Memorandum

To: **Alan Watson – Hearing Panel Chair**

From: **Venessa Anich – section 42A officer for the MAORI PURPOSE ZONE topic**

Date: **28 April 2026**

Subject: **Response to evidence received on the Māori Purpose Zone topic**

1. This memorandum has been prepared to respond to the evidence and hearing statements received from submitters on the Māori Purpose Zone topic (**MPZ**), scheduled to be heard at Hearing 10 for the Proposed Kaipara District Plan (**PDP**) on Monday 4 May 2026.

2. This memorandum has been prepared in lieu of a formal addendum to my section 42A report, as limited evidence from submitters was received, and that evidence has not altered my position with respect to my recommendations on the MPZ provisions. The purpose of this memorandum is to assist the Hearing Panel understand the evidence filed and locate where I have responded to the relevant matters in my section 42A report in advance of the hearing.

Evidence/hearing statements received

3. One submitter – #26, being Chorus New Zealand Ltd, Connexa Ltd, Spark NZ Trading Ltd, Fortysouth Group LP and One NZ (**Chorus et al**), has indicated that it will not be attending this hearing and will not be lodging evidence. The submitter sought the removal of the exemption for infrastructure from the coastal marine area setback standard as zone rules do not apply to infrastructure. It has reviewed the Council's documents for this topic and supports my recommendation to delete the rule.

4. One submitter – #367 Te Uri o Hau, has tabled two statements of evidence indicating that it has reviewed the Hearing 10 and 11 topic reports (MPZ and Sites and Areas of Significance to Māori), including the recommended amendments to the provisions to those chapters. Te Uri o Hau does not support all of the recommendations set out in the MPZ Section 42A report. Te Uri o Hau wishes to be heard at this hearing.

5. The parts of its statements of evidence relating to Sites and Areas of Significance to Māori will be addressed by the reporting officer for that topic in a separate s42A Addendum document.

Te Uri o Hau

6. The two statements of evidence are from Te Puawaitanga Beryl Kake relating to planning, and from Fiona Kemp, both on behalf of Te Uri o Hau Environmental Holdings Ltd.

7. Ms Kemp's evidence primarily relates to:

    a. History, approach and chronology of engagement between Te Uri o Hau and Council in relation to the District Plan review, including the role and relevance of Te Uri o Hau's Iwi and Hapu Environmental Management Plan; and

b. Sites of Significance and the PDP submission and notification processes.

8. MPZ is included in section 7 of Ms Kemp's evidence where she raises concerns relating to the consultation process under Schedule 1 and the accuracy of the reporting in the MPZ section 32 report. These process matters were discussed at a pre-hearing meeting between Council and Te Uri o Hau on 22 April 2026. It is anticipated that a joint legal memorandum on behalf of Council and Te Uri o Hau will be filed with the Hearing Panel setting out an agreed pathway to address those concerns. Therefore, my s42A Addendum will address only the planning evidence from Ms Kake in relation to the MPZ.

Treaty Settlement Land

9. Ms Kake continues to seek amendments that provide for the Treaty Settlement Land (**TSL**), for example, a definition, a TSL information overlay, the integration of TSL into the MPZ chapter, a policy framework or separate zone. As stated in the Overview section of the MPZ chapter and in paragraph 13 of my s42A report, the MPZ chapter does not address activities on TSL that is held in general title. This matter is expected to be addressed through the agreed pathway to be set out in the joint legal memorandum.

Proposed District Plan Hierarchy of Provisions

10. Ms Kake considers that there is incoherence with regards to the integration of Māori aspirations in relation to the hierarchy of provisions in the PDP and where these provisions intersect. Examples given are that the General Rural Zone (**GRUZ**) and the General Residential Zone (**GRZ**) as underlying zones have a 'presumptive nature' over papakainga developments that are located in MPZ. She considers that this includes the restrictive nature of the matters of discretion in the underlying zones. Paragraph 5.1 and Table 3 in the evidence outlines her position in this regard. Table 3 includes amendments sought for papakainga within rules MPZ-R2 Māori Purpose Activity and GRUZ-R11 Papakainga Housing.

