

## Appendix B – Officer’s Recommended Amendments to Māori Purpose Zone

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with red underline used for new text and ~~red strikethrough~~ used for deleted text).

### MPZ — Māori purpose zone

#### Overview

The Māori purpose zone comprises Māori land in Kaipara District. The Māori purpose zone seeks to recognise and provide for the relationship of Māori with their ancestral land, by enabling Māori purpose activities, which includes marae, papakāinga housing, and kohanga reo, along with land-based primary production, residential activities, small-scale commercial activities and rural industry.

Treaty Settlement Land held in general title is identified on the Planning Maps with the Treaty Settlement Overlay and referred to in provisions of the underlying zone chapters.

The Māori purpose zone gives effect to responsibilities under section 6(e) of the RMA to recognise and provide for the relationship of Māori with their ancestral land, while also recognising and providing for other matters of national importance under section 6 (such as those managed by the Natural Environment Values chapters in Part 2 of this Plan).

#### Objectives

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| <b>MPZ-O1</b>  | <b>Relationship of Tangata Whenua/Mana Whenua to Māori land</b> |
| Tangata Whenua/Mana Whenua are enabled to occupy, develop and use Māori Land and Treaty Settlement land for Māori purpose activities whilst also exercising their role as kaitiaki.              |   |
| <b>MPZ-O2</b>  | <b>Enable a range of activities</b>                             |
| The Māori purpose zone enables a range of social, cultural and economic development opportunities that support the use, development and ongoing relationship of Māori with their ancestral land. |   |

#### Policies

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| <b>MPZ-P1<sup>1</sup></b>  | <b>Enable a range of activities</b> |
| Enable a range of activities, including Māori purpose activities, land-based primary production, residential activities, small-scale commercial activities, <del>and</del> rural industry <u>and the activities listed in section 338(1) of Te Ture Whenua Act 1993</u> , while ensuring that land use and development:  |                                     |
| <ol style="list-style-type: none"> <li>1. Is consistent with mātauranga Māori, tikanga Māori and kaitiakitanga and consistent with whānau, hapū or iwi development plans;</li> <li>2. Can be serviced by adequate onsite infrastructure or reticulated infrastructure where available;</li> <li>3. Is at a scale and intensity that is appropriate for the physical characteristics of the land and the locality; and</li> <li>4. Avoids, remedies or mitigates adverse effects on the environment.</li> </ol> |                                     |

<sup>1</sup> Te Uri o Hau [367.69]

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| <b>MPZ-P2</b>  | <b>Provide for use and development of Māori land within coastal and natural environment overlays</b> |
| <p>Enable the use and development of land within the Māori purpose zone that is in a Coastal Environment, Outstanding Natural Character Area, High Natural Character Area, Outstanding Natural Landscape or Outstanding Natural Feature overlay, by having particular regard to:</p> <ol style="list-style-type: none"> <li>1. The role and responsibilities of Tangata Whenua/Mana Whenua as kaitiaki;</li> <li>2. The need to enable use and development of Māori land in accordance with mātauranga and tikanga Māori to support the social, cultural and economic wellbeing of Tangata Whenua/Mana Whenua;</li> <li>3. Alternative approaches to, or locations for, use and development that avoids adverse effects on the characteristics, qualities and values of the relevant overlay;</li> <li>4. The lack of, or limitations on, alternative locations for Tangata Whenua/Mana Whenua to use and develop their land; and</li> <li>5. Any adverse effects on the characteristics, qualities and values of the relevant overlay can be avoided, remedied or mitigated.</li> </ol> |  |

## Rules

### Notes:

1. *In addition to the rules in this chapter, resource consent may be required by rules in other chapters in the District Plan. See Part 1 - General Approach Chapter.*
2. *The Māori purpose zone rules do not apply to commercial forestry activities that are regulated under the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF).*

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| <b>MPZ-R1</b>   | <b>Buildings and structures</b>   |  |
| <p><b>1. Activity status:</b> Permitted<br/><b>Where:</b></p> <ol style="list-style-type: none"> <li>a. The construction of new buildings and structures or the alteration or additions to existing buildings and structures complies with:                     <ol style="list-style-type: none"> <li>i. MPZ-S2 Maximum height;</li> <li>ii. MPZ-S3 Height in relation to boundary;</li> <li>iii. MPZ-S4 Setbacks from boundary;</li> <li>iv. MPZ-S5 Setbacks from a coastal marine area;</li> <li>v. MPZ- S6 Setbacks for reverse sensitivity; and</li> <li>vi. MPZ- S7 Maximum building coverage and impervious surfaces.</li> </ol> </li> </ol> | <p><b>2. Activity status when compliance not achieved:</b> Refer to relevant standard</p> |  |

