

MEMO

To: James Witham Department: Integrated Planning
Team Leader District Plan

From: Theresa Burkhardt – Senior Policy Planner Department: District Planning

Date: 20 August 2026

Subject: **CHANGES TO PROPOSED DISTRICT PLAN – APPEALS VERSION 2026 TO REMOVE CONFLICT OR DUPLICATION WITH THE NATIONAL ENVIRONMENTAL STANDARDS FOR PAPA KĀINGA 2026 (NES-PAPA KĀINGA)**

Context

Section 44A of the Resource Management Act 1991 (RMA) requires that where a proposed plan, here the Far North Proposed District Plan – Appeals Version 2026 (PDP – AV), contains a rule that conflicts with or duplicates an NES, then the PDP must be amended to remove that duplication or conflict without using the process in Schedule 1 of the RMA, as soon as practicable after the date on which the NES came into force.

Since 02 July 2026 the Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 (NES-Papakāinga) came into effect.

Through the formal process on the Proposed District Plan, the [Council response to panel minute 41](#) (at paragraph 3.5) states “The Council intends to consider whether there is any duplication or conflict and to take appropriate steps to comply with the requirements of the RMA after the Panel’s recommendation reports are received”.

This memorandum identifies the changes made to the PDP- AV to remove or amend provisions that duplicate or conflict with the above NES. Regulation 17 of the NES-Papakāinga states that a District Plan may be more lenient. These changes have been made without using the Schedule 1 process and in following the notification of the Decisions version of the plan on 30 June 2026 and the NES coming into effect on the 02 July 2026.

It is noted that, from 02 July 2026, Councils must apply the NES directly when processing consents, regardless of what the district plan currently says. Under s43B and s44A of the RMA, National Environmental Standards:

- take immediate legal effect on the date they commence
- override any district plan rule that is more lenient or conflicts with the regulations in the standard
- do not require councils to notify or adopt a plan change to give them effect.

To avoid doubt, it is recommended that a new note is added to the relevant plan sections (above the Rules tables) as follows:

1. Papakāinga is regulated under the National Environmental Standards for Papakāinga 2026 (NES-Papakāinga) where the activity occurs on 'Māori ancestral land' or 'post settlement governance entity land' as defined in the NES-Papakāinga. This chapter and other District Plan rules apply to papakāinga, in circumstances where the plan rules are more enabling than the NES-Papakāinga, and/or when the rules and standards of the District Plan listed in Regulation 15(2) of the NES-Papakāinga are applicable to the proposed activity. Otherwise, the NES-Papakāinga prevails over the District Plan rules.

Approved By: James Witham, Team Leader District Plan



Date: 20 August 2026

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Appendix A

PDP-AV Section	PDP-AV Provision	Description of Amendment	Reason for Amendment	Amendment
Māori Purpose zones - Urban	MPZ-R5 - Papakāinga	Delete rule MPZ-R5 - Papakāinga	The PDP-AV permits papakāinga in MPZ-Urban when the site area is at least 600m ² and the number of res units does not exceed 3. The NES Papakāinga (NES-P) permits papakāinga development in the Māori Purpose zone - Urban if the papakāinga development does not exceed 10 res units. Consequential amendment of PDP-AV to avoid duplication or	Delete rule MPZ-R5 - Papakāinga as it applies to Māori Purpose zone – Urban Māori Purpose zone - Urban MPZ-R5 - Papakāinga Activity Status: Permitted - Where: - PER-1 1. The site area is at least 600m²; and 2. The number of residential units on a site does not exceed three. Consequentially, the following amendment to MPZ-R4 Residential activity (except for papakāinga) is also required: Māori Purpose zone – Urban Activity status: Permitted Where:

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			conflict with the NES-P.	PER-1 The site area per standalone residential unit or multi-unit development is at least 600m². NOTE: PER-1 does not apply to: a. a single residential unit located on any site less than the minimum site area; <u>or</u> b. papakāinga provided for in Rule MPZ-R5; or c. a detached minor residential unit established in accordance with the NES-DMRU.
Māori Purpose zones - Rural	MPZ-R5 - Papakāinga	Retain rule MPZ-R5 – Papakāinga	The PDP-AV permits papakāinga in MPZ-Rural when the number of res units does not exceed the greater of one res unit per 40ha or 10 res units per site. The NES-P permits papakāinga development in the Māori purpose zone if the papakāinga development does not exceed 10 res units. As the PDP-DV duplicates the NES-	Retain rule MPZ-R5 Papakāinga for Māori Purpose zone – Rural, no amendment required.

