



SECTION 42A REPORT MĀORI PURPOSE ZONE

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Appendix 3: Māori Purpose zone and Treaty Settlement Overlay – Engineering Provisions Advice

List of Abbreviations

Table 1: List of Submitters and Abbreviations of Submitters' Names

Submitter Number	Abbreviation	Full Name of Submitter
S559	TRONR	Te Rūnanga o Ngāti Rēhia
S379	K Trust	Kahukuraariki Trust
S486	TROW	Te Rūnanga o Whaingaroa
S498	TRAION	Te Rūnanga Ā Iwi O Ngāpuhi
S339	TACD Ltd	Te Aupōuri Commercial Development Ltd
S407	Tapuaetahi Inc.	Tapuaetahi Incorporation
S561	Kāinga Ora	Kāinga Ora Homes and Communities
S396	Matauri X Inc.	Matauri X Incorporation
S399	THID Trust	Te Hiku Iwi Development Trust
S454	Transpower NZ Ltd	Transpower New Zealand Ltd
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S482	Heavy Haulage Assoc Inc	House Movers Section of New Zealand Heavy Haulage Association Inc
S390	TRONT Trust	Te Rūnanga o NgaiTakato Trust
S425	PHTTCCTC Trust	Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust
S489	RNZ	Radio New Zealand
S512	FENZ	Fire and Emergency New Zealand



S416	Kiwi Rail	Kiwi Rail Holdings Ltd
S359	NRC	Northland Regional Council
S427	KRA	Kapiro Residents Association
S522	VK	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)
S338	Our KCC Trust	Our Kerikeri Community Charitable Trust

Note: This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

Table 2: Other abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
FND	Far North District
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement
TTWM Act	Te Ture Whenua Māori Act 1993

1 Executive summary

1. The Far North Proposed District Plan (“PDP”) was publicly notified in July 2022. The Māori Purpose Zone Chapter is located in Part 3 – Area specific matters, Special Purpose Zone, section of the PDP.
2. 37 original submitters with 126 individual submission points and 19 further submitters with 159 individual submission points were received on the Māori Purpose Zone topic. There were 42 original submission points which indicated general support for the provisions to be retained as notified, 12 submission points which indicated support in part, with changes requested, whilst 21 submission points opposed the provisions, and 12 submission points did not state a position.
3. The submissions can largely be categorised into several key themes:
 - Submissions on the Overview in the chapter.
 - Submissions on the Objectives in the chapter.



- Submissions on the Policies in the chapter.
 - Submissions on the Rules in the chapter.
 - Submissions on the Standards in the chapter.
 - Submissions on General matters / Plan Content / Miscellaneous and General / Process and Zoning, in the chapter.
4. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
5. The key changes recommended in this report relate to:
- Amendments to objectives of the Māori Purpose zone chapter.
 - Amendments to policies of the Māori Purpose zone chapter.
 - Amendments to rules of the Māori Purpose zone chapter.
 - Amendments to standards of the Māori Purpose zone chapter.

2 Introduction

2.1 Author and qualifications

6. My full name is Theresa Annetta Burkhardt, and I am a Senior Policy Planner in the District Planning Team at Far North District Council.
7. I hold the qualification of Master of Planning Practice from the University of Auckland, Waipapa Taumata Rau. I am a full member of the New Zealand Planning Institute.
8. I have 15 years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; the preparation of Environment Court evidence; and the processing of resource consent applications. During this time, I have also developed specialist knowledge and understanding of whenua Māori / Māori land, Te Kooti Whenua Māori / Māori Land Court processes and the context of whenua Māori in the District. I have recently completed the Making Good Decisions Foundation Course and obtained certification to sit as an accredited member of a hearings panel.

2.2 Code of Conduct

9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise.



I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

10. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

2.3 Expert Advice

11. In preparing this report no expert advice was sought or required.

3 Scope/Purpose of Report

12. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
 - a) assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
 - b) provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
13. This report responds to submissions on the Māori Purpose Zone chapter.
14. I am aware of the following requests for a new zone, which apply to land that is currently zoned Māori Purpose Zone - Rural in the PDP. In addition, there are submissions relating to a Site and Area of Significance to Māori.
 - c) S420.005 (Muriwhenua Incorporation) which seeks to introduce a new Māori Purpose Rural Settlement zone for development activities, to Muriwhenua Incorporation land at Te Hapua. This has been moved to Hearing 15 Re-zoning.
 - d) S477.004 (Cavalli Properties Limited) which seeks a re-zoning from Māori Purpose zone to General Residential zone of eleven sites within the Matauri subdivision. This has been moved to Hearing 15 Re-zoning.
 - e) S577.002 and S577.003 (Moringai Whānau) seek amendments relating to Lot 1, DP 381292. These have been moved to Hearing 12 Historic and Cultural Values and Sites and Areas of Significance to Māori.
15. These submission points will be addressed as part of the rezoning hearing (15A), to enable a full consideration of the zone change requests and relevant submitter evidence, against an agreed set of criteria, alongside other zone request changes and taking into consideration the recommended provisions for the zone chapters.
16. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
17. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16(2) amendments to the PDP to achieve consistent formatting of rules and standards, including



inserting semi colons between each standard, followed by “and” after the second to last standard (where all of the standards must be met to comply) or “or” after the second to last standard (when only one of the standards must be met to comply). These changes are neutral and do not alter the effect of the rules or standards, they simply clarify the intent. The Clause 16 corrections are reflected in **Appendix 1.1** to this Report (Officer’s Recommended Provisions in response to Submissions).

4 Statutory Requirements

4.1 Statutory documents

18. I note that the Tangata Whenua Section 32 report provides detail of the relevant statutory considerations applicable to the Māori Purpose zone.
19. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
20. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan which must be given effect to and which are relevant to the Māori Purpose zone.

4.1.1 Resource Management Act

21. The current Government, elected in October 2023, repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on 22 December 2023 and reinstated the RMA as New Zealand’s primary resource management policy and plan making legislation. The Resource Management Act 1991 (RMA) continues to be in effect until new replacement legislation is passed.

4.1.2 National Policy Statements

4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

22. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to the Māori Purpose Zone topic that have been gazetted since notification of the PDP. As District Plans must be “prepared in accordance with” and “give effect to” a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
23. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe.



24. Part 3 of the NPS-IB sets out what must be done to give effect to the objective and policies.
25. As stated in Section 5.1.2, the Government has suspended certain requirements of the NPS-IB for a 3-year period and indicated that the replacement Resource Management legislation and an amended NPS-IB will further address this matter.
26. When the revised legislation takes effect, Council will need to consider the extent to which changes to the District Plan more generally are required to give effect to the amended NPS-IB. In the meantime, the NPS-IB will be relevant to activities being undertaken within the Māori Purpose Zone, however the Māori Purpose Zone provisions are not fundamentally inconsistent with the NPS-IB. The presence of indigenous vegetation and habitats will be another matter that is necessary to consider when planning for development on a site.
27. The National Policy Statement for Highly Productive Land (NPS-HPL) took effect on 17 October 2022. The NPS-HPL has a single objective: *"Highly productive land is protected for use in land-based primary production, both now and for future generations"*. The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, and subdivision of highly productive land and requirements to protect highly productive land from inappropriate use and development. The NPS-HPL identifies that "specified Māori Land" is Māori customary land or Māori freehold land (as defined in TTWM Act) and the NPS-HPL section 3.9(2)(d) exempts use and development of "specified Māori Land" from NPS-HPL restrictions.
28. The NPS-HPL has recently been amended, with changes gazetted on 16 August 2024, resulting in the removal of consenting barriers for new infrastructure, including renewable energy projects, indoor primary production and greenhouses. Driving amendments, was the agriculture, horticulture and renewable energy sectors' concerns surrounding the NPS restricting activities needing to be located on highly productive land. These amendments came into effect on 14 September 2024.

4.1.2.2 National Policy Statements – Announced Future Changes

29. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend or replace various national direction instruments.
30. Of relevance to the Māori Purpose zone chapter of the PDP, further amendments to the NPS-HPL have been signalled for 2025 but have not yet been actioned, including the need to enable housing growth and remove associated consenting barriers. The Government has signalled these amendments will be consulted on in early 2025 as part of a wider national



direction programme. This work may include changes to the definition of 'Highly Productive Land' to enable more flexibility for urban development.

4.2 Council's Response to Current Statutory Context

31. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.
32. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).
33. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
34. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.

4.2.1 National Environmental Standards

35. The National Environment Standards for Commercial Forestry 2017 (NESCF), which amend the NES-PF, came into effect on 3 November 2023. In addition to regulating the effects of plantation forestry, the NES-CF now regulates "exotic continuous-cover forestry", which is commercial forestry not intended to be harvested (i.e. carbon forestry). As such, the NES-CF now applies to all types of forestry deliberately established for commercial purposes (permanent indigenous forestry is not regulated under the NES CF). In addition to bringing exotic continuous-cover forestry within scope, the changes in the NES-CF: a. Allow plan rules to be more stringent or lenient to manage afforestation relating to both types of forestry. 2 b. Introduce a range of operational changes, including a new permitted



activity standard for managing forestry slash at harvest and new requirements around management of wilding trees.

4.2.2 National Planning Standards

36. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The Māori Purpose Zone provisions proposed and recommended in this report follow these requirements.

4.2.2 Treaty Settlements

37. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

4.2.3 Iwi Management Plans – Update

38. Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.
39. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –
 - a. Ngā Tikanga mo te Taiao o Ngāti Hine-Ngāti Hine Environmental Management Plan - 2022
 - b. Ahipara Takiwā Environmental Management Plan.
40. Ngā Tikanga mo te Taiao o Ngāti Hine - the Ngāti Hine Environmental Management Plan 2022 was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the Māori Purpose Zone, the Ngāti Hine Environmental Management Plan provides the following direction:

3.5 NGĀTI HINE WHENUA

Ngāti Hine are tangata whenua – literally the people of this land. It is important to note that the alienation, raupatu and land confiscation from the Crown and government entities over several generations has resulted in various whanau of Ngāti Hine being left with minimal land often left in Maori title and of a generally marginal quality. Much is landlocked, often the result of loss of land to the councils rating systems that continue to disadvantage and burden Maori. The restrictions placed on the communal holding of this land through the various successions of Maori land law, where first lists of owners were arbitrarily applied to different land parcels and later rules around succession and control of the land, have left us with



difficult obstacles to face in seeking to now establish sustainable uses for this land. However, in line with the findings of the Stage One Report released by the Waitangi Tribunal we affirm what our tupuna had always understood that "Ngapuhi did not cede sovereignty to the British Crown". We currently await the findings of the WAI 1040 Stage Two Report that will include the korero pertaining to the Ngāti Hine experience of land loss and all the associated social and economic costs to Ngāti Hine. Economic development may see increases in population and consideration on the impacts and pressure on all resources including the whenua, water and the environment is a paramount concern of Ngāti Hine as rangatira and kaitiaki.

Issues

- *Local and central government legislation such as the proposed Significant Natural Areas Act which further alienates whanau from exercising kaitiakitanga.*
- *Capacity and capability issues for whanau, hapu and iwi looking to establish sustainable uses of their whenua.*

Policies

1. *No further alienation of Maori land within the rohe. Long term sustainable use of remaining Maori lands should be adopted wherever this is economically viable to do so.*
 2. *Further development of land resources within the rohe of Ngāti Hine should not be at the expense of the ancestral relationship of Ngāti Hine with that land, our culture and heritage.*
 3. *Further development of land resources within the rohe of Ngāti Hine should not be at the expense of the environment.¹*
41. The Ahipara Takiwā Environmental Management Plan was updated in December 2023, after notification of the PDP in July 2022. In respect of the Māori Purpose Zone, the Environmental Management Plan provides direction in relation to the following:

Section 4.3 Hunga Pakihi / Tourism and Business Opportunities

4.3.2 In planning to achieve our economic goals, we acknowledge the following:

- *A desire to develop land for suitable purposes e.g. papakainga, niche production.*
- *A desire to make marae and whanau more self-sufficient through developing a stronger business base and cultural hub.*
- *A desire to not only to protect the moana but create sustainable aquaculture businesses within our waters.*

¹ Ngā Tikanga mo te Taiao o Ngāti Hine - Ngāti Hine Environmental Management Plan 2022, p.45



- *Encourage more young people into training and employment pathways with improved levels of financial literacy in the hapū.*
- *Need to be supported and progressive in seeking new initiatives.*
- *Need to gather together the right skill sets, education, effective organisations, quality leadership, secure access to resources and capital, and gain support mechanisms from agencies.*
- *Develop the ability to innovate and create passion in the people.*
- *Ensure that economic growth is appropriate and meets the cultural values of Ngā Marae o Ahipara.*²

42. These updated hapū/iwi management plans are considered through this report to the extent relevant and within the scope of the submissions on relevant provisions.

4.3 Section 32AA evaluation

43. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.

44. The s32AA further evaluation for each key issue considers:

- a) Whether the amended objectives are the best way to achieve the purpose of the RMA.
- b) The reasonably practicable options for achieving those objectives.
- c) The environmental, social, economic and cultural benefits and costs of the amended provisions.
- d) The efficiency and effectiveness of the provisions for achieving the objectives.
- e) The risk of acting or not acting where there is uncertain or insufficient information about the provisions.

45. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.4 Procedural matters

46. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.

² Ahipara Takiwā Environment Management Plan, December 2023, p. 85



47. No pre-hearing meetings or Clause 8AA meetings on the submissions relating to Māori Purpose Zone were held prior to the finalisation of this s42A report.