11. In paragraphs 5.5 - 5.7 of her evidence, Ms Kake considers that as a result of procedural errors, Te Uri o Hau were not included in Hearing 3 on General Provisions and Introductory Chapter and therefore could not comment on how the PDP works, including their submission point requesting that MPZ prevails over any underlying zone (refer submission point 367.76). This is addressed in the MPZ s42A report in paragraphs 43-49. I understand that due to the timing of the notification of the Te Uri o Hau summary of decisions requested, Te Uri o Hau did not have a chance to appear at the earlier hearing which was focused on Part 1 – Introduction and general provisions. I understand there will be a hearing later in the year that will address all remaining submission points that have not already been addressed in any hearings. This will include any remaining Te Uri o Hau submission points. As such, Te Uri o Hau will not be prejudiced by the administrative error that led to the renotification of its submission.

12. The location of special purpose zones in Part 3 of a district plan are set by the National Planning Standards. The MPZ is a discrete zone that does not overlay any other zone. The PDP has a hierarchy of provisions, with Part 2 matters being applied District-wide while Part 3 matters are zone specific, with the strictest rule applying (refer Introduction and General Provisions chapter). For example, the Natural Environment Overlay provisions must be complied with by activities in both GRUZ and MPZ. This is discussed in more detail below. I acknowledge that some other Special Purpose Zone provisions allow their rules to override a Part 2 District-wide matter, as shown in Table

1 of Ms Kake's evidence. For the reasons set out above, Ms Kake's evidence has not caused me to revisit my initial recommendation to reject submission point 367.76 as it relates to MPZ chapter.

Papakainga Developments

13. Regarding the presumptive nature of the underlying zones prevailing over papakainga developments, neither GRUZ nor GRZ underlay MPZ. All three zones are separate zones that function independently. I do not consider there to be any presumptions towards papakainga developments.

14. Papakainga developments locating in the MPZ would be a permitted activity if they comply with MPZ-R2 Māori Purpose Activity. While this s42A Addendum is in regard of the MPZ topic, I will set out the approach for papakainga housing in GRUZ and GRZ to assist the Hearings Panel, as this has been raised in Ms Kake's evidence.

15. There are no rules in GRZ that provide for papakainga housing specifically, however GRZ-R12 Multi-Unit Development is an option as a consenting pathway to undertake papakainga housing as a restricted discretionary activity in this zone. GRZ-MAT1 are the matters of discretion that apply. In my view, these are the typical matters for addressing the effects of a multi-unit residential development being established in a residential environment, for example amenity, character, privacy, outlook and infrastructure servicing. In my opinion, I do not consider that these matters limit or restrict Māori aspirations if they wish to establish a housing development in GRZ.

16. In GRUZ, papakainga housing is provided for under GRUZ-R11 as a restricted discretionary activity, including on TSL. The matters of discretion for GRUZ-R11.3 Papakainga housing are, in my opinion, focused on Māori aspirations, including subclauses:

    a. Whether there is a whānau, hapū or iwi development plan;

    b. The historical reasons why the land was transferred to general title;

    c. Demonstration of appropriate legal mechanism(s) to ensure that the land is maintained in whānau ownership;

17. Subclause (3)d ensures that the additional housing is serviced appropriately by the supporting transport network needs.

18. GRUZ-R11(3)g relates to addressing the potential for reverse sensitivity, which I consider to be appropriate given this is a residential land use activity proposing to establish in a rural environment. I discuss reverse sensitivity further below. Subclauses (3)e and f are more generic amenity type assessment matters, the drafting of which could potentially be reconsidered. This would be a matter for consideration at the General Rural Zone topic hearing.

19. In relation to papakainga developments, Table 3 in Ms Kake's evidence shows amendments sought to MPZ-R2 Māori Purpose Activity and GRUZ-R11 Papakainga Housing. For MPZ-R2, the amendments seek to increase the permitted activity threshold for papakainga houses from 10 to 30, where the gross land area is 30ha or more, plus removing the requirement for a Development Plan for up to 30 dwellings. For both MPZ-R2 and GRUZ-R11, the evidence seeks amendments to remove all matters of discretion. The justification provided in the evidence for the amendments is to achieve alignment with the draft National Environmental Standards for Papakainga (**NES Papakainga**)[1] .

[1] Evidence of Puawaitanga Kake on behalf of Te Uri o Hau Holdings Ltd dated 14 April 2026 at [6.21]

20. I have discussed the NES Papakainga briefly in my s42A report (paragraph 22.e). Given it is not yet in force and has no legal status, I did not include any further consideration. If this NES is gazetted before the PDP decisions are released, then alignment of provisions may be possible if there is scope provided by submissions. However, at this point in time without more justification I do not support the three proposed amendments to Rule MPZ-R2 contained in Table 3 of Ms Kake's evidence.

