Te Kaunihera o Te Hiku o te Ika
Far North District Council

PROPOSED FAR NORTH DISTRICT PLAN

RECOMMENDATIONS OF THE INDEPENDENT HEARINGS PANEL

Recommendation Report 10

Hearing 10: Māori Purpose Zone and Treaty Settlement Land Overlay

March 2026

RECOMMENDATION REPORT 10

Recommendation Report 10 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1 and 17.**

Recommendation Report 10 contains the Panel's recommendation on the Māori Purpose Zone; the Treaty Settlement Land Overlay; and the Glossary.

Recommendation Report 10 also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 10 contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from the notified version (provisions not subsequently renumbered) including:

- **Appendix 2.1** Māori Purpose Zone
- **Appendix 2.2** Treaty Settlement Land Overlay

Appendix 3: Amendments to the Glossary in the Interpretation Chapter

Appendix 4: Summary table of the Hearings Panel recommended decisions on each submission point including:

- **Appendix 4.1** Recommended Decisions on Submissions - Māori Purpose Zone
- **Appendix 4.2** Recommended Decisions on Submissions - Treaty Settlement Land Overlay

Appendix 5: Recommended Amendments to the Planning Maps

The Independent Hearings Panel for this hearing comprised Robert Scott – Independent panel member and Chair, Siani Walker - Independent Panel Member; and Hilda Halkyard-Harawira – Council Member.

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RECOMMENDATION REPORT 10

1. Introduction

1.1 Report Structure

This is **Recommendation Report 10** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the provisions in the following parts, sub-parts, chapters and sections of the PDP.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
Part 1 – Introduction and General Provisions	Interpretation	Glossary
Part 2 – District Wide Matters	General District-Wide Matters	Treaty Settlement Land Overlay
Part 3 – Area Specific Matters	Special Purpose Zones	Māori Purpose Zone

1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the RMA and particularly s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council's right of reply reports. Those reports are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors' recommendations, we have incorporated our own s32AA evaluation into the body of our recommendation report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.2 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

1.3 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

2. Procedural Issues

2.1 Pre-hearing

No pre-hearing meetings or Clause 8AA meetings on the submissions relating to Māori Purpose zone or the Treaty Settlement Land Overlay were held prior to the finalisation of the hearing report or prior to the hearing.

2.2 Late Submissions

There were no late submissions to consider.

2.3 Proposed Plan Variation 1

FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closed on 12 November 2024, and the further submission period closed on 10 December 2024. Proposed Plan Variation 1 makes minor amendments to:

- Correct minor errors;
- Amend provisions that are having unintended consequences;
- Remove ambiguity; and
- Improve clarity and workability of provisions.

This includes amendments to the zoning of some properties, and the Coastal flood hazard areas. The Hearings Panel has delegated authority to hear any submissions related to Variation 1 and make recommendations as part of the recommendation report to the Council.

Of relevance to this hearing topic, Plan Variation 1 proposes an amendment to rule MPZ-R1 to require buildings and structures to comply with the Airport protection surface area in Appendix APP4 Airport protections surfaces. In addition, an amendment to standard MPZ-S3 Setback (excluding from MHWS or wetland, lake and river margins) is proposed to ensure consistency across the zones. Any submissions received on Plan Variation 1 in relation to MPZ-R1 and MPZ-S3 have been evaluated as part of Hearing 17 - General / Miscellaneous / Sweep Up.

Plan Variation 1 did not propose any changes to the TSL Overlay chapter.

2.4 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed) we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

3. Topic 1 – Māori Purpose Zone

3.1 Relevant Provisions

The relevant provisions we address in the Recommendation Report for this topic relate to:

- Overview 'categorisation: Māori Purpose zone – Urban '
- Objectives (MPZ O1 – O3)
- Policies (MPZ P1 - P4)
- Rules (MPZ R1 – R25)
- Standards (MPZ S1 – S7).

3.2 Overview of Submissions Received

A total of 37 original submissions and 126 original submission points and 19 further submissions with 159 further submission points were received on the Māori Purpose zone Chapter.

As set out in the hearing report the main submissions on the Māori Purpose zone Chapter came from:

a) Iwi Authorities, Post Settlement Governance Entities (PSGE) and Māori Land Incorporations namely Te Rūnanga o Whaingaroa (S486), Te Rūnanga ā Iwi O Ngāpuhi (S498), Te Rūnanga o Ngai Takato Trust (S390), Kahukuraariki Trust (S379), Te Aupōuri Commercial Development Ltd (S339) (Te Aupōuri), Te Hiku Iwi Development Trust (S399), Matauri X Incorporation (S396) and Tapuaetahi Incorporation (S407).

b) Hapū namely Te Rūnanga o Ngāti Rēhia (S559).

c) Whānau and individual submitters namely Wakaiti Dalton (S355), Tracy and Kenneth Dalton (S479), and John Andrew Riddell (S431).

d) Central Government namely Kāinga Ora (S561), Ministry of Education Te Tāhuhu o Te Mātauranga (S331) and Waka Kotahi NZ Transport Agency (FS36).

e) Non-governmental organisations namely Forest and Bird (S511), Kapiro Conservation Trust (FS566), Kapiro Residents Association (S427), Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust (S425) and Carbon Neutral NZ Trust (S529).

f) Infrastructure providers namely RNZ(S489), FENZ (512), KiwiRail Holdings Ltd (S416) and Transpower NZ Ltd (S454).

The hearing report responded to submissions under eight key issues based primarily on each objective, policy, rule and standard and the submissions associated with these key issues have been extensively covered in the hearing report. As a result, many of the issues addressed in the hearing report were not contested in evidence or put to us at the hearing.

As we are focussed on those matters that are still in contention and addressed in evidence, we have condensed the key issues into those set out below.

3.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Overview Māori Purpose zone
- Key Issue 2: Policies – MPZ-P2
- Key Issue 3: Rule MPZ-R2 Impervious Surfaces and Standard MPZ-S5 Building or Structure Coverage
- Key Issue 4: Rule – MPZ-R4 Residential Activity (except Papakāinga)
- Key Issue 5: Rule – MPZ-R5 Papakāinga
- Key Issue 6: Rule – MPZ-R6 Visitor Accommodation
- Key Issue 7: Rule – MPZ-R14 Education Facility
- Key Issue 8: Rule – MPZ-R15 and MPZ-R16.

Having read the hearing report, the evidence submitted to us and presented at the hearing and the Council reply to evidence presented, we acknowledge that a number of matters raised in submissions were no longer in contention and therefore we have focussed our evaluation on those matters still in contention.

3.4 Key Issue 1 – Overview 'Categorisation: Māori Purpose Zone – Urban'

3.4.1 Matters Raised in Submissions and Evidence

The submission from Matauri X Inc (S396.001) supported in part the Overview to the Māori Purpose zone chapter (**MPZ**) and sought minor amendments to clarify the distinction between the Māori Purpose zone – Urban (**MPZ-Urban**) and Māori Purpose zone-Rural (**MPZ-Rural**).

The submitter proposed inserting the wording "**or**" in the Māori land categorisation, so that MPZ-Urban would apply where land adjoins the General Residential zone or is residential in character. The change intended to provide greater flexibility in categorising Māori land. Matauri X Inc noted their landholdings at Matauri Bay, have an established residential character consistent with the former Coastal Residential zone. The proposed wording was as follows:

> *Overview*
>
> *Māori land is categorised into either:*
>
> - *Māori Purpose zone – Urban, where the land adjoins the General Residential zone and **/ or** is residential in character.*
> - *Māori Purpose zone – Rural, where the land adjoins Rural zone, is ….*
>
> *(our emphasis)*

A further submission from Tapuaetahi Inc (FS449.031) supported the relief sought. Evidence presented by Tapuaetahi Inc at the hearing raised concerns that the MPZ applies a uniform zoning approach that does not reflect the diverse land uses present on some whenua māori. In particular, Tapuaetahi Inc landholdings include a mix of residential, commercial, and farming activities. Tapuaetahi Inc considered that including "or" would enable more accurate categorisation of Māori land and better reflect the range of existing land uses in rural areas.

Tapuaetahi Inc also noted the current MPZ-Rural classification may not recognise existing residential activities, many of which occur in rural areas without reticulated infrastructure.

The reporting officer considered inserting the word "**or**" would broaden the scope of MPZ-Urban and could allow sites with a residential character, but located in rural areas without services, to be zoned urban. This could lead to unintended effects on rural character and amenity. The officer therefore recommended that these submissions be rejected.

At the hearing, planning evidence for Tapuaetahi Inc from Mr Sanson also sought reconsideration of the MPZ-Rural zoning applied to its Te Tii landholdings, including the option of a site specific zoning approach similar to that applied to Matauri X Inc. The reporting officer provided a peer review of the supporting technical evidence and recommended that the matter be deferred to Hearing 15A (General Rezoning Requests). This approach would allow the request to be considered through the Panels rezoning process established under Minute 14, including the potential use of a Special Purpose Zone or Precinct, if appropriate.

A separate submission from Kāinga Ora Homes and Communities (S561.097) also supported the Overview in part and sought clarification that the MPZ provisions apply to all Māori land. Kāinga Ora proposed adding the following sentence in the Overview: '*It is important to note that this Overlay applies to all Māori land.*'

The reporting officer did not support this amendment, noting that the MPZ is a zone rather than an overlay, the term "Māori land" is broad, and proposed wording is inconsistent with the intent and structure of the zone. The officer recommended that this submission be rejected.

3.4.2 Hearings Panel Evaluation

The Panel has considered the submissions seeking amendments to the MPZ Overview and associated rezoning requests.

In relation to the proposed amendments to the MPZ-Urban definition, the Panel finds that inserting the word "or" would broaden the scope of the zone and could enable unserviced rural Māori land to qualify as 'urban', based solely on residential character. In the Panels view, this could lead to isolated urban development within rural areas, undermine rural character, and be inconsistent with the overall zoning framework. For these reasons the Panel does not support proposed amendments.

Regarding the proposed statement that provisions apply to all Māori land, the Panel considers that this would create uncertainty. The Māori Purpose Zone is a zone rather than an overlay, and its application is determined through the zoning framework and site

context. A blanket statement that the provisions apply to all Māori land would not align with the structure or the intent of the zone. The Panel therefore does not support this amendment.

In relation to the request to reconsider zoning for Tapuaetahi Inc land holdings in Te Tii, the Panel agrees that this is more appropriately addressed as a rezoning request. Such matters are best considered through the General Rezoning Hearing (Hearing 15A), where the proposal can be fully assessed alongside other rezoning requests.

For these reasons, the Panel does not support the proposed amendments and considers the rezoning request should be addressed through the rezoning hearing process. We find agreement and accept the advice of the reporting officer in making our recommendation.

3.4.3 Hearings Panel Recommendations

We reject the submissions seeking amendments to MPZ Overview relating to the definition and categorisation of Māori land, and the request to rezone part of the Tapuaetahi Inc Te Tii landholdings, for the reasons outlined in the evaluation above.

For the reasons above, the submissions on MPZ Overview are accepted and accepted in part and rejected as set out in **Appendix 2.1** and the submissions are accepted, accepted in part or rejected as set out in **Appendix 4.1**.

3.5 Key Issue 2 – Policy MPZ-P2

3.5.1 Matters Raised in Submissions and Evidence

Three submissions (S396.002, S331.110, S489.034) from Matauri X Inc, Ministry of Education, and Radio NZ respectively, support and support in part policy MPZ-P2 and seek minor amendments to its wording.

Matauri X Inc supports enabling a range of activities on Māori land in the MPZ, including papakāinga, customary use, cultural and small-scale commercial activities, where adverse effects can be avoided, remedied or mitigated. The reporting officer notes that rule MPZ-R15 Commercial activities, already permits commercial activities up to 250m2 and considers the term “small-scale” should be retained to maintain the intended threshold. The officer recommends to accept this submission in part, with minor wording amendment to add “and other” to improve clarity.

The Ministry of Education seeks to include additional infrastructure within the policy, and Radio New Zealand seeks clarification that adverse effects, including those on regionally significant infrastructure, must be avoided, remedied or mitigated. Further submissions (FS449.032, FS243.204) supported these amendments. The reporting officer considers these amendments are unnecessary, as infrastructure matters are already addressed in the Infrastructure chapter (Policy I-P4) and may conflict with Policy I-P11. The officer recommended to reject these submissions.

Evidence from Tapuaetahi Inc also identified an inconsistency between the MPZ hearing report and Appendix 1- Officers Recommended Amendments. The reporting officer confirmed the inconsistency was a drafting error and clarified policy MPZ-P2 should retain the term “small scale” and to add wording “and other”, reflecting that

commercial activities over 250m^2 require consent while smaller-scale activities remain enabled.

3.5.2 Hearings Panel Evaluation

The Panel agrees that the term "small scale" should be retained in policy MPZ-P2, as it aligns with rule MPZ-R15 Commercial activities, which permits a commercial activities threshold of 250m^2 GFA. Retaining this wording maintains the intended threshold for permitted commercial activities.

The Panel also supports addition of the words "and other" to clarify that commercial activities beyond this scale require resource consent.

The Panel therefore accepts the officers recommendation to accept the submission in part with the wording amendments.

The Panel does not support the amendments sought by the Ministry of Education and Radio New Zealand, as infrastructure matters are already addressed in the Infrastructure chapter, and further wording in policy MPZ-P2 is unnecessary

During deliberations, the Panel also identified that the first instance of the word "and" becomes redundant following the insertion "and other" and should be removed for clarity.