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| <b><u>MPZ-RX<sup>2</sup></u></b>                   | <b><u>Demolition of a building</u></b>   |  |
| <p><b><u>1. Activity status:</u></b> Permitted</p> | <p><b><u>2. Activity status when compliance not achieved:</u></b> Not Applicable</p> |  |

<sup>2</sup> Kaipara District Council [222.15]

| MPZ-R2 <sup>3</sup>   | Māori purpose activity  |
|---|---|
| <p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. Papakāinga housing does not exceed 10 residential units per site; and</li> <li>b. The activity complies with MPZ-S1 whānau, hapū or iwi development plan, <u>except if the activity is papakainga housing, then a development plan is not required if the number of residential units is 3 or less.</u></li> </ul> | <p><b>2. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>3. Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. Impacts on the transport network and the safe design of site entry and exit</li> <li>b. Measures to manage adverse effects on the amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight;</li> <li>c. Any adverse effects on cultural values or rural character and any proposed mitigation; and</li> <li>d. Scale, design and location of buildings within the site to mitigate potential reverse sensitivity effects.</li> </ul> |

| MPZ-R3 <sup>4</sup>  | Residential unit (excluding papakāinga housing and minor residential units)   |
|--|---|
| <p><b>1. Activity status:</b> Permitted</p> <p>The establishment of a new, or alteration, or expansion of an existing residential unit.</p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. The number of residential <u>units</u> does not exceed <u>one residential unit per 4ha of net site area.</u> :</li> </ul> <p><del>2.—One residential unit per site where site is less than 24ha;</del></p> <p><del>3.—Two residential units per site where the site is at least 24ha and is less than 36ha;</del></p> <p><del>or</del></p> <p><del>4.—Three dwellings per site where the site is at least 36ha.</del></p> | <p><b>2. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>3. Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. Impacts on the transport network and the safe design of site entry and exit</li> <li>b. Measures to manage adverse effects on the amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight;</li> <li>c. Any adverse effects on cultural values or rural character and any proposed mitigation; and</li> <li>d. Scale, design and location of buildings within the site to mitigate potential reverse sensitivity effects.</li> </ul> |

<sup>3</sup> Te Uri o Hau [367.66]

<sup>4</sup> Eruera Nathan [307.1]

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| <b>MPZ-R4<sup>5</sup></b> | <b>Minor residential unit <u>not permitted by the National Environmental Standards for Detached Minor Residential Units (NES DMRU)</u></b>  |  |
|                           | <p><b>1. Activity status:</b> Permitted</p> <p>The establishment of a new, or alteration to, or addition to an existing minor residential unit.</p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. There is no more than one minor residential unit per site; <u>and</u></li> <li><del>b. The minor residential unit shares vehicle access with the principal residential unit;</del></li> <li><del>c. The separation distance between the minor residential unit and the principal residential unit is no greater than 50m; and</del></li> <li>d. The minor residential unit has a maximum GFA of 90m<sup>2</sup>; excluding decks and any garage or carport.</li> </ul> | <p><b>2. Activity status when compliance not achieved with MPZ-R4.1.a or MPZ-R4.1.d:</b> <u>Discretionary Non-Complying</u></p> <p><del><b>3. Activity status when compliance not achieved with MPZ-R4.1.b or MPZ-R4.1.c:</b> Restricted Discretionary</del></p> <p><del><b>4. Matters over which discretion is restricted:</b></del></p> <ul style="list-style-type: none"> <li><del>a. Impacts on the transport network and the safe design of site entry and exit;</del></li> <li><del>b. Measures to manage adverse effects on the amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight; and</del></li> <li><del>c. Scale, design and location of buildings within the site to mitigate potential reverse sensitivity effects.</del></li> </ul> |

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| <b>MPZ-RX<sup>6</sup></b> | <b>Relocation of buildings</b>  |   |
|                           | <p><b>1. <u>Activity status:</u></b> Permitted</p> <p><b><u>Where:</u></b></p> <ul style="list-style-type: none"> <li>a. <u>The building complies with standards MPZ-S2 to MPZ-S7 inclusive;</u></li> <li>b. <u>A building inspection report shall accompany the Building Consent application, identifying reinstatement work required to the building's exterior; and</u></li> <li>c. <u>All work required to reinstate the exterior of the building, including the siting on permanent foundations, shall be completed within 12 months of the building being delivered to the site.</u></li> </ul> | <p><b>2. <u>Activity status when compliance not achieved:</u></b> Restricted Discretionary</p> <p><b>3. <u>Matters over which discretion is restricted:</u></b></p> <ul style="list-style-type: none"> <li>a. <u>Reinstatement work needed, timetable for reinstatement and placement on permanent foundations, and bond to secure this work;</u></li> <li>b. <u>Management of reinstatement work, including site maintenance and screening of the building during reinstatement; and</u></li> <li>c. <u>The matters of discretion of any infringed standard MPZ-S2 to MPZ-S7 inclusive.</u></li> </ul> |

