: none"> <i>weed and pest control;</i> <i>fencing;</i> <i>restoration planting;</i> <i>associated environmental research and education activities; and</i> <i>access tracks and associated structures.</i> 	A new definition is proposed to help with the interpretation of the NES.
D5 Earthworks	<i>means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.</i>	This term is used to interpret the NES. It has the same definition as in the National Planning Standards.
D6 Educational facilities	<i>means land or buildings used for teaching or training by childcare services, schools, or tertiary education services, including any ancillary activities.</i>	This term is used to interpret the NES. It has the same definition as in the National Planning Standards.
D7 General land owned by Māori	<i>means general land that is beneficially owned by a Māori or by a group of persons of whom the majority are Māori.</i>	<p>This term is used within D1 Māori ancestral land.</p> <p>It has the same definition as in section 4 of Te Ture Whenua Māori 1993.</p>

Definitions	Proposed provisions	Reasons
D8 Green infrastructure	<p><i>means a natural or semi-natural area, feature or process, including engineered systems that mimic natural processes, which are planned or managed to:</i></p> <p>(a) <i>provide for aspects of ecosystem health or resilience, such as maintaining or improving the quality of water, air or soil, and habitats to promote biodiversity; and</i></p> <p>(b) <i>provide services to people and communities, such as stormwater or flood management or climate change adaptation.</i></p>	This term is used to interpret the NES. It has the same definition as in the National Planning Standards.
D9 Home business	<p><i>means a commercial activity that is:</i></p> <p>(a) <i>undertaken or operated by at least one resident of the site; and</i></p> <p>(b) <i>is incidental to the use of the site for a residential activity.</i></p>	This term is used to interpret the NES. It has the same definition as in the National Planning Standards.
D10 Intensive indoor primary production	<i>means primary production activities that principally occur within buildings and involve growing fungi or keeping or rearing livestock (excluding calf-rearing for a specified period) or poultry.</i>	This term is used to interpret the NES. It has the same definition as in the National Planning Standards.
D11 Māra kai	<i>means food garden.</i>	This is the literal translation in te reo Pākehā but in the cultural context of papakāinga, the māra kai is for the benefit of the whole community.
D12 Marae complex	<i>means the complex of buildings around the open area in front of a wharehau (meeting house) generally associated with gatherings and meetings.</i>	A new definition proposed to help with the interpretation of the NES. In this context, the word marae is being used to describe a complex of buildings and open spaces of which the central purpose is for welcoming, having discussions, and hosting visiting groups.
D13 Mātauranga	<i>means traditional Māori knowledge.</i>	This definition describes the knowledge that Māori land owners may have about their land that is not recorded elsewhere that may be relevant to decisions relating to papakāinga development.
D14 Papakāinga development	<p><i>means the use of housing and ancillary activities on Māori ancestral land or Treaty settlement land that enables the owners to use their land and live in accordance with their culture, in perpetuity. Sometimes papakāinga are located near a marae.</i></p> <p><i>Includes the following terms used in district plans: ‘kāinga nohoanga’, ‘Māori housing development’, ‘marae community’, ‘papakāinga scheduled sites’.</i></p>	This definition is needed to ensure the papakāinga provisions are used for the intended outcomes and not used for commercial development. Understanding of papakāinga under tikanga Māori may differ from hapū to hapū.

Definitions	Proposed provisions	Reasons
D15 Post-settlement governance entity	<p><i>means:</i></p> <p>(a) <i>a body corporate or the trustees of a trust established for the purpose of receiving redress in the settlement of the Treaty of Waitangi claims of a claimant group by that group; or by or under an enactment or order of a court; and</i></p> <p><i>The definition includes:</i></p> <p>(i) <i>an entity established to represent a collective or combination of claimant groups; and</i></p> <p>(ii) <i>an entity controlled by an entity referred to in paragraph (a); and</i></p> <p>(iii) <i>an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a).</i></p>	<p>This term is used within D23Treaty settlement land.</p> <p>The same definition is used in section 11 of the Infrastructure Funding Finance Act 2020.</p>
D16 Primary production	<p><i>means:</i></p> <p>(a) <i>any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and</i></p> <p>(b) <i>includes initial processing, as an ancillary activity, of commodities that result from the listed activities in (a);</i></p> <p>(c) <i>includes any land and buildings used for the production of the commodities from (a) and used for the initial processing of the commodities in (b); but</i></p> <p>(d) <i>excludes further processing of those commodities into a different product.</i></p>	<p>This term is used to interpret the NES. It has the same definition as in the National Planning Standards for consistency.</p>
D17 Quarrying activity	<p><i>means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and clean filling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.</i></p>	<p>This term is used to interpret the NES. It has the same definition as in the National Planning Standards for consistency.</p>
D18 Residential unit	<p><i>means a building or part of a building that is used for a residential activity exclusively by one household; and</i></p> <p>(a) <i>includes sleeping, cooking, bathing, and toilet facilities.</i></p>	<p>This term is used to interpret the NES. It has the same definition as in the Resource Management Act 1991 (RMA).</p>
D19 Rural industry	<p><i>means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</i></p>	<p>This term is used to interpret the NES. It has the same definition as in the National Planning Standards.</p>

