



Te Ngāi Tū Ahuriri Rūnanga Inc.



WAIMAKARIRI  
DISTRICT COUNCIL

# MAHI TAHI JOINT DEVELOPMENT COMMITTEE

## Agenda

**Tuesday 8 December 2020  
Commencing at 11.15am**

***Function Room,  
Rangiora Town Hall  
303 High Street  
Rangiora***

***Members:***

Mayor Dan Gordon (Co-Chair)  
Tania Wati (Co-Chair)  
Deputy Mayor Neville Atkinson  
Councillor Al Blackie  
Dr Te Maire Tau, Upoko, Te Ngāi Tūāhuriri

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Committee Members,  
**MAHI TAHI JOINT DEVELOPMENT COMMITTEE**

**A MEETING OF THE MAHI TAHI JOINT DEVELOPMENT COMMITTEE WILL BE HELD IN THE FUNCTION ROOM, RANGIORA TOWN HALL, 303 HIGH STREET, RANGIORA ON TUESDAY 8 DECEMBER 2020 TO COMMENCE AT 11.15AM.**

Due to government directive, the meeting will be audio livestreamed on the Council website.

**Recommendations in reports are not to be construed as  
 Council policy until adopted by the Council**

**BUSINESS**

*Page No*

**KARAKIA**

**1 APOLOGIES**

**2 CONFLICTS OF INTEREST**

*Conflicts of interest (if any) to be reported for minuting.*

**3 CONFIRMATION OF MINUTES**

**3.1 Minutes of the meeting of the Mahi Tahi Joint Development Committee meeting held on 18 August 2020**

4 - 6

*RECOMMENDATION*

**THAT** the Mahi Tahi Joint Development Committee:

- (a) Confirms as a true and correct record the circulated minutes of a meeting of the Mahi Tahi Joint Development Committee held on 18 August 2020.

**4 REPORTS**

**4.1 Mahi Tahi Joint Development Meeting dates for 2021 – Simon Markham (Manager Strategy and Engagement)**

7 - 9

*RECOMMENDATION*

**THAT** the Mahi Tahi Joint Development Committee:

- (a) **Receives** report No. 201006133083 for information.
- (b) **Agrees** the meeting dates of the Mahi Tahi Committee for 2021 as proposed in this report.

**4.2 Proposed District Plan Provisions - MR 873 and other Māori reserve areas – Trevor Ellis (Development Planning Manager)**

10 - 30

*RECOMMENDATION*

**THAT** the Mahi Tahi Joint Development Committee:

- (a) **Receives** report No. 201021141244.
- (b) **Recommends** the attached provisions to Council and to Te Ngāi Tūāhuriri Rūnanga for inclusion in the Proposed District Plan.
- (c) **Notes** specific matters remaining to be completed by staff, as set out in paragraph 4.19.
- (d) **Circulates** this report to all Community Boards for information.
- (e) **Notes** that as part of pre-notification Proposed District Plan engagement, the proposed provisions will be shared with the Greater Christchurch Strategic Partners.
- (f) **Considers** the necessity and nature of further consultation with landowners subject to the changed zoning provisions.
- (g) **Notes** that a separate report will be prepared for the consideration of the Committee in regard to s33 (transfer of powers).

**NEXT MEETING**

The next meeting of the Mahi Tahi Joint Development Committee will be held on Tuesday 9 February 2021.

**KARAKIA**

**MINUTES OF A MEETING OF THE MAHI TAHI JOINT DEVELOPMENT COMMITTEE HELD IN THE FUNCTION ROOM, RANGIORA TOWN HALL, 303 HIGH STREET, RANGIORA ON TUESDAY 18 AUGUST 2020 COMMENCING AT 9.30AM.**

**PRESENT**

Tania Wati (Co-Chair), Mayor Dan Gordon (Co-Chair), Dr Te Maire Tau, (Upoko, Te Ngāi Tūāhuriri), Arapata Reuben (Chairperson, Te Ngāi Tūāhuriri Rūnanga), Deputy Mayor Neville Atkinson, and Councillor Al Blackie (to 11.50am, during briefing)

**IN ATTENDANCE**

Councillors S Stewart, K Barnett, P Redmond  
J Palmer (Chief Executive), S Markham (Manager Strategy and Engagement), G Cleary (Manager Utilities and Rooding), C Brown (Manager Community and Recreation), D Roxborough (Implementation Project Manager - District Regeneration), K LaValley (Project Delivery Manager), M Flanagan (Landscape Planner, District Regeneration), L Beckingsale (Policy Analyst), G MacLeod (Greenspace Manager), T Ellis (Development Planning Manager), Nicola Rykers (Locality Ltd, Consultant, contracted to Maahanui Kurataiao Ltd), A Smith (Governance Coordinator)

**KARAKIA**

Arapata Rieben provided a karakia.

**1 APOLOGIES**

There were no apologies.

**2 CONFLICTS OF INTEREST**

There were no conflicts of interest recorded.

**3 CONFIRMATION OF MINUTES**

**3.1 Minutes of the meeting of the Mahi Tahī Joint Development Committee meeting held on 16 June 2020**

Moved T Wati                                      Seconded Councillor Blackie

**THAT** the Mahi Tahī Joint Development Committee:

- (a) Confirms as a true and correct record the circulated minutes of a meeting of the Mahi Tahī Joint Development Committee held on 16 June 2020.

**CARRIED**

**4 REPORTS**

**4.1 Heritage and Mahinga Kai Area, Kaiapoi South – M Flanagan (Landscape Planner District Regeneration)**

M Flanagan spoke to this report, which seeks approval from the Mahi Tahī Joint Development Committee to commence the planning and design of the Heritage and Mahinga Kai Area in the Kaiapoi South Regeneration Area.

Key points of the report were highlighted. The Waimakariri Residential Red Zone Recovery Plan includes approximately eight hectares for a Heritage and Mahinga Kai purposes. This land is along the Kaiapoi River and the Courtney Stream area. This area was identified as having significant cultural values during preparation of the Recovery Plan. This will be a public reserve area which will provide a space for cultural and social activities for the community including natural play, education and learning. The development of this area is seen as a key partnership between the Council and the Rūnanga and is a key regeneration project. M Flanagan noted attachment (ii) to the staff report which is a preliminary report that was presented to the Kaiapoi-Tuahiwi Community Board in 2019. This had been prepared by Mr Rupene and Mr Wepu of Environment Canterbury and was endorsed by the Rūnanga. This report focused on the creation of an edible forest consisting of two plant communities, a wetland community and a podocarp forest. WDC staff prepared a preliminary draft concept plan, based on this report. To build on this preliminary plan, this report seeks to establish a working group to work on the design of the area. This working group could include members from both the Rūnanga and the Council and could bring recommendations through this committee. This working group could propose a co-governance framework, recommend a name for the reserve, complete a concept and management plan and determine budget allocations. There is \$60,000 budget in the 2020/21 year for planning and design purposes of this Mahinga Kai area and an additional \$1.6m in the 2022 to 2026 years for development of the area. This funding will not be sufficient to develop the entire site and third party funding will be sought to develop stages.

Following a question from T Wati, M Flanagan confirmed that the proposed Water park location is in east Kaiapoi, on the other side of the river to this Mahinga Kai area.

Regarding the suggested members of the working group, which were included in 4.18 in the report, Mayor Gordon recommended that the Portfolio Holder for Regeneration (Councillor Blackie) also be included. Members agreed with this suggestion.

J Palmer spoke on co-governance arrangement for this area. The working group will get this project underway but suggests there could be a review of this once agreement is reached on what the co-governance structure is. This would come back to this committee for a decision.

T Wati asked what the commitment would be for members of the working group. M Flanagan said there would be requirements of the working group to meet and collaborate. J Palmer noted that the Working Group is a governance function and M Flanagan will be initiating the work for this project. It is anticipated a timeframe of one hour per month for meeting until the governance arrangement has been put in place. This could be for a period of up to six months. The Working Group will be supported by staff, as listed in the report.

