

SECTION 42A REPORT

Hearing 17: Tangata Whenua Matters (Rezoning – Māori Purpose Zone, Treaty Settlement Land Overlay and Areas of Interest Mapping)

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Appendix 1: Officer’s Recommended Amendments to Māori Purpose Zone Chapter

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Appendix 6: Haigh Workman Peer Review Civil Engineering Tapuaetahi

List of Abbreviations

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

Submitter Number	Abbreviation	Full Name of Submitter
S420	Muriwhenua	Muriwhenua Incorporated
S407	Tapuaetahi	Tapuaetahi Incorporation
S376	Taheke 38	Taheke 38 Ahu Whenua Trust
S305	N Butler	Nicole Butler
S418	Waitomo Papakainga	Waitomo Papakāinga Development Society
S355	W Dalton	Wakaiti Dalton
S479	T & K Dalton	Tracy and Kenneth Dalton
S514	GTB	The General Trust Board of the Diocese of Auckland
S339	TACD Ltd	Te Aupōuri Commercial Development Ltd

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
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement
TTWMA	Te Ture Whenua Māori Act

1 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. This report provides recommendations on submissions on the zoning of land related to existing Māori Purpose Zone.
2. This Section 42A Report should be read in conjunction with the Rezoning Submissions - Overview Report. The rezoning submissions addressed in this report generally have a narrower focus where they are directly related to whether the properties in question meet the criteria for Māori Purpose Zoning. As a result, this report follows a slightly different approach to other rezoning evaluation reports and contains the evaluation within the body of the report rather than the full evaluation tables with Minute 14 criteria and consideration of wider matters (Appendix 1 to other rezoning reports) because the wider criteria is not considered to be as relevant to the submission.
3. The submissions addressed in this report are summarised as follows:
 - a) Rezoning Māori Purpose Zone;
 - b) Treaty Settlement Land Overlay Mapping;
 - c) Areas of Interest Mapping; and
 - d) Tapuaetahi.
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. Rezoning submissions have been evaluated in this report using criteria consistent with the direction of the Hearing Panel provided in Minute 14: Rezoning Criteria and Process and Section 32AA of the Resource Management Act ("RMA"). 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. The key changes recommended in this report relate to:
 - a) An interim recommendation, subject to further information, to introduce Tapuaetahi Papakāinga Development Area and an amendment to rule MPZ-R5 in the Māori Purpose zone chapter to provide an exemption to the maximum number of residential units for papakainga, and enable 20 residential units within the Tapuaetahi Papakāinga Development Area

Introduction

1.1 Author and qualifications

5. My full name is Theresa Annetta Burkhardt, and I am a Senior Policy Planner in the District Planning Team at Far North District Council.

6. I hold the planning qualifications of Master of Planning Practice from the University of Auckland, Waipapa Taumata Rau. I am a full member of the New Zealand Planning Institute.
7. 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 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.
8. I have been involved as the S42A report author in earlier hearings on the PDP for the following chapters: the Tangata Whenua chapter (Hearing 1), the Māori Purpose Zone chapter, the Treaty Settlement Land Overlay chapter (Hearing 10) and the Sites and Areas of Significance chapter (Hearing 12)

1.2 Scope/Purpose of Report

9. This report should be read in conjunction with the Rezoning Submissions - Overview Report. The Overview Report provides:
 - a) Overview information on the statutory context within which the rezoning submissions must be considered (including changes to the relevant regulatory framework) which officers have considered when making recommendations on the submissions received.
 - b) An overview of the process that officers have followed when evaluating rezoning submissions, including the criteria and process set out in Hearing Panel Minute 14.
10. 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.
11. This report responds to rezoning submissions for the Māori Purpose Zone, Treaty Settlement Land Overlay, Areas of Interest mapping and Tapuaetahi. The rezoning submissions addressed in this report generally have a narrower focus where they are directly related to whether the properties in question meet the criteria for Māori Purpose Zoning. As a result, this report follows a slightly different approach to other rezoning

evaluation reports and contains the evaluation within the body of the report rather than the full evaluation tables with Minute 14 criteria and consideration of wider matters (Appendix 1 to other rezoning reports) because the wider criteria is not considered to be as relevant to the submission.

1.3 Expert Advice

12. In preparing this report Council sought technical reviews of the evidence provided by as follows:
 - a) Archaeological advice provided by Dr Andrew Brown, Horizon Archaeology dated 23 July 2025.
 - b) Ecological advice provided by Ms Phoebe Andrews, Wildland Consultants, dated June 2025.
 - c) Landscape advice provided by Ms Melean Absolum, MA Ltd, dated 9 June 2025.
13. Council also sought an engineering review of the Tapuaetahi Papakāinga development concept, by Haigh Workman Limited. A traffic engineering peer review of the Tapuatai development concept is currently underway by Matt Colins of Abley, based and information provided by the Tapuatahi submitter with respect to traffic effects (draft report prepared by Dean Scanlen, dated 25 September 2025).
14. This technical advice (except for traffic engineering peer review) is attached to this report as Appendices 3, 4 5 and 6 and summarised in section 2.2 below.

1.4 Code of Conduct

15. 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 have relied 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 in this report.
16. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").
17. Wherever possible, I have provided a recommendation to assist the Hearings Panel.

1.5 Procedural matters

1.5.1 Pre-hearing Engagement with Submitters

18. Table 1 below summarises the pre-hearing informal engagement with submitters and the outcome of these discussions specific to the submissions that are evaluated within this report.

Table 1 Pre-hearing informal engagement with Submitters

Submitter	Type of engagement	Date	Summary of Discussion Outcomes
Mr B Hood on behalf of Waitomo Papakāinga Development Society	Teams Hui	Wednesday 4 th of June 2025	An informal and high-level discussion about the definitions of Māori Land and Papakāinga in the PDP, as it relates to the site that is the subject of the submission.

19. This report provides an evaluation for a number of submissions which have been deferred from earlier hearings, including:
- a) All submissions seeking Māori Purpose zoning (previously scheduled to be part of Hearing 15A) and deferred to Hearing 17 as explained in Panel Minute 27¹.
 - b) Tapuaetahi Inc submissions S407.004 and S407.005 (paragraph 14 of the Written reply for Hearing 10 – Māori Purpose Zone), previously considered at Hearing 10.
 - c) Te Aupouri Commercial Development Limited (TACD Ltd), submission S339.058 seeking a Treaty Settlement Overlay be applied to at 5891 Far North Road, Ngataki, previously considered at Hearing 10.