Definitions	Proposed provisions	Reasons
D20 Sports and recreation facilities	<i>means areas used predominantly for a range of indoor and outdoor sport and active recreational activities and associated facilities and structures.</i>	A new definition proposed to help with the interpretation of the NES.
D21 Taonga tuku iho	<i>means heirloom, something handed down, cultural property, heritage.</i>	This definition is from Te Aka Māori Dictionary. Use of this term would also align with its use in Te Ture Whenua Māori Act 1993.
D22 Tikanga Māori	<i>means Māori customary values and practices.</i>	This definition is from section 4 of Te Ture Whenua Māori Act 1993.
D23 Treaty settlement land	<i>means land held by a post-settlement governance entity if the land was acquired—</i> <i>(i) as redress for the settlement of Treaty of Waitangi claims; or</i> <i>(ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.</i>	This describes the types of Māori land and general land where papakāinga is proposed to be permitted. The definition is from section 11 of the Infrastructure Funding Finance Act 2020.
D24 Urupā	<i>means Māori burial ground, cemetery and graveyard.</i>	The definition is derived from Te Aka Māori Dictionary.
D25 Visitor accommodation	<i>means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.</i>	This term is used to interpret the NES. It has the same definition as in the National Planning Standards.
D26 Zones for Māori purposes	<i>Includes Māori purpose zone, and special purpose zones created for purposes including development of housing on Māori land.</i>	To support rules that enable small papakāinga in districts where plans have these types of zones but do not have rules that effectively enable papakāinga in them (eg, where the activity standards defer to the underlying zone, which is not very enabling of multiple homes or non-residential activities that might be part of a papakāinga development).
D27 Zones for residential purposes	<i>Includes the following zones from the National Planning Standards:</i> <ul style="list-style-type: none"> <i>large lot residential zone</i> <i>low density residential zone</i> <i>general residential zone</i> <i>medium density residential zone</i> <i>high density residential zone</i> <i>neighbourhood centre zone</i> <i>future urban zone</i> <i>mixed use zone</i> <i>and any other special purpose zones with a primarily residential purpose.</i>	This definition is required to clarify the residential zones papakāinga rules will apply in.

Definitions	Proposed provisions	Reasons
D28 Zones for rural purposes	<p><i>Include the following zones from the National Planning Standards:</i></p> <ul style="list-style-type: none"> • <i>general rural zone</i> • <i>rural production zone</i> • <i>settlement zone</i> <p><i>and any other special purpose zone with a primarily rural, agricultural or forestry purpose.</i></p>	This definition is required to clarify the rural zones papakāinga rules will apply in.
Permitted activities	Proposed provisions	Reason for proposal
PA1 Papakāinga development of up to 10 residential units on Māori ancestral land in a zone for rural or residential purposes or zone for Māori purposes	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of up to 10 residential units on Māori ancestral land that meet the permitted activity standards is proposed to be a permitted activity, regardless of the minimum lot size in the underlying zone.	<p>This enables small papakāinga, which will have limited effects, to be developed without unnecessary compliance costs. This is a reasonable level of homes to be enabled without resource consent, as long as minimum standards to protect health, safety and the natural environment are met. This is consistent with the approach in some district plans.</p> <p>Developments of more than 10 homes would require resource consent.</p>
PA2 Ancillary non-residential activities	<p>The following non-residential activities are proposed to be permitted, if they are directly associated with the residential activities of the papakāinga:</p> <ul style="list-style-type: none"> • commercial activities (of up to 100 m²); • conservation activities; • visitor accommodation for up to 8 guests (excluding manuhiri staying on a marae); • educational facilities; • health facilities; and • sports and recreation activities. 	This maintains the primary purpose of papakāinga developments by limiting non-residential activities to those that directly benefit residents. Limits on these activities should prevent for-profit activities in papakāinga developments competing with other enterprises that would otherwise be restricted by district plan provisions intended to manage commercial and industrial activities.
PA3 Māori cultural activities	<p>Māori cultural activities related to the papakāinga are proposed to be a permitted activity. These include:</p> <ul style="list-style-type: none"> • marae • urupā • māra kai. 	These need to be specified, to ensure interpretation of provisions for non-residential activities does not preclude them.