Moved Mayor Gordon      Seconded Councillor Blackie

**THAT** the Mahi Tahi Committee recommended

**THAT** the Council:

- (a) **Receives** report No. 200720091001.
- (b) **Receives** the preliminary report, Ngahere rongoā (Regeneration area), on the development of the Heritage and Mahinga Kai Area (19119161006).
- (c) **Approves** the establishment of a Working Group to propose a co-governance framework for the Heritage and Mahinga Kai Area.

- (d) **Approves** the Working Group championing the planning, design and development of the Heritage and Mahinga Kai Area.
- (e) **Notes** that a future report on a proposed co-governance framework will be prepared by the Working Group, and presented to the Mahi Tahī Joint Development Committee for recommendation.
- (f) **Notes** the Regeneration Budget (PJ 101407.000.5223) includes \$60,000 in the 2020/2021 year for the design and planning of the Heritage and Mahinga Kai Area.
- (g) **Notes** that the Regeneration Budget includes \$1,680,000 in the 2021-2026 years for physical development of the Heritage and Mahinga Kai Area.
- (h) **Notes** that the development of the Heritage and Mahinga Kai area is intended to be a multi-year staged project. The current funding provision (\$1,740,000) will not cover the full development of the site. It is intended to apply to third-party funding providers for additional funding to continue development of the site.
- (i) **Circulates** this report to the Kaiapoi-Tuahiwi Community Board.

**CARRIED**

**NEXT MEETING**

The next scheduled meeting of the Mahi Tahī Joint Development Committee will be held on 9:30am, Tuesday 20 October 2020 to be held in the Function Room, Rangiora Town Hall.

There being no further business, the meeting closed at 9.50am.

CONFIRMED

\_\_\_\_\_  
Co-Chairperson

\_\_\_\_\_  
Date

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR INFORMATION**

**FILE NO and TRIM NO:** 201006133083

**REPORT TO:** Mahi Tahi Joint Development Committee

**DATE OF MEETING:** 8 December 2020

**FROM:** Simon Markham, Manager Strategy and Engagement

**SUBJECT:** Mahi Tahi Joint Development Meeting dates for 2021

**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)



Department Manager



Chief Executive

**1. SUMMARY**

- 1.1 This report seeks to confirm the meetings schedule for the Mahi Tahi Joint Development Committee in 2021, as proposed to the Council on Tuesday 6 October 2020.

**2. RECOMMENDATION**

**THAT** the Mahi Tahi Joint Development Committee:

- (a) **Receives** report No. 201006133083 for information.
- (b) **Agrees** the meeting dates of the Mahi Tahi Committee for 2021 as proposed in this report.

**3. BACKGROUND**

- 3.1. The Mahi Tahi Joint Development Committee formed at the beginning of the 2019-22 Council term, as a joint committee between Te Ngāi Tūāhuriri Rūnanga and the Council consisting of three members from each organisation.
- 3.2. The purpose of this committee is to further develop the working relationship between the two parties. This working relationship is particularly important as the Council undertakes its District Plan Review and water related matters come to the fore, in part through central government directives. The Committee prepares recommendations to the Council and Rūnanga.

**4. ISSUES AND OPTIONS**

- 4.1. At its meeting on Tuesday 6 October 2020 the Council received a report on the proposed 2021 schedule of Council and Committee meeting dates. This schedule included proposed Mahi Tahi Joint Development Committee meeting dates.
- 4.2. The meetings are proposed for Tuesdays commencing at 9.00am and last for up to three hours:
- 9 February 2021
  - 23 March 2021

- 20 April 2021
- 22 June 2021
- 17 August 2021
- 19 October 2021
- 14 December 2021

- 4.3. Where a meeting is held, and decisions need to be made, as per the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987, these meetings must be advertised, as would any changes or cancellations. Briefings do not need to be advertised.
- 4.4. Going forward meetings may be split between items for decision, where members of the public could attend, and then move into a briefing session, where members of the public would then be excluded.
- 4.5. There is an option to hold briefings on the alternate months where there is no meeting scheduled.
- 4.6. At its meeting on 16 June 2020 the Mahi Tahī Joint Development Committee noted that future meetings, and Chair of the meeting, would be alternated between the Tuahiwi Marae and the Rangiora Service Centre.
- 4.7. The Management Team have reviewed this report and support the recommendations.

## 5. **COMMUNITY VIEWS**

### 5.1. **Groups and Organisations**

The Council is responsible for setting Council and Committee dates and agreement would be sought via the Mahi Tahī Joint Development Committee to any proposals for the Joint Committee.

### 5.2. **Wider Community**

The wider community have not been consulted, although the meetings are generally open to the public.

## 6. **IMPLICATIONS AND RISKS**

### 6.1. **Financial Implications**

No financial impact for venue use as each party has its own appropriate meeting space. The meeting is serviced by the Governance Team of the Council.

### 6.2. **Community Implication**

No community implications as each venue facility is publicly available and disability accessible during the meeting.

### 6.3. **Risk Management**

No undue risks are considered likely. If the Marae venue was unavailable due to unforeseen circumstances, then a Council venue would always be held in reserve to enable the meeting to occur as scheduled.

### 6.4. **Health and Safety**

No health and safety issues.



## **7. CONTEXT**

### **7.1. Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### **7.2. Legislation**

Meetings are held in accordance to the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

### **7.3. Community Outcomes**

Effect is given to the principles of the Treaty of Waitangi and there are wide ranging opportunities for people to contribute to the decision making that effects the Waimakariri district.

### **7.4. Delegations**

The Committee has the delegation to consider different venues and propose any changes to the meeting schedule.

**WAIMAKARIRI DISTRICT COUNCIL**

**REPORT FOR DECISION**

**FILE NO and TRIM NO:** DDS-06-10-02-04-04 / 201021141244

**REPORT TO:** Mahi Tahī Joint Development Committee

**DATE OF MEETING:** 8 December 2020

**FROM:** Trevor Ellis, Development Planning Manager

**SUBJECT:** Proposed District Plan Provisions - MR 873 and other Māori reserve areas

**SIGNED BY:**  
(for Reports to Council, Committees or Boards)

  
Department Manager

  
Chief Executive

**1. SUMMARY**

- 1.1 This report seeks that the Mahi Tahī Joint Development Committee receives and recommends a set of proposed district plan provisions for inclusion in the Proposed District Plan for public notification in 2021. These proposed provisions have been collaboratively developed by Mahaanui Kurataiao Ltd and Waimakariri District Council consultant planners.
- 1.2 This report provides a brief background to the development of the provisions and addresses key changes in approach over the current provisions within the Operative Waimakariri District Plan.

Attachments:

- i. Map showing proposed zoning of Māori Reserve 873.
- ii. Māori Purpose Zone (Kāinga Nohoanga) provisions of a proposed District Plan Chapter that would apply to Māori reserve land in the District.
- iii. Proposed District Plan - Strategic Objective SD-O5.

**2. RECOMMENDATION**

**THAT** the Mahi Tahī Joint Development Committee:

- (a) **Receives** report No. 201021141244.
- (b) **Recommends** the attached provisions to Council and to Te Ngāi Tūāhuriri Rūnanga for inclusion in the Proposed District Plan.
- (c) **Notes** specific matters remaining to be completed by staff, as set out in paragraph 4.19.
- (d) **Circulates** this report to all Community Boards for information.
- (e) **Notes** that as part of pre-notification Proposed District Plan engagement, the proposed provisions will be shared with the Greater Christchurch Strategic Partners.
- (f) **Considers** the necessity and nature of further consultation with landowners subject to the changed zoning provisions.
- (g) **Notes** that a separate report will be prepared for the consideration of the Committee in regard to s33 (transfer of powers).