4.4.1 Proposed Plan Variation 1

48. FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closed on 12 November 2024 and the further submission period closed on 10 December 2024. Proposed Plan Variation 1 makes minor amendments to; correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.
49. Plan Variation 1 proposes an amendment to rule MPZ-R1 to require buildings and structures to comply with the airport protection surface area in Appendix APP4 Airport protections surfaces. In addition, an amendment to standard MPZ-S3 Setback (excluding from MHWS or wetland, lake and river margins) is proposed to ensure consistency across the zones. Any submissions received on Plan Variation 1 in relation to MPZ-R1 and MPZ-S3 will be evaluated as part of Hearing 17 - General / Miscellaneous / Sweep Up.

5 Consideration of submissions received

5.1 Overview of submissions received.

50. A total of 37 original submitters with 126 original submissions and 19 further submitters with 159 further submissions were received on the Māori Purpose Zone Chapter.
51. The main submissions on the Māori Purpose Zone Chapter came from:
 - a) Iwi Authorities, Post Settlement Governance Entities (PSGE) and Māori Land Incorporations such as Te Rūnanga o Whaingaroa (S486), Te Rūnanga Ā Iwi O Ngāpuhi (S498), Te Rūnanga o NgaiTakato Trust (S390), Kahukuraariki Trust (S379), Te Aupōuri Commercial Development Ltd (S339), Te Hiku Iwi Development Trust (S399), Matauri X Incorporation (S396) and Tapuaetahi Incorporation (S407).
 - b) Hapū such as Te Rūnanga o Ngāti Rēhia (S559).
 - c) Whānau and individual submitters such as Wakaiti Dalton (S355), Tracy and Kenneth Dalton (S479), and John Andrew Riddell (S431).
 - d) Non-governmental organisations such as Forest and Bird (S511), Kapiro Conservation Trust (FS566), Kapiro Residents Association (S427), Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust (S425) and Carbon Neutral NZ Trust (S529).
 - e) Government Agencies such as Kainga Ora (S561), Ministry of Education Te Tāhuhu o Te Mātauranga (S331) and Waka Kotahi NZ Transport Agency (FS36)



- f) Infrastructure providers such as RNZ(S489), FENZ (512), KiwiRail Holdings Ltd (S416) and Transpower NZ Ltd (S454).
52. The key issues identified in this report are set out below:
- a) Key Issue 1: Overview
 - b) Key Issue 2: Objectives
 - c) Key Issue 3: Policies
 - d) Key Issue 4: Rules
 - e) Key Issue 5: Standards
 - f) Key Issue 6: General / Plan Content / Miscellaneous / Process / Zoning
53. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.

5.2 Officer Recommendations

- 54. A copy of the recommended plan provisions for the Māori Purpose zone chapter is provided in **Appendix 1 – Recommended provisions to this report.**
- 55. A full list of submissions and further submissions on the Māori Purpose zone chapter is contained in **Appendix 2 – Recommended Decisions on Submissions to this report.**
- 56. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council (fndc.govt.nz) the associated Section 32 report on this chapter section-32-overview.pdf (fndc.govt.nz) the maps on the ePlan Map - Far North Proposed District Plan (isoplan.co.nz).

5.2.1 Key Issue 1: Overview – Māori Purpose zone

Overview

Provision(s)	Officer Recommendation(s)
Overview	<ul style="list-style-type: none"> • Retain as notified

Analysis of Submissions on Key Issue 1

Matters raised in submissions



57. Two submissions S407.003 and S396.001, from two Māori land incorporations, Tapuaetahi Inc. and Matauri Inc. support in part the 'Overview' section and have requested the following amendment:

'Overview...

...Māori land is categorised into either:

- *Māori Purpose zone - Urban, where the land adjoins the General Residential zone and /or is residential in character...'*
58. There is one further submission which supports in part S396.001 (FS449.031).
59. One submission from Kāinga Ora, S561.097, also supports in part the 'Overview' section and has requested the following amendment:

'Overview

The Far North District contains a significant number of parcels of Māori freehold land, Māori customary land and general land owned by Māori, as defined in Te Ture Whenua Māori Act 1993 (TTWMA). It is recognised that this legal and governance framework for Māori land provides for a unique situation for tangata whenua.

It is important to note that this Overlay applies to all Māori land...'

60. There is one further submission in support of S561.097 (FS23.369) and three further submissions (FS32.151, FS47.111 and FS348.184) which oppose.

Analysis

61. I consider the requests to insert the word *or* in the third paragraph of the Overview section could result in a significant change in meaning to the Overview. The intention is that Māori land is zoned Māori Purpose Urban when the land adjoins the General Residential zone **and** is residential in character (my emphasis added) and provided with Council reticulated services. The change requested by the submitter could broaden the application of the Māori Purpose zone – Urban category and enable sites that are "*residential in character*" but not serviced and in a rural context to meet the criteria for Māori Purpose – Urban, which was not the intention. This change goes beyond what was intended and could result in unintended consequences, including potential effects on rural character and amenity.
62. I also consider the request to insert the sentence "*It is important to note that this Overlay applies to all Māori land*" is not appropriate because:
- a) The Māori Purpose zone is not an Overlay, it is a Zone.
 - b) The term "all Māori land" is too broad and could lead to confusion and ambiguity.



- c) This change is not aligned with the intent of the Māori Purpose zone framework.

Recommendation

63. For the reasons outlined above, I recommend that:
- a) Submissions S407.003 and S396.001 are rejected.
 - b) Submission S561.097 is rejected.

Section 32AA evaluation

64. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.2 Key Issue 2: Objectives – Māori Purpose zone

Overview

Provision(s)	Officer Recommendation(s)
MPZ-03	<ul style="list-style-type: none">• Amend objective

Analysis of Submissions on Key Issue 2

Matters raised in submissions

65. Two submissions, S331.109 and S489.033, from the Ministry of Education and RNZ, support objectives MPZ-02 and MPZ-03 and request their retention as notified.
66. One submission, S561.098, from Kāinga Ora, supports in part the retention of all objectives and requests the insertion of a new objective as follows:
- MPZ-XX
- Tangata Whenua have maximum flexibility to occupy, develop and use ancestral Māori land, exercising their role as kaitiaki by:
- a. Incorporating mātauranga and tikanga Māori;
 - b. While ensuring the health, safety and wellbeing of people and communities is maintained.'
67. There is one further submission in support of S561.098 (FS23.370) and three further submissions (FS32.152, FS47.112, FS348.185) which oppose the submission.
68. Three submissions, S498.078, S486.090, S390.077, from Iwi organisations (TRAION, TROW and TRONT) oppose objective MPZ-03 and request the following amendment:



'MPZ-03

Use and development in the Māori Purpose zone which fully utilises and reflects the sustainable carrying capacity of the land and surrounding environment.'

69. There are two further submissions (FS151.125, FS23.246) which support the submissions.
70. One submission, S454.128, from Transpower NZ Ltd, does not state a support, support in part or oppose position however, requests the insertion of the following new objective:

'MPZ-XX

The Māori Purpose zone is used by compatible activities and infrastructure, that have a functional or operational need to locate in the zone.'

Analysis

71. Submissions S331.109 and S489.033 in support of the retention of objectives MPZ-02 and MPZ-03 are acknowledged.
72. Submission S561.098 from Kāinga Ora requests the insertion of a new objective. An objective is a statement of what is to be achieved, to resolve a particular issue. In this case the issue identified is the enablement of Māori land as defined in (TTWMA). One of the key resource management issues is identified in the Tangata Whenua s32 report as being that development of Māori freehold land can be complex for several reasons and that the planning tools to enable the use of such land need to improve.³
73. I consider that the new objective may go beyond the intention of the Māori Purpose zone by the inclusion of the terms 'tangata whenua' and 'ancestral Māori land' and therefore potentially lead to confusion and unintended outcomes. The Māori Purpose zone applies to Māori land as defined under the TTWM Act. Also, the strategic direction provides direction on tangata whenua matters. In addition to this I consider that the request is already provided for in objectives MPZ-02 and MPZ-03 by enabling a range of opportunities for use and development in the Māori Purpose zone and the direction of the Tangata Whenua chapter more broadly. Accordingly, I recommend that this submission point is rejected.
74. Submissions S498.078, S486.090 and S390.077 request an amendment to MPZ-03. The reason provided is that the term "*sustainable carrying capacity*" is uncertain and contestable and an amendment is required to make clear that the objective is to enable development. I consider that inserting the clause "*fully utilizes and ...*" could also be interpreted in multiple ways. Therefore, I consider that the amendment requested to

³ Tangata Whenua s32 report – p33



insert the words "*fully utilize and*", while it has merit will not achieve the clarity required.

75. I consider that the intention of the amendment may be better served by amending "*sustainable carrying capacity*" to "*sustainable servicing capacity*". The use of the term "*servicing*" would also make the objective more consistent with policy MPZ-P3 and standard MPZ-S6 On-site services. The intention of the objective is to ensure that development can be adequately serviced for water, wastewater and stormwater. Accordingly, I recommend these submissions are accepted in part.
76. Submission S454.128 from Transpower NZ Ltd requests the insertion of an additional objective as described in paragraph 70.
77. Since making its submission, Transpower has contacted Council to advise that it no longer intends to pursue its submission points requesting amendments to zone chapters to recognise critical infrastructure such as transmission lines, including submission point S454.128. Transpower understands that the Infrastructure chapter in the PDP provides the provisions for infrastructure on a District-Wide basis and is therefore seeking to pursue its primary relief through specific provisions for the National Grid in the Infrastructure chapter. As such, no amendments to the MPZ provisions are necessary to provide for the original relief sought by Transpower and I recommend that this submission point is rejected.

Recommendation

78. For the reasons outlined above, I recommend that:
 - a) Submissions S331.109 and S489.033 are accepted.
 - b) Submission S561.098 is rejected.
 - c) Submissions S498.078, S486.090, S390.077 are accepted in part and amendment reflected in Appendix 1.
 - d) Submission S454.128 is rejected.

Section 32AA evaluation

79. I consider that the amendments to the objectives that I have recommended are more appropriate way to achieve the purpose of the RMA than the notified objectives, because they better promote sustainable management by improving the way in which the objectives recognise and provide for section 6(e) and take into account section 8 of the RMA. Specifically the reworded objective provides further clarity that the intention of the objective is to ensure that development can be adequately serviced for water, wastewater and stormwater.

5.2.3 Key Issue 3: Policies – Māori Purpose zone

Overview



Provision(s)	Officer Recommendation(s)
Policy MPZ-P1	<ul style="list-style-type: none"> • Retain as notified
Policy MPZ-P2	<ul style="list-style-type: none"> • Minor amendment
Policy MPZ-P3	<ul style="list-style-type: none"> • Retain as notified
Policy MPZ-P4	<ul style="list-style-type: none"> • Minor amendments

Analysis of Submissions on Key Issue 3

Matters raised in submissions

Policy MPZ-P1

80. Submission S561.101, from Kāinga Ora, supports in part policy MPZ-P1 and requests an amendment as follows:
- 'MPZ-O1 Provide for the use and development of ancestral Māori land administered under Te Ture Whenua Māori Act 1993.'*
81. There is one further submission in support of S561.101 (FS23.373), one further submission which supports in part the submission (FS36.077) and three which oppose the submission (FS32.155, FS47.115, FS348.188).

Analysis

82. Submission S561.101 requests the amendment to policy MPZ-P1, I consider that the deletion of the words "*administered under Te Ture Whenua Māori Act 1993*" and its replacement with the term "*ancestral Māori land*", without reference to the TTWMA, broadens the policy beyond that which is intended by the Māori Purpose zone (i.e. beyond land that is held under TTWM Act). The Māori Purpose zone provides for the use and development of Māori land. It is noted that objective MPZ-O2 refers to "*ancestral land*" as a broad concept. Policy MPZ-O1 further refines "*ancestral Māori land*" as being "*... land administered under Te Ture Whenua Māori Act 1993*". I consider that the use of the term "*ancestral Māori land*", without reference to Māori land administered under the TTWMA within the policy, could include land beyond that which is defined in TTWMA and mapped in the PDP. This approach would be inconsistent with the approach of mapping land held under TTWM Act as the "*Maori Purpose Zone*". Therefore, I recommend this submission point is rejected.

Recommendation

83. For the reasons outlined above, I recommend that:
- a) Submission S561.101 requesting an amendment to policy MPZ-P1 is rejected.



Policy MPZ-P2

84. Three submissions, S396.002, S331.110 and S489.034, from Matauri X Inc, MOE and RNZ respectively, support or support in part policy MPZ-P2 and request the following amendments, respectively:

(S396.002)

'MPZ-P2 Enable a range of activities on Māori land in the Māori Purpose zone including marae, papakāinga, customary use, cultural and small-scale commercial activities where the adverse effects can be avoided, remedied or mitigated.'

(S331.110)

'MPZ-P2 Enable a range of activities on Māori land in the Māori Purpose zone including marae, papakāinga, customary use, additional infrastructure, cultural and small-scale commercial activities where the adverse effects can be avoided, remedied or mitigated.'

(S489.034)

'MPZ-P2 Enable a range of activities on Māori land in the Māori Purpose zone including marae, papakāinga, customary use, cultural and small-scale commercial activities where the adverse effects, including on regionally significant infrastructure, can be avoided, remedied or mitigated.'

85. One further submission supports in part submission S396.002 (FS449.032).
86. One further submission which supports submission S331.110 (FS243.204).