1.6 Section 32AA evaluation

20. This report groups, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to zoning are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
21. The s32AA further evaluation for recommendations consider:
- a) The reasonably practicable options for achieving the PDP objectives.

¹ Panel Minute 27 Māori Purpose Zone topic

- b) The environmental, social, economic and cultural benefits and costs of the zoning or requested zone changes.
 - c) The efficiency and effectiveness of the zoning or requested zone change and whether it would achieve the objectives.
 - d) The risk of acting or not acting where there is uncertain or insufficient information about the requested zone change.
 - e) Summarises the reasons for the recommendation.
22. 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 are not re-evaluated.

2 Consideration of submissions received

2.1 Overview of submissions received.

23. A total of 21 (MPZ, TSLO, AOI Mapping and Tapuaetahi) original submissions and 5 (MPZ, TSLO & AOI Mapping) further submissions were received on the Hearing 17: Tangata Whenua Matters (Rezoning Māori Purpose Zone, Treaty Settlement Land Overlay, Areas of Interest Mapping and Tapuaetahi) either requesting the MPZ be applied or a new zone, supporting the notified zoning, requesting the TSLO be applied, requesting AOI mapping and site specific rule changes.

2.2 Officer Recommendations

24. **Appendix 1** provides recommended provisions as a result of the recommendations made in this report.
25. A full list of submissions and further submissions on re-zoning for Māori Purpose zone and Treaty Settlement land Overlay and Areas of interest mapping for Hearing 17 is contained in **Appendix 2 – Officer’s Recommended Decisions on Tangata Whenua Matters.**
26. 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 overlays and maps on the ePlan Map - Far North Proposed District Plan (isoplan.co.nz).

2.2.1 Rezoning Māori Purpose Zone

Overview

Submission point	Notified PDP Zoning	Officer Recommendation(s)
S420.001	Māori Purpose Zone – Rural	<ul style="list-style-type: none"> Retain Māori Purpose Zone
S420.002	Rural Production Zone	<ul style="list-style-type: none"> Retain Rural Production Zone
S420.003	Open Space Zone	<ul style="list-style-type: none"> Retain Open Space Zone
S420.004	Māori Purpose Zone	<ul style="list-style-type: none"> Retain Māori Purpose Zone
S420.005	Māori Purpose Zone – Rural	<ul style="list-style-type: none"> Retain Māori Purpose Zone
S420.008	Māori Purpose Zone – Rural	<ul style="list-style-type: none"> Retain Māori Purpose Zone
S376.001	Māori Purpose Zone	<ul style="list-style-type: none"> Retain Māori Purpose Zone
S305.001	Rural Production Zone	<ul style="list-style-type: none"> Retain Rural Production Zone
S305.002	Mixed Use Zone	<ul style="list-style-type: none"> Retain Mixed Use Zone
S418.001	Rural Production Zone	<ul style="list-style-type: none"> Retain Rural Production Zone
S355.037	Rural Production Zone	<ul style="list-style-type: none"> Retain Rural Production Zone
S479.032	Rural Production Zone	<ul style="list-style-type: none"> Retain Rural Production Zone
S514.003	Rural Production Zone	<ul style="list-style-type: none"> Retain Rural Production Zone

Matters raised in submissions

27. Muriwhenua, in submission S420.001 seeks to retain the Māori Purpose Zone of the Te Hapua 42 Block (title Identifier 517692) as it affects land located at Te Hapua and Waharua Roads, Te Hapua. However, they seek to exclude the areas of land identified in Diagram 5 of the submission and dealt with by submission S420.004.
28. Muriwhenua, in submission S420.002 seeks to remove the Rural Production Zone of Lot 1 DP 84931 and seeks to have Māori Purpose Zone apply to the site.
29. Muriwhenua, in submission S420.003 seeks to remove the Natural Open Space Zone of Section 1 SO Plan 470881 and seeks to have Māori Purpose Zone apply to the site.

30. Muriwhenua, in submission S420.004 seeks to remove the Māori Purpose Zone from the parts of Te Hapua 42 Block identified in Diagram 5 as outlined in the submission and seeks to have a new zone – Māori Purpose – Rural Settlement apply to the areas identified.
31. Muriwhenua, in submission S420.005 seeks to amend the PDP to include a new Māori Purpose – Rural Settlement Zone and Māori Development Rural Zone for the community at Te Hapua.
32. Muriwhenua, in submission S420.008 seeks to apply a new Māori Purpose – Rural Settlement zone and Māori Development Rural zone at Te Hapua.
33. Taheke 38, in submission S376.001 seeks to remove the Māori Purpose Zone from the whenua Māori identified as Taheke 38 Block, which is within the ownership of the Taheke 38 Ahu Whenua Trust.
34. N Butler, in submission S305.001 seeks to amend the zoning of the land located at 313 Ngāwha Springs Road, Ngāwha Springs from Rural Production Zone to Māori Purpose Zone. There is one further submission in opposition (FS345.051).
35. N Butler, in submission S305.002 seeks to amend the zoning of the land located at 283 Ngāwha Springs Road, Ngāwha Springs from Mixed Use Zone to Māori Purpose Zone.
36. Waitomo, in submission S418.001 seeks to amend the zoning of the land located at 684 Kaitaia-Awaroa Road, Pukepoto from Rural Production Zone to Māori Purpose Zone.
37. W Dalton, in submission S355.037 seeks to amend the zoning of the following seven whenua Māori blocks from Rural Production Zone to Māori Purpose Zone:
 - Whirinaki 5K6D1 (NA19C/722)
 - Whirinaki 5K6D2 (NA19C/1001)
 - Whirinaki 5K6O (NA21A/197)
 - Whirinaki 5K6P (NA21C/1080)
 - Whirinaki 5K6L and Section 1 SO Plan 60502 (NA26B/1140)
 - Whirinaki 5K6N and Section 1 SO Plan 60501 (NA19C/1351)
 - Whirinaki 5K6A2 (NA19C/929)
38. T & K Dalton, in submission S479.032 seeks to amend the zoning of the sites located at 4749 State Highway 12, Kaikohe and legally described as Sec 8 SO 460719 and Tahuna 4H Block (NA31B/253) from Rural Production Zone to Māori Purpose Zone.
39. GTB, in submission S514.003 seek to amend the zoning of the property located at 8145 Far North Road, Te Kao and legally described as Part Parengarenga B3 Block, from Rural Production Zone to Māori Purpose Zone.



