

MĀORI PURPOSE ZONE

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1 Scope of Report

- [1] This Recommendation Report relates to the Māori Purpose Zone chapter of the PDP and contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on that chapter.
- [2] The Hearing Panel members for the Māori Purpose Zone chapter were:
- Yvette Couch-Lewis
 - Debra Hasson
 - Gary Rae (Chair)
 - Andrew Willis
- [3] The Section 42A Report for this topic was prepared by Ben Baird, and dated March 2022.
- [4] Mr Baird also provided a report entitled 'Officer's Response to Questions from The Hearings Panel', dated 8 April 2022. This is referred to later in our report.
- [5] The Hearing Panel's recommended amendments to the notified provisions of the Māori Purpose Zone chapter are set out in Appendix 1. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [6] There are no amendments recommended to the notified planning maps.
- [7] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

2 Hearing and Submitters Heard

- [8] The hearing for the Māori Purpose Zone chapter was held on Tuesday 12 April 2022. There were no submitters in attendance, as none of the submitters had requested to be heard. However, the Panel had requested that the Reporting Officer be present to provide an overview of the proposed provisions and to answer additional questions.
- [9] No expert evidence was filed for this hearing, however a letter was received from one submitter, as noted in Appendix 2.
- [10] We record that we considered all submissions and further submissions as part of our deliberations.

3 Sub-topic Recommendations

- [11] In this part of the Recommendation Report we assess the submissions by sub-topic, using the same headings as the initial Section 42A Report.

3.1 Zone and Objective

- [12] For the following submitters and their submission points on those provisions we adopt the recommendations and reasons of the Section 42A Report author, which acknowledge the

support from CRC and Heritage New Zealand for the provisions, and we agree there is no need to amend the provisions to provide further explanation of the outcomes.

Sub #	Submitter	Submission Points
DPR-0260	CRC	174
DPR-0269	Heritage New Zealand	029
DPR-0353	Hort NZ	188

3.2 Policies

- [13] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting the support by the submitters for MPZ-P1 to MPZ-P3. The requested change to MPZ-O4 by Hort NZ is also supported.

Sub #	Submitter	Submission Points
DPR-0260	CRC	175 -177
DPR-0353	Hort NZ	298, 299

3.3 Rules

- [14] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0207	SDC	074
DPR-0269	Heritage New Zealand	028
DPR-0378	MoE	038
DPR-0455	The McOscars	015

- [15] The changes sought to MPZ-R10 by SDC relating to home business are appropriate for consistency with other zones, and the scale of change does not require a s32AA evaluation. Heritage New Zealand partially supported MPZ-R11, but no particular relief was requested.
- [16] MoE requested a restricted discretionary activity status for education facilities in the Māori Purpose Zone. However we agree with the Section 42A Report that non-complying status is appropriate for educational facilities in the Māori Purpose Zone's General Land areas in order to be consistent with the General Rural Zone provisions. Mr Baird also addressed this matter in the 'Officer's Response to Questions from The Hearings Panel' noting that education facilities are permitted when located on Māori Land within this zone, consistent with the enabling provisions of the chapter, and that should a school be required outside of the Māori land but within the zone the Ministry has other mechanisms available (e.g. a designation process) to provide for this.
- [17] In relation to the submission point by the McOscars, we do not consider there is need to change the activity status for visitor accommodation in rule MPZ-R9, noting that these provisions should also be aligned with the General Rural Zone provisions.

3.4 Non-notification clauses

- [18] The Section 42A Report author recommended that the submissions by RWRL, IRHL, RIHL, and RIDL (requesting that for all controlled or restricted discretionary activities a non-notification clause is included) should be rejected. Mr Baird's reasons were that sweeping exemptions to notification requirements do not represent sound planning practice as there may be occasions

when activities give rise to adverse effects where specific parties or the community should be consulted.

- [19] However, in the 'Officer's Response to Questions from The Hearings Panel' and in response to further questions at the hearing Mr Baird suggested that a limited notification clause could be included for rule requirements relating to setback, height and building coverage. We consider applications for breaches of those particular rules in this zone (MPZ-REQ1, MPZ-REQ2 and MPZ-REQ3) can appropriately be restricted to limited notification, based on the low scale and localised nature of effects, and little would be gained by requiring full notification.
- [20] In terms of s32AA of the RMA, we are satisfied that is the most appropriate option for achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents.
- [21] Consequently, for the following submitters and submission points our recommendations are set out below.

Sub #	Submitter	Submission Points	Accept	Accept in part
DPR-0358	RWRL	410		✓
DPR-0363	IRHL	454		✓
DPR-0374	RIHL	500		✓
DPR-0384	RIDL	533		✓

4 Other Matters

- [22] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:
- Hearing Panels considering submissions and further submissions on other chapters of the PDP;
 - the Hearing Panels considering rezoning requests, and
 - the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP
- [23] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair¹ and Deputy Chair² of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.
- [24] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.
- [25] There are no other matters arising from our consideration of the submissions and further submissions or that arose during the hearing.