3.5.3 Hearings Panel Recommendations

The submissions on policy MPZ-P2 are accepted, accepted in part, and rejected as described above and described in **Appendix 4.1**.

We adopt the reporting officer recommendation for the submissions accepted in part as set out in **Appendix 2.1** with the following amendment:

> ***MPZ-P2:***
>
> *Enable a range of activities on Māori land in the Māori Purpose zone including marae, papakāinga, customary use, cultural, ~~and~~ small-scale and other commercial activities where the adverse effects can be avoided, remedied or mitigated.*

For the reasons set out above in our evaluation and in brief the amendment ensures internal consistency between the policy and rule framework and improves clarity of the policy.

3.6 Key Issue 3 – Rule MPZ-R2 Impermeable Surfaces and Standard MPZ-S5 Building or Structure Coverage

3.6.1 Matters Raised in Submissions and Evidence

Submissions from Wakaiti Dalton (S355.033), Tracy and Kenneth Dalton (S479.028), and Matauri X Inc (S396.003 MPZ-Rural and S396.004 MPZ-Urban), and a further submission from Joe Carr (FS196.181) supported retaining rule MPZ-R2 as notified. Matauri X Inc submission (S396.018) also supported notified standard MPZ-S5 Building or structure coverage. The reporting officer recommended to accept these submissions

and to retain as notified rule MPZ-R2 Impermeable surfaces, and standard MPZ-S2 Building or Structure coverage.

Submissions from Brad Hedger (S269.005) and Kāinga Ora Homes and Communities (S561.103) supported in part rule MPZ-R2 but sought higher impermeable surface limits. The reporting officer recommended to reject these submissions as current limits (MPZ-R5 max 25%, and MPZ-S5 50%) align with or are more enabling than other zones, and no evidence was provided to support changes.

Trent Simpkin submission (S283.025) opposed rule MPZ-R2 seeking higher impermeable surface limits or a new PER-2 with a TP10 Stormwater report and opposed standard MPZ-S5 requesting higher building coverage or exceedance through a visual and landscape assessments. Puketotara Lodge Ltd submission (S481.016) sought changes to matters of discretion to reflect site conditions but did not state a position on MPZ-R2. The reporting officer recommended to reject these requests, noting TP10 reporting would limit council oversight of stormwater effects and requiring landscape plans for larger buildings would be onerous and inconsistent with the enabling intent of the Māori Purpose zone.

The submission from Te Aupōuri (S339.041) opposed MPZ-S5 (and corresponding standard TSL-S5) seeking deletion of the standard. In their evidence, Ms Dalton requested amendments to reduce building coverage for MPZ-S5 from 50% to 25%, and for TSL-S5 from 50% to 35% to address the inconsistency with impermeable surface limits (MPZ-R2 25% and TSL-R2 35%). Ms Dalton identified this as a functional discrepancy that may cause confusion. The reporting officer acknowledged the inconsistency but noted the MPZ-S5 (and TSL-S5) are enabling standards, The officer also noted that Matauri X Inc supported retaining standard MPZ-S5 as notified and therefore recommended no change.

3.6.2 Hearings Panel Evaluation

Submissions on MPZ-R2 Impermeable surfaces and MPZ-S5 Building or structure coverage, were mixed. Some submitters supported the provisions, noting that the standards provide clear and workable limits that enable use and development of Māori land while managing potential effects. Other submitters sought higher thresholds or alternative assessment pathways such as TP10 report or landscape assessments.

Building coverage forms part of impermeable surfaces, and both provisions operate together to manage built form and stormwater effects. The rule sets activity status, while the standard provides measurable limits to ensure consistency and avoid unnecessary consents.

Ms Dalton's evidence included a comparative table identifying a functional discrepancy between impermeable surface rules and building or structure coverage standards across the Rural Production zone (**RPROZ**), the Māori Purpose zone (**MPZ**) and Treaty Settlement Land Overlay (**TSLO**). The table below summarises the permitted activity thresholds for Impermeable surfaces and building or structure coverage:

Zone/Overlay	Impermeable Surfaces Rule	Building Coverage Standard
RPROZ	Max 15% (RPROZ-R2)	Max 12.5% (RPROZ-S5)
MPZ-Urban	Max 50% (MPZ-R2)	Max 50% (MPZ-S5)
MPZ-Rural	Max 25% (MPZ-R2 PER-2)	Max 50% (MPZ-S5)
TSLO	Max 35% (TSL-R2)	Max 50% (TSL-S5)

The table highlights a clear functional discrepancy between rule MPZ Rural-R2 impermeable surface and standard MPZ-Rural-S5 building or structure coverage, particularly within the MPZ Rural (together with TSL-R2 and TSL-S5). While the rules (MPZ-R2 and TSL-R2) manage stormwater effects, and the standards (MPZ-S5 and TSL-S5) manage the built form, the standards exceed the thresholds set by the rule. This creates confusion, as building coverage is a subset of impermeable surfaces as defined in the PDP Definitions outlined below:

> ***Impermeable surface****: means in relation to any site means any building or surface on or over the land which creates a barrier to water penetration into the ground. This definition includes but is not restricted to:*
>
> a. *decks (including decks than 1m in height above the ground) excluding open slatted decks where there are gaps between the boards;*
> b. *pools, but does not include pools designed to operate as a detention pond;*
> c. *any surfaced area used for parking, manoeuvring, access or loading of motor vehicles, including areas covered with aggregate;*
> d. *areas that are paved with concrete, asphalt, open jointed slabs, bricks, gobi or materials with similar properties to those listed;*
> e. *roof coverage area on plan;*
>
> *But excludes:*
>
> *i. water storage tanks occupying up to a maximum cumulative area of 2m^2; and*
> *ii. paths and paving less than 1 metre wide, provided they are separated from other impermeable surfaces by a minimum of 1 metre.*
>
> *For the purpose of calculating impermeable surfaces account shall not be taken of any additional areas that are overlapped by another form of impermeable surfaces.*
>
> *In the case of jointly owned access lots that contain impermeable surfaces within their boundaries, the total area of these impermeable surfaces are to be divided equally and considered as parts of the various sites served by the access lot for the purpose of determining compliance with the relevant stormwater management rules.*

In practical terms, a development could comply with the building standard (MPZ-S5 50%) and breach the impermeable surface rule (MPZ-R2 Rural 25% or TSL-R2 35%), making compliance unclear and undermining the clarity of the PDP framework. From a

planning implementation perspective, this could result in unnecessary consent triggers or inconsistent application across similar activities.

In this context, rules define activity status and trigger whether a consent is required. Standards set the measurable thresholds to guide assessment and manage effects consistently. Where a breach of impermeable surface rule occurs (MPZ-R2 or TSL-R2) a consent will be required as a restricted discretionary activity with matters of discretion restricted to site design and amenity covering built environment effects for design, amenity and natural hazards.

The evidence of Te Aupōuri considered the standards focused too much on the built form and did not fully manage stormwater effects. Ms Dalton advised to ensure consistency across the Plan, they recommend keeping the rules MPZ Rural-R2 and TSL-R2 as notified, and to adjust the standards by lowering the threshold for MPZ-S5 to 25% and TSL-S5 to 35%. This would align with the other chapters in the PDP and improve stormwater management.

Following the evaluation analysis and practical implementation considerations, we support the recommendation of Te Aupōuri to retain the threshold of the impermeable surface rules and reduce the building coverage standard thresholds. This approach promotes internal consistency across the PDP, provides clearer implementation pathways, and better manages stormwater effects. We do not support the reporting officer approach, as we find the inconsistency between rules and standards would create uncertainty, increase compliance risks, and undermine clarity of the planning framework.

3.6.3 Hearings Panel Recommendations

That the submissions on rule MPZ-R2 and standard MPZ-S5 are accepted, accepted in part, and rejected as set out in **Appendix 4.1,** with the following amendment also sought to MPZ-S5 to acknowledge the submission relief from Te Aupōuri as a consequential amendment to align with the TSL recommendation.

> ***MPZ-S5 Building or structure coverage***
>
> ***MPZ-Urban and MPZ-Rural***
>
> *The combined building or structure coverage of the site is no more than ~~50~~25%*

The reasons are outlined in the evaluation above, and in brief the amendment ensures clear, consistent implementation of the PDP and more effective management of built form and stormwater effects.

3.7 Key Issue 4 - Rule – MPZ-R4 Residential activity (except papakāinga)

3.7.1 Matters Raised in Submissions and Evidence

A number of submissions supported amendments (in part) to rule MPZ-R4 to better enable multi-unit development on Māori land, reflecting support for flexible housing options (S427.039 Kapiro Residents Association; S338.069 Kerikeri Community Charitable Trust; S522.053 Vision Kerikeri; and S529.167 Carbon Neutral NZ Trust). No specific wording was provided for the relief sought, though further submissions

supported the intent. The reporting officer recommended to reject the submissions noting multi-housing is already enabled under rule MPZ-R4 with matters like outdoor space, parking, and access managed by the PDP Part 2 District-wide Matters. Without clear proposed wording, the Council officer concluded that the request for amendments lacks sufficient clarity to support any change.

Other submissions supported in part but considered the MPZ-R4-Rural PER-2: 40ha density rule to be too restrictive and sought relief to allow for a minimum of one residential unit per 20ha. It was submitted that this would allow flexibility for a wider range of housing options beyond papakāinga reflecting past residential use of Māori land (S355.035 W Dalton; S49.030 T & K Dalton; and S396.006 Matauri X Inc). Also, notwithstanding support for rule MPZ-R4, Matauri X Inc sought relief to amend MPZ-R4 for the MPZ-Rural provisions to include a note for standards PER-1 to PER-3 stating that these rules do not apply to the land legally described as Lots 186-188, 190, 193 DP393664 (part Matauri X Residue). The reporting officer recommended to reject these submissions, noting that lowering the threshold to 20ha may increase development across the 500 Māori land parcels, despite rule MPZ-R5 Papakāinga already providing an enabling pathway. The reporting officer advised the change also risks rural fragmentation, reverse sensitivity issues, and inconsistency with the Rural Production zone settings. The reporting officer advised the exemption for Matauri X Inc from rule MPZ-R5 Papakāinga was justified by an established papakāinga and approved development plan, but no equivalent evidence has been provided to support an exemption from rule MPZ-R4 and confirmed this relief cannot be supported.

The submission of Kāinga Ora Homes and Communities (S561.105) opposed MPZ-R4 and sought to delete rule MPZ-R4 because papakāinga already includes residential activities and is covered under Rule MPZ-R5 Papakāinga and considered rule MPZ-R4 is unnecessary and should be deleted. The reporting officer recommended to reject this submission as deleting rule MPZ-R4 would make the MPZ inconsistent with other PDP zones and may undermine the objectives and purpose of the zone.

The submission of Te Aupōuri (S339.042) opposed rule MPZ-R4 (and corresponding TSL-R3), seeking to amend the fixed density threshold to enable one dwelling per 12ha or up to six units per site, whichever is the greater, to better reflect the MPZ provisions. The reporting officer did not support the change and recommended to retain MPZ-R4 as notified.

The submission from Tapuaetahi Inc (S407.004 Tangata Whenua chapter) sought relief to allow more than six houses on their 268ha Māori land block. At the hearing, Mr Sanson presented planning evidence seeking either an exemption from MPZ-R4 (for PER-2 and PER-3), or that discretion be limited to the policy criteria of MPZ-P3 and MPZ-P4, which could be applied directly through the policies. Mr Sanson considered rule MPZ-R4 does not fully implement objective MPZ-O3 as it imposes fixed dwelling limits rather than reflecting the lands actual carrying capacity and the intent of the MPZ.

Mr Sanson also submitted that the MPZ framework is less nuanced than the Operative District Plan (**ODP**) and proposed amending rule MPZ-R4 so that non-compliance with permitted standards would result in a restricted discretionary activity, rather than a discretionary activity, aligning with the approach in rule MPZ-R5 Papakāinga.

The reporting officer recommended to reject the relief sought, noting there was insufficient detail about the specific land proposed for exemption and the potential effects. The officer advised that any exemption of Te Tii landholdings would be more appropriately considered through Hearing 15A General Rezoning Requests.

3.7.2 Hearings Panel Evaluation

We generally agree with the reporting officer on these submissions and evidence.

The submissions relating to the rule MPZ-R4 including requests for flexible housing options, the exemption of Tapuaetahi landholdings at Te Tii, the change of activity status, and full deletion of the rule, do not include sufficient information or analysis to assess whether the relief sought is appropriate. The Panel agrees with the officer recommendation that these submissions be rejected.

The submissions seeking to reduce the density threshold to 20ha or 12ha for rule MPZ-R4, particularly for MPZ-Rural is assessed further.

The section 32 Tangata Whenua report outlines in the Far North District that Māori freehold land is commonly owned by many individuals through inherited shares, making the land collectively owned. The report highlights that the Far North District contains a significantly higher proportion of Māori land blocks compared to its neighbouring districts.

For comparison:

- Far North District: 3,865 Māori land blocks, comprised of approximately 17% of all land in the Far North district.
- Whangarei District: 765 Māori land blocks, accounting for approximately 0.5% of all land within the Whangarei district.
- Kaipara District: 291 Māori land blocks, making up about 0.8% of all land within the Kaipara district.

This clearly highlights the greater scale and presence of Māori land in the Far North.