Figure 2 – Lot 1 DP 84931

44. The Māori Purpose Zone is intended to apply to Māori Freehold Land or Māori Customary Land as defined under Te Ture Whenua Māori Act 1991. As Lot 1 DP 84931 is General Land, albeit in the ownership of a Māori entity, it does not meet the intended parameters of Māori Purpose Zone land in the PDP. Therefore, I do not support the request to re-zone Lot 1 DP 84931 Māori Purpose Zone.

Section 1 SO Plan 470881

45. Submission S420.003 seeks to remove the Open Space Zone as it applies to Section 1 SO Plan 470881 and re-zone the site Māori Purpose Zone.
46. The site is located at Muri Motu / North Cape on the east coast of the Te Hiku Peninsular. It is approximately 2,938 hectares in area. See **Figure 3** below.
47. The site has been returned to Ngāti Kuri as part of the treaty settlement claims process and is identified in Schedule 1 of the Ngāti Kuri Claims Settlement Act 2015 as being Mokaikai and is a scenic reserve. It is for this reason that the Open Space Zone has been applied, in addition to the Treaty Settlement Land Overlay.



Figure 3 – Section 1 SO Plan 470881

48. The Māori Purpose Zone is intended to apply to Māori Freehold Land or Māori Customary Land as defined under Te Ture Whenua Māori Act 1991. As Section 1 SO Plan 470881 is General Land, albeit in the ownership of an Iwi authority, it therefore does not meet the intended parameters of Māori Purpose Zone land in the PDP. In addition, I consider that the zone currently applied in conjunction with the overlay (which contains more enabling provisions), is an appropriate and balanced combination of layers and therefore, I do not support the request to re-zone Māori Purpose Zone.

The Hapua 42 Block

49. Submission S420.004 seeks to remove the Māori Purpose Zone from the parts of Te Hapua 42 Block identified in Diagram 5 as outlined in the submission and apply a new zone, Māori Purpose – Rural Settlement. See **Figure 4** below for Diagram 5.

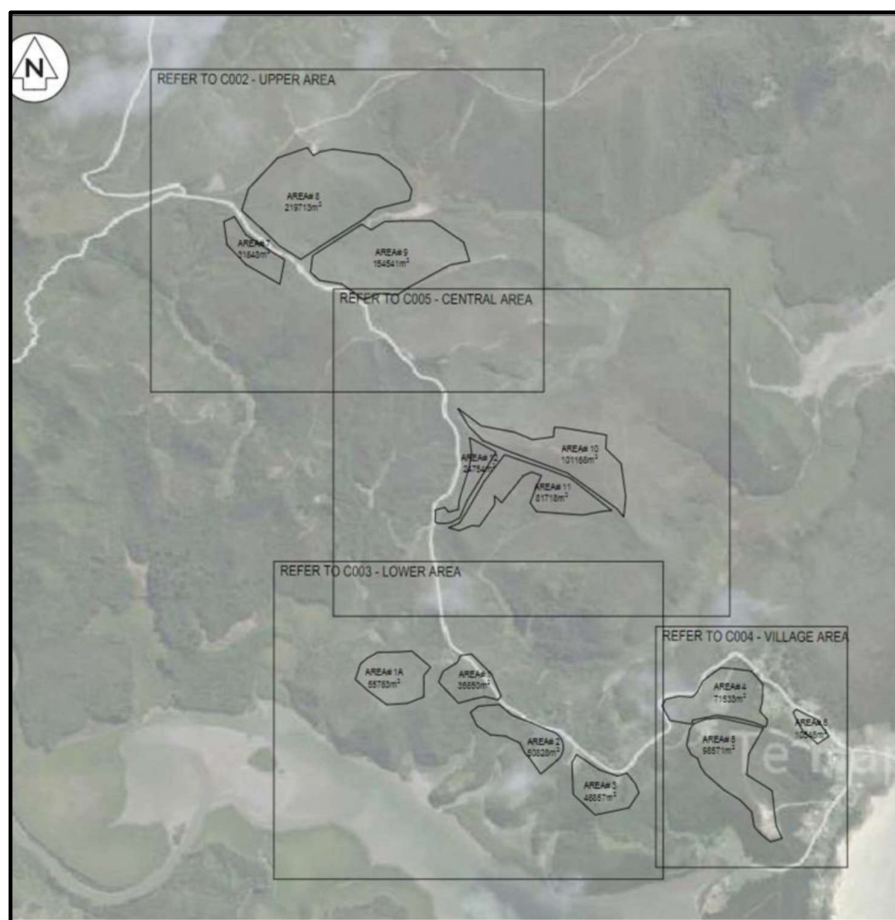


Figure 4 – Diagram 5

50. Te Hapua 42 Block is described as per above in paragraph 40. The request is to rezone the areas identified above in Diagram 5 as a new Māori Purpose Zone – Rural Settlement to facilitate housing and to provide opportunity for economic development in the Muriwhenua community. The areas identified in Diagram 5 are located away from the settlement of Te Hapua, the current housing area, which is within an identified area at risk of sea level rise.
51. Muriwhenua did not opt-in to provide additional information to support the submission as per Minute 14. Nor did they provide evidence or new provisions in the original submission. Notwithstanding this some expert evidence has been sought relating to archaeology, ecology and landscape.
52. Archaeologist, Dr Andrew Brown from Horizon Archaeology Ltd, has reviewed the original submission and conducted a high-level desk-based review of the land associated with the submission (**see Appendix 3**). A review of the proposed Māori Purpose Zone – Rural Settlement areas identify some recorded archaeology in the vicinity. Dr Brown concludes that while there are archaeological matters that specifically prohibit

rezoning, Muriwhenua needs to be aware that any development must comply with the New Heritage Pouhere Taonga Act 2014.

53. Ecologist, Phoebe Andrews from Wildland Consultants has assessed the information provided in the original submission and considers that the increased housing density in areas where vegetation has been identified as being of high ecological value has potential to result in adverse ecological effects, but more information is required (**see Appendix 4**).
54. Landscape Architect, Melean Absolum from MA Ltd has assessed the information provided in the original submission and based on the information available considers that there may be both adverse landscape and visual effects from development particularly on the more elevated and least cleared areas (**see Appendix 5**).
55. In summary, due to the lack of evidence and provisions provided by the submitter and the expert evidence provided, I am unable to support the request for the re-zoning of the areas identified in **Diagram 5** above.