Permitted activity standards	Proposed provisions	Reasons
PAS1 Maximum building coverage	<p>In zones for residential purposes and zones for rural purposes, the maximum building coverage will be a maximum of 50% of the site.</p> <p>In zones for Māori purposes, the maximum building coverage will be the same as the underlying plan zone.</p>	<p>A maximum site coverage limit ensures residents have sufficient private open space.</p> <p>The proposed limit is the same as the medium density residential standards (MDRS) and was the least restrictive limit commonly used in district plans.</p> <p>Where specific standards have been developed for a zone for Māori purposes, they should continue to apply.</p>
PAS2 Minimum setbacks from site boundaries	<p>In zones for residential purposes: front setbacks 1.5 m and all other setbacks from site boundaries 1 m.</p> <p>In zones for rural purposes: all setbacks from site boundaries 3 m.</p> <p>In zones for Māori purposes: same as the underlying plan zone.</p>	<p>Minimum setbacks from site boundaries ensure the development does not unreasonably impact on surrounding properties.</p> <p>Setback limits proposed for zones for residential purposes are the same as for MDRS.</p> <p>Setback limits for zones for rural purposes are set in line with the least restrictive limits in existing plans.</p> <p>Where specific standards have been developed for a zone for Māori purposes, they should continue to apply.</p>
PAS3 Applicable rules of the underlying zone	<p>Standards and rules for the following matters shall be determined by the relevant provisions from district or regional plans, or other regulations:</p> <ul style="list-style-type: none"> • setbacks from waterways; • setbacks from rail corridors; • building height; • earthworks; • permeable surfaces; • lighting; • noise; • accessways; • waste water and water supply; • natural hazards; • relocatable buildings; and • green infrastructure. 	<p>The list of underlying zone rules includes those rules necessary to ensure the health and safety of residents, to ensure development does not exceed the carrying capacity of the site, or to manage effects on matters of national importance under section 6 of the RMA.</p> <p>This will ensure planning provisions reflect the local context.</p> <p>Underlying zone rules that would conflict with the overall purpose of enabling papakāinga (such as those for outdoor living dimensions) would not apply.</p>

Monitoring for permitted activities	Proposed provisions	Reasons
M01 Number of permitted papakāinga developments	Territorial authorities will be required to include information on the number of papakāinga developed under PA1 and PA2, and other implementation issues, in regular reporting to Ministry for the Environment.	The Ministry for the Environment would be able to monitor the impact of the NES in achieving its objective of supporting sustainable management by enabling choice in housing form with associated traditional cultural activities, while appropriately managing the adverse environmental effects of activities.

Restricted discretionary activities	Proposed provisions	Reasons
RD1 Papakāinga developments that do not comply with activity conditions or standards	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments on Māori ancestral land that do not comply with the permitted activity standards PA1 and PA2 are proposed to be a restricted discretionary activity. RDM1 describes the matters for discretion for decisions on these activities.	Applies to developments of up to 30 residential units likely to have a greater effect on the environment than smaller-scale development.
RDM1 Proposed matters of discretion	Proposed matters of discretion: <ul style="list-style-type: none"> • whether the additional building coverage is appropriate in its context; • the extent to which the siting of the building(s), decks and outdoor areas, relative to adjacent properties and the road frontage, avoid visual domination and loss of privacy and sunlight; and • the extent to which alternative options for siting the papakāinga are available to the land owners (eg, if setbacks on a narrow site, will mean site cannot be used). 	These matters of discretion are proposed to guide resource consent decision-making.
RD2 Papakāinga developments that do not comply with the applicable rules in the underlying zone	In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments on Māori ancestral land that do not comply with the applicable rules in the underlying zone (see PAS3) are proposed to be a restricted discretionary activity. RDM2 describes the matters for discretion for decisions on these activities.	This would enable the effects of papakāinga to be considered consistent with other activities.