¹ Who is also the Chair of the IHP.

² Who chaired one stream of hearings.

Appendix 1: Recommended Amendments

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

There are no amendments recommended to PDP Planning Maps arising from our recommendations on the submissions and further submissions covered by this Recommendation Report.

Amendments to the PDP Text

Part 3 – Area Specific Matters

Special Purpose Zones

MPZ – Māori Purpose Zone

MPZ Policies

MPZ-Policies	
MPZ-P4	Enable rural activities in a manner consistent with the provisions of the <u>General Rural Zone</u> ³ Chapter

MPZ-Rules

MPZ-R10	Home Business	
Māori Land	Activity Status: PER 1. Home business. Where: a. The home business shall have a maximum floor area of 40m ² ; and b. At least one person engaged in the home business must use the residential unit as their principal place of residence; and ⁴	Activity status when compliance not achieved: 2. When compliance with MPZ-R10.1. is not achieved: DIS

³ DPR-0353.299 Hort NZ

⁴ DPR-0207.074 SDC

	<p>No more than two persons who are not permanent residents of the site shall be employed on site at any one time; and</p> <p>c. The home business shall take place entirely within a building and no goods, materials or equipment shall be stored outside a building; and</p> <p>d. Unloading or loading of vehicles or the receiving of customers or deliveries only occurs after 0730 or before 1900 on any day.</p>	
General Land	<p>Activity Status: PER</p> <p>3. In accordance with GRUZ-R10 – Rural home business.</p>	

MPZ-Rule Requirements

MPZ-REQ1	Setback	
Māori Land	<p>1. All buildings and structures, excluding fences, shall be setback 2m from an internal boundary. Note: This is measured from an internal legal boundary of any site where it adjoins another site not held in the same ownership or used for the same development.</p> <p>2. All buildings and structures, excluding fences, shall be setback 4m from a road boundary.</p>	<p>Activity status when compliance with not achieved:</p> <p>3. When compliance with any of MPZ-REQ1.1. and MPZ-REQ1.2. is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>4. The exercise of discretion in relation to MPZ-REQ1.3. is reserved to the following matters:</p> <ul style="list-style-type: none"> a. the extent to which building design, location and external appearance adversely impacts on the neighbouring rural character and amenity. b. the extent to which the non-compliance adversely effects neighbouring properties, including outlook, privacy, shading, and sense of enclosure. c. the extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site or the functional requirements of the building. d. the ability to mitigate adverse effects through the use of screening, planting, landscaping, and alternative design. e. the extent to which the non-compliance compromises the efficiency and safety of the traffic network. <p>Notification:</p> <p>5. <u>Any application arising from MPZ-REQ1.3 shall not be subject to public notification.</u>⁵</p>
MPZ-REQ2	Height	
Māori Land	<p>1. The maximum height of all buildings and structures, excluding art, carvings or other cultural symbols, is 8m.</p>	<p>Activity status when compliance with not achieved:</p> <p>2. When compliance with any of MPZ-REQ2.1. is not achieved: RDIS</p>

⁵ DPR-0358.410 RWRL, DPR-0363.454 IRHL, DPR-0374.500 RIHL and DPR-0384.533 RIDL

		<p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to MPZ-REQ2.2. is reserved to the following matters:</p> <ul style="list-style-type: none"> a. the extent to which building height adversely impacts on the neighbouring character and amenity. b. the effect on nearby properties, including outlook, privacy, shading and sense of enclosure. c. the ability to mitigate adverse effects through the use of screening, planting, landscaping, and alternative design. <p>Notification:</p> <p>4. <u>Any application arising from MPZ-REQ2.2 shall not be subject to public notification.</u>⁶</p>
MPZ-REQ3	Building Coverage	
Māori Land	<p>1. The maximum percentage of net site area covered by all buildings and structures is 40%.</p>	<p>Activity status when compliance with not achieved:</p> <p>2. When compliance with any of MPZ-REQ3.1. is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to MPZ-REQ3.2. is reserved to the following matters:</p> <ul style="list-style-type: none"> a. the extent to which non-compliance adversely impacts on the neighbouring character and amenity. b. the effect on nearby properties, including outlook, privacy, and sense of enclosure. c. the effects on increased coverage on the ability to effectively dispose of stormwater within the boundaries of the site. d. the effect of increased coverage on the ability to effectively treat and dispose of wastewater. <p>Notification:</p> <p>4. <u>Any application arising from MPZ-REQ3.2 shall not be subject to public notification.</u>⁷</p>

⁶ DPR-0358.410 RWRL, DPR-0363.454 IRHL, DPR-0374.500 RIHL and DPR-0384.533 RIDL

⁷ DPR-0358.410 RWRL, DPR-0363.454 IRHL, DPR-0374.500 RIHL and DPR-0384.533 RIDL

Appendix 2: Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0378	Ministry of Education	Kate Graham	Planner