### 3. **BACKGROUND**

- 3.1 The background to planning provisions has been well documented in recent years. In brief, the Operative Waimakariri District Plan zones Māori Reserve land as predominantly Rural, much like the remainder of the non-urban areas of the District, with the exception of land in around Tuahiwi village that is zoned Residential 3 and an area along Old Main North Road at Kaiapoi.
- 3.2 Through the Land Use Recovery Plan in 2015, the District Plan was amended to include residential development provisions within MR873 outside of the Tuahiwi village. Additional land was zoned Residential 3 at the village along with a basic Outline Development Plan (ODP). These provisions were inserted into the District Plan through decision by the then Minister for Earthquake Recovery.
- 3.3 These amended provisions to the District Plan provided for 'cluster housing' development on the Rural zoned land where owners traced descendancy to original grantees following from the Kemp Deed in 1848. This applies to Māori land, that is, land in ownership by descendants from original grantees or land subsequently confirmed as 'Māori Land' by the Māori Land Court.
- 3.4 Further, land that may be held in general title and/or is repurchased by owners who trace descendancy to an original grantee anywhere in the reserve qualify for these development rights. Descendancy is confirmed through the records maintained by the Whakapapa Unit Te Rūnunga o Ngāi Tahu.
- 3.5 Some expansion of the Residential 3 zoning around the village was also included in the amendments to the District Plan. An ODP was included with these provisions. As regards to the cluster housing, provisions in the operative plan require consent for cluster developments, which may be staged, in accordance with an approved 'outline plan' and the use of Unit Title tenure to implement and maintain this plan over time.
- 3.6 From a District Plan review perspective, the opportunity to fully review these provisions is available via the review of the District Plan as whole. In preparation for this, Mahaanui Kurataiao Ltd provided Council with a report on the efficacy of the existing provisions and any changes that should be made. That report made a number of recommendations for change that have been specifically factored into the revised provisions (Attachment (i)).
- 3.7 Over the course of this year, the Committee has been briefed on the development of a new set of provisions that better address the Kemp Deed of 1848. This has been in the form of three memos, outlining the approach to drafting and versions of the draft chapter as they progressively developed between Mahaanui Kurataiao Ltd and WDC contracted staff.
- 3.8 In general, the approach taken in the proposed chapter, that responds to the recommendations made by Mahaanui Kurataiao Ltd, differs from the existing provisions. While the 'descendancy test' is maintained, no form of tenure is prescribed. Permitted activity status is assigned to residential development and provision is made for a wider range of non-residential activities on land across Reserve 873. Rules are primarily designed to address boundary to boundary and reverse sensitivity issues.
- 3.9 There is no residential density control per se i.e. minimum lot size to build. The intensity or scale of non-residential activities is subject to rules, mainly via floor space quantum's which have been highlighted to the Committee over the course of the year as a means of managing change in the Reserve. Boundary setbacks are also included which is a common approach to managing boundary to boundary effects within a district plan.
- 3.10 This approach is intended to better meet the position articulated in the Mahaanui Kurataiao Ltd report, based on a contemporary interpretation of rights provided for through the Kemp Deed. It represents a changed planning/development regime compared to the LURP provisions and highlights the importance of progressing plans and funding arrangements for servicing infrastructure in MR873 in particular.

#### 4. ISSUES AND OPTIONS

- 4.1. The direction of the proposed provisions is to best realise the intention of Kemp's Deed in terms of current and future aspirations.
- 4.2. This not only extends to papakāinga and kāinga nohoanga, but also matters in regard to mahinga kai. The Operative Plan has a Rural zone status across most of the MR873 area and allows for cluster housing, but is not specifically enabling of those activities that fall within the ambit of kāinga nohoanga.
- 4.3. The options available to Mahaanui Kurataiao Ltd and WDC staff in overall terms are to do nothing (the status quo) and continue with the current provisions or revise the provisions to better address Kemp's Deed and those matters outlined in the Mahaanui Kurataiao Ltd report (2018).
- 4.4. In summary, the findings of the Mahaanui Kurataiao Ltd report of 2018 are as follows:
- There is good objective and policy support for Kāinga Nohoanga within Māori Reserve 873;
  - The rules are not effective in achieving the objectives and policies;
  - The adoption of the Rural and Residential 3 zones is a fundamentally inappropriate basis to support Kāinga Nohoanga; and
  - The requirement for management plans and outline development plans in addition with the onerous activity status makes the development of Māori Reserves more difficult for mana whenua.
  - In addition, to the above, while Māori Reserve 873 is accorded recognition in the Operative Waimakariri District Plan, there is no similar recognition of other Māori Reserves in the district.
- 4.5. The Mahaanui Iwi Management Plan (2013) is the relevant iwi management plan (IMP). It includes a range of objectives and policies that are relevant, with those that are of specific relevance being identified and commented on in the 2018 report.
- 4.6. The four key policies (Policies P5.1 – P5.4) of the IMP recognise the issues and barriers to the use and development of Kāinga Nohoanga land in the manner that is consistent with the purposes that it was originally identified. District plans need to include objectives, policies and methods to enable papakāinga and mixed use development to provide an economic, social and cultural base for Te Ngāi Tūāhuriri Rūnanga.
- 4.7. Further, Council in its beginnings of the review of the District Plan, noted:
- District Plan Effectiveness Review – Strategic Framework, 2017:
    - *Cultural matters need to be taken into account and incorporated into development and consent conditions. Māori Reserve 873 and areas of cultural significance, together with the Iwi Management Plan need to be considered at a strategic level.*
  - Waimakariri 2048 District Development Strategy – Our District. Our Future, 2018:
    - *Papakāinga housing – Work with Ngāi Tūāhuriri to provide for papakāinga housing on Māori land – District Plan Review, currently underway (page 49); and*
    - *Reticulated services – Continue to explore infrastructure provision options in smaller settlements, including within Māori Reserve 873 – Develop infrastructure plans for the areas (page 50).*

Proposed Objectives and Policies

- 4.8 In response to the above, and taking on board the requirements of the National Planning Standards and policy matters sets out in the Canterbury Regional Policy statement (2013), a separate and dedicated chapter within the proposed District Plan has been prepared. The contents of the chapter significantly revises and expands on the Operative Plan provisions, and sets out a specific Māori purpose zone (Kāinga Nohoanga). The key changes in summary are:
- A standalone chapter with specific objectives, policies, rules and definitions to guide development within the zone;
  - Recognition of the specific role that Reserve 873 has in providing a focal point for a wide range of activities;
  - Recognition of the existing Residential 3 zoning of land around Tuahiwi, through the introduction of the Tuahiwi precinct that provides for similar activities and development standards as the Residential 3 zoning, as well as the activities and standards of the Kāinga Nohoanga zone;
  - Direction that the provisions could be applied to other areas of land in the future.
- 4.9 Attachment (ii) sets out the proposed provisions and Attachment (i) is the proposed zoning map (showing MR873 as an example). In summary, the one objective and six policies are designed to enable the development of ancestral Māori land within the remaining Māori reserve areas within the district. Determination of land held under the ownership of a descendant of Māori Reserve 873 lies solely with the whakapapa unit of Ngāi Tahu and does not require any verification or specific application to Council.
- 4.10 The policies recognise the special role that land within Māori Reserve 873 (focussing around the Tuahiwi Marae) has in providing for a wide range of residential, rural, community and commercial activities (Policy P1). The Tuahiwi precinct policy recognises the Residential 3 zoning under the Operative Waimakariri District Plan and that a more urban style of development is anticipated (Policy P5 and Policy P6). The other Māori reserve lands are primarily for development of residential and rural activities (Policy P2).
- 4.11 For all areas, development needs to be integrated and coordinated with infrastructure, respond to natural hazards and ensure adverse effects (including reverse sensitivity effects) are managed (Policy P3). Work continues in this space, in conjunction with the Mahi Tahī Committee.
- 4.12 While the Māori purpose zone (Kāinga Nohoanga) is applied to the existing Māori reserve land, it is recognised that through other mechanisms (such as land purchase or settlement), the zone may be applied to new areas (Policy P4).
- 4.13 The objective and policies relate to set of strategic objectives that sit at the forefront of the Proposed District Plan (Attachment (iii)). Of specific relevance to the development of the Kāinga Nohoanga zone is strategic objective SD-O5 at part 4 of the objective which states: *“Te Ngāi Tūāhuriri Rūnanga’s role in the management of natural and physical resources is recognised, so that: ... 4. Māori reserve lands are able to be used by Ngāi Tūāhuriri Rūnanga for their intended purposes and to enable them to maintain their relationship with their ancestral land;”*.