Analysis

87. Submissions S396.002, S331.110 and S489.034 request amendments to policy MPZ-P2.
88. In terms of submission S396.002, rule MPZ-R15 Commercial activity, permits commercial activity up to 250m² and therefore anything over and above this requires resource consent and anything below this can be considered "*small scale*". I consider that the removal of the words "*small scale*" may have the perverse outcome of being less enabling. Therefore, I recommend retaining the words "*small scale*" and inserting the words "*and other*" to achieve the enabling outcome sought. Therefore, I recommend the submission be accepted in part.
89. I consider the insertion of the words "*additional infrastructure*" into policy MPZ-P2, to be unnecessary as this is provided for in the Infrastructure chapter under policy I-P4.
90. I consider the insertion of the words "*including regionally significant infrastructure*" into policy MPZ-P2 also to be unnecessary as provision for infrastructure is provided for in the Infrastructure chapter under policy I-P4 and potentially in conflict with policy I-P11.



Recommendation

91. For the reasons outlined above, I recommend that:
- Submission S396.002 is accepted in part.
 - Submissions S331.110 and S489.034 are rejected.

Policy MPZ-P3

92. Two submissions, S561.099 and S489.035, from Kāinga Ora and RNZ, support in part policy MPZ-P3 and request the following amendments:
(S561.099)

'MPZ-P3 Provide for development on Māori land where it is demonstrated:

- ~~it is compatible with surrounding activities;~~
- ~~it will not compromise occupation, development and use of Māori land;~~
- ~~it will not compromise use of adjacent land or other zones to be efficiently and effectively used for their intended purpose;~~
- ~~it maintains character and amenity of surrounding area;~~
- ~~it provides for community wellbeing, health and safety;~~
- it can be serviced by onsite infrastructure or reticulated infrastructure where this is available; and
- that any adverse effects can be avoided, remedied or mitigated.

MPZ-P3 Recognise and provide for mātauranga Māori, tikanga Māori and kaitiakitanga when determining the scale, intensity and compatibility of activities in the Māori purpose zone, including when considering measures to avoid, remedy or mitigate adverse effects.'

(S489.035)

'MPZ-P3 Provide for development on Māori land where it is demonstrated: that any adverse effects, including on regionally significant infrastructure, can be avoided, remedied or mitigated.'

93. One further submission supports S561.099 (FS23.371) and three further submissions (FS32.153, FS47.113, FS348.186) oppose.

Analysis

94. Submissions S561.099 and S489.035 request amendments to policy MPZ-P3. I consider that as I have recommended a rejection of the requested new objective MPZ-O4 above, it is appropriate that this is also rejected.
95. I consider the insertion of the words "including regionally significant infrastructure" into policy MPZ-P3 to be unnecessary as this is provided for in the Infrastructure chapter under I-P4. It would be inefficient to duplicate policy direction for infrastructure across Zone chapters.



Recommendation

96. For the reasons outlined above, I recommend that:
97. Submissions S561.099 and S489.035 are rejected.

Policy MPZ-P4

98. Three submissions, S416.056, S561.100 and S489.036, from KiwiRail, Kāinga Ora and RNZ respectively, support in part policy MPZ-P4 and request the following amendments, respectively:

(S416.056)

'MPZ-P4 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

....

- a. *any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*
- b. *the location and design of buildings adjacent to the railway corridor.'*

(S561.100)

'Delete MPZ-P4 and replace with

MPZ-P4 Enable the occupation, use and development of Māori land where any resource consent is required by considering:

- a. *the need to enable development, occupation and use of Māori land in accordance with mātauranga and tikanga to support the social, cultural and economic wellbeing of Mana Whenua; and*
- b. *that there may be no or limited alternative locations for whanau, hapū or iwi to occupy, manage and use their ancestral lands.'*

(S489.036)

99. *'MPZ-P4 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*
- a. *consistency with the scale, density, design and character of the environment and purpose of the zone;*
 - b. *the location, scale and design of buildings and structures;*
 - c. *the positive effects resulting from the economic, social and cultural wellbeing provided by the proposed activity.*
 - d. *at zone interfaces:*



- i. any setbacks, fencing, screening or landscaping required to address potential conflicts;*
- ii. managing reverse sensitivity effects on adjacent land uses, including the ability of surrounding properties to undertake primary production activities in a rural environment;*
- e. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;*
- f. the adequacy of roading infrastructure to service the proposed activity;*
- g. managing natural hazards;*
- h. any loss of highly productive land;*
- i. adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and*
- j. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*
- k. the potential for reverse sensitivity effects on regionally significant infrastructure.*

- 100. One further submission opposes S416.056 (FS243.142).
- 101. One further submission supports S561.100 (FS23.372), one supports in part the submission (FS36.076) and three (FS32.154, FS47.114, FS348.187) oppose.

Analysis

- 102. Submissions S416.056, from KiwiRail to amend policy MPZ-P4 to include an additional matter in respect to the location and design of buildings in proximity to the rail corridor. While understanding the potential conflicts with the railway corridor or transport network I consider the proposed standards in the MPZ relating to height, height in relation to boundaries and setback from boundaries to sufficiently address these concerns. Setback from in the MPZ-Urban is 1.2m and 3m and in the MPZ-Rural 10m. I consider that the issue of location and design is sufficiently covered by standard MPZ-S3. Accordingly, I recommend that this submission point be rejected.
- 103. In response to Submission S561.100 from Kāinga Ora to amend policy MPZ-P4, I consider that as I have recommended a rejection of the requested new objective MPZ-O4, it is appropriate that this submission is also rejected.
- 104. Submission S489.036 requests the insertion of a new matter relating to reverse sensitivity effects on regionally significant infrastructure to policy MPZ-P4 as outlined above. I consider the insertion of the words "the potential for reverse sensitivity effects on regionally significant infrastructure." into policy MPZ-P4 to be unnecessary as this is provided for in the Infrastructure chapter under policy I-P7.



105. The precursor wording in policy MPZ-P4 has been amended for consistency with other chapters (see Appendix 1) and refer to the Section 42A Report for Rural Production paragraph 424.

Recommendation

106. For the reasons outlined above, I recommend that:
- a) Submission S416.056 is rejected.
 - b) Submission S561.100 is rejected.
 - c) Submission S489.036 is rejected.

New Policy MPZ-PX

107. Two submissions, S454.129 and S529.160, from Transpower and Carbon Neutral NZ, respectively, request the insertion of additional policies relating to infrastructure and the protection of highly productive soils as follows:
(S454.129)

'MPZ XX Enable compatible activities and infrastructure, that have a functional or operational need to locate in the Māori Purpose zone.'

(S529.160)

Carbon Neutral NZ does not provide wording for an additional policy.

108. There are three further submissions (FS570.2048, FS566.2062, FS569.2084) which support S529.160.

Analysis

109. Submission S454.129 from Transpower requests the insertion of an additional policy relating to enabling compatible activities and infrastructure that have a functional or operational need to establish in the Māori Purpose zone.
110. Since making its submission, Transpower has contacted Council to advise that it no longer intends to pursue its submission points requesting amendments to zone chapters to recognise critical infrastructure such as transmission lines, including submission point S454.129. Transpower understands that the Infrastructure chapter in the PDP provides the provisions for infrastructure on a District-Wide basis and is therefore seeking to pursue its primary relief through specific provisions for the National Grid in the Infrastructure chapter. As such, no amendments to the MPZ provisions are necessary to provide for the original relief sought by Transpower and I recommend that this submission point is rejected.
111. I consider the request for the protection of highly productive soils by submission S529.160 from Carbon Neutral Trust to be provided for in the Rural Production zone chapter, in particular policy RPROZ-P7 and I recommend that this submission point is rejected



Recommendation

112. For the reasons outlined above, I recommend that:
- c) Submissions S454.129 and S529.160 are rejected.

Section 32AA evaluation

113. I consider that the amendments to the policies that I have recommended are more appropriate way to achieve the purpose of the RMA than the notified objectives, because they better promote sustainable management by improving the way in which the objectives recognise and provide for section 6(e) and take into section 8 of the RMA.

5.2.4 Key Issue 4: Rules – Māori Purpose zone

Overview

Provision(s)	Officer Recommendation(s)
MPZ-R1	<ul style="list-style-type: none"> • Amend MPZ-R1
MPZ-R2	<ul style="list-style-type: none"> • Amend MPZ-R2
MPZ-R3	<ul style="list-style-type: none"> • Amend MPZ-R3
MPZ-R4	<ul style="list-style-type: none"> • Retain as notified
MPZ-R5	<ul style="list-style-type: none"> • Retain as notified
MPZ-R6	<ul style="list-style-type: none"> • Retain as notified
MPZ-R7	<ul style="list-style-type: none"> • Retain as notified
MPZ-R8	<ul style="list-style-type: none"> • Retain as notified
MPZ-R9	<ul style="list-style-type: none"> • Retain as notified
MPZ-R10	<ul style="list-style-type: none"> • Retain as notified
MPZ-R11	<ul style="list-style-type: none"> • Minor amendment
MPZ-R14	<ul style="list-style-type: none"> • Minor amendment
MPZ-R15	<ul style="list-style-type: none"> • Retain as notified.
MPZ-R16	<ul style="list-style-type: none"> • Retain as notified
MPZ-RXX	<ul style="list-style-type: none"> • New rule inserted for rural produce retail



Provision(s)	Officer Recommendation(s)
MPZ-RXX	<ul style="list-style-type: none"> New rule inserted for rural produce manufacturing
Planning Maps	<ul style="list-style-type: none"> Clause 16 amendment to remove the pedestrian frontage as it applies to 2 Ngapua Place, Kaikohe.

Analysis of Submissions on Key Issue 3

Matters raised in submissions

Rule MPZ-R1 New building or structures and extensions or alterations to an existing building or structures

114. Submission S489.037, from RNZ, supports the retention of rule MPZ-R1 'New buildings or structures, and extensions or alterations to existing buildings or structures', and requests the insertion of a note as follows:
- 'NOTE: If a resource consent application is made under this rule on land that is within 1,000m of Radio New Zealand's Facilities at Waipapakauri or Ōhaeawai, and the proposed building does not comply with MPZ-R1, Radio New Zealand will be considered an affected person for the activity.'*
115. Submissions S368.010, S368.076, S482.017, S512.115, S431.137, S561.102 and S529.207, from FNDC, Heavy Haulage Assoc Inc, FENZ, John Andrew Riddell, Kāinga Ora and Carbon Neutral Trust, respectively, support in part rule MPZ-R1 and request amendments.
116. FNDC (368.010) requests **amendments to rule MPZ-R1 'New buildings or structures, and extensions or alterations to existing buildings or structures' to include the standard MUZ-S5 Pedestrian frontages as seen in the Mixed Use zone.**
117. FNDC (S368.076) requests amendments to rule MPZ-R1 'New buildings or structures, and extensions or alterations to existing buildings or structures' Activity status: Permitted Where: PER-1 The new building or structure, or extension or alteration to an existing building or structure, will accommodate a permitted (where applicable, words to the effect...'or controlled, or restricted discretionary') activity..."
118. Heavy Haulage Assoc (S482.017) requests **amendments to rule MPZ-R1 'New buildings or structures, and extensions or alterations to existing buildings or structures', to provide for relocated buildings as a permitted activity when relocated buildings meet performance standards and criteria and to insert a performance standard for use of a pre inspection report restricted discretionary activity status for relocated buildings that do not meet the permitted activity status standards.**



119. FENZ (S512.115) requests the insertion of a **new standard and / or matter of discretion across zones on infrastructure servicing including emergency response, transport, access and adequate water supply for fire fighting.**
120. John Andrew Riddell (S431.137) **requests that rule MPZ-R1 'New buildings or structures, and extensions or alterations to existing buildings or structures', be amended so that any proposal to set a building or structure less than 20 metres back from the coastal marine area, or from rivers and banks is a non-complying activity.**
121. Kainga Ora (S561.102) **requests the following amendments to rule MPZ-R1 'New buildings or structures, and extensions or alterations to existing buildings or structures':**
- Delete PER-1 from rule MPZ-P1;
 - Insert new standard MPZ-S8 - Impermeable surfaces;
 - Delete activity status related to PER-1.
122. Carbon Neutral Trust (S529.207) requests the following amendments **to rules and standards that specify crop protection structures and support structures must be set back at least 3m from all site boundaries as follows:**
- In locations where crop protection structures, cloth/fabric fences or agricultural support structures more than 1.5m high are erected near boundaries that adjoin a road, public land or residential property: those structures must not exceed 5m height and must be setback at least 3m from the boundary; suitable trees or tall hedging or vegetation must be planted between the structure and boundary to provide a landscaping screen and maintain visual amenity; netting or any other fabric must be black or very dark colour.
 - Breach of rules/standards relating to CPS and support structures a 'non-complying' activity and the local community must be given an opportunity to object.
123. There is one further submission (FS23.164), in support of submission S482.017.
124. There is one further submission (FS23.374), in support of submission S561.102 and 3 further submissions (FS32.156, FS47.116, FS348.189) in opposition to the submission.
125. There are three further submissions (FS570.2094, FS566.2108, FS569.2130) in support of submission S529.207.

Analysis

126. Submission S489.037, from RNZ, supports MPZ-R1 and requests the insertion of a note relating to RNZ's facilities at their two sites at

Waipapakauri and Ohaeawai as outlined above. They raise safety concerns relating to high structures being erected close to the existing radio facilities.