The s32 report provides a summary of Māori land within the District and outlines the Māori land parcels which comprises of the following:

Table 2 Size of Māori land parcels[10]

Size of land parcel	Māori land	
	Number of parcels	Percentage of parcels
0 - 500m²	55	1%
500 - 1,000m²	210	5%
1,000 - 2,500m²	466	11%
2,500 - 5,000m²	379	9%
5,000m²- 1ha	392	9%
1 - 2ha	392	9%
2 - 3ha	231	5%
3 - 4 ha	175	4%
4 - 5ha	143	3%
5 - 10ha	431	10%
10 - 20ha	502	12%
20ha - 40ha	500	12%
40ha+	444	10%

For Māori land parcels there is approximately:

- 35% of land parcels under 1ha (10,000m²) comprising of 1,502 parcels; and
- 31% of land parcels are between 1ha and 10ha (10,000m² – 100,000m²) comprising of 1,372 parcels; and
- 12% of land parcels are between 10ha and 20ha (100,000m² – 200,000m²) comprising of 502 parcels; and
- 12% of land parcels are between 20ha and 40ha (200,000m² to 400,000m²) comprising of 500 parcels; and
- 10% of land parcels over 40ha (400,000m² plus) comprising of 444 parcels.

The s32 report confirms Māori owned land in the Far North spans 107,237ha distributed across 3,865 Māori freehold land parcels. Of this:

- 77,307ha (72%) is used for primary production, including farming, dairy, horticulture and forestry, and comprises of approximately 988 large Māori land parcels.
- 29,930ha (28%) is used for non-primary production, including residential, lifestyle, community and cultural uses, with 11% of this land sitting vacant or idle.

Most Māori land blocks are located within rural areas, with the underlying zone predominantly RPROZ, reflecting a legacy assumption of primary economic use. However, the s32 report identifies existing land use patterns reflect a more nuanced and diverse reality. A significant portion of Māori land is either underutilised or used in ways that differ from traditional rural productivity expectations, such as papakāinga, whānau housing, or cultural infrastructure. The data reveals a gap between the zoning of Māori land and its actual use, which highlights MPZ planning provisions need to enable more flexible and diverse land use, to support Māori aspirations for housing, cultural development, and whānau based living, alongside farming.

Submitters sought amendments to the 40ha density thresholds with a suggestion of one residential unit per 20ha (S355.035 & S479.030), however they did not provide supporting wording or evidence with this request.

The submission of Te Aupōuri (S339.042) in their evidence sought amended relief for rules MPZ-R4 and TSL-R3 (original relief to delete rules MPZ-R4 and TSL-R3) and proposed the following:

> ***MPZ-R4 Residential activity (except papakāinga)***
>
> *Activity status: Permitted*
>
> *Where:*
>
> - *MPZ-R4: MPZ-Rural PER-2 and PER-3*
> - *TSL-R3: PER-2*
>
> The number of residential units on any site does not exceed whichever is greater:
>
> a. A rate of one residential unit per 12ha; or
>
> b. Up to a maximum total of six residential units.

The proposed amendment by Te Aupōuri to enable one residential unit per 12ha, or up to a maximum total of six dwellings per site, whichever is greater, offers a more flexible density framework that better reflects the varied size and use of Māori land across the Far North, together with development standards to manage development. This is particularly relevant for the 34% of land parcels over 10ha, where the current six-unit limit may restrict the ability of whānau to live collectively and use their whenua meaningfully. While smaller land parcels under 1ha (35%) remain constrained by servicing and lot size, while mid to large sized land blocks (31% or between 1ha-10ha) enables more proportional development potential. This better aligns with objective MPZ-O2, which seeks to support social, cultural and economic opportunities on ancestral land, and objective MPZ-O3, which promotes use and development that reflects the sustainable carrying capacity of the land. While the proposed approach won't resolve all development limitations, especially for smaller or fragmented Māori land blocks, the amended density rule offers a more responsive planning tool that can help unlock housing, cultural and whānau based outcomes that are both appropriate and enduring.

Considering the evidence presented, it is recommended that the proposed amendment from Te Aupōuri providing for one residential unit per 12ha, or up to a maximum total of six units per site, whichever is greater, be accepted. This better reflects the diverse scale, use and aspirations associated with Māori land (and Treaty Settlement land) and gives effect to Objectives MPZ-O2 and MPZ-O3.

We agree that the submitters relief is preferred, and that the reporting officer recommendation to retain the rule as notified is not supported.

3.7.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part or rejected as set out in **Appendix 4.1**, with the following amendments to MPZ-R4, specifically for MPZ-Rural to acknowledge the submission relief from Te Aupōuri.

MPZ-R4 Residential activity (except for papakāinga)

Māori Purpose zone – Rural

Activity status: Permitted

Where:

PER-2

The site area per standalone residential unit is at least ~~40ha~~ 12ha; or

PER-3

The number of residential units on any site does not exceed a maximum total of six.

***Note**: PER-2 and PER-3 do not apply to:*

- *a single residential unit located on any site less than the minimum site area.*
- *papakāinga provided for in Rule MPZ-R5.*

The reasons are described above in our evaluation, and in brief the amendment provides a more proportionate and enabling density rule that responds to the actual landholding patterns of Māori land and better supports housing and cultural use in alignment with the objectives.

3.8 Key Issue 5 - Rule – MPZ-R5 Papakāinga

3.8.1 Matters Raised in Submissions and Evidence

The submission from Matauri X Inc (396.007) supported to retain rule MPZ-R5.

Submissions from Tapuaetahi Inc (S407.005), Te Rūnanga o Ngāti Rēhia (S559.037) and Kāinga Ora (S561.106) supported rule MPZ-R5 in part and sought amendments for development flexibility which included:

a) Submission changes for MPZ-Rural Note (S407.005, S559.037) seeking site specific exemptions from density limits specifically for Tapuaetahi Inc landholdings at Te Tii.

b) Submission changes sought for MPZ-Urban PER-1 (S561.106) request higher residential unit thresholds for papakāinga where use and development are 'adequately serviced' for stormwater, wastewater and water infrastructure. This includes to delete PER-1 as notified. For submission regarding MPZ-Rural changes sought to delete PER-2 notified provisions, and PER-3 is amended to be PER-2 for any commercial activity up to 250m2 GBA.

c) Kāinga Ora submission (S561.098) further proposed for activity status changes to a Restricted Discretionary activity where compliance is not achieved with PER-1 or PER-2, and to delete PER-3.

Submissions from Te Rūnanga o Whaingaroa (S486.093), Te Rūnanga ā Iwi o Ngāpuhi (S498.081), and Te Rūnanga of Ngāti Hine Trust (390.080) oppose rule MPZ-R5 as notified and seek amendments to allow more residential units per site than currently permitted, aiming to better reflect the housing needs and aspirations of Māori landowners.

Four further submissions support S559.037 (Te Rūnanga o Ngāti Rēhia), while one opposes it (FS348.064). One further submission supports S561.106 (Kāinga Ora), one supports in part (FS36.078), and three oppose it (FS32.160, FS47.120, FS348.193). Submissions S486.093, S498.081 and S390.080 are supported by four further submissions (FS151.128, FS23.249, FS243.206 and FS243.205).

The reporting officer acknowledged and recommended accepting the submission of Matauri X Inc. The reporting officer recommended rejecting all other submissions seeking exemptions or amendments to MPZ-R5 Papakāinga, due to insufficient evidence on the effects of proposed changes and because the existing rule already provides appropriate flexibility for service provision and alignment with chapter objectives.

3.8.2 Hearings Panel Evaluation

The reporting officer supports the submission from Matauri X Inc to retain rule MPZ-R5 as notified. However, the reporting officer does not support amendments seeking site specific exemptions for Tapuaetahi Inc, as no evidence was provided to justify the changes. The officer also raised concern with the use of the term "adequately serviced", noting it lacks clear criteria and could lead to inconsistent application. In addition, the submission of Kāinga Ora proposed new objectives and policies that were previously rejected. As these amendments rely on the proposed provisions, they are inconsistent with the planning framework and would undermine the coherence of the MPZ structure.

We support the analysis undertaken by the reporting officer and agree to recommend the submitters proposed amendments for rule MPZ-R5 be rejected.

The reporting officer advised the MPZ had been developed in accordance with current national direction and the National Planning Standards. The PDP provisions reflect the statutory requirements in place, while remaining adaptable to future updates through the RMA s55 mechanism for future national direction to support housing supply, enable papakāinga development, and uphold Māori landowner aspirations.

Council officers advise that engagement with the Ministry for the Environment began in mid-2024 on proposed National Direction, RMA reforms, and indicative consultation timeframes for 2025. Following adjournment of the hearing on 26 May 2025, the Panel was informed of the Government's consultation on proposed updates to the national direction instruments for infrastructure, development, the primary sector, freshwater, and housing, including a new National Environmental Standard for Papakāinga (**NES-P**). The consultation was released on 29 May 2025, with submissions closed on 27 July 2025. A summary of the NES-P is provided below for completeness.

Proposed new National Environmental Standards for Papakāinga (NES-P)

- The proposed new NES-P aims to address inconsistent and restrictive planning rules that hinder housing and papakāinga development on Māori land. The provisions

establish a nationally consistent and enabling framework for papakāinga across Rural, Residential and Māori Purpose zones with clear permitted activity rules for up to 10 dwelling units and defined non-residential activities. This approach provides certainty through standardised definitions, development thresholds and environmental safeguards, while allowing councils to maintain more enabling provisions where they exist. Key elements include building coverage, setbacks and continued application of underlying zone rules for environmental protection and infrastructure capacity. The proposed framework supports and streamlines papakāinga development by reducing unnecessary consent processes, lowering compliance costs, and ensuring developments can proceed where effects are low. It enables Māori to exercise Tino rangatiratanga over their whenua Māori, promotes intergenerational living and gives effect to section 6(e) of the RMA.

The submitters have proposed amendments to rule MPZ-R5 to enable greater papakāinga flexibility, but lacked evidential support and introduced ambiguous terminology, creating plan implementation uncertainty. We agree with the reporting officer's recommendation to retain MPZ-R5 as notified as this is a sound planning response to provide a clear, consistent and enabling framework that balances Māori development aspirations with environmental safeguards.

The MPZ-R5 provisions are well aligned with the proposed new NES-P, particularly the 10 dwellings threshold and defined non-residential activities, to ensure coherence with emerging national direction. This alignment highlights the robustness of the MPZ-R5 framework and ensures the PDP remains both responsive and durable under section 6(e) and section 55 of the RMA.

3.8.3 Hearings Panel Recommendations

That the submissions for MPZ-R5 are accepted, accepted in part, or rejected as set out in **Appendix 4.1**. For the reasons outlined in the evaluation set out above, we recommend the following:

a) Reject in part the proposed submission amendments to rule MPZ-R5.

b) Retain rule MPZ-R5 as notified in the PDP.

c) Confirm that the implementation approach for the Māori Purpose zone is appropriate and aligns with the anticipated national direction, in particular the proposed new NES-P.

d) That the implementation of any future NES-P be addressed through a future plan change or variation.

3.9 Key Issue 6 – Rule – MPZ-R6 Visitor accommodation

3.9.1 Matters Raised in Submissions and Evidence

Matauri X Inc (S396.008) submission supported retention of rule MPZ-R6 Visitor Accommodation as notified. Submissions from Kāinga Ora (S561.107) and Airbnb (S214.015) support the rule in part and request amendments to increase the permitted occupancy from six to ten guests per night and to change any non-compliance from discretionary to restricted discretionary.

The reporting officer supports increasing the occupancy threshold to align with rule RPROZ-R4 in the RPROZ and to provide consistency across the zones. However, the request to reduce the activity status to restricted discretionary is not supported by Council officer as the effects of larger scale visitor accommodation, beyond the permitted threshold, can vary significantly. The reporting officer advises retaining discretionary activity status which ensures sufficient flexibility to assess all potential environmental, cultural and infrastructure impacts on a case-by-case basis.

3.9.2 Hearings Panel Evaluation

We agree with the reporting officer that it is appropriate to increase the permitted guest occupancy under rule MPZ-R6 from six to ten guests per night, to align with the RPROZ and support consistency across zones. This amendment enables Māori landowners to diversify land use through low impact visitor accommodation, in keeping with the intent of the MPZ.

We also agree that retaining a discretionary activity status for proposals that do not meet the permitted standard is necessary to ensure a full assessment of potential environmental, cultural, and infrastructure effects. A restricted discretionary status would constrain the ability to evaluate broader impacts, particularly for larger scale or more intensive visitor accommodation. Retaining discretionary status maintains the integrity of the MPZ and provides an appropriate and flexible planning response.

3.9.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part and rejected as set out in **Appendix 4.1**, with the following amendments to MPZ-R6 to acknowledge the submission relief from Kāinga Ora and Airbnb.

> ***MPZ-R6 Visitor Accommodation***
>
> ***Activity status: Permitted***
>
> ***Where:***
>
> ***PER-1***
>
> *The occupancy does not exceed ~~six~~ <u>ten</u> guests per night.*

For the reasons described in the evaluation above, and in brief, the amendment provides a balanced and consistent approach that enables low-impact visitor accommodation while ensuring appropriate assessment of larger scale proposals through a Discretionary activity status.

3.10 Key Issue 7 - Rule – MPZ-R14 Educational facility

3.10.1 Matters Raised in Submissions and Evidence

Submissions from Matauri X Inc (S396.014) and Ministry of Education (S331.111) supported rule MPZ-R14 as notified in the PDP. The reporting officer recommended to accept these submissions.

Kāinga Ora (S561.109) submission sought to amend wording for PER-1 and PER-2 and requested a change to a restricted discretionary activity status where compliance is not

achieved with PER-1, and that PER-2 is deleted. They considered this approach aligned with the MPZ objectives and policies. The reporting officer does not support the submissions as the current thresholds for educational facilities in the MPZ are appropriate, as larger facilities may have varying effects depending on their scale and type. Given the rural context discretionary activity status allows case by case assessment. One further submission (FS23.38) supported, two supported it in part (FS36.074, FS375.004), and three opposed it (FS348.196, FS47.123, FS32.163). The reporting officer recommended to reject the submission.