21. I note that Te Uri o Hau submission point (367.66) did not request a change to the 10 papakainga houses, rather that a development plan is not needed (acknowledged in Ms Kake's evidence[2]). Equally, the submission did not request the deletion or replacement of the assessment criteria from MPZ-R2 and GRUZ-R11. I have addressed in paragraphs 96-105 of my s42A report the threshold number of papakainga houses that triggers the need for a development plan, recommending that three or less houses do not require a plan. Ms Kake's evidence has not caused me to revisit my initial recommendation.

22. I do, however, make the following comments. Thirty dwellings is not a permitted activity threshold in the draft NES Papakainga. The reasons given in the draft NES Papakainga for PA1 Papakainga development of up to 10 residential units being a permitted activity are as follows:

> *This enables small papakāinga, which will have limited effects, to be developed without unnecessary compliance costs. This is a reasonable level of homes to be enabled without resource consent, as long as minimum standards to protect health, safety and the natural environment are met. This is consistent with the approach in some district plans.*
>
> *Developments of more than 10 homes would require resource consent.*

23. Ten papakainga dwellings is a well-established permitted activity threshold from the Operative District Plan (rule 15A.10.4).

24. I now turn to Ms Kake's deletion of the matters of discretion for MPZ-R2.3 and replacing with matters of discretion limited to infrastructure servicing (reticulated or onsite three waters). Currently a requirement for any Māori Purpose Activity establishing as a permitted activity is to have the infrastructure servicing detailed in a development plan (refer MPZ-S1.d), thereby making any matters of discretion on three waters servicing somewhat redundant.

25. Ms Kake's evidence seeks for up to 30 papakainga housing to not have to provide a development plan. When considering up to 30 residential units being established, I do not support matters of discretion being restricted to three waters servicing, given this is a large number of residential units being introduced to a rural environment and the corresponding effects are unlikely to be limited. I am of the same opinion where more than ten residential units are proposed to be established and therefore required a consent. Equally, if another Māori Purpose Activity land use did not comply with the permitted activity standards, I consider the matters of discretion need to be more than addressing three waters servicing. Without further justification, I do not support the reduction of the assessment matters for MPZ-R2.3 to limit the consideration to three water infrastructure servicing.

26. I note that the draft NES Papakainga provides for papakainga development of up to 30 residential units as a restricted discretionary activity (refer RD1). The reasons given are that development of up to 30 units are likely to have a greater effect on the environment than smaller-scale development. By way of comparison, the proposed matters of discretion for RD1 are copied below:

[2] Evidence of Puawaitanga Kake on behalf of Te Uri o Hau Holdings Ltd dated 14 April 2026 at [6.22 and 6.24]

- *whether the additional building coverage is appropriate in its context;*
- *the extent to which the siting of the building(s), decks and outdoor areas, relative to adjacent properties and the road frontage, avoid visual domination and loss of privacy and sunlight; and*
- *the extent to which alternative options for siting the papakāinga are available to the land owners (eg, if setbacks on a narrow site, will mean site cannot be used).*

27. Amendments to the General Rural Zone rule GRUZ-R11 are outside of the scope of the MPZ topic.

28. In paragraph 6.23 of Ms Kake's evidence there appears to be a misunderstanding of MPZ-R2, both as drafted in the PDP and the recommended amendments in my s42A report. This rule does not have a minimum lot size requirement for Māori Purpose Activities to be undertaken. However, MPZ-R3 Residential Unit (excluding papakainga housing and minor residential unit) does. This rule was not submitted on by Te Uri o Hau.

Rural Environments and Reverse Sensitivity

29. In my s42A report I have likened MPZ to GRUZ (see paragraphs 46 and 47), because in Kaipara District the MPZ is located in rural environments. Ms Kake's evidence[3] considers that this has resulted in the s42A report comparing concepts that are not equally the same between the two zones, e.g. reverse sensitivity effects. Ms Kake considers that reverse sensitivity effects as matters of discretion should not apply to MPZ and provides some additional wording with marae and papakainga developments as the activity potentially sensitive from neighbours' complaints[4] . The position put forward is that marae and papakainga developments are activities that are sensitive to neighbours' complaints, e.g. about noise and traffic effects associated with tangihanga and kapa haka events.