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| <b>MPZ-R5</b> | <b>Visitor accommodation</b> |  |
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<sup>5</sup> Kaipara District Council [222.32]

<sup>6</sup> Kaipara District Council [222.28]

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| <p><b>1. Activity status:</b> Permitted</p> <p>The establishment of a new, or alteration or expansion of an existing, visitor accommodation activity.</p> <p><b>Where:</b></p> <p>a. No more than 10 visitors per night are accommodated per site.</p> | <p><b>2. Activity status when compliance not achieved:</b> Discretionary</p> |
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| <b>MPZ-R6</b>   | <b>Agricultural, pastoral or horticultural activities or forestry activities not regulated by the National Environmental Standards for Commercial Forestry (NES-CF) (excluding intensive indoor primary production)</b> |  |
| <p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. The activity does not include any offensive trade.</p> | <p><b>2. Activity status when compliance not achieved:</b> Non-Complying</p>  |  |

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| <b>MPZ-R7</b>   | <b>Commercial activity</b>   |  |
| <p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. The activity does not include any offensive trade.</p> | <p><b>2. Activity status when compliance not achieved:</b> Non-Complying</p> |  |

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| <b>MPZ-R8</b>   | <b>Rural industry</b>   |  |
| <p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. The activity area has a maximum GFA of 500m<sup>2</sup>; per site;</p> <p>b. There is no more than one rural industry per site; and</p> <p>c. The activity does not include any offensive trade.</p> | <p><b>2. Activity status when compliance not achieved with MPZ-R8.1.a or MPZ-R8-1.b:</b> Discretionary</p> <p><b>3. Activity status when compliance not achieved with MPZ-R8.1.c:</b> Non-Complying</p> |  |

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| <b>MPZ-R9</b>                               | <b>Conservation activity</b>  |  |
| <p><b>1. Activity status:</b> Permitted</p> | <p><b>2. Activity status when compliance not achieved:</b> Not Applicable</p> |  |

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| <b>MPZ-R10</b>                                  | <b>Any activities not provided for as a permitted, restricted discretionary, or non-complying activity</b> |  |
| <p><b>1. Activity status:</b> Discretionary</p> | <p><b>2. Activity status when compliance not achieved:</b> Not Applicable</p>                              |  |

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| <b>MPZ-R11</b>                                  | <b>Quarrying and mining</b>   |  |
| <p><b>1. Activity status:</b> Non-Complying</p> | <p><b>2. Activity status when compliance not achieved:</b> Not Applicable</p> |  |

## Standards

| MPZ-S1  | Whānau, hapū or iwi development plan  |
|---|---|
| <p>1. Whānau, hapū or iwi development plan is provided that includes the following details:</p> <ol style="list-style-type: none"> <li>a. A site or master plan showing location, size, height of all buildings;</li> <li>b. The location and areas of any activities either within buildings or outside of buildings;</li> <li>c. The location of access, including internal accessways;</li> <li>d. The provision of onsite infrastructure and servicing ;</li> <li>e. Any guiding mātauranga Māori, tikanga Māori that is relevant to the site; and</li> <li>f. The whānau, hapū or iwi vision for the ongoing development of the land.</li> </ol> | <p>2. <b>Activity status when compliance not achieved:</b> Restricted<br/>Discretionary</p> <p>3. <b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>a. The justification for why a whānau, hapū or iwi development plan is not being provided;</li> <li>b. The size and shape of the site;</li> <li>c. The siting, design and scale of buildings;</li> <li>d. The ability to provide onsite infrastructure and servicing;</li> <li>e. The adequacy of roading infrastructure to service the development;</li> <li>f. Alternative approaches to or locations for development to manage effects on the environment; and</li> <li>g. Land use incompatibility and reverse sensitivity effects.</li> </ol> |

| MPZ-S2   | Height - buildings and structures  |
|--|--|
| <p>1. The height of buildings and structures must not exceed 10m above ground level, except for:</p> <ol style="list-style-type: none"> <li>a. Frost fans where:             <ol style="list-style-type: none"> <li>i. The height of the support structure must not exceed 10.5m above ground level; and</li> <li>ii. Blades must not rotate higher than 13.5.m above ground level.</li> </ol> </li> <li>b. Crop protection structures where the height must not exceed 15m above ground level.</li> </ol> <p>2. <b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>a. Flag poles provided that they do not exceed the height limit by more than 1m;</li> <li>b. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; and</li> <li>c. Architectural features (e.g. koruru, finials, spires) that do not exceed 1m in height.</li> </ol> | <p>3. <b>Activity status when compliance not achieved:</b> Restricted<br/>Discretionary</p> <p>4. <b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>a. Effect on the character of the Māori purpose zone and surrounding rural character, including the intensity and scale of the built form;</li> <li>b. Effects on amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight; and</li> <li>c. Landscaping to mitigate impacts on visual amenity values.</li> </ol> |