Te Hapua Settlement

56. Submissions S420.005 and S420.008 seek to replace the notified MPZ to include Māori Purpose – Rural Settlement Zone and Māori Development Rural Zone for the community at Te Hapua.
57. Te Hapua, the district's furthest north community, is located adjoining the Parengarenga Harbour and consists of approximately 40 residential size properties with on-site reticulation, see **Figure 5** below.



Figure 5 – Te Hapua

58. There are approximately 200 people in the village and wider surrounds. The large block of the Māori land surrounding the village belongs to the

Muriwhenua Incorporation. The residential properties which are not part of the Muriwhenua land, have an average size of approximately 5,000m² or less. The properties all contain existing development.

59. As such any new building or structure or extensions to existing buildings and structures can meet the permitted standards as there is an exception to setbacks from boundaries where a site is less than 5,000m², therefore there is provision in the Māori Purpose Zone - Rural for further development as a permitted activity. In addition I note the notified version of the PDP did not contain a Māori Purpose Zone – Rural Settlement (only the Māori Purpose Zone - Urban or Rural) and the submitter has not provided any suggested provisions to support their submission for a new Māori Purpose – Rural Settlement zone.
60. In summary I recommend that the submissions S420.005 and S420.008 be rejected and the Māori Purpose zone be retained.

Taheke 38 Ahu Whenua Trust

61. Submission S376.001 seeks the removal of the Māori Purpose Zone from the land under the ownership of the Taheke 38 Ahu Whenua Trust, on the basis that Ngāpuhi have not ceded sovereignty. Therefore, the submitters do not consent to district plan zoning as it pertains to the land that Taheke 38 Ahu Whenua Trust administer. See **Figure 6** below.



Figure 6 – Taheke 38 Block

62. Taheke 38 Block is approximately 35 ha in area and is in Waima in the South Hokianga. Access to the block is via a formed, unnamed legal road off Waoku Road, Waima.
63. I acknowledge the position of the submitter who considers that as Ngāpuhi and Ngāti Pakau have not ceded sovereignty, the landowners do

not accept that FNDC has authority to zone the property. However, the RMA applies to all 'land' and there are no exceptions to the functions of FNDC set out in s31, nor in the definition of land. Zoning is a necessary requirement of a district plan to control the actual or potential effects of the use of land to meet Council's functions. Given no other zone is requested to replace the Māori Purpose Zone, I consider the Māori Purpose Zone to be the most appropriate for whenua Māori as administered under Te Ture Whenua Māori Act 1993. As such, I do not support the request to delete the Māori Purpose Zone from the Taheke 38 Block.

Ngāwha

64. Submissions S305.001 and S305.002 seek the amendment of the zoning of two properties located at Ngāwha.
65. The sites are located at 303 Ngāwha Spring Road and 283 Ngāwha Springs Road, legally described as Section 3 Block XVI Omapere SD and Section 77 Town of Ngāwha, and are approximately 1.8 hectares and 3263m² in area, respectively. The properties are in Ngāwha. See **Figure 7** below.



Figure 7 - Section 3 Block XVI Omapere SD and Section 77 Town of Ngāwha

66. 303 Ngāwha Springs Road, legally described as Section 3 Block XVI Omapere SD, is currently in the ownership of Far North District Council and is a gazetted Recreation Reserve under the Reserves Act 1977. It is zoned Rural Production in the PDP.
67. 283 Ngāwha Springs Road, legally described as Section 77 Town of Ngāwha, is currently in the ownership of PNW Properties Ltd Partnership and is zoned Mixed Use in the PDP.

68. The properties are identified as general land and therefore do not meet the intended purpose of the Māori Purpose Zone in the PDP. The Māori Purpose Zone is intended to apply to Māori Freehold Land or Māori Customary Land as defined under Te Ture Whenua Māori Act 1993. As such I do not support the request to rezone Section 3 Block XVI Omapere SD and Section 77 Town of Ngāwha, Māori Purpose Zone.

Lot 1 DP 434436

69. Submission S418.001 seeks to amend the zoning of a property located in Pukepoto from Rural Production Zone to Māori Purpose Zone.

The property is located at 684 Kaitaia-Awaroa Road, Pukepoto, is legally described as Lot 1 DP 434436 and is approximately 8 hectares in area. See **Figure 8** below.



Figure 8 – Lot 1 DP 434436

70. The issue raised in the evidence provided by Mr B Hood, on behalf of Waitomo, relates to the PDP definition of Māori Land. The definition used in the PDP has been taken from s129 of TTWMA. The purpose of s129 is to define all land in New Zealand. The s129 list includes types of lands which may have no Māori connection such as General Land and Crown Land. It also includes General Land owned by Māori, being land other than Māori Freehold land and Māori Customary Land, that is beneficially owned by a Māori or a group of persons the majority of whom are Māori. However, general land owned by Māori is not intended to be subject to the Māori Purpose Zone.
71. The Māori Purpose Zone is intended to apply to Māori Freehold Land and Māori Customary Land as defined under TTWMA. This is supported by policy MPZ-P1 – Provide for the use and development of ancestral Māori land administered under Te Ture Whenua Māori Act 1993.

72. While there are papakāinga provisions in the Rural Production zone, Mr Hood contends in his evidence that the definition of papakāinga does not enable the development proposed by Waitomo and considers the issue would be resolved by amending the definitions of Māori Land and papakāinga. However, this would go beyond the scope of submissions received.
73. The property is identified as General land and therefore does not meet the intended purpose of the Māori Purpose Zone in the PDP. As such I do not support the request to re-zone Lot 1 DP 434436.

Jackson Road, Whirinaki

74. Submission S355.037 seeks to amend the zoning of the seven properties from Rural Production Zone to Māori Purpose Zone.
75. The seven properties are located on Jackson Road in Whirinaki, and range in size from approximately 1 hectare to approximately 11 hectares. See below in **Figure 9**.