30. Both MPZ-R2 Māori Purpose Activity and GRUZ-R11 Papakainga housing include an assessment criteria regarding the potential for reverse sensitivity effects. As I state above, I consider the inclusion of a reverse sensitivity criteria is appropriate for papakainga developments because it is a residential land use activity proposing to establish in rural environments. However, MPZ-R2 expressly provides for Māori Purpose Activities which includes more activities than residential, e.g. home business, arts and cultural centres, education facilities. If one of these activities were to be established or be undertaken in MPZ, then my view is that if the neighbouring landowners were also within the MPZ, then they would be less inclined to complain (acknowledging that this cannot be guaranteed). If the neighbouring landowners were in GRUZ, then there is an increased potential for complaints. I consider that in this cross-zone boundary situation, a version of the suggested assessment criteria would be an appropriate addition to rules and standards in GRUZ that already include reverse sensitivity, e.g. GRUZ-S4 Setbacks to Manage Reverse Sensitivity. This would be a consideration for the GRUZ topic and hearing.

31. It is not clear whether the wording sought by Ms Kake is intended to be a policy or a matter of discretion. In any event, I do not consider it to be necessary because it would only apply within the MPZ where reverse sensitivity effects with these developments are unlikely.

Māori Purpose Activities

32. In paragraph 6.11 of the evidence, Ms Kake states that the use of Māori land in MPZ only emphasises

[3] Evidence of Puawaitanga Kake on behalf of Te Uri o Hau Holdings Ltd dated 14 April 2026 at [6.20]
[4] Evidence of Puawaitanga Kake on behalf of Te Uri o Hau Holdings Ltd dated 14 April 2026 at [6.27 and 6.29]

the development of papakainga and marae-based activities. I do not agree. MPZ provides for 'Māori Purpose Activities', the definition of which is wider than papakainga development and marae-based activities. If my recommendations are accepted by the Hearing Panel, then the definition of Māori Purpose Activities will be enlarged with additional activities included and the list of activities will become an open list, reflective of cultural practices.

Natural Environment Overlays

33. Ms Kake considers that the Natural Environment Overlays have an impact on the development of Māori land[5]. I note this point is not included as part of the primary submission.

34. As stated above, the Natural Environment Values provisions are Part 2 District-wide matters therefore apply to all zones, including MPZ. An initial GIS assessment has been undertaken to quantify how much MPZ land is within Outstanding Natural Landscapes, Outstanding Nature Features, Outstanding Natural Character Area, High Natural Character Area and Coastal Environment. Approximately 75% of MPZ land has no overlay on it, and 0.4% of MPZ land is covered by four of the five overlays. No MPZ land is covered by all five overlays.

35. I consider that the permissive and enabling policy and rule settings within MPZ provides a sufficient balance to any additional consenting requirements under the Natural Environment rules framework. In addition, policy MPZ-P2 'Provide for Use and Development of Māori Land within Coastal and Natural Environment Overlays' seeks to provide guidance when an activity in MPZ triggers a Natural Environment Overlay rule. In addition, the following Natural Environment Overlay objectives and policies are relevant as they include consideration of cultural well-being, cultural purposes or cultural association:
    a. ECO-O2 Maintenance of indigenous biodiversity;
    b. ECO-P1 Indigenous biodiversity in the coastal environment;
    c. ECO-P2 Indigenous biodiversity outside of the coastal environment;
    d. ECO-P3 Protection and maintenance of indigenous biodiversity;
    e. NATC-P2 Indigenous vegetation clearance and earthworks;
    f. NATC-P3 Buildings and structures;
    g. NATC-P5 Assessment of resource consents;
    h. NFL-P6 Assessment of resource consents;
    i. PA-O1 Public and customary access; and
    j. PA-P1 Providing public and customary access.

36. I consider that these policy settings reach the appropriate balance of enabling the use and development of Māori land located within a Natural Environment Overlay, while ensuring the overlay values are provided for. Ms Kake's evidence has not caused me to recommend any changes.

Conclusion

37. In conclusion, I have carefully considered the evidence filed for MPZ hearing and I do not make any further changes beyond those set out in my section 42A report.

[5] Evidence of Puawaitanga Kake on behalf of Te Uri o Hau Holdings Ltd dated 14 April 2026 at [6.16, 6.34 and 6.35]