127. RNZ submits that the insertion of the note will enable them to assist applicants with their technical expertise to ensure the effects of electromagnetic radiation (EMR) from the RNZ’s transmitter masts are managed. Radiation from the masts can induce dangerous EMR levels into tall metallic objects through EMR coupling. The primary risk is for people constructing or working on tall structures near RNZ sites. RNZ has calculated that based on specific EMR assessment at its facilities in the Far North District, structures greater than 21m in height within 1,000m of the Waipapakauri transmitter and structures greater than 16m in height within a 1,000m of the Ohaeawai transmitter may result in EMR levels that exceed public limits. The following extracts from the PDP provide context. **Figure 1** shows the RNZ facility in Waipapakauri as being within a 1,000m of the nearest MPZ land. **Figure 2** shows the RNZ facility in proximity to Māori Purpose zoned land and separated by State Highway 12.

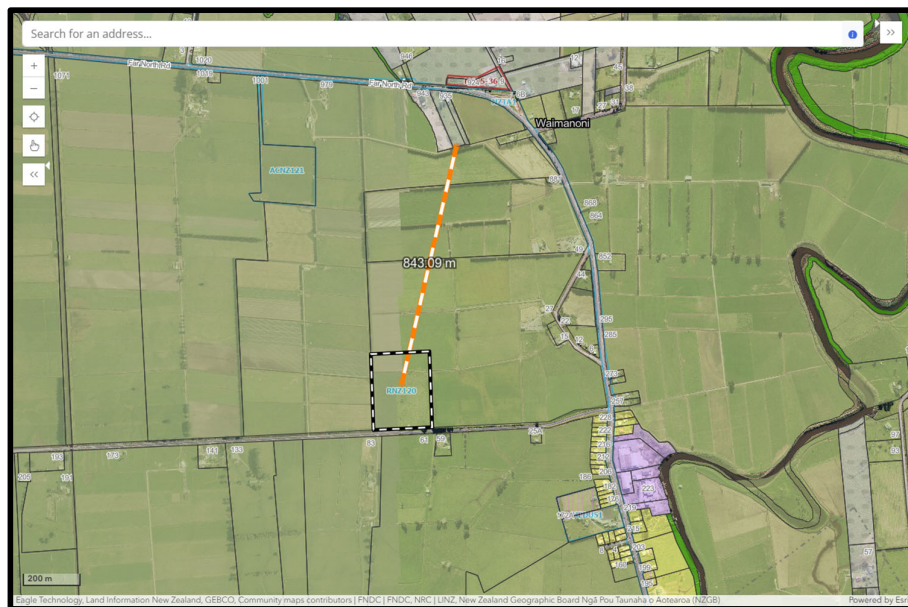


Figure 1



Figure 2

128. As such, regarding the Māori Purpose zone, I consider that the note is best placed under the standard MPZ-S1 Maximum height, given that it is the standard that manages the maximum height of buildings and structures. I have recommended amendments to MPZ-S1, as set out in recommendations below.
129. Submissions S396.005, S396.007, S396.008, S396.009, S396.010, S396.011, S396.012, S425.063, S396.014, S331.111, S396.015 and S396.016, in support of the retention of rules MPZ-R3, MPZ-R4, MPZ-R5, MPZ-R6, MPZ-R7, MPZ-R8, MPZ-R9, MPZ-10, MPZ-11, MPZ-14, MPZ-15 and MPZ-16, are acknowledged.
130. Submission S368.010 from FNDC, requests the insertion of an additional standard relating to pedestrian frontage.
131. The planning maps indicate that there is only one property in the district that is zoned Māori Purpose – Urban which has the pedestrian frontage specific control applied to it (see Figure 3 below). I consider that to insert the pedestrian frontages standard as requested would be restrictive for this single property when the intention of the Māori Purpose zone is to be more enabling. The property is vacant, adjoins the Mixed Use zone to the east and the General Residential zone to the south and west. Accordingly, I recommend that the submission S368.010 is rejected.

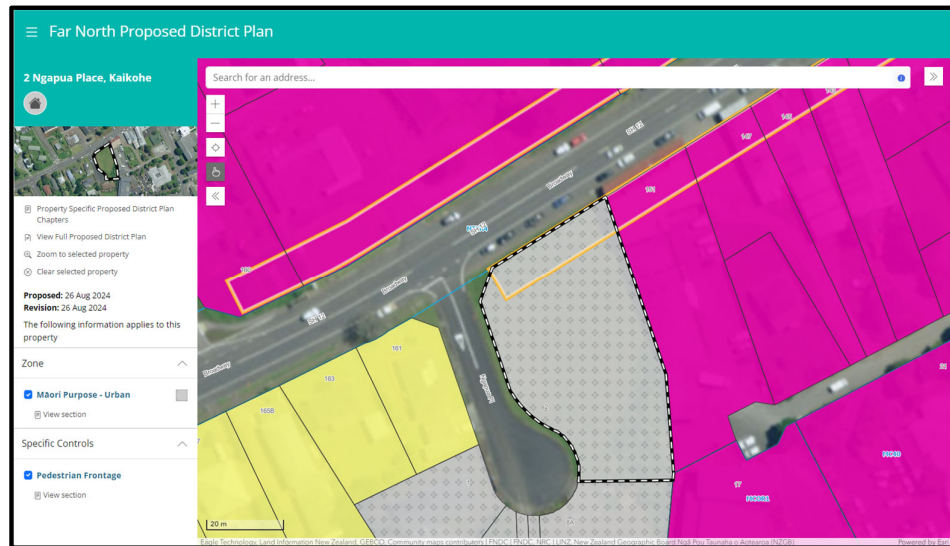


Figure 3

132. In addition, if the "Pedestrian Frontage" on the planning maps was retained for this particular site, this would result in an anomaly and inconsistency between the planning maps and the provisions. I recommend that the pedestrian frontage is removed from the planning maps for this particular site as a clause 16(2) correction, to align the maps with the associated Pedestrian Frontage provisions (for the Mixed Use Zone). This change is considered neutral because it does not alter the effect of the provisions, it simply aligns the maps with the PDP "*pedestrian frontage*" provisions. This change will also avoid potential for uncertainty when applying the PDP.
133. Submission S368.076 from FNDC requests amendments to rule MPZ-R1 as currently drafted as it considers that as notified non-compliance with the rule means the activity would become discretionary which is not the intent if the activity itself is permitted, controlled or discretionary. The request is that PER-1 of MPZ-R1 be amended to include buildings or structures that will accommodate controlled and/or restricted discretionary activities in addition to permitted activities.
134. I agree with FNDC that MPZ-R1 as currently drafted does not account for buildings or structures required for controlled and restricted discretionary activities.
135. Accordingly, I recommend that the submission point be accepted and rule MPZ-R1 be amended.
136. Submission S482.017 from Heavy Haulage Assoc. requests an amendment to MPZ-R1 to provide for relocated buildings as permitted standard subject to compliance with performance standards.
137. I agree that for clarity and consistency with other plan chapters such as the Rural Production zone that "*relocated buildings*" should be included in rule MPZ-R1 PER-1.



138. Submission S431.137 from John Andrew Riddell relating to setbacks from MHWS was considered in Key Issue 20 of the Coastal Environment section 42A report ⁴. The reporting officer recommended deleting all Standard 4 'Setback from MHWS' standards across all zone chapters, on the basis that the issue was best addressed in the Coastal Environment chapter.
139. Submission S512.115 from FENZ requested the insertion of a new standard or matter of discretion for infrastructure servicing as outlined above.
140. I consider that this relief is adequately provided for in the Natural Hazard chapter of the PDP through rules NH-5 and NH-6 (Wild fire) which include specific requirement for new buildings and alterations to existing buildings to have water supply for fire fighting purpose that comply with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice. These provisions apply on a District-Wide basis.
141. In addition, I consider that further relief requested is adequately provided for in the Transport chapter of the PDP rule TRAN-R2 (vehicle crossing and access, including private accessways) in the Transport chapter, which includes a permitted activity standard that requires vehicle crossings and access for fire appliances to comply with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice.
142. Submission S561.102 from Kainga Ora requesting the deletion of PER-1 from rule MPZ-R1 is addressed in the recommendation below.
143. In addition, I consider the request to insert an additional standard for Impermeable surfaces to be unnecessary as the PDP has addressed the issue of impermeable surfaces as an activity and through a rule in each of the zones. The Māori Purpose zone is consistent in this regard and has addressed impermeable surfaces through rule MPZ-R2.
144. Submission S529.207 from Carbon Neutral Trust request the insertion of rules and standards relating to crop protection structures in the Māori Purpose zone. I consider that crop protection structures are controlled to some degree by the standards MPZ-S1 and MPZ-S2 relating to maximum heights and heights in relation to boundary for structures generally. The reasons for the requested restrictions on crop protection structures are unclear. To include an additional rule or standard in the MPZ relating specifically to crop protection structure would not achieve the objective MPZ-O2 to enable a range of social, cultural and economic development opportunities in the zone. Most Māori land in the district is in the rural environment, not highly productive land and is undeveloped. I consider that additional controls such as those requested by this submission would impose an additional burden on landowners.

Recommendation

145. For the reasons outlined above, I recommend the following:

⁴ Paragraph 494 for specific analysis of John Andrew Riddell's submission points.



- a) Submission S489.037 be accepted in part but that Standard MPZ-S1 be amended, and a note be added to alert applicants to the potential adverse effects of electromagnetic coupling from RNZ facilities.
- b) Submission S368.010 is rejected but as a clause 16 amendment the specific control pedestrian frontage be removed from the planning maps as it applies to 2 Ngapua Road, located on SH 12, Kaikohe.
- c) Submission S368.076 and S482.017 be accepted and that rule MPZ-R1 be amended as follows:

MPZ-R1	New buildings or structures, <u>relocated buildings and or⁵ extensions or alterations to existing buildings or structures</u>	
<p>Māori Purpose zone - Urban</p> <p>Māori Purpose zone - Rural</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The new building or structure, <u>relocated building</u>, or extensions or alterations to an existing building or structure, will accommodate a permitted, <u>controlled or restricted discretionary activity</u></p> <p>PER-2</p> <p>The new building or structure, or extensions or alterations to an existing building or structure complies with standards:</p> <p>MPZ-S1 - Maximum height;</p> <p>MPZ-S2 - Height in relation to boundary;</p> <p>MPZ-S3 - Setback (excluding from MHWS or wetland, lake and river margins);</p> <p>MPZ-S4 – Setback from MHWS;</p> <p>MPZ-S5 - Building or structure coverage;</p> <p>MPZ-S6 - On-site services<u>ing</u>;</p> <p>and</p>	<p>Activity status where compliance not achieved with PER-2:</p> <p>Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>the matters of discretion of any infringed standard</p> <p>Activity status where compliance not achieved with PER 1:</p> <p>Discretionary</p>

⁵ Clause 16 amendment



	MPZ-S7 Sensitive activities setback from boundaries of a Mineral Extraction overlay	
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- d) Submission point S512.115 is rejected.
- e) Submission S561.102 is rejected.
- f) Submission S529.207 is rejected.
- g) Submission S431.137 be rejected.

Rule MPZ-R2 Impermeable surfaces

- 146. Submissions, S355.033, S396.003, S396.004 and S479.028, from individual whānau and Matauri X Inc; support the retention of rule MPZ-R2 'Impermeable surfaces', as proposed.
- 147. There is one further submission in support of S479.028 (FS196.181).
- 148. Submissions S269.005 and S561.103 from Brad Hedger and Kāinga Ora respectively, support in part rule MPZ-R2 'Impermeable surfaces' with the following amendments:
 - a. Māori Purpose zone - Urban The impermeable surface coverage of any site is no more than 50% or 300m², whichever is the lesser. Māori Purpose Zone - Rural The impermeable surface coverage of any site is no more than 25% or 600m², whichever is the lesser. Retain exception in Māori Purpose zone - Rural that "on sites containing marae, the impermeable surface is no more than 50%" as this would be considered in development as they will ultimately engage with people and manaaki the land in the rohe
 - b. Delete MPZ-R2 Impermeable surfaces in its entirety from the Rules section and create a new Standard for Impermeable surfaces.
- 149. Submission S283.025, from Trent Simpkin, opposes rule MPZ-R2 'Impermeable surfaces' and requests an amendment to increase the impermeable surface maximum and/or insert a PER-2 which says if a TP10 report is provided by an engineer, the activity is permitted.
- 150. Submission S481.016, from Puketotara Lodge Ltd, does not state their position on rule MPZ-R2 'Impermeable surfaces' but requests the matters of discretion within the rule are amended as follows:

Matters of discretion are restricted to:

 - a. *the extent to which landscaping or vegetation may reduce adverse effects of run-off;*
 - b. *the effectiveness of the proposed method for controlling stormwater on site;*
 - c. *the availability of land for disposal of effluent and stormwater on site without adverse effects on adjoining adjacent*



- waterbodies (including groundwater and aquifers) or on adjoining adjacent sites; and*
- d. whether low impact design methods and green spaces can be used;*
 - e. any cumulative effects on total catchment impermeability; and*
 - f. natural hazard mitigation and site constraints.*
- g. Avoiding nuisance or damage to adjacent or downstream properties.*
- h. The extent to which the diversion and discharge maintains pre-development stormwater run-off flows and volumes.*
- i. The extent to which the diversion and discharge mimics natural run-off patterns.*

151. There is one further submission (FS23.375) in support of S561.103 and three (FS32.157, FS47.117, FS348.190) which oppose the submission.