Proposed Methods (rules and definitions)

- 4.14 Rules and definitions are proposed that will enable a range of activities to establish within the Māori purpose zone (Kāinga Nohoanga). Most of the definitions that apply generally

throughout the Proposed Plan are applicable when used within the zone. However, the following definitions have been developed to apply specifically within the zone:

- **Mahinga kai** - refers to the direct and indirect use of natural resources by Ngāi Tahu, including the production and processing of those resources and the places where those resources are obtained.;
- **Māori land** - in relation to the Māori purpose zone (Kāinga Nohoanga), means land that has the status of Māori freehold land, or Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Maori Act 1993;
- **Marae complex** - means a specific area containing a complex of buildings and facilities used for the provision of a focal point for social, cultural and economic activity for Te Ngāi Tūāhuriri Rūnanga; and
- **Papakāinga** - means a development for mana whenua to provide residential accommodation for members of iwi or hapū groups on Māori land and/or within the Māori purpose zone (Kāinga Nohoanga), and also includes all forms of accommodation for visitors and short-term residents, and communal buildings and facilities to provide centralised services or facilities.

- 4.15 A wider range of activities provided for in MR873 (such as health care facilities and education facilities) are recognised as being suitable for the zone and are provided as permitted activities without limitation where part of the marae complex. However, the potential adverse effects on other land owners, once the activity is over a certain size outside of the marae complex need to be considered through the resource consent evaluation process (either as restricted or full discretion). Accordingly, a gross floor area standard has been included to provide the trigger for assessment.
- 4.16 The Tuahiwi precinct has been developed to recognise the existing Residential 3 zoning under the Operative Waimakariri District Plan, and that property owners of 'non-Māori' land need to have the form of land use provided by that zoning continue. In addition, the provisions of the Tuahiwi precinct give effect to the objectives and policies of the zone. The use of the precinct is in accordance with the National Planning Standards that provides for the precinct spatial layer to be used "...where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s)." (refer to Table 18 in Section 12. District Spatial Layers Standard).
- 4.17 The built form standards are focussed on the external effects of the activity on adjoining land uses and activities or infrastructure (roads). Specific road boundary setback standards are included within Reserve 873 with respect to five 'under width' roads to enable consideration as to how infrastructure and access will be enabled while development occurs.
- 4.18 Matters of discretion (for both the Māori purpose zone (Kāinga Nohoanga) and the Tuahiwi precinct) are proposed to guide the District Council's exercise of discretion regarding activities that exceed the gross floor area activity standard and/or a built form standard.
- 4.19 The Committee's recommendation of the attached provisions is sought, as set out in Recommendation (b). This will then enable Mahaanui Kurataiao Ltd and WDC to make final 'bedding in' adjustments including:
- A review of notification clauses for restricted discretionary (RDIS) activities and how these are applied throughout the Proposed Plan;
  - A check to confirm the status of land within the other areas i.e. is it gazetted, freehold land and is there a need to identify provision for descendants;

- A further check with other sets of provisions within the Proposed Plan including other zones and district wide matters including earthworks, transport, infrastructure, light and noise provisions;
- Testing of the draft provisions and final review of all wording; and
- Finalise the necessary RMA background report (s32).

4.20 The Management Team have reviewed this report and support the recommendations.

## **5 COMMUNITY VIEWS**

### **5.10 Groups and Organisations**

5.10.1 The attached provisions have been developed collaboratively with Mahaanui Kurataiao Ltd on behalf of Te Ngāi Tūāhuriri Rūnanga and reported to the Mahi Tahī Committee over the course of this year.

5.10.2 There has been high level community engagement carried out as part of the Waimakariri 2048 District Development Strategy – Our District. Our Future (2018).

### **5.11 Wider Community**

5.11.1 To date, there has been no direct consultation with the Waimakariri community or other stakeholders on these specific provisions. No consultation has been undertaken with landowners within the proposed Kāinga Nohoanga Zone areas whose properties would be subject to the proposed provisions.

5.11.2 At this time, engagement with the community and relevant stakeholders has not been planned. This is a matter that the Committee should specifically consider, as to benefits and costs, noting that the provisions will be subject to submission and further processes once publicly notified.

5.11.3 Further, Council has sought initial views on the extent that the rules could have legal effect on notification, from its solicitors, and the advice at this time is that such a case would have the following limitations in terms of successfully applying for immediate legal effect:

- The lack of specific consultation undertaken on the topic to date; and
- The need for / reasoning for urgency.

5.11.4 Accordingly, it is recommended that no application be made to the Environment Court that these provisions have immediate legal effect on notification of the Proposed District Plan.

## **6 IMPLICATIONS AND RISKS**

### **6.10 Financial Implications**

6.10.1 There are no financial implications associated with the recommendations in this report. The provisions have been funded from approved Council budget.

### **6.11 Community Implication**

6.11.1 There are no community implications associated with the recommendations in this report. Longer term, the community will be able to make submissions and further submissions on the proposed provisions. Once operative, the proposed provisions

that may be modified by decisions on submissions will apply and given the nature of change within the provisions, enable development above and beyond that which is currently available in the area that they apply.

#### **6.12 Risk Management**

6.12.1 The purpose of this report has risk(s) associated with the recommendations set out in Section 2 above.

#### **6.13 Health and Safety**

6.13.1 There are no identified health and safety matters associated with the recommendations of this report.

### **7 CONTEXT**

#### **7.10 Policy**

7.10.1 This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

#### **7.11 Legislation**

7.11.1 The Resource Management Act 1991 applies. This includes a requirement to consult with the Iwi Authority on the whole draft of the Proposed Plan ahead of notification. Priority matters have been reviewed by Mahaanui Kurataiao Ltd over the course of the last few months and it is agreed that further review and input will occur, as necessary.

#### **7.12 Community Outcomes**

7.12.1 Effect is given to the principles of the Treaty of Waitangi.

The Council in partnership with Te Ngāi Tūāhuriri Rūnanga, continue to build our relationship through mutual understanding and shared responsibilities.