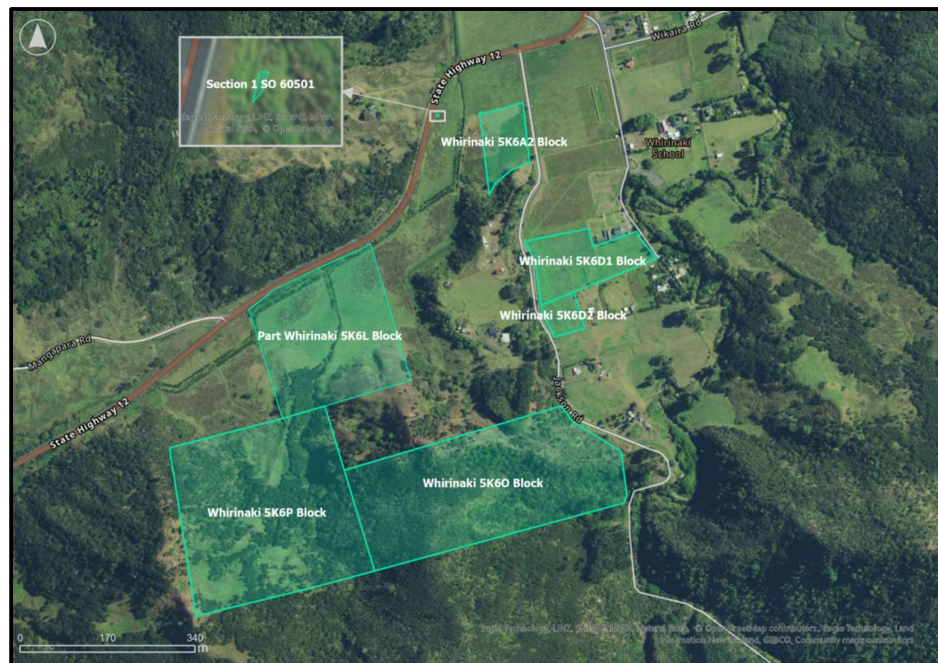


Figure 9 – 7 properties located in Jackson road, Waima

76. The seven properties are identified as General land, albeit in the ownership of Māori with an intergenerational interest in the land. The Māori Purpose Zone is intended to apply to Māori Freehold Land and Māori Customary Land as defined under TTWMA. This is supported by policy MPZ-P1 – Provide for the use and development of ancestral Māori land administered under Te Ture Whenua Māori Act 1993.

77. The properties, nevertheless, do not meet the intended purpose of Māori Purpose Zone in the PDP. Therefore, I do not support the request to re-zone the seven properties identified Māori Purpose Zone.

SEC SO 460719

78. Submission S479.032 seeks to amend the zoning of the property located at 4749 State Highway 12, Kaikohe from Rural Production Zone to Māori Purpose Zone.



Figure 10 – Sec 8 SO 460719 and Tahuna 4H Block

79. The property is legally described as Sec 8 SO 460719 and Tahuna 4H Block both held in record of title NA31B/253. The property is approximately 486 hectares in area, see **Figure 10** above.
80. The property is General land, albeit in the ownership of Māori with an ancestral connection the land. Therefore, the land does not meet the intended purpose of Māori Purpose Zone in the PDP.
81. The Māori Purpose Zone is intended to apply to Māori Freehold Land and Māori Customary Land as defined under TTMWA. This is supported by policy MPZ-P1 – Provide for the use and development of ancestral Māori land administered under Te Ture Whenua Māori Act 1993. As such I do not support the request to re-zone the property Māori Purpose Zone.

Part Parengarenga B3 Block

82. Submission S514.003 seeks to amend the zoning of the property located at 8145 Far North Road, Te Kao from Rural Production Zone to Māori Purpose Zone.

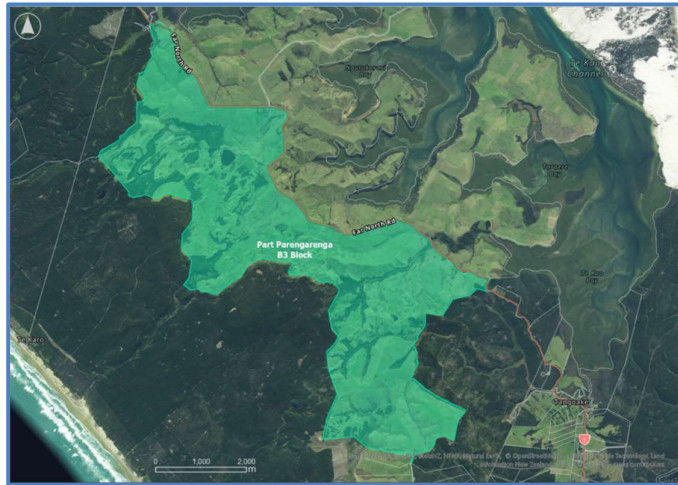


Figure 11 – Part Parengarenga B3 Block

83. The property is legally described as Part Parengarenga B3 Block held in titles NAPR212/4 and NAPR212/5 and is approx. 2,526 hectares in area. See **Figure 11** above. The land is zoned Rural Production and held in general title.
84. The Māori Purpose Zone is intended to apply to Māori Freehold Land and Māori Customary Land as defined under TTWMA. This is supported by policy MPZ-P1 – Provide for the use and development of ancestral Māori land administered under Te Ture Whenua Māori Act 1993.
85. Part Parengarenga B3 Block is in general title and therefore does not meet the intended parameters of Māori Purpose Zone land in the PDP. As such I do not support the request to re-zone Part Parengarenga B3 Block Māori Purpose Zone.

Recommendation

86. For the reasons above in paragraphs 40 to 41, I recommend that submission S420.001 be accepted and the Māori Purpose Zone be retained, as it applies to the majority of the Te Hapua 42 Block.
87. For the reasons above in paragraphs 42 to 4444, I recommend that submission S420.002 be rejected and that the Rural Production Zone be retained, as it applies to Lot 1 DP 84931.
88. For the reasons above in paragraphs 45 to 48, I recommend that submission S420.003 be rejected and that the Open Space Zone be retained, as it applies to Sec 1 SO 470881.
89. For the reasons provided above in paragraphs 49 to 55, I recommend that submission S420.004 be rejected and the Māori Purpose Zone be retained, as it applies to the areas identified in Figure 4 above.