Analysis

152. Submissions S355.033, S396.003, S396.004 and S479.028, in support of the retention of rule MPZ-R2, are acknowledged.
153. Submissions S269.005 and S561.103 request amendments to rule MPZ-R2 to provide for an insertion in PER-2 of MPZ-R2 as described in paragraph 148. The impermeable surface coverage in the Māori Purpose zone – Urban is the same as the rule in the General Residential zone which has been rolled over from the ODP. The impermeable surface coverage in the Māori Purpose zone – Rural is more permissive than the Rural Production zone which is consistent with the more enabling approach to the Māori Purpose zone. There is no clear reason to change the approach and no evidence has been produced by the submitters to justify why the approach requested is preferable. Therefore, I recommend these submission points are rejected.
154. Submission S283.025 requests an amendment to rule MPZ-R2149.
155. The request is to amend the rule to increase the maximum impermeable surface coverage in the Māori Purpose zone and / or include a permitted activity PER-2 which would state that if a TP10 report is provided by an engineer the activity is permitted. I consider that this would give considerable discretion to engineers enabling them to approve stormwater management design and devices without Council oversight and ability to consider alternative stormwater management mitigation or consider impacts on downstream properties. Therefore, I recommend this submission point is rejected.
156. Submission S481.016, requests amendments to rule MPZ-R2.
157. While I agree with the points raised by the submitter that adverse stormwater effects can occur further downstream than the immediately adjoining properties, I also concur with the authors of other zone chapter



section 42A reports⁶ which have made minor amendments to the wording of matter c) to reflect this. As such I recommend accepting in part the submission point.

Recommendation

158. For the reasons outlined above, I recommend the following:

- a) Submission S481.016 be accepted in part and that rule MPZ-R2 be amended as follows:

MPZ-R2	Impermeable surfaces	
Māori Purpose zone - Urban	Activity status: Permitted Where: PER-1 The impermeable surface coverage of any site is no more than 50%.	Activity status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: <ul style="list-style-type: none"> a. the extent to which landscaping or vegetation may reduce adverse effects of run-off; b. the effectiveness of the proposed method for controlling stormwater on site; c. the availability of land for disposal of effluent and stormwater on site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites or <u>downstream sites</u>; and
Māori Purpose zone - Rural	Activity status: Permitted Where: PER-1 The impermeable surface coverage of any site is no more than 25%. Except that: On sites containing marae, the impermeable surface is no more than 50%.	

⁶ For example, the author of the Ngawha Innovation and Enterprise Park Special Purpose Zone section 42A report makes this recommendation in paragraph 102, page 24 of that report. And the author of the Rural Production Zone section 42A report makes this recommendation in paragraph 260, page 81.



		<p>d. whether low impact design methods and green spaces can be used;</p> <p>e. any cumulative effects on total catchment impermeability; and</p> <p>f. natural hazard mitigation and site constraints.</p>
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- b) Submissions S269.005 and S561.103 is rejected.
- c) Submission S283.025 is rejected.
- d) Submissions S355.033, S396.003, S396.004 and S479.028 are accepted.

Rule MPZ-R3 Farming activity

- 159. Submission S396.005, from Matauri X Inc; supports the retention of rule MPZ-R3 Farming activity.
- 160. Submissions S355.034 and S479.029, from Wakaiti Dalton and Tracy and Kenneth Dalton, support in part rule MPZ-R3 Farming activity and requests an amendment as follows:
*'MPZ-R3 Farming Activity
Māori Purpose zone – Rural
Activity Status: Permitted
Where:
~~PER-1 The farming activity does not include any offensive trade.
Activity Status where compliance not achieved: Not applicable with PER-1:
Discretionary'~~*
- 161. Submission S148.052 from Summit Forests NZ Ltd requests that rule MPZ-R3 'Farming activity' be amended to refer to Primary Production Activity instead of Farming Activity.
- 162. There are two further submissions (FS346.558, FS566.164) which oppose S148.052.

Analysis

- 163. Submission S355.034 from Wakaiti Dalton requests the deletion of PER-1 in rule MPZ-R3160.
- 164. I agree that that '*PER-1 The farming activity does not include any offensive trade*' means that rule MPZ-R3 Farming activity in the Māori Purpose zone – Rural is inconsistent with the Rural Production zone and therefore should



be deleted. Also, the Offensive Trade activity is addressed in rule MPZ-R22 Offensive trade and is a non-complying activity in the Māori Purpose zone - Urban and Māori Purpose zone – Rural.

165. Submission S148.052 requests amendments to rule MPZ-R3 as outlined above 161.
166. I consider that to be consistent with the Rural Production Zone chapter MPZ-R3 should remain as Farming Activity. The definition is broad enough. Accordingly, I recommend that this submission point is rejected.

Recommendations

167. For the reasons outlined above, I recommend the following:
- a) Submissions S355.034 and S479.029 are accepted and that rule MPZ-R3 – Farming activity be amended as follows:
- 'MPZ-R3 Farming Activity
Māori Purpose zone – Rural
Activity Status: Permitted
Where:
~~PER-1 The farming activity does not include any offensive trade.
Activity Status where compliance not achieved: Not applicable with PER-1: Discretionary'~~*
- b) That submission S148.052 is rejected.
168. Submissions S396.005, S396.007, S396.008, S396.009, S396.010, S396.011, S396.012, S425.063, S396.014, S331.111, S396.015 and S396.016, to retain rules MPZ-R3, MPZ-R4, MPZ-R5, MPZ-R6, MPZ-R7, MPZ-R8, MPZ-R9, MPZ-10, MPZ-11, MPZ-14, MPZ-15 and MPZ-16, are accepted.

Rule MPZ-R4 Residential activity (except for papakāinga)

169. Submissions S407.004, S355.035, S396.006, S479.030, S427.039, S338.069, S522.053, and S529.197, from Tapuaetahi Inc, Wakaiti Dalton, Matauri X Inc, Tracy and Kenneth Dalton, KR Assoc; Our KCC Trust, VK and Carbon Neutral Trust, support in part rule MPZ-R4 'Residential activity (except for papakāinga)' and request the following amendments:

(S407.004)

'MPZ-R4 Residential Activity (except for papakāinga)

Māori Purpose zone – Rural

Activity Status: Permitted

Where:

PER-2 The site area per standalone residential unit is at least 40ha.

PER 3 The number of residential units on any site does not exceed six.

Note:

PER-2 AND PER 3 do not apply to:

- A single residential unit located on any site less than the minimum net site area; and*



- *Papakāinga provided for in Rule MPZ-R5.*
- *The landholdings owned by the Tapuaetahi Incorporation at Te Tii*
(Insert Lot and DP as required)
- *Activity Status where compliance not achieved with PER-1, PER-2 or PER 3: Discretionary'*

(S355.035 and S479.030)

'MPZ-R4 Residential Activity (except for papakāinga)

Māori Purpose zone – Rural

Activity Status: Permitted

Where:

PER-2 The site area per standalone residential unit is at least 40ha 20ha.

PER 3 The number of residential units on any site does not exceed six.

Note:

PER-2 AND PER 3 do not apply to:

- *A single residential unit located on any site less than the minimum net site area; and*
- *Papakāinga provided for in Rule MPZ-R5.*
- *Activity Status where compliance not achieved with PER-1, PER-2 or PER 3: Discretionary'*

(S396.006)

'MPZ-R4 Residential Activity (except for papakāinga)

Māori Purpose zone – Rural

Activity Status: Permitted

Where:

PER-2 The site area per standalone residential unit is at least 40ha.

PER 3 The number of residential units on any site does not exceed six.

Note:

PER-2 AND PER 3 do not apply to:

- *A single residential unit located on any site less than the minimum net site area; and*
- *Papakāinga provided for in Rule MPZ-R5.*
- *The land identified by the following legal description: Lot 186-188, 190, 193 DP 393664 being part Matauri X Residue.*
- *Activity Status where compliance not achieved with PER-1, PER-2 or PER 3: Discretionary'*

170. Submissions S427.039, S522.053, S338.069 and S529.197 have requested amendments relating to outdoor areas of multiunit development but have provided no wording.
171. Submission S561.105 from Kāinga Ora opposes rule MPZ-R4 Residential activity (except for papakāinga) and requests it be deleted in its entirety.



172. There is one further submission (FS566.1792) in support of S522.053 and three further submissions (FS570.2084, FS566.2098, FS569.2120), in support of S529.197.

Analysis

173. Submission S407.004 from Tapuaetahi Inc requests an amendment to rule MPZ-R4 Residential activity.
174. Tapuaetahi Inc manages multiple blocks of Māori land on the Purerua Peninsula adjoining Tapuaetahi Beach to the north and Te Puna Inlet to the south. The largest block is approx. 268 ha. As rule MPZ-R4 currently applies, in terms of a residential activity, 6 residential units would be permitted on the block. At this stage I consider that there is not enough evidence to understand what the impact of an amendment to exempt a yet to be specified block of Tapuaetahi Inc land from the rule MPZ-R4 standards. Tapuaetahi Inc may wish to bring this evidence to the hearing. At this stage and based on existing information, I recommend that this submission point be rejected.
175. Submissions S355.035 and S479.030 from Wakaiti Dalton and Tracy and Kenneth Dalton request an amendment to rule MPZ-R4 PER-2.
176. The request to reduce the site area per standalone residential unit from 40ha to 20ha may result in an increase in development opportunity for the approx. 500 parcels of Māori land between 20 and 40ha in the district⁷. However, I consider that there is sufficient opportunity for development potential under MPZ-R5 Papakāinga. Additionally, I consider that accepting this amendment will put the Māori Purpose – Rural zone out of step with the recommendations by the author of the s42A Report for the Rural Production zone. In addition to this I consider a 20ha threshold may result in fragmentation of rural land, increase reverse sensitivity risk for rural production activities and loss of rural amenity. Accordingly, I recommend these submissions are rejected.
177. Submission S396.006 from Matauri X Inc requests an amendment to rule MPZ-R4 Residential activity.
178. As with above, Matauri X Inc. manages multiple Māori land blocks in Matauri Bay. The PDP specified Matauri X Inc. blocks have been given exemption from rule MPZ-R5 Papakāinga, and the justification for this was provided in the Section 32 Report for Tangata Whenua⁸. The report identified that it was appropriate to provide a site-specific approach because there is an established papakāinga which already contains approximately 17 residential units and Matauri X have a Papakāinga Development Plan. However, at this stage I consider that there is not enough evidence provided to understand what the impact of an amendment to exempt the same Matauri X Inc land from the rule MPZ-R4 Residential activity (except for papakāinga), applying

⁷ Section 32 Report Tangata Whenua p.19-20

⁸ Section 32 Report Tangata Whenua p.40



to it. Matauri X Inc. may wish to bring this evidence to the hearing. Accordingly, I recommend that this submission point is rejected.

179. Submissions S427.039, S338.069, S522.053 and S529.197 from KR Assoc; Our KCC Trust, VK and Carbon Neutral Trust request amendments to rule MPZ-R4.
180. I consider that multiunit development is provided for by rule MPZ-R4, the permitted standards within the rule provide for outdoor space and other chapters such as the Transport chapter provide for parking and access controls. As these are district wide provisions, they will apply to the Māori Purpose zone in the same manner they apply to other zones. Additionally, as no specific wording has been provided to amend the rule I recommend rejection of the submission point.
181. Submission S561.105 from Kāinga Ora requests the deletion of rule MPZ-R4.
182. I consider that the requested deletion of rule MPZ-R4 will mean the Māori Purpose zone is inconsistent with other zones in the PDP and therefore may not achieve the objectives and purposes for the zone. Therefore, I recommend the rejection of the submission point.

Recommendation

183. For the reasons outlined above, I recommend the following:
 - a) Submission point S407.004 is rejected.
 - b) Submission points S355.035 and S479.030 are rejected.
 - c) Submission point S396.006 is rejected.
 - d) Submission points S427.039, S338.069, S522.053 and S529.197 are rejected.
184. Submission point S561.105 is rejected.

Rule MPZ-R5 Papakāinga

185. Submission S396.007, from Matauri X Inc; supports the retention of rule MPZ-R5 Papakāinga.
186. Submissions S407.005, S559.037 and S561.106 from Tapuaetahi Inc; TRoNR and Kāinga Ora respectively, support in part rule MPZ-R5 Papakāinga and request the following amendments:
(S407.005, S559.037)

`MPZ-R5 Papakāinga

Māori Purpose zone – Rural

Activity Status: Permitted

Where

PER-2

The number of residential units does not exceed the greater of:



- a. one residential unit per 40ha of site area; or
- b. 10 residential units per site.

PER-3

Any commercial activity associated with the papakāinga does not exceed a GBA of 250m².

Note:

PER-2 does not apply to the land identified by the following legal description:

- Lot 186-188, 190, 193 DP 393664 being part Matauri X Residue.
- The landholding owned by the Taupaetahi Incorporation at Te Tii (insert Lot and DP as required).

(S561.106)

MPZ-R5 Papakāinga

Māori Purpose zone – Urban

Activity Status: Permitted

Where:

PER-1

~~1. The site area is at least 600m²; and
The number of residential units on a site does not exceed three.~~

Use and development can be adequately serviced in terms of stormwater, wastewater and potable water infrastructure

Māori Purpose zone – Rural

Activity Status: Permitted

Where

PER-2

~~The number of residential units does not exceed the greater of:~~

- ~~a. one residential unit per 40ha of site area; or~~
- ~~b. 10 residential units per site.~~

PER-3

Any commercial activity associated with the papakāinga does not exceed a GBA of 250m².

Note: *PER-2* does not apply to the land identified by the following legal description:

Lot 186-188, 190, 193 DP 393664 being part Matauri X Residue.