| MPZ-S3  | Height in relation to boundary   |
|---|--|
| <p>1. The building does not exceed 45 degree recession plane measured from 2.5m above existing ground level at the internal boundaries of the site.</p> <p>2. <b>This standard does not apply to:</b></p> <ul style="list-style-type: none"> <li>a. Site boundaries that adjoin a legally established entrance strip, private way, access lot, or access way serving a rear site.</li> <li>b. Solar panels and water heating plants;</li> <li>c. Chimneys, poles, masts, and roof plants where each of these structures does not exceed 1m in length parallel to the boundary.</li> </ul> | <p>3. <b>Activity status where compliance not achieved:</b> Restricted Discretionary</p> <p>4. <b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. Loss of privacy to adjoining sites, including potential loss in relation to vacant site; and</li> <li>b. Shading and loss of solar access to adjoining sites, including buildings and outdoor areas.</li> </ul> |

| MPZ-S4  | Setbacks from boundary   |
|---|--|
| <p>1. All buildings and structures must be setback at least 10m from every site boundary, except:</p> <ul style="list-style-type: none"> <li>a. On any site with a net site area of less than 5,000m<sup>2</sup>, this setback shall be 3m from any site boundary.</li> </ul> <p>2. <b>This standard does not apply to:</b></p> <ul style="list-style-type: none"> <li>a. Fences or walls no more than 2m in height above ground level;</li> <li>b. Swimming pools and uncovered decks less than 1m in height above ground level;</li> <li>c. Letterboxes, clotheslines and outdoor furniture;</li> <li>d. Underground wastewater infrastructure; and</li> <li>e. Water tanks less than 2.7m in height above ground level.</li> </ul> | <p>3. <b>Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p>4. <b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. Effect on the character of the Māori purpose zone and surrounding rural character, including the intensity and scale of the built form;</li> <li>b. Effects on amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight; and</li> <li>c. Landscaping to mitigate impacts on visual amenity values.</li> </ul> |

**The following Standard has immediate legal effect:**

| MPZ-S5  | Setbacks from a coastal marine area   |
|---|---|
| <p>1. Buildings, accessory buildings and structures must be setback at least:</p> <ul style="list-style-type: none"> <li>a. Buildings, accessory buildings and structures must be setback 25m from the edge of a coastal marine area.</li> </ul> <p>2. The setbacks in MPZ-S5 do not apply to:</p> <ul style="list-style-type: none"> <li>a. Buildings and structures that are permitted under the Natural Character chapter;</li> <li>b. Where there is a legally formed and maintained road;</li> <li>c. Fences; <u>and</u></li> <li>d. <del>Infrastructure provided by a network utility operator;</del><br/><u>and</u></li> </ul> <p>Structures associated with vehicle or pedestrian access.</p> | <p><b>3. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>4. Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. The design and siting of the building or structure with respect to effects on the natural character, landscape, ecological, public access and cultural values of the waterbody;</li> <li>b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the coastal margins;</li> <li>c. screening, planting and landscaping on the site; and</li> </ul> <p>Natural hazard risks.</p> |

| MPZ-S6  | Setbacks for reverse sensitivity   |
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| <p>1. All buildings used for sensitive activities are set back at least 300m from the edge of any buildings housing animals associated with an intensive indoor primary production activity located on a site under separate ownership; and</p> <p>2. All buildings used for sensitive activities are set back 500m from the site boundary of any existing mining activities or quarrying activities.</p> | <p><b>3. Activity status when compliance not achieved:</b> Discretionary</p> |

| MPZ-S7  | Maximum building coverage and impermeable surfaces  |
|---|---|
| <p>1. Maximum building coverage must be no more than 10% of the net site area or 1,000m<sup>2</sup>, whichever is lesser.</p> <p>2. Maximum impervious surface must be no more than 20% of the net site area, or 2,000m<sup>2</sup>, whichever is lesser.</p> | <p><b>3. Activity status where compliance not achieved:</b> Restricted Discretionary</p> <p><b>4. Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. The character and amenity of the surrounding area;</li> <li>b. Any landscaping, planting and screening to mitigate any adverse effects;</li> <li>c. The effectiveness of the proposed method for controlling stormwater on site;</li> <li>d. The availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites;</li> <li>f. Whether low impact design methods and use of green spaces can be used; and</li> <li>g. Natural hazard mitigation and site constraints.</li> </ul> |