PDP-AV Section	PDP-AV Provision	Description of Amendment	Reason for Amendment	Amendment
			P or is more lenient for sites which are larger than 400ha, it is considered the rule should be retained for clarity.	
Medium Density Residential zone	Rule MDRZ-R3 Papakāinga	Retain rule MDRZ-R3 Papakāinga	The NES-P permits papakāinga development in the residential zones if the papakāinga development does not exceed 10 res units. As the PDP-AV is more lenient than the NES-P, it is considered the rule should be retained.	Retain Rule MDRZ-R3 Papakāinga, no amendment required.
Rural Production zone	Rule RPROZ-R23 Papakāinga Housing	Retain rule RPROZ-R23 Papakāinga Housing	The NES-P only permits papakāinga development where it is on Māori ancestral land or post settlement governance entity land as defined in the NES-P.	Retain rule RPROZ-R23 Papakāinga Housing in the Rural Production zone with the following amendment: Rural Production zone Activity status: Restricted discretionary Where: RDIS-1 The number of residential units per site does not exceed 10.

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			The retention of this rule as a restricted discretionary activity provides for papakāinga development on land that is not defined in the NES-P but is provided for by the PDP-AV definition of Papakāinga. A note explaining that this rule applies where an ancestral link can be demonstrated as per the PDP-AV definition of Papakāinga, is to be added. As the PDP-AV is more lenient than the NES-P, it is considered the rule should be retained with a note added for clarity.	RDIS-2 There is a legal mechanism in place to ensure that the land will stay in communal ownership and continue to be used in accordance with ancestral cultural practices. RDIS-3 The activity is not located on highly productive land. Matters of discretion are restricted to: a. the character and appearance of the residential unit(s) and any accessory building(s); b. the siting of the building(s), decks and outdoor areas relative to adjoining sites; c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas; d. ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic; e. servicing requirements and any constraints of the site; f. each residential unit has sufficient outdoor open space, and there is sufficient room for any landscaping, egress and any accessory building(s) required; g. whether the location of the building(s) and residential activity could create reverse sensitivity effects on adjacent and surrounding primary production activities; h. whether the development will result in the site being unable to continue to undertake a primary production activity or undertake one in the future due to loss of productive land;

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				i. whether the layout of the development reduces the risk of future land fragmentation or sterilisation while maintaining the existing rural character of the surrounding area; j. any natural hazard affecting the site or surrounding area. Note: <u>This rule applies where an ancestral link can be demonstrated as per the definition of Papakāinga.</u>
Treaty Settlement Land overlay	Rule TSL-R4 Papakāinga	Retain Rule TSL-R4 Papakāinga	The PDP-AV permits papakāinga in Treaty Settlement Land overlay when the number of res units does not exceed the greater of one res unit per 40ha or 10 res units per site. The NES-P interprets papakāinga development as “...housing, ancillary non-residential activities, and Māori cultural activities on Māori ancestral land or post-settlement governance entity land that enables the owners to use	Retain Rule TSL-R4 Papakāinga, no amendment required.

PDP-AV Section	PDP-AV Provision	Description of Amendment	Reason for Amendment	Amendment
			<i>their land and live in accordance with their culture, in perpetuity...”</i> As the PDP-AV duplicates the NES-P or is more lenient for sites which are larger than 400ha, it is considered the rule should be retained.	
Part 1- Introduction and General Provisions / National Direction Instruments / National environmental standards	NA	Reference the updated NES-P title	To keep the NES list up to date.	Resource Management (National Environmental Standards for Papakāinga) Regulations 2026.
Māori Purpose Zones Rural Production Zone Rural Lifestyle Zone Rural Residential Zone Settlement Zone General Residential Zone	Notes	Additional note for plan user clarity	Provides additional clarity that papakāinga development is covered in the NES-P and this takes precedence over any inconsistent District Plan rules.	<u>Papakāinga is regulated under the National Environmental Standards for Papakāinga 2026 (NES-Papakāinga) where the activity occurs on ‘Māori ancestral land’ or ‘post settlement governance entity land’ as defined in the NES-Papakāinga. This chapter and other District Plan rules apply to papakāinga, in circumstances where the plan rules are more enabling than the NES-Papakāinga, and/or when the rules and standards of the District Plan listed in Regulation 15(2) of the NES-Papakāinga are applicable to the proposed activity. Otherwise, the NES-Papakāinga prevails over the District Plan rules.</u>

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Medium Density Residential Zone Mixed Use Zone Treaty Settlement Land overlay				