Activity Status where compliance not achieved with *PER-1*, or *PER-2* or *PER-3*: Restricted Discretionary

Matters of discretion are restricted to:

- a. the matters set out in Policy MPZ-P4'

187. Submission S486.093, S498.081 and S390.080 from TROW, TRAION and TRON Trust oppose rule MPZ-R5 and request amendments to permit residential units on sites in addition to the numbers permitted in the notified rule.



188. There are four further submissions (FS151.345, FS570.2227, FS566.2241, FS569.2263) in support of S559.037 and one further submission (FS348.064), is opposed.
189. There is one further submission (FS23.378) in support of S561.106, one further submission (FS36.078) which supports in part the submission and three further submissions (FS32.160, FS47.120, FS348.193) which are opposed the submission.
190. There are three further submissions (FS151.128, FS23.249, FS243.206 and FS243.205) in support of submissions S486.093, S498.081 and S390.080.

Analysis

191. Submission S396.007 is acknowledged and accepted
192. Submissions S407.005 and S559.037 from Tapuaetahi Inc and TRONR request and amendment to rule MPZ-R5 – Papakāinga.
193. The submitters request the inclusion of an amendment to exempt a yet to be specified block of Tapuaetahi Inc land from the rule MPZ-R5 as with the exemption for the specified Matauri X Inc. blocks. The Tapuaetahi Inc. land is located at Te Tii, on the Purerua Peninsula. There are multiple land blocks which total approximately 300 hectares, the majority of which is vacant farm land. While the burden of the resource consenting process is acknowledged, should the papakāinga proposal be beyond the 10 residential unit threshold, it does preclude development and use beyond this standard, it provides the checks and balances relating to provision of services in particular. At this stage I consider that there is not enough evidence provided to understand what the impact of this would be, as was provided in the Section 32 Report for Tangata Whenua⁹ to exempt the same Matauri X Inc land from the rule MPZ-R5. Tapuaetahi Inc. may wish to bring this evidence to the hearing. Accordingly, at this stage and based on existing information, I recommend that this submission point be rejected.
194. Submission S561.106 from Kainga Ora requests amendments to rule MPZ-R5.
195. I consider that as I have recommended a rejection of the requested new objective MPZ-O4 as per submission S561.098, outlined in paragraph 72 above and the requested new policy MPZ-P4 as per submission S561.100. The term "*adequately serviced*" is broad and open to interpretation. I also consider that the proposed rule as it stands provides for how the objectives of the chapter are to be achieved, including flexibility in the provision of services where appropriate. Accordingly, it is appropriate that this submission is also rejected.
196. In respect to submissions S486.093, S498.081 and S390.080 I recommend, for the same reasons I have provided in the paragraph above, these are rejected.

⁹ Section 32 Report Tangata Whenua p.40



Recommendation

197. For the reasons outlined above, I recommend the following:
- Submission point S396.007 is accepted.
 - Submission points S407.005 and S559.037 are rejected.
 - Submission point S561.106 is rejected.
198. Submission points S486.093 and S498.081 are rejected.

Rule MPZ-R6 Visitor accommodation

199. Submission S396.008 from Matauri X Inc; supports the retention of rule MPZ-R6 Visitor accommodation.
200. Submissions S561.107 and S214.015 from Kāinga Ora and Airbnb respectively, support in part rule MPZ-R6 'Visitor accommodation' and request the following amendments:

(S561.107)

'a. MPZ-R6 Visitor accommodation

Māori Purpose zone - Urban

Māori Purpose zone - Rural

Activity status: Permitted

Where:

PER-1

The occupancy does not exceed six guests per night. Use and development can be adequately serviced in terms of stormwater, wastewater and potable water infrastructure

Note:

PER-1 does not apply to marae provided for under MPZ-R7

Activity status where compliance not achieved with PER-1: Discretionary

Restricted Discretionary

a. the matters set out in Policy MPZ-P4'

(S214.015)

'MPZ-R6 Visitor accommodation

Māori Purpose zone - Urban

Māori Purpose zone - Rural

Activity status: Permitted

Where:

PER-1

a. The occupancy does not exceed ~~six~~ 10 guests per night

Note:

PER-1 does not apply to marae provided for under MPZ-R7

Activity status where compliance not achieved with PER-1: Discretionary

Restricted Discretionary

Matters of discretion are restricted to:

a. the matters set out in Policy MPZ-P4'



201. There is one further submission (FS23.379) in support of S561.107, one which supports the submission in part (FS36.072) and three which oppose the submission (FS32.161, FS47.121, FS348.194). There is one further submission (FS23.077) in support of S214.015.

Analysis

202. Submission S396.008 is acknowledged and accepted.
203. Submissions S561.107 and S214.015 from Kainga Ora and Airbnb request amendments to rule MPZ-R5 Visitor accommodation.
204. I consider the permitted thresholds of six guests per night for visitor accommodation in the MPZ to be appropriate for the outcomes sought in the zone. These thresholds are generally consistent with the rural and general residential zones and with other district plans. In addition, the rule does not apply to marae and so this cultural activity is provided for. As the potential adverse effects of visitor accommodation that is beyond the permitted standard can vary depending on the type and scale of the operation then I support the discretionary activity status in both the MPZ-Urban and MPZ-Rural. Accordingly, I recommend these submission points be rejected.

Recommendations

205. For the reasons outlined above, I recommend the following:
- a) Submission point S396.008 is accepted.
 - b) Submission points S561.107 and S214.015 are rejected.

Rules MPZ-R7 Marae, MPZ-R8 Community facility, MPZ-R9 Customary activity, MPZ-R10 Urupā

206. Submissions S396.009, S396.010, S396.011 and S396.012 from Matauri X Inc; support the retention of rules MPZ-R7 Marae, MPZ-R8 Community facility, MPZ-R9 Customary activity and MPZ-R10 Urupā.

Analysis

207. Submissions S396.009, S396.010, S396.011 and S396.012 are acknowledged and accepted.

Recommendations

208. For the reasons outlined above, I recommend the following:
- a) Submission points S396.009, S396.010, S396.011 and S396.012 are accepted.

Rule MPZ-R11 Home business

209. Submission S425.063 from PHTTCCTC Trust supports the retention of rule MPZ-R11 Home business as proposed.



210. Submissions S396.013 and S561.108, from Matauri X Inc and Kāinga Ora, support in part rule MPZ-11 Home business and request the following amendments, respectively:

(S396.013)

*'MPZ-R11 Home business
Māori Purpose zone - Urban
Māori Purpose zone - Rural*

Activity status: Permitted

Where:

PER-1

The home business is undertaken within:

- 1. a residential unit; or*
- 2. an accessory building that does not exceed GFA of 40 100m² GFA; or*
- 3. a minor residential unit.*

PER-2

There is no more than ~~two~~ four full-time equivalent persons engaged in the home business who reside off-site.

PER-3

All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.

PER-4

Hours of operation are between:

- 1. 7am-8pm Monday to Friday.*
- 2. 8am-8pm Weekends and public holidays.*

Activity status where compliance not achieved with PER-1, PER-2, PER-3 or PER-4: Discretionary'

(S561.108)

*'MPZ-R11 Home business
Māori Purpose zone - Urban
Māori Purpose zone - Rural*

Activity status: Permitted

Where:

PER-1

The home business is undertaken within:

- 1. a residential unit; or*
- ~~2. an accessory building that does not exceed GFA of 40 m² GFA; or~~*
- 3. a minor residential unit.*

PER-2

~~There is no more than two full-time equivalent persons engaged in the home business who reside off-site. Use and development can be adequately serviced in terms of stormwater, wastewater and potable water infrastructure.~~

PER-3



All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.

PER-4

Hours of operation are between:

3. 7am-8pm Monday to Friday.

4. 8am-8pm Weekends and public holidays.

Activity status where compliance not achieved with PER-1, PER-2, PER-3 or PER-4: ~~Discretionary~~— Restricted Discretionary

Matters of discretion are restricted to:

a. the matters set out in Policy MPZ-P4'

211. There is one further submission (FS23.380) in support of S561.108, one which supports in part the submission (FS36.073) and three which oppose the submission (FS32.162, FS47.122, FS348.195).
212. Submission S431.146 from John Andrew Riddell does not state a position on rule MPZ-R11 and requests an amendment to PER-4 of the rule so that the hours of operation apply to when the business is open to the public.
213. There is one further submission (FS332.146) in support of submission S431.146.

Analysis

214. Submissions S396.013 and S561.108, from Matauri X Inc and Kāinga Ora, support in part rule MPZ-R11 Home business and request amendments.
215. I concur with the author of the Section 42A Report Rural Production Zone¹⁰ and consider that the intent of the GFA limit on accessory buildings is to control the scale and nature of a home business. Increasing or removing the GFA limits on accessory buildings would permit larger scale commercial or industrial activities within the MPZ which may not be appropriate, particularly in a rural context. It is appropriate that the GFA limit of 40m² remains for the MPZ and any business activity exceeding the thresholds can be assessed on a case-by-case basis through the resource consent process. Additionally, because a large portion of MPZ land is within a rural context, it is appropriate that the permitted thresholds for home business are consistent with the Rural Production Zone. As such I do not recommend removing the GFA limit from MPZ-R11 and recommend it is retained as notified.
216. In respect to S431.146, I concur with the author of the Section 42A Report Rural Production Zone¹¹. The request to amend PER-4 so that the hours of operation only restrict when a business can be open to the public, not the hours a business can operate will improve clarity. I recommend the submission is accepted and the amendment to rule MPZ-R11 as set out in Appendix 2.

¹⁰ Section 42A Report Rural Production Zone p.150

¹¹ Section 42A Report Rural Production Zone p.150



Recommendations

217. For the reasons outlined above, I recommend the following:

- a) Submissions S396.013 and S561.108 be rejected.
- b) Submission S431.146 is accepted.

Rule MPZ-R14 Educational facility

218. Submissions S396.014 and S331.111 from Matauri X Inc and MOE; support the retention of rule MPZ-R14 Educational facility, as proposed.

219. Submission S561.109 from Kāinga Ora supports in part rule MPZ-14 and requests the following amendments:

'MPZ-R14 Educational facility

Māori Purpose zone - Urban

Māori Purpose zone – Rural

Activity status: Permitted

Where:

PER-1

~~The educational facility is within a residential unit or accessory building. Use and development can be adequately serviced in terms of stormwater, wastewater and potable water infrastructure.~~

PER-2

~~The number of persons attending at any one time does not exceed four, excluding those who reside on site.~~

~~These standards do~~ This rule does not apply to: Kōhanga reo activities.

Activity status where compliance not achieved with PER-1 or PER-2:

Restricted Discretionary

Matters of discretion are restricted to:

- a. *the matters set out in Policy MPZ-P4'*

220. There is one further submission (FS23.38) which supports S561.109, two which support in part (FS36.074, FS375.004) and three (FS348.196, FS47.123, FS32.163) which oppose the submission.

221. Submissions S486.094 S390.081 and S498.082 from TROW, TRON Trust and TRAION oppose rule MPZ-R14 and seek the following amendments:

'MPZ-R14 Educational facility

Māori Purpose zone - Urban

Māori Purpose zone – Rural

Activity status: Permitted

Where:

PER-1

The educational facility is within a residential unit or accessory building.

PER-2

The number of persons attending at any one time does not exceed four, excluding those who reside on site.

~~These standards do~~ This rule does not apply to: Kōhanga reo or to occupational or outdoor training activities.'

222. There are two further submissions (FS151.129 and FS23.250) in support of S498.082.



Analysis

223. Submissions S396.014 and S331.111 are acknowledged and accepted.
224. Submission S561.109 from Kāinga Ora supports in part rule MPZ-14 and requests amendments.
225. I consider the thresholds for educational facilities in the MPZ to be appropriate for the outcomes sought in the zone, because the potential adverse effects of educational facilities larger than the permitted standard can vary depending on the type and scale of the operation. In my view, due to the rural context of many MPZ sites, discretionary activity status in both the MPZ-Urban and MPZ-Rural is appropriate to enable a case-by-case assessment for any proposed education facility in its context, through the resource consent process. Accordingly, I recommend the submission is rejected.
226. Submissions S486.094 S390.081 and S498.082 oppose rule MPZ-14 and request amendments outlined in paragraph 221. For the same reasons outlined in the paragraph above I recommend these submissions are rejected.

Recommendations

227. For the reasons outlined above, I recommend the following:
- Submission points S396.014 and S331.111 are accepted.
 - Submission point S561.109 is rejected.
 - Submission points S486.094 S390.081 and S498.082 are rejected.

Rule MPZ-R15 Commercial activity

228. Submissions S396.015 and S425.065, from Matauri X Inc and PHTTCCTC Trust; support the retention of rule MPZ-R15 Commercial activity, as proposed.
229. Submissions S355.036 and S479.031 from Wakaiti Dalton and Tracy and Kenneth Dalton support in part rule MPZ- R15 Commercial activity and requests the following amendment:

*'MPZ-R15 Commercial activity
Māori Purpose zone - Urban*

*Māori Purpose zone – Rural
Activity status: Permitted*

Where:

PER-1

~~The commercial activity does not exceed a GBA of 250m².~~

Except that:

On any site adjoining a Settlement Zone, the commercial activity does not exceed a GBA of:

- 400m² if the site is located in the settlement of Moerewa; or*
- 300m² in all other settlements.*



*Activity status where compliance not achieved with PER-1:
Discretionary'*

230. Submissions S486.095, S390.082 and S498.083 from TROW, TRONT and TRAION oppose rule MPZ-R15 Commercial activity and request amendments that are more enabling.