Three submissions opposed MPZ-R14 (S498.082, S486.094, S390.081) from Te Rūnanga Ā Iwi o Ngāpuhi, Te Rūnanga o Whaingaroa and Te Rūnanga o Ngai Takoto Trust, respectively, and considered training in outdoor occupations supports tangata whenua economic wellbeing, and in rural areas like farming or forestry, is unlikely to generate adverse effects. Two further submissions (FS151.1296, FS23.250) supported these submissions. The reporting officer recommended to reject these submissions and considered a case by case assessment through the resource consent process more appropriate for educational activities in rural MPZ areas.

Ms Dalton presented evidence at the hearing on the submission (S339.046) of Te Aupōuri which supported in part rule MPZ-R14 Educational facility (and equivalent rule TSL-R11) and requested Kōhanga Reo and Kura Kaupapa activities be clearly allowed as a permitted activity because they are not provided for anywhere else in the Plan. The evidence of Te Aupōuri reiterated, Te Ao Māori educational facilities support cultural and social wellbeing and should be recognised within the MPZ and TSLO. Ms Dalton advised the reporting officer grouped their submission with others seeking to clarify that Kōhanga Reo and Kura Kaupapa are excluded from MPZ-R14 (and TSL-R11).

However, this approach did not address the relief sought by Te Aupōuri, as the reporting officers recommended amendment confirms these Kohanga Reo and Kura Kaupapa facilities remain not provided for under the rule. The reporting officer's right of reply considered the evidence had merit in part and that Kura Kaupapa and Whare Wānanga are clearly defined as Te Ao Māori educational facilities, and therefore recommended to expressly provide for Kōhanga Reo, Kura Kaupapa and Whare Wānanga as permitted activities, and to align with PDP drafting conventions used elsewhere in PDP chapters. The reporting officer recommended the submission be accepted in part and the amendment to read as follows:

> ***MPZ-R14 Educational facility***
>
> ***MPZ-Urban and MPZ-Rural***
>
> ***Activity Status: Permitted***
>
> ***Where:***
>
> ***PER-1*** *The educational facility is within a residential unit or accessory building.*
>
> ***PER-2*** *The number of persons attending at any one time does not exceed four, excluding those who reside on site.*

Note: ~~These standards~~ PER-1 and PER-2 do not apply to: Kōhanga Reo, Kura Kaupapa and Whare Wananga activities.

3.10.2 Hearings Panel Evaluation

We have carefully considered the submissions regarding rule MPZ-R14 and the supporting evidence we received and heard from submitters. We largely agree with the reporting officer and adopt in part, the recommendation made, acknowledging the recommendations were considered and based on assessments.

A range of amendments were sought for MPZ-R14 to which we respond as follows:

a) We concur with the reporting officer that a discretionary activity status is appropriate for MPZ_R14 Educational facility where PER-1 and PER-2 compliance is not achieved, as educational facilities and their effects can vary by type and scale, especially in rural contexts.

b) We agree with the reporting officer acknowledging the submission of Te Aupōuri, together with other submitters who supported the exemption of Kōhanga Reo, Kura Kaupapa and Whare Wānanga from rule MPZ-R14 PER-1 and PER-2 standards. We agree these activities should be exempt in the MPZ.

c) We do not agree with the submitters additional wording request for 'occupational or outdoor training activities' as the PDP definitions for 'Educational facility' includes any ancillary activities associated with the educational facility.

d) In terms of the alternative relief sought from Te Aupōuri for Kōhanga Reo and Kura Kaupapa to possibly align with the PDP definition of '*Community facility*' as follows (with **emphasis** added by Ms Dalton):

> *Community facility means **land and buildings used by members of the community for** recreational, sporting, **cultural**, safety, health, welfare, or worship **purposes**. It includes provision for any ancillary activity that assists with the operation of the community facility.*

We do not support this alternative relief as this outcome could lead to ambiguity from incorrect classification and lead to incorrect interpretations and inappropriate consenting pathways or planning restrictions.

e) Regarding the specific relief from Te Aupōuri that Kōhanga Reo and Kura Kaupapa are provided for as permitted activities, we reviewed the PDP Definitions and Glossary tables to identify terms that apply to Kōhanga Reo, Kura Kaupapa Māori, and Whare wānanga.

In the PDP, Part 1 Interpretations, Glossary the following term is defined:

Term	Explanation
Kōhanga Reo	Early childhood environment where learning takes place in te reo and tikanga Māori

In the PDP, Part 1 Interpretation, Definitions, the following terms are defined (with **emphasis**):

Term	Definition
Child care service	means a facility for the care and/or education of children under the age of seven during the day, and includes but is not limited to: • creches; • early childhood centres; • day care centres; • kindergartens; • **Kōhanga Reo**; • Playgroups; and • day nurseries.
Educational facility	means land or buildings used for teaching or training by **child care services**, **schools**, and **tertiary education services**, including any ancillary activities.

With Kōhanga Reo defined in the PDP Glossary, it is our view that this activity is provided for as a permitted activity as it meets the definition of an "*Educational facility"*. However, Kura Kaupapa and Whare Wānanga are not defined in the PDP Glossary, creating potential uncertainty as to whether they fall within the scope of the education facility explanation. The absence of clear explanations may lead to inconsistent interpretation and application across planning assessments.

It is recommended that the term Kura Kaupapa be corrected to 'Kura Kaupapa Māori' and be defined in the PDP Glossary. This term appropriately reflects Māori medium primary and intermediate schools and provides clarity and consistency in the recognition of Māori education institutions.

It is also recommended that 'Whare Wānanga' be defined in the PDP Glossary. This term appropriately provides for education, the kaupapa, teaching methods and cultural functions, which are distinct from mainstream college and tertiary institutions. By defining these terms into the PDP Glossary this will ensure consistency within the MPZ and TSLO and across the PDP to avoid ambiguity from inappropriate consenting pathways or planning restrictions. It is our finding that this will also provide regulatory certainty for council and tangata whenua. By including these terms this strengthens cultural responsiveness and planning clarity across the PDP. The proposed new Glossary terms are discussed and defined further below.

We agree in part with the reporting officer recommendation and confirm educational facilities, namely Kōhanga Reo, Kura Kaupapa Māori and Whare Wānanga are permitted activities in both MPZ-Urban and MPZ-Rural zone and are not subject to PER-1 and PER-2. This exemption ensures the provisions are fit for purpose and enable culturally appropriate education activities on Māori land and Treaty Settlement land. Enabling these activities in MPZ-Urban is also appropriate. Where sites adjoin residential zones, potential effects such as traffic, noise and built form and scale can be appropriately

managed through the proposed MPZ standards for bulk, form and location and infrastructure service requirements, together with Part 2 District Wide Matters.

Our recommendations to define the terms discussed above in the PDP Glossary will ensure that Kōhanga Reo, Kura Kaupapa Māori and Whare Wānanga are clearly recognised and enabled as permitted activities within the MPZ-Urban and MPZ-Rural. These activities align with the zones purpose and gives effect to MPZ objectives (MPZ-O1, O2 and O3), and policies (MPZ-P1, P2, P3 and P4), by supporting the ongoing use, development and cultural expression on Māori land in accordance with tikanga and Te Tiriti o Waitangi.

Ngā Kura-ā-Iwi

Ngā Kura ā Iwi o Aotearoa is a Māori-led educational movement in Aotearoa that places the holistic wellbeing of students at its core. It emphasises cultural identity, community engagement, and self-determination (mana motuhake) fostering environments where learners thrive as Māori.

Kura-ā-Iwi schools integrate iwi-specific knowledge and practices in their localised curricula. These are aligned with the aspirations of their iwi, hapū and whānau, and are guided by the values of '*Tihi o Angitu'*, a framework that supports excellence and success through a Māori lens. The movement is governed by its representative body, Ngā Kura ā Iwi o Aotearoa, which serves as the governance arm (Ringa Raupā).

In the Far North District there are seven Kura ā Iwi schools namely Te Kura o Waikare, Te Kura ā Iwi o Pawarenga, Te Kura a Te Kao, Te Kura Taumata o Panguru, Te Rangi Āniwaniwa, Te Kura o Mātihetihe and Te Kura Kaupapa Māori o Te Tonga o Hokianga.

We find reference to Kura-ā-Iwi should also be included in the PDP Glossary, as a distinct Te Ao Māori educational facility. These kura play an integral role in delivering iwi-led education that reflects local tikanga, reo, and mātauranga māori. Accordingly, we recommend to accept and include a definition for Kura-ā-Iwi in the PDP Glossary, consistent with other recognised Māori education facilities such as Kōhanga Reo, Kura Kaupapa Māori, and Whare Wānanga, to ensure the plan appropriately acknowledges the full spectrum of Māori-led education.

Proposed New Glossary Terms

As recommended above, the terms Kura Kaupapa Māori, Kura ā Iwi, and Whare Wānanga are to be added to the PDP Glossary, with definitions included in the Glossary table as follows:

> ***Kura Kaupapa Māori****: a school designated as Kura Kaupapa Māori under section 201 of the Education and Training Act 2020. Has Te Reo Māori as the principal language of instruction. Operates in accordance with Te Aho Matua. Provides an education distinct from that offered at ordinary State Schools. May include special characteristics that define the unique nature of the kura.*
>
> ***Kura ā Iwi****: a school established as a designated charter school under section 111 of the Education (Update) amendment Act 2017, the Minister may also designate the charter school as a Kura Kaupapa Māori. A national network of kura established and led by whānau and iwi, focused on the wellbeing of uri*

(students) and the intergenerational benefits for their families and communities.

***Whare Wānanga**: a wānanga is a type of tertiary education institution, like a college of education or university, that is established under section 162 of the Education and Training Act 2020, and focuses on Māori knowledge, traditions, and customs through teaching and research.*

As outlined in the evaluation above, defining te ao Māori educational facilities in the PDP is an important step to embed cultural responsiveness, support intergenerational wellbeing, and uphold the principles of partnership, participation, and active protection under Te Tiriti o Waitangi.

3.10.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part and rejected as set out **Appendix 4.1** with amendments to rule MPZ-R14 made in response to the submissions.

We agree in part with the amendments to MPZ-R14 recommended in the reporting officer's right of reply as they address evidence and matters raised during the hearing.

To support the provision of educational facilities in the MPZ, we recommend adding definitions for '*Kura Kaupapa Māori, Whare Wānanga and Kura ā Iwi*' in the PDP Glossary, as evaluated above.

Accordingly, we recommend the proposed amendments to MPZ-R14 are accepted in part, as detailed in the table below:

<table>
<tr><td>MPZ-R14</td><td colspan="2">Educational Facility</td></tr>
<tr><td rowspan="4">Māori Purpose zone – Urban

Māori Purpose zone – Rural</td><td>Activity status: Permitted

Where:</td><td rowspan="4">Activity Status where compliance not achieved with PER-1 or PER-2: Discretionary</td></tr>
<tr><td>PER-1

The educational facility is within a residential unit or accessory building.</td></tr>
<tr><td>PER-2

The number of persons attending at any one time does not exceed four, excluding those who reside on site.</td></tr>
<tr><td><u>Note</u>: <s>These standards</s> <u>PER-1 and PER-2</u> do not apply to: Kōhanga Reo, <u>Kura Kaupapa Māori, <s>and</s> Whare Wānanga and Kura-ā-Iwi</u> activities.</td></tr>
</table>

The recommended changes aim to improve clarity, cultural relevance and implementation ensuring the Plan is more responsive to tangata whenua needs and reflects a planning approach that upholds the Treaty of Waitangi / Te Tiriti o Waitangi.

3.11 Key Issue 8 - Rule – MPZ-R15 Commercial activity and MPZ-R16 Rural tourism activity

3.11.1 Matters Raised in Submissions and Evidence

The submissions received from Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust (S425.063) and Wakaiti Dalton (S355.036) supported the intent of commercial activities on whenua Māori, subject to appropriate scale in the MPZ. The reporting officer recommended to accept these submissions.

The submission from Te Aupōuri (S339.056) supported the inclusion of commercial activities within the MPZ and TSLO and supported the intentions of the MPZ to enable the occupation, use and development of whenua Māori in accordance with tikanga and mātauranga māori, and provide for the relationship of Māori to their lands, water, sites, taonga and wāhi tapu. Te Aupōuri Planner Ms Dalton raised a concern at the hearing presentation that the use of the term 'Gross Business Area' (**GBA**) in rule MPZ-R15 for Commercial activities, and in rule MPZ-R16 Rural tourism activity. Ms Dalton opined that the Gross Floor Area (**GFA**) is the more commonly understood term and provides an element of certainty to both Council and applicants for the overall size and scale of activities. The reporting officer's right of reply confirmed the rule aims to manage the size and scale of buildings used for commercial activities and recommended to accept in part the submission to use the term 'GFA' to ensure consistency with other parts of the PDP.

3.11.2 Hearings Panel Evaluation

We agree with the submitters and the reporting officer to replace the term 'GBA' with the term 'GFA' for consistency across the PDP. The term GFA provides legal certainty, is well understood by Council staff, aligns with consent processes, and supports Māori development by providing clear, enabling rules for whenua Māori in the MPZ.

Accordingly, the term 'GFA' should also be included in rule MPZ-R5 Papakāinga (PER-3) to ensure consistency and clarity in rule application for the MPZ.