7.12.2 The distinctive character of our takiwā - towns, villages and rural areas is maintained.

7.12.3 The community's cultures, arts and heritage are conserved and celebrated.

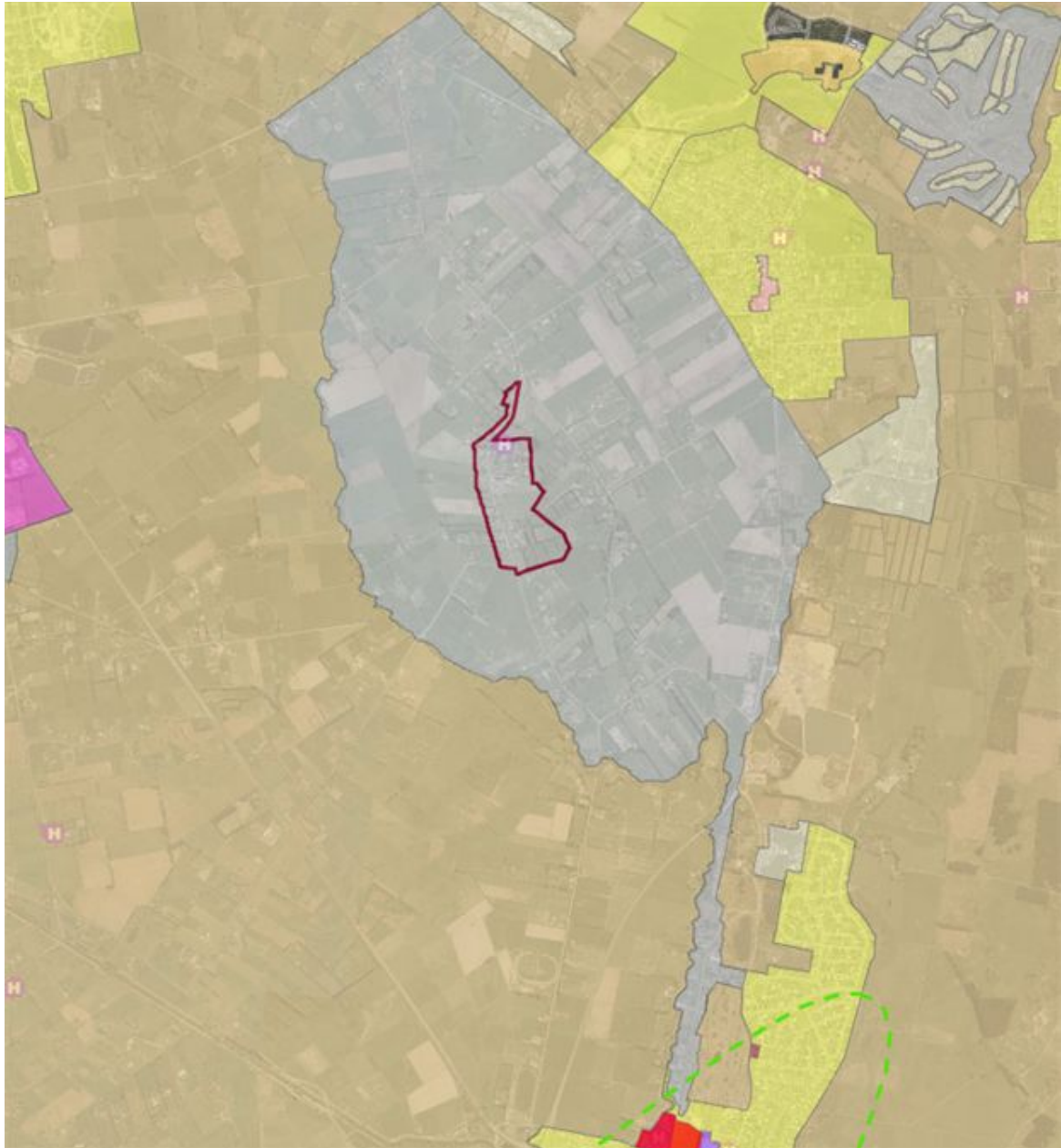
Mana whenua are acknowledged and respected.

#### **7.13 Delegations**

7.13.1 The Mahi Tahi Joint Development Committee has responsibility for preparing recommendations to Council and Te Ngāi Tūāhuriri Rūnanga in respect to development aspirations for MR873 and other reserves under the Resource Management Act 1991.



**Attachment (i) Map showing proposed zoning of Māori Reserve 873.**



**Attachment (ii) Māori Purpose Zone – Kāinga Nohoanga Zone' provisions of a proposed District Plan Chapter that would apply to Māori Reserve land in the District.**

## Special Purpose Zone - Kāinga Nohoanga

### Introduction

This chapter relates to the Special purpose zone (Kāinga Nohoanga) which covers all of Māori Reserve 873. The chapter also applies to other areas of land held under Te Ture Whenua Māori Act 1993 in the District as described under 'Māori Land Outside of Māori Reserve 873'.

#### Māori Reserve 873

The zone recognises the original purpose of the 1,068ha of land reserved to local Māori as part of the Kemp's Deed purchase in the South Island. The purpose of Māori Reserve 873 was to provide mana whenua with a kāinga nohoanga (settlement and place of residence) and the ability to maintain mahinga kai (being the direct and indirect use of natural resources, including the production and processing of those resources). Due to fragmentation of, and changes in, land tenure over the past 160 years, the original purpose of Māori Reserve 873 has been negated. The purpose of the Special Purpose Zone (Kāinga Nohoanga) is to enable Te Ngāi Tūāhuriri Rūnanga to further develop Māori Reserve 873 for the purposes as originally intended, including places of residence and for the use and processing of natural resources.

The Special Purpose Zone (Kāinga Nohoanga) includes a variety of land tenure and ownership, but the only land that is able to be used or developed for papakāinga and/or kāinga nohoanga purposes, is land which has the following status:

1. land which is held as Māori freehold land, or Māori land reserved for communal purposes, under Te Ture Whenua Māori Act 1993; and/or
2. land where in accordance with s7 Te Rūnunga o Ngāi Tahu Act 1996, the person who owns the land is a descendent of:
  - a. Ngāi Whanui; and
  - b. those persons who lived within the original Māori Reserve 873.

For other land that is not held as Māori Land or land not held in the ownership of a descendent of Māori Reserve 873 that is within the Special purpose zone (Kāinga Nohoanga), a range of rural activities is provided for outside of the Tuahiwi precinct, a range of Settlement Zone activities is provided for within the Tuahiwi precinct and the activities of the Large Lot Residential Zone are provided for in the Large Lot Residential precinct.

#### Māori Land Outside of Māori Reserve 873

The provisions of the Special Purpose Zone (Kāinga Nohoanga) as they apply to the areas of Māori Land outside of Māori Reserve 873 (as listed below), is to provide for papakāinga and residential activities thereby enabling the return of runanga members to the land. The areas of land are described below and shown on the planning maps:

- Reserve 2486 & Te Akaka 896, River Road, Waikuku;
- Rural Section 41401 & Taerutu No 898, Kaiapoi Pa Road, Kaiapoi;
- Orahaki MR 893 & Orahaki MR 894, Maori Reserve Road, Glentui;
- Māori Reserve 2038, Mairangi Road, Starvation Hill;
- Reserve 2061 (Tawera) & Section 18776, Luers Road, Coopers Creek; and
- Section 2 MR 897 Tawera, Island Road & Ram Paddock Road, View Hill.

The provisions in this chapter give effect to the matters in Part 2 - Strategic Directions, particularly objective SD-O5 Ngāi Tahu mana whenua / Te Ngāi Tūāhuriri Rūnanga.

### Objectives

<b>SPZ(KN) O1</b>	<b>Use and development of Te Ngāi Tūāhuriri Rūnanga Māori Reserve 873 and other land</b>  Te Ngāi Tūāhuriri Rūnanga exercise kaitiakitanga in the use and development of ancestral land for their social, cultural and economic well-being.
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### Policies

<b>SPZ(KN) P1</b>	<b>A range of activities within Māori Reserve 873</b>  Enable the use and development of land within Māori Reserve 873 for a wide range of activities in accordance with tikanga Māori, including kāinga nohoanga and mahinga kai, to support the social, cultural and economic aspirations of mana whenua.
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<b>SPZ(KN) P2</b>	<b>A range of residential and non-residential activities for Māori land outside Māori Reserve 873</b>  Enable the use and development of Māori land in other parts of the District for mainly residential and rural activities, in accordance with tikanga Māori to support the social, cultural and economic aspirations of mana whenua.
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<b>SPZ(KN) P3</b>	<b>Land use and development</b>
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	<p>Land use and development is undertaken in a way which:</p> <ol style="list-style-type: none"> <li>1. integrates land use with infrastructure in a manner that responds to the characteristics of the site and proposed development;</li> <li>2. facilitates the exercise of kaitiakitanga and tikanga Māori, including in the design and layout of buildings, facilities and activities;</li> <li>3. risks from natural hazards are avoided or mitigated;</li> <li>4. the residential privacy and amenity values of adjoining landowners is consistent with the planned change to a more urban environment; and</li> <li>5. adverse effects on the environment are avoided, remedied or mitigated.</li> </ol>
<b>SPZ(KN)-P4</b>	<p><b>Future development</b></p> <p>Support the application of the Special Purpose Zone (Kāinga Nohoanga) provisions in other locations, where it would assist in the use and development of Te Ngāi Tūāhuriri Rūnanga ancestral land for a range of activities in accordance with tikanga Māori, to support their social, cultural and economic well-being.</p>
<b>SPZ(KN)-P5</b>	<p><b>Rural activities</b></p> <p>Enable agricultural activities on any land within the Special purpose zone (Kāinga Nohoanga), outside of the Tuahiwi precinct.</p>
<b>SPZ(KN)-P6</b>	<p><b>Tuahiwi Precinct and Large Lot Residential Precinct activities</b></p> <p>Apply:</p> <ol style="list-style-type: none"> <li>1. the Tuahiwi precinct to land in and immediately around Tūahiwi marae to recognise the previous zoning (Residential 3) and use of the land for urban purposes, mainly residential; and</li> <li>2. the Large Lot Residential precinct to land along Old North Road, Kaiapoi to recognise the previous zoning (Residential 4B) and the use of the land for rural residential purposes.</li> </ol>