Analysis

231. Submissions S396.015 and S425.065 are acknowledged and accepted.
232. Submissions S355.036 and S479.031 support in part rule MPZ-R15 and seek amendments 229. I consider the rule provides a permitted threshold for small scale commercial activity and beyond that, it is appropriate that a resource consent be required. However, the recommended changes to policy MPZ-P2 provides for other commercial activities on Māori land to enable Māori to achieve their aspirations without compromising the role and function of urban centres and/or conflicting with the rural zone and rural activities. Accordingly, I recommend the submissions are rejected.
233. Submissions S486.095, S390.082 and S498.083 seek more enabling provisions. As outlined in the paragraph above, I consider the amendments to policy MPZ-P2 provide for this and accordingly recommend these submissions are accepted in part although retaining the rule as notified.

Recommendations

234. For the reasons outlined above, I recommend the following:
- a) Submission points S396.015 and S425.065 are accepted.
 - b) Submissions points S355.036 and S479.031 are rejected.
 - c) Submissions S486.095, S390.082 and S498.083 are accepted in part.

Rule MPZ-R16 Rural tourism activity

235. Submission S396.016, from Matauri X Inc; supports the retention of rule MPZ-R16 Rural tourism activity, as proposed.

Analysis

236. Submission S396.016 is acknowledged and accepted.

Recommendations

237. For the reasons outlined above, I recommend the following:
- a) Submission S396.016 is accepted.

New Rules MPZ-RXX

238. Submission S512.067 from FENZ requests the insertion of a new rule relating to emergency services facilities as a permitted activity.



239. Submissions S486.091, S390.078 and S498.079 from TROW, TRONTT and TRAION request the rules be amended to permit rural produce retail as with RPROZ-R10 and RRZ-R9.
240. Submissions S486.092, S390.079 and S498.080 from TROW, TRONTT and TRAION request the insertion of a new rule to provide for rural produce manufacturing.
241. There are two further submissions (FS151.126, FS23.247) which support submission S498.079 and two further submissions (FS151.127, FS23.248) which support S498.80.

Analysis

242. Submission S512.067 requests the insertion of a new rule as outlined above. I concur with the author of the Section 42A Report Rural Production Zone as it relates to the same FENZ submission in that zone¹². It is considered that the relief sought is already adequately and most efficiently addresses through the district wide provision in the PDP i.e: Rules NH-R5 and NH-R6 (Wildfire) in the Natural Hazards chapter and Rule TRAN-R2 (vehicle crossing and access, including private accessways in the Transport chapter. Therefore, for consistency, I recommend the submission be rejected.
243. Submissions S486.091, S390.078 and S498.079 request the insertion of a new rule to permit rural produce retail as in the Rural Production zone. It is considered that it is appropriate to align the Māori Purpose Zone – Rural by including a rural produce retail rule as it achieves the objectives of the zone. Therefore, I recommend the submissions are accepted and the new rule inserted as per Appendix 1.
244. Submissions S486.092, S390.079 and S498.080 request the insertion of a new rule to permit rural produce manufacturing as in the Rural production zone. It is considered that it is appropriate to align the Māori Purpose Zone – Rural by including a rural produce manufacturing rule as it achieves the objectives of the zone. Therefore, I recommend the submissions are accepted and the new rule inserted as per Appendix 1.

Recommendation

245. For the reasons outlined above, I recommend the following:
 - a) Submission S512.067 be rejected.
 - b) Submissions S486.091, S390.078 and S498.079 are accepted.
 - c) Submissions S486.092, S390.079 and S498.080 are accepted.

Rules (General)

246. Submissions S259.025 and S359.023 from Nicole Wooster and NRC, support in part the rules relating to the Māori Purpose zone and request amendments to the rules so that development of Māori land should be

¹² Section 42A Report Rural Production Zone, paragraphs 231 – 234, p73



compatible with and does not constrain existing farm activities. No wording has been provided.

- 247. There are 5 further submissions (FS23.102, FS570.1059, FS346.484, FS566.1073, FS569.1095) in support of S359.023.
- 248. Submission S529.167 from the Carbon Neutral Trust requests the amendment of rules to protect productive land now.
- 249. There are three further submissions (FS570.2055, FS566.2069, FS569.2091) in support of submission S529.167.

Analysis

- 250. Submissions S259.025 and S359.023 request amendments to the rules. I consider that the current MPZ framework strikes an appropriate balance between providing for land use and development on MPZ land and protecting rural character through bulk and location standards and limits on the scale of commercial activities. Accordingly, I recommend the submissions be rejected.
- 251. Submission S529.167 requests amendments to the rules as outlined above. I consider that the current rules in the MPZ are consistent with the NPS-HPL because Māori land is 'specified Māori land' and is generally exempt from most NPS-HPL restrictions. Accordingly, I recommend the submission is rejected. 246

Recommendations

- 252. For the reasons outlined above, I recommend the following:
 - a. Submissions S259.025 and S359.023 is rejected.
 - b. Submission S529.167 is rejected.

Section 32AA evaluation

- 253. I consider that the amendments to the rules that I have recommended are more appropriate way to achieve the purpose of the RMA than the notified objectives, because they better promote sustainable management by improving the way in which the objectives recognise and provide for section 6(e) and take into section 8 of the RMA.

5.2.5 Key Issue 5: Standards – Māori Purpose zone

Overview

Provision(s)	Officer Recommendation(s)
MPZ-S1	<ul style="list-style-type: none"> • Amend MPZ-S1 to include exception and Note
MPZ-S2	<ul style="list-style-type: none"> • Retain as notified.
MPZ-S3	<ul style="list-style-type: none"> • Retain as notified



Provision(s)	Officer Recommendation(s)
MPZ-S4	<ul style="list-style-type: none"> Delete from MPZ chapter
MPZ-S5	<ul style="list-style-type: none"> Retain as notified
MPZ-S6	<ul style="list-style-type: none"> Amend standard as outlined in Appendix 1

Analysis of Submissions on Key Issue 5

Matters raised in submissions

Standard MPZ-S1 Maximum height

254. Submission S368.017 from FNDC supports in part standard MPZ-S1 and requests the following amendment:

'MPZ-S1 Maximum height

Māori Purpose zone – Urban

The maximum height of the building or structure, or extension or alteration to an existing building or structure is 14.8m above ground level except where the site adjoins the Mixed Use Zone, Light or Heavy Industrial zones, the maximum height is 12m above ground level.

This standard does not apply to:

- i. pou haki provided that they do not exceed the height limit by more than 1m;*
- ii. solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation;*
- iii. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;*
- iv. satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or*
- v. Architectural features (e.g. koruru, finials, spires) that do not exceed 1m in height on any elevation.'*

255. There is 1 further submission, FS243.203, which opposes submission S368.017.

256. Submission S489.038 from RNZ supports standard MPZ-S1 and requests an amendment to include a new matter within policy MPZ-P4 relating to structures within 1,000m of RNZ's facilities in Waipapakauri and Ohaeawai.

Analysis

257. Submission S368.017 from FNDC requests amendments to standard MPZ-S1.

258. I consider that reasons given for the request, to ensure consistency in standards between the Māori Purpose zone – Urban and the General Residential zone, while providing for the small number of sites zoned Māori Purpose – Urban, which directly adjoin the Mixed Use, Light and Heavy Industrial zones, are appropriate. The amendment would ensure greater consistency in character and amenity between the zones while still



providing some enablement where appropriate. Accordingly, I recommend the amendments be accepted.

259. Submission S489.038 from RNZ has been provided for through submission S489.037 to rule MPZ-R1. For the reasons above, I recommend the submission is accepted.

Recommendations

260. For the reasons outlined above, I recommend the following:
- a) Submission point S368.017 is accepted.
261. Submission point S489.038 is accepted.

Standard MPZ-S2 Height in relation to boundary

262. Submission S431.197 from John Andrew Riddell does not state a position on standard MPZ-S2 but requests the standard be retained.

Analysis / Recommendation

263. The submission is acknowledged, and I recommend the submission is accepted.

Standard MPZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)

264. There are 2 submissions, S416.068 and S512.089, from KiwiRail and FENZ respectively which support in part standard MPZ-S3 and request the following amendments:

'a. Insert a railway setback (refer to submission for examples)

Insert the following matters of discretion into the standard:

- *the location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor*
- *the safe and efficient operation of the rail network*

b. Insert advice note to setback standard

Building setback requirements are further controlled by the Building Code. This includes the provision for firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted'

265. There is 1 further submission, FS243.154, which opposes submission S416.068.



Analysis

266. Submission S416.068 from KiwiRail requests amendments to standard MPZ-S3.
267. While understanding the potential conflicts with the railway corridor or transport network I consider the proposed standards in the MPZ relating to height, height in relation to boundaries and setback from boundaries to sufficiently address these concerns. Accordingly, I recommend that this submission point be rejected.
268. Submission S512.089 from FENZ requests amendments to standard MPZ-S3.
269. I concur with the approach taken by the author of the s42A Rural Production¹³ with respect to this request in that I do not support the use of advice notes that refer to different pieces of legislation and standards, unless absolutely necessary, as to do so would not be consistent with the plan format, which complies with the National Planning Standards and seeks to avoid the use of advice notes within rules and standards wherever possible. As such I do not recommend the insertion of this advice note.

Recommendations

270. For the reasons outlined above, I recommend the following:
- a) Submission points S416.068 and S512.089 are rejected.

Standard MPZ-S4 Setback from MHWS

271. Submission, S407.006 from Tapuaetahi Inc. supports in part MPZ-S4 and requests the following amendment:

'MPZ-S4 Setback from MHWS

Māori Purpose zone - Urban

Māori Purpose zone - Rural

The maximum height of the building or structure, or extension or alteration to an existing building or structure, must be set back at least 26m from MHWS.

Exemption:

- *Where there is a legally formed and maintained road, reserve or allotment between the property and the coastal marine area.'*

Analysis

272. Submission S407.006 requests amendments to standard MPZ-S4.
273. Submissions on the standards relating to setbacks from MHWS were considered in Key Issue 20 of the Section 42A Coastal Environment report¹⁴. The reporting officer for that topic recommended deleting all Standard 4 Setback from MHWS standards across all zone chapters, on the basis that the issue was best addressed in the Coastal Environment Chapter. As such,

¹³ Section 42A Report Rural Production p73-74

¹⁴ Section 42A Report Coastal Environment, p.112.



I recommend the deletion of standard MPZ-S4 from the Māori Purpose zone chapter, and that Advice Note 2 above the Rules table is amended as follows:

This zone chapter does not contain rules relating to setbacks to waterbodies and MHWS for buildings or structures or setbacks to waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetland, lake and river margins and the Coastal Environment chapter contains rules for activities within the coastal environment. The Natural Character chapter and the Coastal Environment chapter should be referred to in addition to this zone chapter.

274. In addition to this it should be noted that the recommended changes in the Section 42A report for the Coastal Environment includes an exception where there is a legally formed and maintained road between the property and MHWS.¹⁵
275. I concur with the approach taken by the author of the report and therefore recommend that submission S407.006 be rejected.

Recommendations

276. For the reasons outlined above, I recommend the following:
- a. Submission point S407.006 is rejected.
 - b. That standard MPZ-S4 be deleted from the Māori Purpose zone chapter.
 - c. That Advice Note 2 in Māori Purpose zone chapter be amended to reflect the above in paragraph 273.

Standard MPZ-S5 Building or structure coverage

277. Submission S283.037 from Trent Simpkin opposes standard MPZ-S5. The submission applies to all building coverage rules in all zones and requests an amendment to the rule to insert a PER-2 which says is a building is above the maximum, it is permitted if a visual assessment and landscape is provided as part of the building consent.
278. There are three further submissions (FS570.851, FS566.865 and FS569.887) which oppose S283.037.

Analysis

279. Submission S283.037 requests an amendment to MPZ-S5. I consider the insertion of additional matters in the standard to allow for buildings over the permitted standard when a visual assessment and landscape plan to address visual amenity effects is provided at building consent, to be problematic. A landscape plan and visual assessment would need to be provided and assessed by suitably qualified landscape technical experts, which could be onerous for both applicants and council building consent

¹⁵ Section 42A Report Coastal Environment, para. 495, p.118.



department. I consider this to be a barrier in the MPZ the purpose of which is to be more enabling. Therefore, I recommend the submission is rejected.

Recommendations

280. For the reasons outlined above, I recommend the following:

- a) Submission point S283.037 is rejected.