3.11.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part and rejected as set out in **Appendix 4.1**, with the following amendments to MPZ-R15 Commercial activity, MPZ-R16 Rural tourism activity and MPZ-R5 Papakāinga, to acknowledge the submission relief from Te Aupōuri.

For the reasons set out in the evaluation above, we recommend the following:

MPZ-R15	***Commercial activity***	
Māori Purpose zone – Urban	*Activity status: Permitted* *Where:*	*Activity Status where compliance not*

Māori Purpose zone – Rural	*PER-1* *The commercial activity does not exceed a ~~GBA~~ GFA of 250m².*	*achieved with PER-1: Discretionary*
MPZ-R16	***Rural tourism activity***	
Māori Purpose zone – Urban	*Activity status: Permitted* *Where:*	*Activity Status where compliance not achieved with PER-1: Discretionary*
Māori Purpose zone – Rural	*PER-1* *The rural tourism activity does not exceed a ~~GBA~~ GFA of 250m².*	
MPZ-R5	***Papakāinga***	
Māori Purpose zone – Urban	*Activity status: Permitted* *Where:*	*Activity Status where compliance not achieved with PER-1, PER-2, or PER-3: Restricted Discretionary* ….
Māori Purpose zone – Rural	*PER-3* *Any commercial activity associated with the papakāinga does not exceed a ~~GBA~~ GFA of 250m².*	

For the reasons described in the evaluation above, and in brief, to ensure consistent application of floor area measurements across the PDP, improving clarity, efficiency, and certainty for Plan users and Māori landowners.

4. Topic 2 – Treaty Settlement Land Overlay

4.1 Relevant Provisions

The relevant provisions we address in the Recommendation Report for this topic relate to:

- Overview
- Objectives (TSL O1 – O4)
- Policies (TSL P1 - P4)
- Rules (TSL R1 – R15)
- Standards (TSL S1 – S6)

4.2 Overview of Submissions Received

A total of 94 original submission points and 182 further submission points were received on the Treaty Settlement Land Overlay chapter. The submission points comprised of 28 original submitters (with 94 individual submission points) and 30 Further submitters (with 182 individual submission points) were received for the Treaty Settlement Land Overlay chapter.

As set out in the hearing report the main submissions on the Treaty Settlement Land Overlay chapter came from:

a) Iwi Authorities, Post Settlement Governance Entities and Māori Land Incorporations, namely Te Rūnanga o Whaingaroa (S486), Te Aupōuri Commercial Development Ltd (S339) (Te Aupōuri), Te Rūnanga Ā Iwi O Ngāpuhi (S498), Te Rūnanga o Ngai Takoto Trust (S390), and Kahukuraariki Trust (S379).

b) Hapū namely Te Rūnanga o Ngāti Rehia.

c) Infrastructure providers namely Fire and Emergency NZ (FENZ S512) and Top Energy Ltd (TE S483).

d) Government agencies namely Kāinga Ora Homes and Communities (S561) and Waka Kotahi NZ Transport Agency (S356).

e) Non-governmental organisations namely Royal Forest and Bird Protection Society of NZ (Forest & Bird S511), Kapiro Conservation Trust (KC Trust S427), Carbon Neutral Trust (CN Trust S529).

f) Community organisations namely Kapiro Residents Association (KRA S427), Our Kerikeri Community Charitable Trust (Our KCC Trust S338), Vision Kerikeri (and Environs) (VKK S522).

The hearing report responded to submissions under 10 key issues based primarily on applicable objective, policy, rule, standard and General Plan content, miscellaneous process and zoning. The submissions associated with these key issues have been extensively covered in the hearing report. As a result, many of the issues addressed in the hearing report were not contested in evidence put to us at the hearing.

As we focussed on those matters in contention, we have condensed the key issues as noted below.

4.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Overview
- Key Issue 2: Objectives TSL-O2 and TSL-O3
- Key Issue 3: Policy TSL-P1 and TSL-P2
- Key issue 4: Rule TSL-R2 Impermeable Surfaces
- Key issue 5: Rule TSL-R3 Residential activity (except for Papakāinga)

- Key issue 6: Rule TSL-R5 Visitor accommodation
- Key issue 7: Rule TSL-R11 Educational facility
- Key issue 8: Rule TSL-R12 Commercial activity and TSL-R13 Rural Tourism activity
- Key issue 9: TSL Mapping
- Key issue 10: TSL General / Plan Content / Miscellaneous

Having read the hearing report, the evidence submitted to us and presented at the hearing and the council right of reply to evidence presented, we acknowledge that a number of matters raised in submissions were no longer in contention and therefore we have focused our evaluation on those matters still in contention.

4.4 Discussion

This section constitutes the main body of this report for this topic and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.

4.5 Key Issue 1 – Treaty Settlement Land Overlay - Overview

4.5.1 Matters Raised in Submissions and Evidence

The submission from Te Aupōuri (S339.001) and hearing evidence from Ms Dalton raised concerns that the TSLO and RPROZ provisions are poorly integrated, creating uncertainty for development on Treaty Settlement land. Te Aupōuri sought clearer recognition of the TSLO within the RPROZ and confirmation that the TSLO provisions prevail where conflicts arise.

Ms Dalton recommended to amend the TSLO and RPROZ Overview to explicitly recognise Treaty Settlement land and clarify how the provisions interact. This would improve clarity, align the planning framework, and reinforce the intent of the TSLO to enable Māori development aspirations and reflect iwi rangatiratanga. Mr Kapa Kingi further emphasised the role of Te Aupōuri as kaitiaki and the need for the PDP to recognise Treaty Settlement land and whenua Māori as taonga tuku iho, supporting their use and development to benefit whānau. The reporting officer accepted in part the requested changes to the TSLO Overview, recommending minor wording updates for accuracy and consistency. However, amendments to the RPROZ Overview were not supported, as the Note 1 already clarifies how the TSLO interacts with RPROZ rules, and adding a reference in the RPROZ Overview would be unnecessary and inconsistent with other overlays.

Te Aupōuri also sought to replace "*economic*" with "*commercial*" in the TSLO Overview to align with the Treaty Settlement terminology and the term "commercial redress". The reporting officer supported this change for consistency and accuracy across the PDP.

4.5.2 Hearings Panel Evaluation

We agree with the reporting officer recommendation to reject the submission of Te Aupōuri seeking amendments to the RPROZ Overview. Referencing the TSLO in the RPROZ Overview only would create inconsistency within the Plan structure and could lead to interpretation issues. Overlays are intended to apply across multiple zones and therefore should be addressed within the overlay chapter itself rather than within individual zone overviews. Retaining the TSLO framework within the overlay provisions maintains structural coherence across the PDP and ensures the overlay is applied consistently.

We support in part, the recommended amendments to the TSLO Overview as set out in **Appendix 2.2**, subject to the following wording refinements to improve clarity and better reflect the purpose of the overlay:

> ***Overview***
>
> *(...)*
>
> *The land included in this overlay has been returned through the settlement process either as cultural or ~~economic~~ commercial redress.*
>
> *(...)*
>
> *If ~~economic~~ commercial redress land is sold post settlement then the overlay provisions and framework will no longer apply.*
>
> *The Treaty Settlement Land Overlay recognises the importance of Treaty Settlement claims and the cultural and commercial redress lands that are returned to Iwi Authorities as kaitiaki and custodians on behalf of tangata whenua.*
>
> *The majority of Treaty Settlement land is located in the Rural Production and Natural Open Space zones. The Treaty Settlement Land Overlay is intended to enable use and development of the land to support Māori in providing for their social, economic, cultural and environmental wellbeing. As such, the Overlay anticipates the development of activities such as papakāinga, marae, community facilities, commercial activities and other cultural activities that support the economic, social, environmental and cultural wellbeing of tangata whenua.*

The amendments appropriately recognise that TSLO land has been returned through Treaty settlement as cultural or commercial redress and clarify that the overlay framework no longer applies where commercial redress land is subsequently sold. The revised wording also better explains that the overlay enables appropriate use and development of Treaty settlement land, including activities such as papakāinga, marae, community facilities and commercial activities that support the social, economic, environmental and cultural wellbeing of tangata whenua.

4.5.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part, and rejected as set out in **Appendix 4.2**, with the following amendments for the TSLO Overview outlined in the evaluation above to acknowledge the submission relief from Te Aupōuri (**Appendix 2.2**).

For the reasons outlined in the evaluation above, and in brief, the amendments will maintain clear separation between overlays and zones, avoids duplication, and upholds the integrity of overlays as distinct planning tools. Note 1 offers sufficient guidance on the relationship between the TSLO and zone rules, ensuring cohesive interpretation and application without requiring further plan changes.

4.6 Key Issue 2 – Objectives TSL-O2 and TSL-O3

4.6.1 Matters Raised in Submissions and Evidence

Submissions on objective TSL-O2 received from Te Rūnanga ā Iwi o Ngāpuhi (S498.068), Te Rūnanga o Whaingaroa (486.081), Te Rūnanga o Ngai Takoto Trust (S390.067) supported the provision in part and sought inclusion of "*environmental development*" within the objective. Further submissions from Ngāi Tukairangi No.2 Trust (FS151.114) and Des and Lorraine Morrison (FS23.236) supported this relief, noting the importance of aligning provisions with the principles of Te Tiriti o Waitangi and enabling Māori interests, including appropriate economic development of their land. The reporting officer agrees and recommends adding "*environmental*" to TSL-O2 and also to TSL-O4, to ensure consistency with Part 2 of the RMA.

The submission from Te Aupōuri on objectives TSL-02 (S339.035) and TSL-O3 (S339.036) supported their intent and sought their retention. At the hearing, Ms Dalton explained that the use and protection of Treaty Settlement land should not be distinguished by whether it is commercial or cultural redress, as all settlement land supports tangata whenua relationships with their whenua and contributes to social, cultural, environmental and economic wellbeing. Te Aupōuri considered the objectives unnecessarily separated "*commercial*" and "*cultural*" redress which does not reflect the integrated nature of Māori relationships with their whenua. Ms Dalton proposed revised wording to remove this distinction. The reporting officer agreed the amendments had merit and supported including the term "*enable*", consistent with the purpose of the TSLO.

4.6.2 Hearings Panel Evaluation

We agree with the submitter and reporting officer recommendations supporting in part the submission to amend TSL-O2 and TSL-O3 as the changes improve clarity, consistency, and alignment with planning objectives. The addition of "*environmental*" in TSL-O2 (and consequentially TSL-O4) ensures consistency with Part 2 of the RMA and better reflects the holistic wellbeing outcomes sought for Treaty Settlement land.

We also agree with the removal of distinctions between commercial and cultural redress, as all settlement land shares the same enduring relationship with whenua and contributes to social, cultural, environmental and economic wellbeing. The inclusion of the term "*enable*" appropriately reinforces the purpose of the TSLO to support use and development, and we consider the amendments align with the Tangata Whenua

Chapter, the MPZ and objectives (MPZ-O1 and MPZ-O2), ensuring coherent and equitable outcomes across both whenua Māori and Treaty Settlement land.

4.6.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part and rejected as set out in **Appendix 4.2**, with the following amendments to TSL-O2 and TSL-O3 to acknowledge the submission relief from Te Aupōuri:

> ***TSL-O2****:*
>
> *Treaty Settlement Land ~~returned as commercial redress supports~~ enables a range of social, cultural, environmental, and economic development.*
>
> ***TSL-O3****:*
>
> *Treaty Settlement Land ~~returned as cultural redress~~ provides for the on-going relationship between tangata whenua has with their land.*

For the reasons outlined in the evaluation above, and in brief, the amendments provide a balanced and consistent approach that strengthens alignment with the RMA principles, support holistic wellbeing and ensure coherent application across Treaty Settlement land.

4.7 Key Issue 3 – Policies TSL-P1 and TSL-P2

4.7.1 Matters Raised in Submissions and Evidence

Submissions received from Te Aupōuri for TSL-P1 (S390.038) supported the intent of the policy however sought amendments to strengthen policy alignment with iwi, hapū and whānau aspirations in their long term plans and strategies. The amended wording provided is as follows:

> *TSL-P1: ~~Provide for~~ Enable the occupation, use and development of Treaty Settlement Land, and where appropriate, take into account any iwi or hapū plans or strategies that support the environmental, economic, cultural and social wellbeing of tangata whenua.*

The reporting officer rejected in part the additional wording and terms “hapū and whānau” as these terms may extend beyond the intent of the TSLO and lead to unintended consequences. Ms Dalton’s evidence and presentation at the hearing disagreed with the reporting officer view because hapū are often recipients of Treaty settlements and play a key role in managing land for the benefit of whānau and excluding them from TSL-P1 does not reflect how Māori social structures function in practice. The reporting officer accepted the replacement word “Enable” and the inclusion of “occupation” to have merit and accepted in part the amendment request for TSL-P1.

Te Aupōuri submission on TSL-P2 (S390.039) supported the policy intent and agreed with the removal of the term “small-scale” to appropriately enable commercial development on Treaty Settlement land. The reporting officer confirmed a drafting error and clarified the policy should include “small-scale and other” to align with the rule of 250m^2 and allowing larger activities by resource consent.

4.7.2 Hearings Panel Evaluation

We agree with the reporting officer's acceptance in part recommendation from the relief sought from Te Aupōuri for amendments to TSL-P1. We find the inclusion of "enable" and "occupation" strengthens the policy intent to support the use and development of Treaty Settlement land. While the reporting officer expressed concern that referencing "hapū and whānau" goes beyond the intent of the Overlay, the evidence provided demonstrates to us that hapū are often direct recipients of settlements and play a key role in managing land for whānau benefit. Recognising this structure is important for policy effectiveness and we consider the partial acceptance by the reporting officer strikes a balanced approach that aligns with both practical implementation and the structure of Māori governance.