Restricted discretionary activities	Proposed provisions	Reasons
RDM2 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> the extent to which the distinct characteristics of the standards are appropriate for the proposed papakāinga development may mitigate the issues that the underlying zone rules are intended to protect; the extent to which the health and safety of residents will be protected; the potential effects on the land or natural environment; the extent to which the safe and efficient operation and functioning of the surrounding transport network will be maintained; and the extent to which the proposal will be consistent with relevant obligations under Treaty settlements, including having regard to strategies and visions intended to protect water catchments. 	<p>These matters of discretion are proposed to guide resource consent decision-making.</p> <p>Councils may not have considered papakāinga activities when determining the rules and standards that apply in the underlying zone. There may be situations where standards are not appropriate or relevant to papakāinga. The proposed provisions are intended to ensure consent decisions take account of section 8 and section 6(e) of the RMA and with the intended purpose of the Papakāinga NES.</p> <p>For example, where the underlying zone rules may set a standard requiring a two-lane access way if there are more than a specified number of houses, a papakāinga developer may be able to demonstrate that a papakāinga would generate fewer car trips than a conventional subdivision and the access needs could be managed safely on a single lane road.</p> <p>Anyone carrying out functions under the RMA must have regard to Te Heke Ngahuru and Te Ture Whaimana (strategies and visions in Treaty settlements that persons carrying out functions under the RMA must have regard to), which should be a matter of discretion in any consenting decisions in the applicable river catchments.</p>
RD3 Papakāinga development on Treaty settlement land	<p>In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga developments of up to 30 residential units on Treaty settlement land are proposed to be a restricted discretionary activity.</p> <p>RDM3 describes the matters for discretion for decisions on these activities.</p>	<p>The resource consent process will ensure that the development remains as papakāinga for the long term.</p>

Restricted discretionary activities	Proposed provisions	Reasons
RDM3 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> the extent to which the applicant can demonstrate that the land will remain in use as papakāinga in the long term. 	<p>These matters of discretion are proposed to ensure the papakāinga rules are not used for commercial for-profit developments.</p> <p>The Papakāinga NES is proposed to ensure decisions take into account the distinct characteristics of papakāinga that relate to the matters described in section 6(e) of the RMA. These characteristics do not apply to commercial for-profit developments. Commercial developments should comply with the provisions in the existing plan so they do not have an unfair advantage over other developers.</p>
RD4 Non-residential activities that are not permitted	<p>In papakāinga developments in zones for rural purposes, zones for Māori purposes, and zones for residential purposes, non-residential activities not included in PA2 are proposed to be a restricted discretionary activity.</p> <p>RDM4 describes the matters for discretion for decisions on these activities.</p>	<p>The list of non-residential activities that could be appropriate on papakāinga is not exhaustive, so the effects of other activities not on the list require further consideration through a resource consent process.</p>
RDM4 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> the extent to which the proposed activities: <ul style="list-style-type: none"> are ancillary to residential activities; are compatible with the scale and predominant residential character of the papakāinga development; affect the amenity of neighbouring properties; and provide for safe and efficient operation and functioning of the surrounding transport network. 	<p>These matters of discretion are proposed to ensure planning intentions and protections for the underlying plan are only overridden to the extent necessary to address matters under section 6(e) of the RMA and align with the intended purpose of the Papakāinga NES.</p>
RD5 Māori cultural activities that are not permitted	<p>In papakāinga developments in zones for rural purposes, zones for Māori purposes, and zones for residential purposes, Māori cultural activities not included in PA2 are proposed to be a restricted discretionary activity.</p> <p>RDM5 describes the matters for discretion for decisions on these activities.</p>	<p>The list of Māori cultural activities that could be appropriate on papakāinga is not exhaustive, so the effects of other activities require further consideration through a resource consent process.</p>

Restricted discretionary activities	Proposed provisions	Reasons
RDM5 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <ul style="list-style-type: none"> the extent to which the proposed activities: <ul style="list-style-type: none"> support the occupation, development, and use of the land for the benefit of the land's owners, their whānau, hapū, and future generations; provide flexibility for Māori to develop and live on their land in accordance with tikanga Māori and mātauranga. 	These matters of discretion are proposed to ensure councils make decisions about cultural activities on papakāinga in accordance with section 8 and section 6(e) of the RMA and with the intended purpose of the Papakāinga NES.
RD6 Papakāinga developments outside zones where they are permitted	<p>In any zone other than zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of up to 30 residential units on Māori ancestral land are proposed be a restricted discretionary activity.</p> <p>RDM6 describes the matters for discretion for decisions on these activities.</p>	This will enable the effects of papakāinga development in other zones to be considered through a resource consent process.