## Rules

### How to interpret and apply the rules

The rules that apply to activities in the Special Purpose Zone (Kāinga Nohoanga), Tuahiwi precinct and Large Lot Residential precinct are as follows:

1. Māori land or land under the ownership of a descendant of Māori Reserve 873 – **outside** the Tuahiwi precinct and the Large Lot Residential precinct:
  - a. Activity rules SPZ(KN)-R1 to SPZ(KN)-R23: Activity rules – Special Purpose Zone (Kāinga Nohoanga) (Maori Reserve 873) – **outside** the Tuahiwi precinct and the Large Lot Residential precinct.
  - b. Built form standards on land which is zoned:
    1. Special Purpose Zone (Kāinga Nohoanga) (Maori Reserve 873) – **outside** the Tuahiwi precinct and the Large Lot Residential precinct; and
    2. Special Purpose Zone (Kāinga Nohoanga) (Specific Areas); and
  - c. Matters of discretion on land which is zoned:
    1. Special Purpose Zone (Kainga Nohoanga) (Maori Reserve 873) – **outside** the Tuahiwi precinct and the Large Lot Residential precinct; and
    2. Special Purpose Zone (Kainga Nohoanga) (Specific Areas).
2. Land **not** held as Māori land or under the ownership of a descendant of Māori Reserve 873 – **outside** the Tuahiwi precinct and the Large Lot Residential precinct:
  - a. Activity rule SPZ(KN)-R24: Activity rules – Special Purpose Zone (Kāinga Nohoanga) (Maori Reserve 873) – **outside** the Tuahiwi precinct and the Large Lot Residential precinct.
3. Māori land (Specific Areas) within the following areas as zoned on the planning maps:
  - Reserve 2486 & Te Akaka 896, River Road, Waikuku;
  - Rural Section 41401 & Taerutu No 898, Kaiapoi Pa Road, Kaiapoi;
  - Orahaki MR 893 & Orahaki MR 894, Maori Reserve Road, Glentui;
  - Maori Reserve 2038, Maitangi Road, Starvation Hill;
  - Reserve 2061 (Tawera) & Section 18776, Luers Road, Coopers Creek; and
  - Section 2 MR 897 Tawera, Island Road & Ram Paddock Road, View Hill
  - a. Activity rules SPZ(KN)-R25 to SPZ(KN)-R34: Activity Rules - Special Purpose Zone (Kāinga Nohoanga) (Specific Areas);
  - b. Built form standards on land which is zoned:
    1. Special Purpose Zone (Kāinga Nohoanga) (Maori Reserve 873) – **outside** the Tuahiwi precinct and the Large Lot Residential precinct; and
    2. Special Purpose Zone (Kāinga Nohoanga) (Specific Areas); and
  - c. Matters of discretion on land which is zoned:
    1. Special Purpose Zone (Kainga Nohoanga) (Maori Reserve 873) – **outside** the Tuahiwi precinct and the Large Lot Residential precinct; and
    2. Special Purpose Zone (Kainga Nohoanga) (Specific Areas).
4. All land **within** the Tuahiwi precinct:
  - a. Activity rules PREC1-R1 and PREC1-R2: Activity rules – Special Purpose Zone (Kāinga Nohoanga) (Maori Reserve 873) – **within** Tuahiwi

- precinct; and
- b. Built form standards: Special Purpose Zone (Kāinga Nohoanga) (Maori Reserve 873) – **within** Tuahiwi precinct.
5. All land **within** the Large Lot Residential precinct:
- a. Activity rules PREC2-R1 and PREC2-R2: Activity rules – Special Purpose Zone (Kāinga Nohoanga) (Maori Reserve 873) – **within** Large Lot Residential precinct; and
- b. Built form standards: Special Purpose Zone (Kāinga Nohoanga) (Maori Reserve 873) – **within** Large Lot Residential precinct.

### Activity rules – Special Purpose Zone (Kāinga Nohoanga - Maori Reserve 873) outside the Tuahiwi precinct and the Large Lot Residential precinct

SPZ(KN)-R1 Marae complex	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: N/A</b>
<b>Activity status: PER</b>	
The activity standards in the following rules do not apply where the activity is included within a marae complex:	
<ol style="list-style-type: none"> <li>1. SPZ(KN)-R2.1 - Papakāinga housing, and residential activity (including minor residential units and accessory buildings);</li> <li>2. SPZ(KN)-R6.1 - Community facility;</li> <li>3. SPZ(KN)-R7.1 - Healthcare facility;</li> <li>4. SPZ(KN)-R8.1 - Educational facility (including kohanga reo and kura kaupapa);</li> <li>5. SPZ(KN)-R9.1 - Recreation activities and Recreation facilities (hākinakina);</li> <li>6. SPZ(KN)-R11.1 - Commercial activity;</li> <li>7. SPZ(KN)-R12.1 - Commercial services;</li> <li>8. SPZ(KN)-R13.1 - Rural produce retail;</li> <li>9. SPZ(KN)-R14.1 - Rural tourism activity; and</li> <li>10. SPZ(KN)-R15.1 - Office</li> </ol>	
SPZ(KN)-R2 Papakāinga and residential activity (including minor residential units and accessory buildings)	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: DIS</b>
<b>Activity status: PER</b>	
Where this activity complies with the following activity standards:	
<ol style="list-style-type: none"> <li>1. No more than 7 residential units per site.</li> </ol>	
SPZ(KN)-R3 Mahinga kai	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: N/A</b>
<b>Activity status: PER</b>	
SPZ(KN)-R4 Urupā	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: N/A</b>
<b>Activity status: PER</b>	
SPZ(KN)-R5 Home business	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: N/A</b>

<b>Activity status: PER</b>	
<b>SPZ(KN)-R6 Community facility</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct  <b>Activity status: PER</b>  Where this activity complies with the following activity standards: 1. Total GFA up to 300m <sup>2</sup> .	<b>Activity status when compliance not achieved: DIS</b>
<b>SPZ(KN)-R7 Health care facility</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct  <b>Activity status: PER</b>  Where this activity complies with the following activity standards: 1. Total GFA up to 300m <sup>2</sup> .	<b>Activity status when compliance not achieved: DIS</b>
<b>SPZ(KN)-R8 Educational facility (including Kohanga reo and Kura Kaupapa)</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct  <b>Activity status: PER</b>  Where this activity complies with the following activity standards: 1. Total GFA up to 300m <sup>2</sup> .	<b>Activity status when compliance not achieved: DIS</b>
<b>SPZ(KN)-R9 Recreation activities and Recreation facilities (hākinakina)</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct  <b>Activity status: PER</b>  Where this activity complies with the following activity standards: 1. Total area of land (including buildings and facilities) used for the activity up to 500m <sup>2</sup> .	<b>Activity status when compliance not achieved: DIS</b>
<b>SPZ(KN)-R10 Agricultural activity (Ahuwhenua)</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct  <b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>SPZ(KN)-R11 Commercial activity</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct  <b>Activity status: PER</b>  Where this activity complies with the following activity standards: 1. Up to 100m <sup>2</sup> GFA per business.	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion restricted to:</b> 1. SPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities  <u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.