4.7.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part and rejected as set out in **Appendix 4.2**, with the following amendments to TSL-P1 and TSL-P2 to acknowledge the submission relief from Te Aupōuri:

TSL-P1

~~Provide for~~ Enable the occupation, use and development of Treaty Settlement Land.

TSL-P2

Enable a range of activities on Treaty Settlement Land including marae, papakāinga, customary use, cultural, ~~and~~ small scale, and other commercial activities where the adverse effects can be avoided, remedied or mitigated.

For the reasons set out in the evaluation above, and in brief, the amendments appropriately strengthen the policy intent by enabling occupation and recognising hapū roles in managing Treaty Settlement land.

4.8 Key issue 4 – Policy TSL-P3

4.8.1 Matters Raised in Submissions and Evidence

Submissions from Te Rūnanga o Whaingaroa (S486.083), Te Rūnanga o Ngai Takoto Trust (S390.069), and Te Rūnanga ā Iwi o Ngāpuhi (S498.070) oppose policy TSL-P3 as it places unnecessary restrictions on development of Treaty Settlement land, and sought amendments to remove clauses (a), (b), (c) and (e) from the policy. Three further submissions supported (FS486.083, FS498.070, FS390.069), and one further submission opposed (FS354.188). The reporting officer recommends the submissions for rejection, as TSL-P3 appropriately balances enablement with the outcomes of underlying zones and recommends TSL-P3 be retained as notified.

Also, submissions from Forest and Bird (S511.107) and Kapiro Conservation Trust (S442.126) oppose policy TSL-P3 and request stronger protection of natural values for significant natural areas, however no specific wording was provided. Three submissions supported Forest and Bird (FS570.1678, FS566.1695, and FS569.1714), and one submission supported Kapiro Conservation Trust (FS346.737), with one submission

opposed to both (FS409.018). The reporting officer recommended rejection of these submissions because the request to protect natural values is addressed in policy TSL-P4(i) and no specific wording was provided by the submitters.

Kāinga Ora Home and Communities submission (S561.056) supported in part policy TSL-P3 and provided amended wording that sought to ensure the policy actively supported Māori land development while integrating cultural values and managing effects appropriately. Four further submissions opposed the amended wording (FS32.110, FS354.189, FS47.070 and FS348.143), while two further submissions were in support or support in part (FS409.007 and FS23.328). The reporting officer recommended the submission be rejected as the amended wording provided related to a proposed new objective TSL-05, which was also been recommended for rejection by the reporting officer.

Te Aupōuri submission (S339.040) requested amendments to TSL-P3 with the following wording:

> ***TSL-P3***
>
> *Provide for the occupation, use and development on Treaty Settlement Land where it is demonstrated that: (...)*

One further submission supported S339.040 in part (FS243.123), and one opposed the submission (FS354.187). The reporting officer advised the aim of the Overlay is to support Treaty Settlement land development, but this must still work alongside the purpose of the zone it sits within. The reporting officer recommended retaining TSL-P3 as notified and rejected the submission.

At the hearing Ms Dalton presented evidence for Te Aupōuri seeking to also delete clauses (a) and (c) in order to maximise flexibility to develop Treaty Settlement land to enable the economic and social wellbeing of its people. Ms Dalton confirmed the original relief is considered the most appropriate, as it better supports the use and development of Treaty Settlement land while ensuring any potential effects are appropriately managed in the policy framework. She also referenced the submissions of the three iwi authorities (noted above) who also sought to delete clauses (a) and (c) because the clauses placed unnecessary constraints on development of Treaty Settlement land.

The reporting officer's right of reply further considered the evidence and supported adding to policy TSL-P3 the following words 'occupation, use and ....' to ensure consistency with TSL-P1 and recommended amending the policy accordingly. However, the reporting officer maintained the position that clauses (a) and (c) be retained as notified (even if triggered rarely), as these provisions manage potential impacts on surrounding activities (clause a) and neighbouring zones can function as intended (clause c). The reporting officer recommended support in part for the submission.

4.8.2 Hearings Panel Evaluation

The reporting officer has provided helpful commentary in stating their understanding related to the intent of the policy which is enablement of Treaty Settlement land and appropriately balance outcomes with the underlying and surrounding zones.

The TSLO provisions aim to enable development by reducing barriers and providing clear and consistent rules. They support housing, small-scale enterprises, and cultural reconnection, aligned with iwi and hapū aspirations. While some flexibility is limited to mapped areas, risks are low and future plan changes can adapt to new settlements or land tenure changes. This approach strengthens the implementation of Treaty Settlement outcomes and enhances Māori wellbeing.

We support in part the recommendation of the reporting officer adding minor wording changes to policy TSL-P3 with "*occupation, and use .....*" to align with TSL-P1, which enables the use and development of Treaty Settlement land. This change strengthens the enabling intent of the Overlay by clearly recognising the importance of tangata whenua being able to live on, use and develop their land. The minor wording changes ensures consistency across the provisions and supports the return and reconnection outcomes of Treaty settlements, raised by Te Aupōuri. By explicitly including occupation and use, the policy better reflects mana motuhake and the purpose of Treaty redress.

However, we do not support the reporting officer recommendation to retain clauses (a) and (c). The officer accepts that the threshold for compromising the zone is high and rarely met, and that clause (a) relates mainly to effects on neighbouring land, not the Overlay. Where a proposed use differs significantly from the underlying zone, a zone change is the appropriate mechanism, therefore we consider retaining these clauses would add unnecessary duplication and complexity.

We support in part the submission of Te Aupōuri seeking removal of clauses (a) and (c) from policy TSL-P3 for the following reasons:

a) The clauses are inconsistent with the purpose of the TSLO, which is to enable tangata whenua to realise their cultural, social and economic aspirations. These clauses reintroduce constraints that shift the focus away from Treaty based redress outcomes and toward protecting existing zone expectations, undermining the enabling intent of the Overlay.

b) Clause (a) places undue emphasis on neighbouring landowner preferences by required compatibility with surrounding activities. This risks limiting iwi decision making on their own land, allowing external perceptions to constrain the use and development of Treaty Settlement land intended to support tangata whenua aspirations.

c) Clause (c) requires development on Treaty Settlement land not compromise the functioning of surrounding zones. Existing controls such as height, HIRB, and coverage already manage built form and amenity. These are sufficient to ensure adjacent zones can operate as intended.

d) The inclusion of the clauses reintroduces planning barriers that have historically constrained Māori land development. These clauses duplicate existing TSL-P3 criteria and add unnecessary complexity. Their removal would better reflect the enabling purpose of the overlay and support a more direct pathway consistent with TSL-P1 and TSL-P3.

In summary, we find retaining clauses (a) and (c) adds unnecessary regulatory barriers and undermine the distinct status of Treaty Settlement land. These provisions risk

limiting the purpose of the TSLO as a mechanism to recognise and give effect to settlement redress. A more enabling approach better reflects the intent of Treaty Settlements and supports the planning outcomes sought by tangata whenua. For these reasons, we recommend that clauses (a) and (c) within TSL-P3, are removed.

4.8.3 Hearings Panel Recommendations

The submissions on policy TSL-P3 are accepted, accepted in part, and rejected in part, as described above and as set out in **Appendix 4.2**.

Regarding the submissions on the policy TSL-P3 and for the reasons set out in the evaluation above, we recommend the following:

> ***TSL-P3***
>
> *Provide for the occupation, use and development on Treaty Settlement*
>
> *Land where it is demonstrated that:*
>
> ~~*a. it is compatible with surrounding activities;*~~
>
> *b. it will not compromise the occupation, development and use of Treaty Settlement Land;*
>
> ~~*c. it will not compromise the underlying zone, adjacent land or other zones to be efficiently or effectively used for their intended purpose;*~~
>
> *d. any values identified through cultural redress are maintained;*
>
> *e. it maintains the character and amenity of surrounding area;*
>
> *f. it provides for community wellbeing, health and safety;*
>
> *g. it can be serviced by onsite infrastructure or reticulated infrastructure where this is available; and*
>
> *h. any adverse effects can be avoided, remedied or mitigated.*

4.9 Key Issue 5 – Rule TSL-R2 Impermeable Surfaces and TSL-S5 Building or structure coverage

4.9.1 Matters Raised in Submissions and Evidence

Submissions on TSL-R2 were mixed. Kāinga Ora Homes and Communities (S561.060) supported the intent of the rule but sought to delete it and replace it with a new standard to manage impermeable surfaces. D&L Morrison (FS23.332) supported the submission, while further submissions from Jeff Kemp (FS32.114), Our Kerikeri Community Charitable Trust (FS47.074), and Alec Cox (FS348.147) opposed it, raising concerns about stormwater effects beyond site boundaries and seeking additional matters of discretion. The reporting officer did not receive supporting evidence to justify deleting TSL-R2 and replacing it with a standard, providing no basis for determining whether the change is suitable, and recommended to reject the submission.

Puketotara lodge Ltd submission (S481.001) sought stronger stormwater controls and additional matters of discretion to better manage downstream effects between

neighbouring sites. The reporting officer supported minor amendments to clause (c) of the matters of discretion to ensure consistency across other PDP chapters.

The submission of Te Aupōuri (S339.041) opposed rule TSL-R2 and requested its deletion, while also seeking amendments to TSL-S5 to reduce building coverage from 50% to 35%. Their evidence highlighted a functional discrepancy between impermeable surface rules and building coverage standards, potentially causing confusion and compliance issues. The reporting officer acknowledged the mismatch but noted TSL-S5 is an enabling standard and with no direct submission on it, recommended it be retained as notified.

4.9.2 Hearings Panel Evaluation

We agree with the reporting officer recommendation to reject Kāinga Ora Homes and Communities request to delete TSL-R2 and replace it with a new standard, as there is no supporting evidence demonstrating such a change would improve effectiveness or implementation. The existing rule provides a clear framework for managing stormwater effects, consistent with the MPZ-R2 approach.

We also agree with the reporting officer recommendation to accept in part Puketotara Lodge Ltd submission, noting the inclusion of minor wording changes to clause (c) of the matters of discretion to reflect downstream stormwater effects and to maintain consistency with other PDP chapters.

In relation to the submission of Te Aupōuri, we note that the evaluation for MPZ-R2 is directly relevant and applicable to TSL-R2, given the shared purpose of managing stormwater and built form effects through coordinated rules and standards. As outlined in the MPZ-R2 evaluation, maintaining alignment between impermeable surface limits (rules) and building coverage thresholds (standards) is essential for clarity, consistency, and effective implementation. The identified discrepancy between TSL-R2 (35%) and TSL-S5 (50%) undermines this alignment and risks unnecessary consent triggers and confusion. We therefore support the recommendation of Te Aupōuri to retain TSL-R2 as notified, and to reduce TSL-S5 to 35%, consistent with the MPZ-R2 evaluation. This adjustment ensures internal consistency, better manages stormwater effects, and provide clear measurable thresholds aligned with the rule framework.

4.9.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part and rejected as set out in **Appendix 4.2**, with the following amendments to TSL-S5 to acknowledge the submission relief from Te Aupōuri:

> ***TSL-S5*** *Building or structure coverage*
>
> *The combined building or structure coverage of the site is no more than ~~50~~ 35%.*

The reasons are described in the evaluation above, and in brief they align TSL-S5 with TSL-R2 to ensure consistent interpretation and application, avoid confusion, and maintain the integrity of the PDP approach to managing built form and stormwater effects across MPZ land and Treaty Settlement land.

4.10 Key Issue 6 – Rule TSL-R3 Residential activity (except for Papakāinga)

4.10.1 Matters Raised in Submissions and Evidence

A number of submissions supported amendments to TSL-R3 to better enable multi-unit development on Treaty Settlement land, reflecting support for flexible housing options (Kapiro Residents Association (S427.038), Our Kerikeri Community Charitable Trust (S338.028), Carbon Neutral NZ (S529.196), and Vision Kerikeri (S522.052)). Further submissions included one opposition (FS409.001 Te Aupōuri) and four support (FS570.969 VK-3, FS566.983/FS566.179 KCT, and FS569.1005 VK-2). The reporting officer rejected these submissions as they refer specifically to Kerikeri and there are no Treaty Settlement lands or TSLO in Kerikeri identified at the time of PDP notification. Also, no specific wording was provided to support flexible housing options.

Kāinga Ora and Community Homes (S561.063) sought to delete the rule, promoting a permissive approach. This was opposed by several further submissions (FS32.116 Kemp, FS57.076 KCCT, FS348.149 Cox), which raised concerns about effects on local character, reduced public input, and insufficient supporting analysis. The submission of Te Aupōuri (FS409.011) also opposed in part, seeking clearer distinction between papakāinga from general housing. One further submission (FS23.334 Morrison) supported enabling housing to support Māori wellbeing. The reporting officer advised that separate residential rules remain necessary to manage non-papakāinga housing appropriately and reiterated the submitters relief to delete the rule should be rejected.