90. For the reasons provided above in paragraphs 56 to 61, I recommend that submission S420.005 be rejected and the Māori Purpose Zone be retained, as it applies to Te Hapua .
91. For the reasons provided above in paragraphs 61 to 63, I recommend that submission S376.001 be rejected and the Māori Purpose Zone be retained, as it applies to the Taheke 38 Block.
92. For the reasons provided above in paragraphs 64 to 68, I recommend that submissions S305.001 and S305.002 be rejected and the Rural Production Zone and Mixed Use Zone be retained, as they apply to Section 3 Block XVI Omapere SD and Section 77 Town of Ngāwha, respectively.
93. For the reasons provided above in paragraphs 69 to 73 I recommend that submission S418.001 be rejected and the Rural Production Zone be retained as it applies to Lot 1 DP 434436.
94. For the reasons provided above in paragraphs 74 to 77, I recommend that submission S355.037 be rejected and the Rural Production Zone be retained as it applies to the properties listed below:
 - Whirinaki 5K6D1 (NA19C/722)
 - Whirinaki 5K6D2 (NA19C/1001)
 - Whirinaki 5K6O (NA21A/197)
 - Whirinaki 5K6P (NA21C/1080)
 - Whirinaki 5K6L and Section 1 SO Plan 60502 (NA26B/1140)
 - Whirinaki 5K6N and Section 1 SO Plan 60501 (NA19C/1351)
 - Whirinaki 5K6A2 (NA19C/929)
95. For the reasons provided above in paragraphs 78 to 81, I recommend that submission S479.032 be rejected and the Rural Production Zone be retained as it applies to Sec 8 SO 460719 and Tahuna 4H Block held in title NA31B/253
96. For the reasons provided above in paragraphs 82 to 85, I recommend that submission S514.003 be rejected and the Rural Production Zone be retained as it applies to Part Parengarenga B3 Block.

Section 32AA evaluation

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

2.2.2 Treaty Settlement Land Overlay Mapping

Overview

Submission point	Notified PDP TSLO Mapping	Officer Recommendation(s)
S339.058	Not identified as TSL in the TSLO mapping	Retain Rural Production Zone

Matters Raised in submission

97. TACD Ltd, in submission S339.058, seeks to amend the mapping of the land legally described as Section 6 & 7 Block IV Houhora West SD, held in CT NA75B/196 and located at 5891 Far North Road, Ngataki. The request is to include in the mapping of the land, the Treaty Settlement Land overlay in addition to the underlying Rural Production Zone.

Analysis

98. This submission was considered in the Treaty Settlement Land Overlay S42A Report and Written Right of Reply.
99. The Treaty Settlement Land Overlay S42A Report, in paragraph 270, considered that as an investigation into the Te Aupōuri Deed of Settlement has been unable to confirm that the property is Treaty Settlement Land as per the PDP definition. The recommendation was made that the submission point be rejected, and the submitter was invited to bring further evidence to the hearing. However, this was not provided.
100. Following the hearing the Treaty Settlement Land Overlay S42A Report Written Right of Reply, in paragraph 43(c), provided the options to join Hearing 17 or deal with the issue as a joint witness statement. Hence the submission is included in this report.
101. At this point no further evidence has been provided and as such I recommend the submission is rejected. However, if further information is provided either prior to, or at, the hearing I can reconsider my position.

Recommendation

102. For the reasons provided above in paragraphs 98 to 101, I recommend that submission S339.058 be rejected.

Section 32AA evaluation

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

2.2.3 Areas of Interest Mapping

Overview

Submission point	Notified PDP Zoning	Officer Recommendation(s)
S571.001	Areas of Interest in Iwi & Hapū Environmental Management Plans not identified as a Non-District Plan layer in the PDP	Retain PDP as notified
S571.002	Areas of Interest in Iwi & Hapū Environmental Management Plans not identified as a Non-District Plan layer in the PDP	Retain PDP as notified
S571.005	Areas of Interest in Iwi & Hapū Environmental Management Plans not identified as a Non-District Plan layer in the PDP	Retain PDP as notified
S399.001	Areas of Interest in Iwi & Hapū Environmental Management Plans not identified as a Non-District Plan layer in the PDP	Retain PDP as notified
S399.007	Areas of Interest in Iwi & Hapū Environmental Management Plans not identified as a Non-District Plan layer in the PDP	Retain PDP as notified

Matters Raised in submission

103. Te Rūnanga o Te Rarawa, in submissions S571.001, S571.002 and S571.005, seek to amend the mapping of the PDP to include in the non-district plan layer maps of the areas of interest for each of the 14 Iwi and Hapū Environmental Management Plans lodged with the Council.
104. Te Hiku Iwi Development Trust, in submissions S399.001 and S399.007, seek to amend the mapping of the PDP to include in the non-district plan

layer maps of the areas of interest for each of the 14 Iwi and Hapū Environmental Management plans lodged with the Council.

Analysis

105. At the time of the notification of the PDP in July 2022 there were 14 Iwi and Hapū Environmental Management Plans lodged with FNDC which are identified in the Tangata Whenua chapter of the PDP. While lodged with Council the plans are prepared by Iwi and Hapū and are holistic documents that describe environmental and resource management issues of importance.
106. The 14 plans listed in the PDP vary in age, content and accessibility. Only three of the Iwi and Hapū groups have provided links to the plans so that they can be accessed electronically. A few of the plans can also be accessed from the Iwi or Hapū websites although not all hapū are resourced to have websites.
107. In the consideration of these submissions, I have sought advice from Council's GIS Analyst. The concerns raised by the GIS Analyst are that as the maps of the rohe or area of interest that are outlined in the Iwi and Hapū Management Plans, apart from those Iwi Environmental Management Plans lodged by the three Iwi who have had received treaty settlements, none have electronic maps of their areas of interest
108. The Areas of Interests maps generally arise as a formal part of the treaty settlement process, and specifically identified within the treaty settlement legislation. The existing maps have been provided by the Office of Treaty Settlements to Council on this basis. However, the status of the areas of interest maps in the IHEMPs cannot be as robust. As such, I recommend that these submissions be rejected.

Recommendation

109. For the reasons provided above in paragraphs 105 to 81, I recommend that submissions S571.001, S571.002, S571.005 and S399.001 be rejected.

Section 32AA evaluation

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

2.2.4 Tapuaetahi

Overview

Submission point	Rules	Officer Recommendation(s)
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S407.004	MPZ-R4	Retain as notified
S407.005	MPZ-R5	An interim recommendation, subject to receipt of further information, to amend MPZ-R5 (Papakāinga) to include exemption to maximum number of residential units and reference to a new Tapuaetahi Papakāinga Development Area.