SPZ(KN)-R12 Commercial services	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: RDIS</b>
<p><b>Activity status: PER</b></p> <p>Where this activity complies with the following activity standards:</p> <ol style="list-style-type: none"> <li>Up to 100m<sup>2</sup> GFA per business.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>SPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</li> </ol> <p><u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
SPZ(KN)-R13 Rural produce retail	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: RDIS</b>
<p><b>Activity status: PER</b></p> <p>Where this activity complies with the following activity standards:</p> <ol style="list-style-type: none"> <li>Up to 100m<sup>2</sup> GFA per business.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</li> </ol> <p><u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
SPZ(KN)-R14 Rural tourism activity	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: RDIS</b>
<p><b>Activity status: PER</b></p> <p>Where this activity complies with the following activity standards:</p> <ol style="list-style-type: none"> <li>Up to 100m<sup>2</sup> GFA per business.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</li> </ol> <p><u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
SPZ(KN)-R15 Office	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: RDIS</b>
<p><b>Activity status: PER</b></p> <p>Where this activity complies with the following activity standards:</p> <ol style="list-style-type: none"> <li>Up to 100m<sup>2</sup> GFA per business.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</li> </ol> <p><u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
SPZ(KN)-R16 Farm buildings	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: N/A</b>
<p><b>Activity status: PER</b></p>	
SPZ(KN)-R17 Farm stay	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct	<b>Activity status when compliance not achieved: N/A</b>
<p><b>Activity status: PER</b></p>	

<b>SPZ(KN)-R18 Community garden</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct <b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>SPZ(KN)-R19 Domestic animal keeping and breeding</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct <b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>SPZ(KN)-R20 Conservation activities</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct <b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>SPZ(KN)-R21 Emergency services facilities</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct <b>Activity status: PER</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>SPZ(KN)-R22 Public amenities</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct <b>Activity status: PER</b>  Where this activity complies with the following activity standards: 1. Up to 100m <sup>2</sup> GFA per building.	<b>Activity status when compliance not achieved: RDIS</b>  <b>Matters of discretion restricted to:</b> 1. MPZ(KN)-MD1 - Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities  <u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.
<b>SPZ(KN)-R23 Any other activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct <b>Activity status: DIS</b>	<b>Activity status when compliance not achieved: N/A</b>
<b>SPZ(KN)-R24 Any activity on land not held as Māori Land or under the ownership of a descendant of Māori Reserve 873</b>	
Land not held as Māori Land or under the ownership of a descendant of Māori Reserve 873 outside the Tuahiwi precinct and the Large Lot Residential precinct  The activities and activity status of the Rural Lifestyle Zone applies	<b>Activity status when compliance not achieved:</b> The activity status applicable to the Rural Lifestyle Zone applies

#### Activity Rules - Special Purpose Zone (Kāinga Nohoanga - Specific Areas)

- Reserve 2486 & Te Akaka 896, River Road, Waikuku;
- Rural Section 41401 & Taerutu No 898, Kaiapoi Pa Road, Kaiapoi;
- Orahaki MR 893 & Orahaki MR 894, Māori Reserve Road, Glentui;



- Māori Reserve 2038, Maitangi Road, Starvation Hill;
- Reserve 2061 (Tawera) & Section 18776, Luers Road, Coopers Creek; and
- Section 2 MR 897 Tawera, Island Road & Ram Paddock Road, View Hill

<b>SPZ(KN)-R25 Pāpakainga and residential activity (including minor residential unit and accessory building)</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: PER	
<b>SPZ(KN)-R26 Mahinga kai</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: PER	
<b>SPZ(KN)-R27 Urupā</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: PER	
<b>SPZ(KN)-R28 Home business</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: PER	
<b>SPZ(KN)-R29 Agricultural activity (Ahuwhenua)</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: PER	
<b>SPZ(KN)-R30 Farm buildings</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: PER	
<b>SPZ(KN)-R31 Farm stay</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: PER	
<b>SPZ(KN)-R32 Conservation activities</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: PER	
<b>SPZ(KN)-R33 Emergency services facilities</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: PER	
<b>SPZ(KN)-R34 Any other activity not provided for as a permitted, controlled, restricted discretionary, non-complying or prohibited activity</b>	
Special Purpose Zone (Kāinga Nohoanga - Specific Areas)	Activity status when compliance not achieved: N/A
Activity status: DIS	

## Built Form Standards

1. Special purpose zone (Kāinga Nohoanga - Māori Reserve 873) – outside the Tuahiwi precinct and the Large Lot Residential precinct; and
2. Special purpose zone (Kāinga Nohoanga - Specific Areas)

SPZ(KN)-BFS1 Internal boundary building setback	
<ol style="list-style-type: none"> <li>1. For sites 1ha or less in area, the minimum building setback from internal boundaries for buildings and structures shall be 3m and shall apply to the legal boundary of any property where it adjoins another property which is not held in the same ownership or used for the same development.</li> <li>2. For sites greater than 1ha, the minimum building setback from internal boundaries for buildings and structures shall be 10m and shall apply to the legal boundary of any property where it adjoins another property which is not held in the same ownership or used for the same development.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. SPZ(KN)-MD2 - Internal Boundary Setbacks</li> </ol> <p><u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to adjoining land owners where the consent authority considers this is required, absent its written approval.</p>

SPZ(KN)-BFS2 Road boundary setback	
<p>The minimum building setback from any road boundary for buildings and structures shall be:</p> <ol style="list-style-type: none"> <li>1. 10m from the road boundary with any arterial or collector road;</li> <li>2. 8m from the road boundary with the following roads identified on the planning maps as "Road boundary setback":             <ol style="list-style-type: none"> <li>a. Topito Road;</li> <li>b. Bramleys Road;</li> <li>c. Turiwhaia Road;</li> <li>d. Okaihau Road; or</li> <li>e. Waikoruru Road.</li> </ol> </li> <li>3. 3m from the road boundary of all other roads.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. SPZ(KN)-MD3 - Road Boundary Setbacks</li> </ol> <p><u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to adjoining land owners where the consent authority considers this is required.</p>

SPZ(KN)-BFS3 Height	
<ol style="list-style-type: none"> <li>1. There is no maximum height for art, carvings or other cultural symbols fixed to Māori land or fixed to buildings on Māori land.</li> <li>2. The maximum height of any building shall be 9m above ground level.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. SPZ(KN)-MD4 - Internal Boundary Setbacks</li> </ol> <p><u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to adjoining land owners where the consent authority considers this is required.</p>

SPZ(KN)-BFS4 Maximum building	
<ol style="list-style-type: none"> <li>1. For sites 1ha or less in area, there is no maximum percentage of net site area coverage standard.</li> <li>2. For sites greater than 1ha, the maximum percentage of net site area covered by buildings shall be 35%.</li> </ol>	<p><b>Activity status when compliance not achieved: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. MPZ(KN)-MD5 - Coverage</li> </ol> <p><u>Notification</u> An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to adjoining land owners where the consent authority considers this is required.</p>

## Matters of discretion

1. Special purpose zone (Kainga Nohoanga - Maori Reserve 873) – outside the Tuahiwi precinct and Large Lot Residential precinct; and
2. Special purpose zone (Kainga Nohoanga - Specific Areas)

The matters listed below will be considered by the District Council for restricted discretionary activities. These matters are also intended as a guide to what the District Council may consider in assessing applications for discretionary or non-complying activities, and for those activities where discretion is unlimited.