Te Aupōuri submission (S339.042) supported in part the rule TSL-R3 and sought an amendment to delete PER-2 of the rule as follows:

TSL-R3	*Residential activity (except for papakāinga)*
Activity status: Permitted *Where:* *PER-1* *On sites less than 1200m², the site area per standalone residential unit or multi-unit development is at least 600m².* ~~*PER-2*~~ ~~*The number of residential units on any site does not exceed six.*~~ *Note: PER-1 and PER-2 do not apply to:* • *a single residential unit located on any site less than the minimum site area.* • *papakāinga provided for in Rule TSL-P4.*	*Activity status where compliance not achieved with PER-1 or PER-2: Discretionary*

Te Aupōuri seeks greater flexibility in the district plan to deliver housing that meets the needs of its uri and sustain their connections to whenua. The flat six unit cap per site under PER-2, (regardless of land size) would limit their 3,000ha landholding to just 18 units due to title configurations, significantly constraining their ability to respond to housing demand at scale. The reporting officer rejected the submission as Treaty Settlement land sits within Rural Production zone and Natural Open Space zone,

making these the underlying zones, with the largest number of TSL land parcels over 40ha.

Ms Dalton presented evidence at the hearing and opined that the residential activity rules in TSL-R3 (and corresponding MPZ-R4-Rural) as overly restrictive, also duplicated RPROZ provisions without offering any added enablement, and requiring costly site reports (with comparison to the corresponding RPROZ-R3). Ms Dalton advised this approach conflicts with objectives TSL-O4 (and corresponding MPZ-O3), which direct development to align with site servicing capacity.

Ms Dalton's evidence on TSL-R3 Residential activity (not papakāinga) outlined a further amendment request that TSL-R3 (and MPZ-R4-Rural) be amended to provide for Residential activity (except for papakāinga) for whichever is greater:

a. *A rate of one residential unit per 12 ha; or*

b. *Up to a maximum total of six residential units*.

Ms Dalton's opinion is that the amendment strikes a balance between enabling traditional residential activities in accordance with TSL-O2 (and MPZ-O2), while managing potential conflicts with the surrounding environment. The thresholds provide flexibility across different land sizes, reduces unnecessary compliance costs, and better aligns with the enabling purpose of the Overlay, while managing effects through the development standards.

The reporting officer considers the rule should be retained as notified because 31% of Treaty Settlement land parcels are over 40ha and a higher permitted threshold could cause unintended consequences, so a limit of six units per site is seen as more appropriate, with anything beyond that assessed through resource consent.

4.10.2 Hearings Panel Evaluation

We largely agree with the reporting officer in respect of the submissions.

In terms of the general submissions for amendments to better enable flexible housing options, we consider what is requested is covered in the rule and no wording was provided to support the amendment requests. We recommend to reject these submissions.

We confirm that Kāinga Ora submission to delete the rule is not appropriate and support the reporting officer determination that not all housing on Treaty Settlement land is papakāinga and we recommend to reject the submission to delete the rule.

Te Aupōuri is concerned with the notified PER-2 standard with density thresholds limited to six residential units per site and has proposed amended wording for PER-2 (noted above) that better reflects site servicing capacity, unnecessary restrictions, and upholds the enabling purpose of the TSL Overlay.

The section 32 Tangata Whenua report outlines in the Far North District the Crown have settled with six iwi namely, Te Roroa, Ngāi Takoto, Ngāti Kuri, Te Aupōuri, Te Rarawa and Ngāti Kahu ki Whangaroa. The report provides a summary of Treaty Settlement land within the district and outlines the Treaty Settlement land parcels comprise of the following:

Table 3 Size of Treaty Settlement Land parcels [13]

Size of land parcel	Treaty Settlement Land	
	Number of parcels	Percentage of parcels
0 - 500m^2	33	6%
500 - 1,000m^2	19	4%
1,000 - 2,500m^2	43	8%
2,500 - 5,000m^2	33	6%
5,000m^2- 1ha	30	6%
1 - 2ha	48	9%
2 - 3ha	21	4%
3 - 4 ha	4	1%
4 - 5ha	14	3%
5 - 10ha	47	9%
10 - 20ha	36	7%
20ha - 40ha	35	7%
40ha+	161	31%

For Treaty settlement land there is approximately:

- 30% of land parcels under 1ha (10,000m^2) comprising of 158 parcels; and
- 39% of land parcels between 1ha and 40ha (10,000m^2 to 400,000m^2) comprising of 205 parcels; and
- 31% of land parcels over 40ha (4000,000m^2 plus) comprising of 161 parcels.

The s32 report advises Treaty Settlement land is primarily located in Rural Production zone (33,116ha) or Natural Open Space zone (33,128ha) and the remainder is in a mixture of zones (57.3ha). In summary, Treaty Settlement land parcels vary significantly in size, with 69% being under 40ha. This indicates the need for a flexible residential activity rule that caters to both smaller sites and larger landholdings while managing potential effects through scaled based thresholds.

Two rule options are proposed to manage residential activity on Treaty Settlement land. The fixed approach under PER-2 as notified in the PDP with a maximum of 6 units on any site, and as proposed by the submission from Te Aupōuri, the PER-2 scaled approach allowing 1 unit per 12ha or up to a maximum total of 6 units per site, whichever is the greater.

The PDP notified PER-2 standard sets a fixed limit (up to 6 units on any site), offering limited responsiveness to land size or rural context, and it does not scale with larger landholdings (31% TSL over 40ha), most of which sits within rural zones capable of supporting larger scale development.

By contrast, the alternative PER-2 rule for 1 residential unit per 12ha, or up to a maximum of six residential units per site, whichever is greater. This offers a proportionate and responsive framework and introduces scalable thresholds that accommodate a wide range of site sizes while maintaining development control through performance standards.

The evidence from Te Aupōuri for the proposed amended PER-2 standard offers a more flexible approach that reflects land size, rural zoning, and servicing capacity. In contrast, the notified PDP rule is overly rigid and risks unnecessarily limiting development on large, suitable blocks.

From the above evaluation, we agree with the evidence of Te Aupōuri and the proposed amendment to rule TSL-R3 for PER-2 as this:

- Enables proportional development across both small and large sites.
- Reflects rural servicing capacity and avoids overly restrictive limits.
- Aligns with the Overlay objectives that support use and development while managing effects.
- Accommodates 39% of TSL (205 land parcels) between 1ha-40ha to reach or exceed six units under the scaled rule.
- Provides a clear pathway for the 31% of land parcels over 40ha to develop up to 6 units as of right, with any further development requiring consent to assess site specific effects.

Note approximately 30%of land parcels are under 1ha and fall outside PER-2 evaluation. These will instead be subject to PER-1, which limits yield for units based on reduced site areas.

We find agreement and accept the relief sought by Te Aupōuri in making our recommendations below.

4.10.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part, or rejected as set out in **Appendix 4.2** with the following amendment to TSL-R3 to acknowledge the submission relief from Te Aupōuri:

TSL-R3 Residential activity (except for papakāinga)

Where;

PER-1

On sites less than 1200m^2, the site area per standalone residential unit or multi-unit development is at least 600m^2.

PER-2

The number of residential units on any site does not exceed ~~six~~ <u>whichever is the greater:</u>

a. <u>One residential unit per 12 hectares of site area; or</u>

b. <u>Up to a maximum total of six residential units per site.</u>

Note: PER-1 and PER-2 do not apply to:

- *a single residential unit located on any site less than the minimum site area.*
- *papakāinga provided for in Rule TSL-P4.*

The reasons are described above in our evaluation, and in brief the amendment better enables scaled development on Treaty settlement land, supporting tangata whenua to exercise their relationship with ancestral lands and provide for their social, economic and cultural wellbeing.

4.11 Key Issue 7 – Rule TSL-R5 Visitor accommodation

4.11.1 Matters Raised in Submissions and Evidence

The submission from Kāinga Ora Homes and Communities (S561.064) sought to amend rule TSL-R5 Visitor accommodation by removing the limit of six guests per night under PER-1. Kāinga Ora instead proposed alternative wording that visitor accommodation should be permitted where the site is adequately serviced, and that any proposal not meeting this standard be assessed as a restricted discretionary activity based on how well it fits the environment and whether potential effects can be managed. Three further submissions support and support in part the submission (FS36.070 Waka Kōtahi, FS409.013 Te Aupōuri, FS23.336 Morrison), while four further submissions opposed it (FS32.118 Kemp, FS354.192 Horticulture NZ, FS, FS47.078 KCCT, FS348.151 Cox).

The reporting officer considered the term 'adequately serviced' too vague and subject to interpretation, and reiterated the notified rule already provides sufficient flexibility. Since Treaty Settlement land is zoned RPROZ or Natural Open Space, any development beyond what is permitted should be fully assessed against all the relevant objectives and policies and accordingly we find it appropriate that the submission is rejected.

The further submission in support from Te Aupōuri (FS409.013) sought to allow in part TSL-R5, PER-1, and Ms Dalton evidence provided further direction to amend the rule TSL-R5 to align with the Rural Production zone rule RPOZ-R4 Visitor accommodation PER-2, where visitor accommodation occupancy does not exceed 10 guests per night. The relief sought by Te Aupōuri was that rule TSL-R5 align with the RPROZ rule RPOZ-R4 and to amend the occupancy rates from six to ten guests to enable the purpose of the TSL Overlay (and corresponding rule MPZ-R6), and they efficiently and effectively provide for the use and development of Treaty Settlement land (and Māori land) to enable communities to provide for their economic wellbeing.

The reporting officer in their right of reply agreed with the evidence highlighting the inconsistency between the zone and the Overlay rules and noted that no original submissions prevent this amendment and recommended updating PER-2 to allow occupancy of up to ten guests per night.

4.11.2 Hearings Panel Evaluation

We support the reporting officer's recommendation to increase the permitted guest occupancy under TSL-R5 from six to ten guests per night, as this provides for consistency with the Rural Production zone rule (RPOZ-R4) and reflects a more enabling approach appropriate for Treaty Settlement land. The current limit of six guests is more restrictive than general rural provisions despite the overlay stated intent to support development opportunities on Treaty Settlement land. Aligning the occupancy threshold with the RPROZ removes an unnecessary constraint, supports equitable treatment, and is consistent with the objectives of the TSL Overlay to enable social,

cultural, and economic use of Treaty Settlement land. We recommend accepting this submission.

4.11.3 Hearings Panel Recommendations

That the submissions are accepted, accepted in part or rejected as set out in **Appendix 4.2** with the following amendment to TSL-R5 to acknowledge the submission point from Te Aupōuri:

TSL-R5 Visitor Accommodation

Activity status: Permitted

Where:

PER-1

The occupancy does not exceed ~~six~~ ten guests per night.

***Note**: PER-1 does not apply to marae provided for under TSL-R6.*

4.12 Key Issue 8 – Rule TSL-R11 Educational facility

4.12.1 Matters Raised in Submissions and Evidence

Submissions from various iwi and Māori entities expressed mixed views on rule TSL-R11 which permits educational facilities on Treaty Settlement land (S486.087 Te Rūnanga o Whaingaroa, S390.073 Te Rūnanga o Ngāi Takoto Trust, and S498.074 Te Rūnanga ā Iwi o Ngāpuhi). The submissions supported permitting Kōhanga reo without restriction but opposed the requirement for resource consent for occupational and outdoor training activities. These submitters advised that training activities like wānanga and practical rural training including farming and forestry are important for the cultural and economic wellbeing of tangata whenua. They considered these activities to be low impact and appropriate within rural environments and sought relief to include them as permitted activities, consistent with the treatment of Kōhanga reo.

The submission from Te Aupōuri (S339.046) supported TSL-R11 but raised concern that Kōhanga reo and Kura are not explicitly identified as permitted activities. The submitter sought clarification to ensure these educational activities are clearly enabled.

The reporting officer supported this submission in part, recognising that Kura Kaupapa and Whare Wānanga as clearly Te Ao Māori educational facilities and should be enabled as permitted activities. However, the reporting officer recommendation did not support including '*occupational and outdoor training*', noting that the term is broad and could lead to unintended outcomes if permitted without clearer definition or policy guidance.

The submission of Kāinga Ora (S561.065) supported in part rule TSL-R11 but opposed the discretionary activity status for non-compliance with PER-1, considering it too restrictive and inconsistent with the enabling intent of the TSL Overlay. The submitter sought a restricted discretionary activity and removal of PER-2, which limits the number of off-site participants. The reporting officer recommendation did not support this relief, noting that Treaty Settlement land is primarily zoned Rural Production or Natural Open

Space, and activities exceeding permitted threshold should be assessed under the objectives and policies of the Plan.

4.12.2 Hearings Panel Evaluation

We find agreement with the reporting officer recommendation for amendments to include Kura Kaupapa and Whare Wānanga as reasonable and providing necessary clarity and alignment with the purpose of the Overlay. However, concerns about the broad term '*occupational and outdoor training'* are valid and further refinement or definition is needed before enabling this activity as permitted. No clarification or evidence was provided for the term. The proposed change to restricted discretionary activity status and deletion of PER-2 is not supported, as stronger policy alignment and a more robust effects assessment are required for intensive educational activities. We agree with the reporting officer recommendation to reject the submission for '*occupational and outdoor training'* activities and the proposed change in activity status.

It is also noted that we support consistent treatment of educational facilities across the MPZ and TSLO to ensure culturally appropriate learning environments are enabled on Māori land and Treaty Settlement land. The review of submissions and definitions highlights the need to explicitly provide for Kōhanga Reo, Kura Kaupapa Māori, Whare Wānanga (and a new term Kura-ā-Iwi outlined in the MPZ), to be permitted activities. These Te Ao Māori educational facilities are critical for supporting cultural identity, education in te reo Māori, and iwi led learning models.

We agree with the reporting officer position in part, particularly in relation to:

- Permitted activity status for Kōhanga Reo is confirmed under the PDP definition for "*Child care service*", and "*Educational facility*".
- Clarity is needed for Kura Kaupapa Māori, Whare Wānanga, and Kura-A-Iwi, as they are not currently defined in the PDP Glossary, creating ambiguity and inconsistent interpretation.
- We do not support the inclusion of "occupational and outdoor training" as a permitted activity without clearer definitions, to avoid unintended outcomes and planning uncertainty.