Matters Raised in submission

110. Submissions S407.004 and S407.005 seek to amend the Māori Purpose Zone rules MPZ-R4 and MPZ-R5 to provide for the use and development of the landholdings owned by Tapuaetahi at Te Tii.

Analysis

111. For the purposes of this analysis the landholdings have been identified below in **Figure 12** as the Tapuaetahi residential leasehold properties and **Figure 13** Lot 1 DP 184896 (58 Te Tii Road, Te Ti, Mangonui, Kerikeri) the large block.



Figure 12 –Residential Leasehold Properties



Figure 13 – Lot 1 DP 184896, large landholding

112. A high level analysis of the Tapuaetahi land reveals that it is located on the north side of Purerua Road at Taronui Bay on the Purerua Peninsular. The 53 residential leasehold properties shown in **Figure 12** are located adjoining Taronui Bay. These leasehold properties range in size from approximately 800m² to 2,700m² in area. The average size of the properties is approximately 1,100m². From aerial imagery the properties appear to be all developed, and water, wastewater and stormwater infrastructure is provided for on-site. Access is provided from Taronui Road which is a private road through Lot 1 DP 184896. The large landholding shown in **Figure 13** which is approximately 268 ha in area.
113. In respect to the 53 residential leasehold properties a further analysis of the Māori Purpose Zone – Rural rules and standards shows that any new building or structure or extensions to existing buildings and structures can meet the permitted standards as there is an exception to setbacks from boundaries where a site is less than 5,000 m², which all the Tapuaetahi residential leasehold sites are.
114. As such I see no need to make any amendments to the MPZ rules and standards in respect to these properties.
115. Submissions S407.004 and S407.005 request the following amendments to MPZ-R4 and MPZ-R5:

MPZ-R4	Residential activity (except for papakāinga)	
Māori Purpose zone - Urban	Activity status: Permitted Where: PER-1 The site area standalone residential unit or multi-unit development is at least 600m ² . Note:	Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Discretionary

	<p>PER-1 does not apply to:</p> <ul style="list-style-type: none"> a single residential unit located on any site less than the minimum site area; and papakāinga provided for in Rule MPZ-R5. 	
<p>Māori Purpose zone - Rural</p>	<p>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:</p> <ul style="list-style-type: none"> a single residential unit located on any site less than the minimum site area; and papakāinga provided for in Rule MPZ-R5. The landholdings owned by the Taupaetahi Incorporation at Te Tii (Insert Lot and DP as required). 	

MPZ-R5	Papakāinga	
<p>Māori Purpose zone - Urban</p>	<p>Activity status: Permitted Where PER-1 1. The site area is at least 600m²; and 2. The number of residential units on a site does not exceed three.</p>	<p>Activity status where compliance not achieved with PER-1, PER-2 or PER-3:</p>

Māori Purpose zone - Rural	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-2</p> <p>The number of residential units does not exceed the greater of:</p> <ul style="list-style-type: none"> • one residential unit per 40ha of site area; or • 10 residential units per site. <p>PER-3</p> <p>Any commercial activity associated with the papakāinga does not exceed a GBA of 250m².</p> <p>Note:</p> <p>PER-2 does not apply to the land identified by the following legal description:</p> <ul style="list-style-type: none"> • Lot 186-188, 190, 193 DP 393664 being part Matauri X Residue. • <u>The landholdings owner by the Taupaetahi Incorporation at Te Tii (Insert Lot and DP as required).</u> 	<p>Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. The matters set out in Policy MPZ-4</p>
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116. The purpose of the changes to these rules is to permit the papakainga development at Tapuaetahi on the 6.5 hectare portion of land where a papakainga development concept is proposed as shown in **Figure 14**.



Figure 14 - Tapuaetahi Papakainga Development Concept Plan (extracted from Figure 3 of Mr Steve Sandon's evidence on behalf of Tapuaetahi Inc at Hearing 10²)

117. I consider that the requested amendment to MPZ-Rule 4 is not supported by the MPZ objectives and policies insofar as the intention of the rule is to provide for a single standalone residential unit in the MPZ-Rural zone and to be more enabling by providing for a maximum of six residential units as a permitted standard. As such Tapuaetahi's large landholding, which is 268 ha could meet the permitted standard for this rule if it wanted to limit any proposed development to six residential units. I do not consider it appropriate to provide for any further site specific development for residential units that are not papakāinga under this rule. As such, I recommend that the request to amend rule MPZ-R4 be rejected.
118. The proposal for papakainga is outlined in the Vision Consulting Engineers report as Annexure 3 – Draft Site Plan prepared by Littoralis Landscape Architecture, and titled Tapuaetahi Papakāinga, provides for 20 residential units (and is shown in Figure 14 to this Report). I consider that the requested amendment to MPZ-R5 (rule for papakāinga) to allow more than 10 units at has some merit insofar as it is consistent with the objectives and policies for the MPZ and will enable social, cultural and economic development opportunities that support the occupation, use, development and ongoing relationship with ancestral land. A high-level civil engineering assessment from Vision Consulting Engineers dated 10/12/2024 was provided as evidence to Hearing 10. Council sought a peer review of this evidence which is provided in **Appendix 6** to this report. The outcomes of this peer review were that the site is generally suitable for development and subject to detailed geotechnical assessment (which will be required as part of building consent applications) and that stormwater and wastewater management systems can be managed to

² [Tapuaetahi-Incorporation-S407-S-Sanson,-Planning-Evidence.pdf](#)

comply with requirements of the Regional Plan. It is likely that safe access to the site can be formed to the requirements determined by an Integrated Transport Assessment. I recommend that the submitter provides additional information to ensure that safe access to the site can be formed through an integrated transport assessment as recommended in the peer review provided by Haigh Workman and included as Appendix 6 and provides an amended papakāinga concept plan that adopts the recommendations of that assessment, which may include repositioning of the vehicle crossing location to provide adequate site distance to the north (as suggested in Appendix 6 to this report).