Standard MPZ-S6 On-site services

281. Submission S396.019 from Matauri X Inc supports in part standard MPZ-S6 and requests the following amendment:

MPZ-S6	On-site services	
<p>Māori Purpose zone - Urban</p> <p>Māori Purpose zone - Rural</p>	<p>Wastewater</p> <p>1. Where a connection to Council’s reticulated wastewater systems is not available:</p> <ul style="list-style-type: none"> a. any residential unit has a minimum exclusive use area surrounding the unit, for on-site wastewater treatment and disposal, of 2,000m². b. all wastewater treatment and disposal systems must be contained within the site that the system serves, and be connected to a septic tank or soakage field or an approved alternative means to dispose of sewage in a sanitary manner in accordance with Far North District Council Engineering Standards April 2022. c. where sewage is to be disposed to ground, the receiving area must not be: <ul style="list-style-type: none"> i. land susceptible to instability; or ii. an area identified in the District Plan as subject to inundation; or iii. used for the disposal of stormwater. 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the ability to ensure an adequate supply of potable water for the uses of the site or activity; b. the security of any proposed potable water supply from contamination; <ul style="list-style-type: none"> a. the adequacy of storage volume of water for domestic and fire-fighting purposes; and b. the ability to ensure the avoidance of soil contamination or any other adverse effects from the discharge of any



	<p>a. A site suitability report for on-site wastewater disposal, prepared by a suitably qualified and experienced person, to demonstrate compliance with the above standards, <u>Far North District Council Engineering Standards April 2022 TP58</u>, and the Northland Regional Plan shall be submitted to Council for approval at time of building consent.</p> <p>Water</p> <p>2. Where a connection to Council’s reticulated water systems is not available, all residential units shall have access to potable (drinkable) water from a community water scheme or private water bore or shall be able to store 45,000 litres of potable water from another source.</p> <p>Stormwater</p> <p>3. Where a connection to Council's reticulated stormwater system is not available then stormwater must be disposed of in accordance with Far North District Engineering Standards 2022.</p>	<p>wastewater or stormwater.</p>
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282. Submission S512.043 from FENZ supports standard MPZ-S6 and seeks an amendment to include firefighting water supply as well potable water supply.

Analysis

283. Submission S396.019 from Matauri X Inc requests the amendments as outlined above.

284. Submissions on the Engineering Standards approach in the PDP were considered in Key Issue 1 of the Section 42A Engineering Standards report. It has been identified in this report that the current approach of incorporating the Engineering Standards by reference and requiring compliance in accordance with the standards has several issues.¹⁶ The report author, Ms Sarah Trinder, has recommended decoupling the Engineering Standards and the PDP.¹⁷ Technical advice has been sought on this matter from Tom Kiddle – Senior Civil Engineer at Beca **Appendix 3**. Specifically for standard MPZ-S6 proposed amendments and in relation to

¹⁶ Section 42A Report Engineering Standards p.10

¹⁷ Section 42A Report Engineering Standards p.12, para. 55



submission point S396.019, whereby it is stated that the amended proposed standard adequately addresses the engineering related relief sought by the submitter. The amendments to the standard as shown in **Appendix 1** provide for the permissive approach to development while safeguarding environmental and human health risks through three waters management associated with land development. Accordingly, I recommend submission S396.019 be accepted in part.

285. I concur with the approach taken by the author of the report referred to in the above paragraph and therefore recommend that submission S396.019 be accepted in part.
286. Submission S512.043 seeks an amendment to the standard which I consider I have covered in my response to submission S512.115. To reiterate, I consider that this relief is adequately provided for in the Natural Hazard chapter of the PDP through rules NH-5 and NH-6 (Wild fire) which include specific requirement for new buildings and alterations to existing buildings to have water supply for fire fighting purpose that comply with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice. These provisions apply on a District-Wide basis. Accordingly, I recommend this submission be rejected.

Recommendations

287. For the reasons outlined above, I recommend the following:
- a) Submission point S396.019 is accepted in part.
 - b) Submission point S512.043 is rejected.

New Standard MPZ-SXX

288. Submission S561.104 from Kāinga Ora supports in part the standards and requests the insertion of a new standard relating to impermeable surfaces as follows:

Māori Purpose Zone - Urban

The impermeable surface coverage of any site is no more than 60%.

Māori Purpose Zone - Rural

The impermeable surface coverage of any site no more than 25%.

Except that:

On sites containing marae, the impermeable surface is no more than 50%.

Where the standard is not met, matters of discretion are restricted to:

- g. the extent to which landscaping or vegetation may reduce adverse effects of runoff;*
- h. the effectiveness of the proposed method for controlling stormwater on site;*
- i. the availability of land for disposal of effluent and stormwater on site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites;*
- j. whether low impact design methods and green spaces can be used;*
- k. any cumulative effects on total catchment impermeability; and*



1. natural hazard mitigation and site constraints.

289. There is one further submission in support of S561.104 (FS23.376) and 3 further submissions (FS32.158, FS47.118, FS348.191) which are opposed.

Analysis

290. Submission S561.104 from Kāinga Ora requests the insertion of a new standard.
291. I consider that the request to insert an additional standard for Impermeable surfaces to be unnecessary as the PDP has addressed the issue of impermeable surfaces as an activity and through a rule in each of the zones. The Māori Purpose zone is consistent in this regard and has addressed impermeable surfaces through rule MPZ-R2. Therefore, I recommend that this submission point be rejected.

Recommendation

292. For the reasons outlined above, I recommend the following:
- d) That submission **S561.104 is rejected.**

Section 32AA evaluation

293. I consider that the amendments to the standards that I have recommended are more appropriate way to achieve the purpose of the RMA than the notified objectives, because they better promote sustainable management by improving the way in which the objectives recognise and provide for section 6(e) and take into section 8 of the RMA.

5.2.6 Key Issue 6: General / Plan Content / Miscellaneous and General / Process and Zoning – Māori Purpose zone

Overview

Provision(s)	Officer Recommendation(s)
Māori Purpose zone	<ul style="list-style-type: none"> Retain as notified

Analysis of Submissions on Key Issue 6

General / Plan Content / Miscellaneous

Matters raised in submissions

294. Submission, S559.009 from TRONR requesting an amendment to enable Ngāti Rēhia whenua can utilise native and exotic forestry on their properties to offset any emissions or trade them.
295. There are four further submissions in support of S559.009 (FS151.142, FS570.2199, FS566.2213, FS569.2235), one which supports in part (FS155.15), and one which opposes (FS348.036).
296. There is one submission, S559.036 from TRONR requesting an amendment to insert a rule which exempts marae development from providing a traffic management report (inferred).



297. There are four further submissions in support of S559.036 (FS151.344, FS570.2226, FS566.2240, FS569.262) and three which oppose (FS155.16, FS36.006, FS348.063).
298. Submissions S486.017 and S486.089 from TROW, support and support in part the retention of the Māori Purpose zone.
299. Submission S452.002 from Opononi Area School supports the MPZ in general and requests support and resourcing in developing a Māori cemetery in the area.
300. Submission S498.004 from TRAION opposes the MPZ and requests amendments to the PDP to provide for Māori land which straddles territorial boundaries.
301. Submission S339.056 from TACDL supports the Māori Purpose zone and requests amendments to enable development, provide for the relationship of Māori with their land and ensure tangata whenua can occupy, use and develop their land in accordance with tikanga and mātauranga Māori.
302. There is one further submission (FS243.028) in support of S339.056.
303. Submission S170.007 from Alec Brian Cox opposes the Māori Purpose zone and requests that it be replaced with an overlay.
304. There is one further submission in support of S170.007 (FS566.496).

Analysis

305. Submission S559.009 requests amendments as outlined above.
306. Forestry activities are regulated by the NES Commercial Forestry therefore there are no rules in the MPZ for forestry activities. As such the PDP provides for farming activities, the definition of which excludes plantation forestry activities. Also, the submission refers to carbon emissions trading which is outside of Councils jurisdiction. Therefore, I recommend the submission is rejected.
307. Submission S559.036 from TRONR requests amendments as outlined above.
308. Traffic management is addressed in the Transport chapter of the PDP and rule TRAN-R5 Trip generation provides the permitted thresholds in the TRAN-Table 11 – Trip generation. A marae is not a listed activity in the table however would be covered by “Any activity not listed below”. This activity permits a threshold of 200 ECM (Equivalent Car Movements) per day or 40 ECM per hour. This would only apply to new marae or extension to existing marae. There is not a general requirement for a traffic management reports for marae development and therefore no necessity to exempt marae from the rule TRAN-R5 in the Transport chapter. Accordingly, I recommend this submission is rejected.
309. Submission S486.017 and S486.089 supports the retention of the Māori Purpose zone. Accordingly, I recommend the submission is accepted.
310. Submission S452.002 supports the Māori Purpose zone and makes a request as above.



311. The rule MPZ-R10 provides for urupā in the zone as a permitted activity within standards, however it is not the role of the PDP to resource the activity as requested. Therefore, I recommend this submission point be accepted in part.
312. Submission S498.004 opposes the MPZ and requests amendments to provide for special zones or precincts for Māori land that straddles boundaries of territorial boundaries.
313. I consider that as there are a small number of blocks of land that this situation applies to. In addition, the PDP provides for all Māori land to be within a special purpose zone. Cross-boundary issues are unable to be addressed at this time and accordingly I recommend the submission point be rejected.
314. Submission S339.056 supports the MPZ and requests amendments that I consider are already provided for in the objectives, policies, rules and standards in the zone.
315. For example, objective MPZ-O2 enables a range of opportunities that support the occupation, use and development of Māori land. In addition, policy MPZ-P4 provides for the relationship of Māori with their land. The support for the chapter is accepted, however the requested amendments are not as it is considered they are already provided for. Accordingly, I recommend that the submission point be accepted in part.
316. Submission S170.007 opposes the MPZ and requests that it be replaced with an overlay. I consider that as the National Planning Standards provide for a Special Purpose Zone - Māori Purpose, it is more than appropriate that the PDP have a Māori Purpose Zone for the reasons stated in the S32 Report. I consider that the Special Purpose zone framework is a simpler to implement and interpret as there is only one set of rules as opposed to an overlay with an underlying zone. The zone also provides for a wider range of activities than equivalent environment zones. Accordingly, I recommend this submission point be rejected.

Recommendation

317. For the reasons outlined above, I recommend the following:
 - a) Submission point S559.009 is rejected.
 - b) Submission points S486.017 and S486.089 are accepted.
 - c) Submission point S559.036 is rejected.
 - d) Submission point S452.002 is accepted in apart.
 - e) Submission point S498.004 is rejected.
 - f) Submission point S339.056 is accepted in part.
 - g) Submission point S170.007 is rejected.

General / Process and Zoning

Matters raised in submissions



318. Submission S559.035, from TRONR supports in part the Māori Purpose Zone, and requests an amendment to ensure there is no unnecessary restriction to any current use or intended use of the land in the future.
319. There are five further submissions in support of S559.035 (FS151.343, FS243.022, FS570.2225, FS566.2239, FS569.2261) and one opposed (FS348.062).
320. Submissions S390.075, S498.076, S498.012 and S390.011, from TRAION and TRoNT support in part the retention of the Māori Purpose – Rural zone. However, the submissions do not support the rules that restrict or opportunity for tāngata whenua to develop.
321. There are two further submissions (FS151.52, FS23.180) in support of S498.012.
322. Submissions S390.076, S498.077, S498.013 and S390.012, from TRONTT, TRAION and TRONT support in part the retention of the Māori Purpose zone – Urban, zoning. However, the submissions do not support the rules that restrict or opportunity for tāngata whenua to develop.
323. There are two further submissions (FS151.53, FS23.181) in support of S498.013.
324. Submission S379.002 from Kahukuraariki Trust opposes the Māori Purpose zone and requests that the PDP for Māori land be more enabling.

Analysis

325. Submission S559.035 requests amendments as outlined above.
326. It is considered that the Māori Purpose zone is designed to be more enabling than other zones in similar environments. As such the provisions provide for 'no unnecessary restriction to any current or intended use of the land' as per the zone objectives and policies.
327. In addition, no specific wording has been provided to consider and therefore I recommend the submission be rejected.
328. Submissions S390.075 S498.076, S498.012 and S390.011 support the retention of the Māori Purpose - Rural zone however do not support rules that restrict the ability for tangata whenua to develop.
329. It is considered that the Māori Purpose - Rural zone provides for the development of tangata whenua as per the zone objectives and policies. Accordingly, I recommend the submission points be accepted.
330. Submissions S390.076, S498.077 S498.013 and S390.012 support the retention of the Māori Purpose - Urban zone however do not support rules that restrict the ability for tangata whenua to develop.
331. It is considered that the Māori Purpose - Urban zone provides for the development and use of Māori land in a manner that achieves sustainable management in accordance with the RMA and to achieve the zone objectives and policies. Accordingly, I recommend the submission points be accepted.



332. Submission S379.002 opposes the Māori Purpose zone and requests amendments that are more enabling for Māori land.
333. I consider that the MPZ provisions are appropriate to achieve the objectives and policies in the zone. No specific wording has been provided and therefore I recommend the submission point be rejected.

Recommendation

334. For the reasons outlined above, I recommend the following:
- a) Submission points S390.075, S498.076, S498.012 and S390.01 are accepted.
 - b) Submission points S390.076, S498.077, S498.013 and S390.012 are accepted.
 - c) Submission point S379.002 is rejected.

Section 32AA evaluation

335. I consider that the amendments to the General / Plan Content / Miscellaneous and General / Process and Zoning that I have recommended as the retention of the Māori Purpose zone as notified is an efficient and effective way to achieve the purpose of the RMA and better promote sustainable management by improving the way in which the objectives recognise and provide for section 6(e) and take into section 8 of the RMA.

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Conclusion

336. This report has provided an assessment of submissions received in relation to the Māori Purpose zone chapter. The primary submissions that I have made recommendations on relate to:
- a) Retain Māori Purpose zone as notified.
 - b) Amend objectives to improve clarity and intention.
 - c) Amend policies for consistency.
 - d) Include more exceptions and titles to rules and standards.
 - e) Minor corrections to address drafting errors
337. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Māori Purpose zone chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in Appendix 2.
338. I recommend that provisions for the Māori Purpose zone matters be amended as set out in the Māori Purpose zone in Appendix 1 below for the reasons set out in this report



Recommended by: Theresa Burkhardt, Senior Policy Planner, Far North District Council.

Approved by: James R Witham – Team Leader District Plan, Far North District Council.

Date: 24 February 2025