<b>SPZ(KN)-MD1</b>	<p><b>Commercial activities; Commercial services; Rural produce retail; Rural tourism activity; Office; Public amenities</b></p> <ol style="list-style-type: none"> <li>1. Development in accordance with Tikanga             <ol style="list-style-type: none"> <li>a. The extent to which the development achieves or enables the exercise of tikanga as expressed in policies SPZ(KN)-P1, SPZ(KN)-P2 and SPZ(KN)-P3.</li> </ol> </li> <li>2. Traffic Generation and Access             <ol style="list-style-type: none"> <li>a. The extent to which the traffic generated is appropriate to the character, amenity, safety and efficient functioning of the access and road network;</li> <li>b. The ability to mitigate any adverse effects of the additional traffic generation;</li> <li>c. The location of the proposed vehicle crossing in terms of road and intersection efficiency and safety, including availability or otherwise of space on the road for safe right hand turning into the site.</li> </ol> </li> <li>3. Scale of Non-Residential Business Activity             <ol style="list-style-type: none"> <li>a. The extent to which the scale is appropriate in the context of the surrounding environment taking into account:                 <ol style="list-style-type: none"> <li>i. Hours of operation;</li> <li>ii. Vehicle or pedestrian movements generated;</li> <li>iii. Any adverse effects, including unreasonable noise and loss of privacy; and</li> <li>iv. The extent to which the activity contributes to the local employment and the economic base of Te Ngāi Tūāhuriri Rūnanga and/or the needs of residents in the surrounding area.</li> </ol> </li> </ol> </li> <li>4. Infrastructure – Water, Wastewater and Stormwater             <ol style="list-style-type: none"> <li>a. The extent to which the development is self-sufficient with respect to the provision of potable water supply, wastewater and stormwater, or whether the development will need to connect to public infrastructure.</li> </ol> </li> <li>5. Infrastructure – Community             <ol style="list-style-type: none"> <li>a. The extent to which the development is integrated with and supports the development of any existing community facility, cultural facility or recreation facility.</li> </ol> </li> </ol>
<b>SPZ(KN)-MD2</b>	<p><b>Internal boundary building setback</b></p> <ol style="list-style-type: none"> <li>1. The extent to which the site layout and use of spaces maintains adequate levels of privacy and outlook for any adjoining site, taking into account:             <ol style="list-style-type: none"> <li>a. The need to enable an efficient, practical and/or pleasant use of the remainder of the site;</li> <li>b. The need to provide future occupants with adequate levels of daylight and outlook from internal living spaces;</li> <li>c. The need to provide future occupants with adequate levels of privacy from any neighbouring residential unit or site;</li> <li>d. Adequate separation distance from any existing direct facing windows or balconies (within the site or on any adjoining site) or to ensure appropriate levels of privacy are maintained; and</li> <li>e. Any adverse effects of the proximity or bulk of the building in relation to any adjoining site.</li> </ol> </li> </ol>
<b>SPZ(KN)-MD3</b>	<p><b>Road boundary setback</b></p> <ol style="list-style-type: none"> <li>1. Any loss of privacy for adjoining properties through overlooking;</li> <li>2. The effects on amenity and character values;</li> <li>3. Reverse sensitivity in relation to noise and vibration; and</li> <li>4. Alternative practical locations for the building on the site.</li> </ol>
<b>SPZ(KN)-MD4</b>	<p><b>Building height</b></p> <ol style="list-style-type: none"> <li>1. The extent to which an increase in building height and any associated increase in the scale and bulk of the building;</li> <li>2. Reflects the cultural and functional requirements of the building and purposes of the zone; and</li> <li>3. Affects amenity values of adjoining properties, resulting from visual dominance, loss of daylight and sunlight admission, and loss of privacy from overlooking.</li> </ol>
<b>SPZ(KN)-MD5</b>	<p><b>Coverage</b></p> <ol style="list-style-type: none"> <li>1. Whether the additional coverage of the zone with buildings is appropriate to its context taking into account:             <ol style="list-style-type: none"> <li>a. The function of the building to support Te Ngāi Tūāhuriri Rūnanga to deliver economic, social and cultural development;</li> <li>b. The extent to which the topography and the location, scale, design and appearance of the building, landscaping, natural features or existing buildings mitigate the visual effects of additional buildings; and</li> <li>c. Any loss of privacy or other amenity values to adjoining residents and the effectiveness of any mitigation measures.</li> </ol> </li> </ol>

### Activity rules – Tuahiwi Precinct

<b>PREC1-R1 All activities</b>	
<p>Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 within the Tuahiwi Precinct</p> <p><b>Activity status:</b></p> <ol style="list-style-type: none"> <li>1. The activities and activity status of rules SPZ(KN)-R1 to SPZ(KN)-R23 apply; and</li> <li>2. The activities and activity status of rules in the SETZ - Settlement zone also apply.</li> </ol>	<p><b>Activity status when compliance not achieved:</b></p> <ol style="list-style-type: none"> <li>1. The activity status of rules SPZ(KN)-R1 to SPZ(KN)-R23 apply with respect to rules PREC1-R1.1; and</li> <li>2. The activity status of rules in SETZ-Settlement zone apply with respect to rule PREC1-R1.2.</li> </ol>

Where the activity is provided for in both rules PREC1-R1.1 and PREC1-R1.2, the activity status and rules of PREC1-R1.1 (that is SPZ(KN)-R1 to SPZ(KN)-R23) shall apply instead of rule PREC1-R1.2	
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<b>PREC1-R2 All activities</b>	
Land not held as Māori Land or under the ownership of a descendant of Māori Reserve 873 within the Tuahiwi Precinct	<b>Activity status when compliance not achieved:</b> 1. The activity status of rules in SETZ – Settlement zone apply.
<b>Activity status:</b> 1. The activities and activity status of rules in SETZ – Settlement zone apply.	

### Built Form Standards – Tuahiwi Precinct

<b>PREC1-BFS1 All built form standards</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<b>Activity status when compliance not achieved:</b> 1. The activity status set out in SPZ(KN)-BFS1 to 4 apply.
1. The standards set out in SPZ(KN)-BFS1 to 4 apply.	
Land not held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<b>Activity status when compliance not achieved:</b> 1. The activity status set out in SETZ - Settlement zone apply.
1. The built form standards set out in SETZ: Settlement zone provisions apply.	

### Activity rules – Large Lot Residential Precinct

<b>PREC2-R1 All activities</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873 within the Large Lot Residential Precinct	<b>Activity status when compliance not achieved:</b> 1. The activity status of rules SPZ(KN)-R1 to SPZ(KN)-R23 apply with respect to rules PREC2-R1.1; and 2. The activity status of rules in LLRZ- Large Lot Residential zone apply with respect to rule PREC2-R1.2.
<b>Activity status:</b> 1. The activities and activity status of rules SPZ(KN)-R1 to SPZ(KN)-R23 apply; and 2. The activities and activity status of rules in the LLRZ-Large Lot Residential zone also apply. Where the activity is provided for in both rules PREC2-R1.1 and PREC2-R1.2, the activity status and rules of PREC2-R1.1 (that is SPZ(KN)-R1 to SPZ(KN)-R23) shall apply instead of rule PREC2-R1.2.	

<b>PREC2-R2 All activities</b>	
Land not held as Māori Land or under the ownership of a descendant of Māori Reserve 873 within the Tuahiwi Precinct	<b>Activity status when compliance not achieved:</b> 1. The activity status of rules in LLRZ – Large Lot Residential zone apply.
<b>Activity status:</b> 1. The activities and activity status of rules in LLRZ – Large Lot Residential zone apply.	

### Built Form Standards – Large Lot Residential Precinct

<b>PREC2-BFS1 All built form standards</b>	
Land held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<b>Activity status when compliance not achieved:</b> 1. The activity status set out in SPZ(KN)-BFS1 to 4 apply.
1. The standards set out in SPZ(KN)-BFS1 to 4 apply.	
Land not held as Māori Land or under the ownership of a descendant of Māori Reserve 873	<b>Activity status when compliance not achieved:</b> 1. The activity status set out in LLRZ - Large Lot Residential zone apply.
1. The built form standards set out in LLRZ: Large Lot Residential	

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zone provisions apply.	
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**Attachment (iii) Strategic Objective SD-O5**

*“Te Ngāi Tūāhuriri Rūnanga’s role in the management of natural and physical resources is recognised, so that:*

- 1. Ngāi Tūāhuriri Rūnanga’s historic and contemporary connections, and cultural and spiritual values, associated with the land, water and other taonga are recognised and provided for;*
- 2. the values of identified sites and areas of significance to Ngāi Tūāhuriri Rūnanga are protected;*
- 3. Ngāi Tūāhuriri Rūnanga can retain, and enhance access to sites of cultural significance;*
- 4. Māori reserve lands are able to be used by Ngāi Tūāhuriri Rūnanga for their intended purposes and to enable them to maintain their relationship with their ancestral land;*
- 5. recognised customary rights are protected;*
- 6. Ngāi Tūāhuriri Rūnanga are able to carry out customary activities in accordance with tikanga; and*
- 7. Ngāi Tūāhuriri Rūnanga are able to actively participate in decision-making and exercise kaitiakitanga.”*