119. As set out in Table 4 (Appendix 2) of the Section 42A Rezoning Overview Report a “Development Area” is a spatial tool that “identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan”. A development area should generally be used where there is an associated spatial plan or map directing specific growth or development outcomes for an area and that, once the growth or development outcome has been achieved, the development plan could be removed from the PDP. This differs from the use of precincts as a spatial layer, for example, where more enduring outcomes are sought for the area.
120. To achieve the outcomes sought my interim recommendation is that it would be appropriate to identify the area of the site where papakainga development is proposed as the “Tapuaetahi Papakainga Development Area” on the planning maps as shown in Figure 15 below, with the accompanying provisions recommended in Appendix 1, subject to:
 - a) Evidence to demonstrate that the land will be used for papakāinga (in accordance with the definition of papakāinga, this means an activity undertaken to support traditional Māori cultural living for tangata whenua residing in the Far North District)
 - b) details on the resource consent being applied for the Tapuatahi papakāinga development under the Operative District Plan, including timeframes for lodgement and proposed development of the site, and whether that means the PDP provisions enabling the papakāinga within the PDP are necessary (or not);
 - c) outcomes of the Council’s traffic engineering peer review of the information provided on traffic effects of the proposed concept; and
 - d) an updated concept plan being provided that is consistent with the resource consent being applied for that can be incorporated into the PDP.
121. Upon receipt of the above information through the evidence exchange process prior to Hearing 17 I may change my recommendation and position.



Figure 15 – Interim recommendation for Development Area (purple outline)

122. I have considered whether it would be appropriate to reference the Draft Site plan titled Tapuaetahi Papakāinga within the PDP rule to ensure that any papakainga within this area is undertaken in accordance with the concept plan in the areas identified (for example in general accordance with the proposed building envelop and indicative building platforms). My preference would be to incorporate the Tapuaetahi papakainga concept plan within the PDP provisions (as part of the “Development Area”) to ensure the development outcomes achieved are consistent with those provided in the concept plan (as shown in the new chapter recommended in Appendix 1).
123. The alternative of referencing a concept plan that is not incorporated into the Proposed District Plan (PDP) could pose legal challenges as I understand that any rule that relies on a document outside the plan to determine compliance or otherwise is considered ultra vires. Not referencing the concept plan at all could create adverse effects by allowing development on land that is not suitable.

The National Planning Standards – District Plan Structure Standard Directions for Part 3 (clause 12) requires that if development areas are used, the development areas heading must be included and each development area must be a separate chapter. I have recommended a new Development Area chapter is introduced to the PDP which the rules remaining within the MPZ chapter (specifically MPZ-R5).

124. As such, subject to the provision of additional information to assess transport effects of the proposal, I recommend the submission is accepted in part, with the insertion of the new chapter for Tapuaetahi Papakainga Development Area, and an amendment to Rule MPZ-R5 to enable up to 20 residential units as a permitted activity, provided the development is in accordance with the concept plan, as outlined in **Appendix 1** and shown below:

MPZ-R5	Papakāinga	
Māori Purpose zone - Urban	Activity status: Permitted Where PER-1 1. The site area is at least 600m ² ; and 2. The number of residential units on a site does not exceed three.	Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary
Māori Purpose zone - Rural	Activity status: Permitted Where: PER-2 The number of residential units does not exceed the greater of: 1. one residential unit per 40ha of site area; or 2. 10 residential units per site. PER-3 Any commercial activity associated with the papakāinga does not exceed a GBA of 250m ² . Note: PER-2 does not apply to the land identified: <ul style="list-style-type: none"> by the following legal description: Lot 186-188, 190, 193 DP 393664 being part Matauri X Residue. As Lot 1 DP 184896, where a maximum of 20 residential units is permitted within the Taupaetahi Papakāinga Development Area. 	Matters of discretion are restricted to: b. The matters set out in Policy MPZ-4

Recommendation

125. For the reasons provided above in paragraphs 115 to 116, I recommend that submission S407.4 be rejected.
126. For the reasons provided above in paragraphs 118 to 124, I recommend that submission S407.5 be accepted in part, subject to receipt of the additional information outlined in paragraph 120. The recommended provisions associated with this interim recommendation are provided in Appendix 1.

Section 32AA evaluation

I consider that, subject to the receipt of the additional information requested above, the amendment to the rule MPZ-R5 that I have recommended, and the introduction of the Tapuaetahi Papakāinga Development Area are appropriate because:

- a) The approach would result in economic, social and cultural benefits, including reduced or avoided resource consenting costs for the development of papakāinga on the Tapuaetahi land, which is consistent with the objectives and policies for the MPZ, the Tangata Whenua strategic direction of the PDP and section 6(e) and section 8 of the RMA.
 - b) The approach has low risk considering a concept plan has been provided which provides certainty on how and where land will be developed, and engineers have assessed the land as suitable for development (refer Appendix 6).
 - c) The proposed papakainga is for an additional 10 papakainga than what would otherwise be permitted under rule MPZ-R5 and limited to a 6.5 ha area of the site. As a result there is limited potential for adverse effects on the environment including rural character. Despite being located in the coastal environment and rural in nature the development area is on land that is open pasture, close to existing areas of residential activity, set back from coast and does not involve clearance of indigenous vegetation.
 - d) The papakāinga is required to comply with other performance standards for setbacks from boundaries, maximum heights and infrastructure provision which will manage potential environmental effects.
 - e) The approach is consistent with the National Planning Standards and the intent of Development Areas as a spatial planning tool.
127. There is a risk that the development concept plan will be inconsistent with the resource consent application however I consider that risk can be mitigated through the provision of the requested information by the submitter, including rationale as to why the Development Area / enabling provisions are necessary when the resource consent process is being pursued.

3 Conclusion

128. This report has provided an assessment of submissions received in relation to Tangata Whenua Matters – Rezoning Māori Purpose Zone, Treaty Settlement Land Overlay, Areas of Interest Mapping and Tapuaetahi requests relevant to Hearing 17. The primary amendments that we have recommended are:
- a) An interim recommendation, subject to further information, to introduce Tapuaetahi Papakāinga Development Area and an amendment to rule MPZ-R5 in the Māori Purpose zone chapter to provide an exemption to the maximum number of residential units for papakainga, and enable 20 residential units within the Tapuaetahi Papakāinga Development Area.
129. Section 3.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions relating to rezoning requests in Hearing 17 should be accepted, accepted in part, or rejected, as set out in Appendix 1 and 2 and my recommendations of this report.
130. I consider that the amendments recommended to zoning of the PDP will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

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

A handwritten signature in blue ink, appearing to be "Theresa Burkhardt".

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

Date: 7 October 2025