Restricted discretionary activities	Proposed provisions	Reasons
RDM6 Proposed matters of discretion	<p>Proposed matters of discretion:</p> <p>Whether the number of residential units, siting or design of buildings is appropriate will be determined considering:</p> <ul style="list-style-type: none"> the extent to which the development provides for the occupation, development, and use of land that is a taonga tuku iho to Māori, for the benefit of the land's owners, their whānau, hapū, and future generations; the extent to which the site has special significance to the owners; the extent to which alternative locations are available for tangata whenua to occupy, use, and develop their land; the extent to which tangata whenua have faced historical barriers to occupying, using, and developing their ancestral lands; the extent to which protections for the following matters are adequately maintained: <ul style="list-style-type: none"> protection of land and water catchments from the effects of the development and occupation of the site; protection of the health and safety of papakāinga residents; ensuring outstanding natural landscapes are not compromised; maintenance of public access to coastal marine areas, lakes and rivers and protection of historic heritage; whether the scale of development significantly changes the overall character of the underlying zone; adjacent properties are protected from and avoid visual domination and loss of privacy and sunlight; and providing for the safe and efficient operation and functioning of the surrounding transport network. 	<p>This list of matters for discretion is intended to ensure councils make decisions about papakāinga in accordance with section 8 and section 6(e) of the RMA and with the intended purpose of the Papakāinga NES.</p>
RD7 Papakāinga developments of 11 to 30 residential units	<p>In zones for rural purposes, zones for Māori purposes, and zones for residential purposes, papakāinga development of 11 to 30 residential units on Māori ancestral land are proposed to be a restricted discretionary activity.</p> <p>RDM6 describes the considerations for decisions on these activities.</p>	<p>Medium-sized papakāinga developments have the potential to have greater effects on the environment than smaller-scale developments, which require consideration through a resource consent process.</p>
RDM6 Proposed matters of discretion	<p>Proposed matters of discretion (see RDM6 above).</p>	<p>This matter of discretion is proposed to ensure councils make decisions about the appropriateness of larger papakāinga in accordance with section 8 of the RMA and considering the</p>

Restricted discretionary activities	Proposed provisions	Reasons
		balance between section 6(e) of the RMA with the other relevant matters of national importance in section 6 of the RMA.
RD8 Papakāinga development of up to 30 residential units adjacent to intensive indoor primary production, mining, quarrying, or rural industry	Papakāinga developments of up to 30 residential units are proposed to be a restricted discretionary activity where they are located next to intensive indoor primary production, mining, quarrying, or rural industry. RDM7 describes the considerations for decisions on these activities.	The resource consent process will ensure that health and safety and reverse sensitivity effects are properly considered and managed.
RDM7 Proposed matters of discretion	Proposed matters for discretion: <ul style="list-style-type: none"> the likely effects of the neighbouring activity on the health and safety of papakāinga residents; the effects of the proposed activity on the continued operation, or future expansion of the existing activities in the surrounding area; the size, location and design of open space and the extent to which trees and plantings are utilised for mitigating adverse effects; and the extent to which alternative options for siting the papakāinga are available to the land owners. 	These matters of discretion are proposed to ensure decisions are fully informed by the specific circumstances of the proposed papakāinga development in accordance with section 8 and section 6(e) of the RMA.
Discretionary activities	Proposed provisions	Reasons
DA1 Papakāinga developments of more than 30 residential units	Papakāinga developments of more than 30 residential units, on Māori ancestral land or Treaty settlement land, in any zone, shall be a discretionary activity.	To ensure the resource consent decisions fully consider the impacts from a development of this scale, which may be significant.
Notification requirements	Proposed provisions	Reasons
N1 Limited notification for papakāinga developments of up to 30 residential units	Notification for papakāinga developments with restricted discretionary activity status is limited to iwi authorities, joint management entities, the New Zealand Transport Agency (if the development will access a state highway), local authorities and immediate neighbours.	To reduce compliance costs for small to medium size papakāinga developments.

Leniency of rules	Proposed provisions	Reasons
R1 District plan rules may be more lenient than the NES	Local authorities may apply methods, including rules, in its district plan that are more enabling of papakāinga developments than those in this NES.	The Papakāinga NES is intended to provide the minimum standard for rules that will enable papakāinga while still enabling councils with more lenient rules for papakāinga to be retained.

Implementation	Proposed provisions	Reasons
IM1 Implementation approach	This NES will have immediate effect in all local authorities.	To ensure papakāinga are enabled across New Zealand and apply a level of consistency and minimum standards.
IM2 Consent applications already underway (transitional provision)	It is proposed that resource consent applications for papakāinga that are already underway when this NES takes effect will be completed under the district plan rules that were in place when the application was lodged.	To provide certainty for councils and applicants about which rules to apply to consent applications already started.