To strengthen planning clarity and ensure consistency, the terminology for Kura Kaupapa Māori, Whare Wānanga and Kura-ā-Iwi, should be incorporated into the PDP Glossary with appropriate definitions outlined in the MPZ topic sections 3.10.2 Our Evaluation and 3.10.3 Hearings Panel Recommendations.

Accordingly, we support the reporting officer recommendations to include Kura Kaupapa Māori and Whare Wananga as permitted activities, and we do not support the inclusion of occupational and outdoor training.

4.12.3 Hearings Panel Recommendations

The submissions are accepted, accepted in part, and rejected as set out in **Appendix 4.2** with the reasons outlined in the evaluation above. The following amendment to TSL-R11 Educational facility is as follows:

MPZ-R14	***Educational facility***	
Māori Purpose zone – Urban *Māori Purpose zone – Rural*	*Activity status: Permitted* *Where:* *PER-1* *The educational facility is within a residential unit or accessory building.* *PER-2* *The number of persons attending at any one time does not exceed four, excluding those who reside on site.* ***Note**: ~~These standards~~ PER-1 and PER-2 do not apply to: Kōhanga Reo, Kura Kaupapa Māori, Whare Wānanga, and Kura-ā-Iwi activities.*	*Activity status where compliance not achieved with PER-1 or PER-2: Discretionary*

The reasons are described above in our evaluation above, and in brief, the amendments provide necessary clarity by enabling recognised Te Ao Māori educational facilities as permitted activities, while avoiding broadly defined activities that could create unintended outcomes.

4.13 Key Issue 9 – Rule TSL-R12 Commercial activity and TSL-R13 Rural tourism activity

4.13.1 Matters Raised in Submissions and Evidence

The submission from Te Aupōuri (S339.047) for rule TSL-R12 (S339.047) sought to amend the rule and requested that the 250m^2 Gross Business Area limit be increased to match the 35% impermeable surface coverage allowed under TSL-R2. This increase was to allow more commercial development so Te Aupōuri can pursue their economic goals and improve their community wellbeing, emphasizing for the plan to enable their aspirations and not hold Te Aupōuri back. The reporting officer recommended to reject in part this submission as applying a percentage threshold to a GBA could unintentionally allow very large buildings on large rural sites, resulting in unintended consequences. Ms Dalton evidence acknowledged that "*a percentage may not be appropriate in this case*".

Ms Dalton's evidence also addressed the use of GBA, recommending that the term Gross Business Area (**GBA**) be replaced with the term Gross Floor Area (**GFA**) in rules TSL-R12 Commercial activity and TSL-R13 Rural tourism activity. GFA is the commonly used term, is clearly defined under the National Planning Standards, and provides

greater certainty for both council and applicants when managing the size and scale of development. This change would also improve consistency with other plan provisions and better support the intent of the TSL Overlay policies.

The reporting officer's right of reply accepted, in part, the submission amendment to apply GFA to rule TSL-R12 Commercial activity and rule TSL-R13 Rural tourism activity.

4.13.2 Hearings Panel Evaluation

The submission of Te Aupōuri sought to increase the250m^2 GBA in the rule TSL-R12 to align with the 35% impermeable surface coverage under TSL-R2, with the aim of enabling greater commercial activity to support their economic aspirations and community wellbeing, while the purpose of enabling Māori economic development is consistent with the intent of the TSL Overlay. The reporting officer considered that applying a percentage threshold could create unintended consequences by allowing disproportionately large buildings on large rural sites. We agree with the reporting officer and do not support the use of a percentage threshold and also identify that no evidence has been provided to support this approach to understand such an outcome.

The evidence of Ms Dalton agreed that a percentage approach was not appropriate but recommended replacing GBA with Gross Floor Area (GFA) in rules TSL-R12 and TSL-R13. GFA is a nationally standardised term that provides clarity for applicants and council and ensures consistency across plan provisions. The reporting officer accepts the submission in part for the request to replace the term GBA with the common term GFA, and we concur and accept this recommendation.

Considering this response, it is also recommended that rule TSL-R4 Papakāinga be amended specifically, "***PER-2*** *Any commercial activity associated with the papakāinga does not exceed a GBA of 250m^2*", by replacing GBA with GFA.

This approach balances the aspirations of Te Aupōuri for development by providing certainty and consistency in how scale is managed, while ensure the provisions remain effective in controlling potential adverse effects and better aligns with the policy intent of the TSL Overlay.

4.13.3 Hearings Panel Recommendations

That the submissions for rules TSL-R12 and TSL-R13 are accepted, accepted in part and rejected as described above and as set out in **Appendix 2.2**.

Regarding the submissions on the rules TSL-R12 Commercial activity, TSL-R13 Rural tourism activity and TSL-R4 Papakāinga, and for the reasons set out in the evaluation above, we recommend the following:

TSL-R12	***Commercial activity***	
Treaty Settlement Land overlay	*Activity status: Permitted* *Where:* *PER-1*	*Activity Status where compliance not achieved with PER-1: Discretionary*

	The commercial activity does not exceed a ~~GBA~~ GFA of 250m².	
TSL-R13	***Rural tourism activity***	
Treaty Settlement Land overlay	*Activity status: Permitted* *Where:* *PER-1* *The rural tourism activity does not exceed a ~~GBA~~ GFA of 250m²*.	*Activity Status where compliance not achieved with PER-1: Discretionary*
TSL-R4	***Papakāinga***	
Treaty Settlement Land overlay	*Activity status: Permitted* *Where:* *PER-1*	*Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary* *Matters of discretion are restricted to:* *The matters set out in policy TSL-P4.*
	PER-3 *Any commercial activity associated with the papakāinga does not exceed a ~~GBA~~ GFA of 250m²*.	

The reasons are outlined in our Evaluation above, and in brief, the term GFA improves clarity and consistency across the plan provisions.

4.14 Key Issue 10 – TSL Mapping

4.14.1 Matters Raised in Submissions and Evidence

Ngamaia Farms Ltd submission (S3.002) opposed the TSL Overlay applied to four contiguous land parcels at 1479 Diggers Valley Road, Kaitaia (Titles: NA48C/1396, NA30A/294, NA1034/213, and NA26A/1387), claiming it was incorrectly applied. The reporting officer's review of the PDP planning maps confirms the Overlay is not applied to the Ngamaia land parcels, although an adjoining parcel does contain the TSL Overlay. The reporting officer recommends no map changes and that the submission be rejected.

Reuben Wright submission (S178.002) opposed the TSL Overlay applied to one land parcel at Kaitaia Awaroa Road, Kaitaia (Title 719731), stating the TSL Overlay should not apply as the land was sold by hapū who received it through settlement, and is no longer in hapū or iwi ownership.

Mr MJ Winch submission (S67.008) opposed the TSL Overlay applied to one land parcel at Wairakau Road, Totara North (Title NA103/24), stating it is a mapping error, as this land parcel is privately owned, while adjoining conservation land may be subject to a

Treaty claim. The reporting officer review of the PDP planning maps confirms the Overlay has not been applied to the land parcel and therefore recommends that no map changes be made and the submission be rejected.

The submission of Te Aupōuri (S339.058) sought to apply the TSL Overlay to the property at 5891 Far North Road, Ngataki (Title NA75B/196) as the land is owned and managed by Te Aupōuri Post Settlement Governance Entity (PSGE) Te Rūnanga Nui o Te Aupōuri. The reporting officer's review of the PDP planning maps confirms the Overlay has not been applied and Te Aupōuri Deed of Settlement does not clearly identify the land parcel as Treaty Settlement land under the PDP definition. The reporting officer recommends the submission be rejected because there is no clear evidence the land parcel qualifies.

The evidence of Te Aupōuri and presented at the hearing noted that the inclusion of mapping matters within Hearing 10 was not anticipated. Te Aupōuri requested any rezoning related to Te Rūnanga ā Iwi o Te Aupōuri landholdings be deferred to Rezoning Hearings (15A–15D). Notwithstanding this, Te Aupōuri provided information in support of their submission for all Treaty Settlement land to be mapped and for inclusion within TSL Overlay. The reporting officer advised as the TSL Overlay is not a zone, it is not appropriate to address any additional properties to the TSL Overlay in the scheduled Rezoning Hearing for 15A-15D. In the right of reply, the reporting officer investigated the evidence of Te Aupōuri and confirms the status of the following Te Aupōuri landholdings:

a) Record of Title: NA85A/299 located at Trig Road, Houhora. This land parcel has the TSLO to iwi Te Aupōuri applied to the property. The reporting officer confirms no changes are required to the planning maps and recommends rejection of the request.

b) Record of Title: 719741 located at 5600 Far North Road, Ngataki. A portion of the contiguous land parcels being Section 33 SO 61229 (299.85ha) has been omitted in the GIS mapping of TSLO. The reporting officer confirms the omitted land parcel has been identified to be included in a future plan change to correct this GIS mapping error and correctly apply the TSLO to the portion of land parcels omitted. This request is recommended to be accepted in part.

c) Record of Title: NA80D/748 located at 245 Trig Road, Houhora. The multiple contiguous land parcels have TSLO to iwi Te Aupōuri applied to the properties. The reporting officer confirms no changes are required to the PDP planning maps and recommends rejection of the request.

d) Record of Title: NA75B196 located at 5891 Far North Road, Ngataki. The two large contiguous land parcels were rejected in the s42A report and the submitter invited to present evidence at the hearing. However, no evidence was provided for these land parcels. The reporting officer advised to progress this request, an option may be for the submitter to join Hearing 17 General / Miscellaneous / Sweep Up. The reporting officer advised no evidence is provided to support the change to apply TSLO to the properties and recommends rejection of the request.

4.14.2 Hearings Panel Evaluation

The Ngamaia Farms Ltd submission is recommended to be rejected as the PDP planning maps are accurate as the TSL Overlay has not been applied to the Ngamaia Farms land

parcels and should remain unchanged to maintain consistency and integrity of the Overlay. We agree with the reporting officer's recommendation for no change to the PDP planning maps for the four contiguous land parcels, and we reject this submission.

The Wright submission is recommended to be accepted to remove the TSL Overlay as the land is now privately owned and no longer held under Treaty Settlement. The Overlay is intended for land retained in Māori ownership, and removing the TSL Overlay will ensure the PDP planning maps accurately reflect the current land status. We concur with the reporting officer recommendation to remove the TSL Overlay from this specific land parcel and we accept this submission.

The Winch submission is recommended to be rejected because the TSL Overlay has not been applied to the identified land parcel, as confirmed by the PDP planning map review. Since the Overlay does not affect the property, there is no mapping error to correct, and we accept the reporting officer's recommendation that no PDP planning map changes be made and we reject this submission.

The submission of Te Aupōuri is accepted in part and rejected in part for the following land parcels identified above:

- For (a) and (c) the reporting officer confirms that these identified land parcels require no changes to the PDP planning maps as these properties are clearly identified and correctly mapped with the Treaty Settlement Land Overlay. We accept in part this submission.
- For (b) the identified land parcels were omitted from the PDP planning maps in error, and the Treaty Settlement Land Overlay will be applied to these properties and corrected on the PDP planning maps. We accept in part this submission.
- For (d) the identified land parcels sought the Treaty Settlement Land Overlay be applied to these properties, however no evidence has been provided to determine the land status in accordance with the PDP Definition for Treaty Settlement Land. We reject in part this submission.

4.14.3 Hearings Panel Recommendations

For the reasons above, the submissions on Treaty Settlement Land Overlay mapping matters are accepted, accepted in part, and rejected as described in the evaluation above and as set out in **Appendix. 4.2** and **Appendix 5.**

4.15 Key Issue 11 – TSL General / Plan Content / Miscellaneous

4.15.1 Matters Raised in Submissions and Evidence

There is broad support from multiple submitters (seven) and further submissions (seven) to retain the Treaty Settlement Land Overlay as a tool to recognise the cultural and economic purpose of returned land and reduce barriers to Māori development, and to be integrated with underlying zone rules to be effective. The reporting officer acknowledged and recommended accepting the multiple submissions.

There were two submissions (S379.011 and S379.003 Kahukuraariki Trust) that oppose the TSL Overlay and sought more enabling provisions for TSL Overlay, and one submission (S383.001 Trustees of Jet#2 Trust) that supported in part the TSL Overlay but

raised concerns about potential conflicts with objectives that could create sporadic use and development. No wording changes were suggested. A further submission (FS409.003) opposed The Trustees of Jet#2 Trust submission as it overlooks the need for Treaty Settlement land flexibility to support diverse settlement aspirations. The reporting officer recommended to reject the two opposing submissions because the TSL Overlay is designed to be enabling and provide more favourable provisions than the underlying zones in the PDP and the ODP.

The submission from the Trustees of Jet#2 Trust (S383.001) raised concerns that the TSL Overlay may conflict with Plan objectives and enable ad hoc or inconsistent development. The submitter sought consistent application of planning rules, suggesting the TSLO be limited to an informational overlay, with development guided instead by established planning tools like papakāinga, settlement or special purpose zones. The reporting officer advised no wording had been provided and the relief sought was unclear and recommended the submission be rejected.

Evidence presented by Mr Stuart Ryan on behalf of the Trustees of Jet#2 Trust acknowledged iwi aspirations to improve social, cultural, economic and environmental wellbeing post-settlement. However, concerns were raised about TSLO enabling broad exemptions from the District Plan rules, potentially providing for large scale development in sensitive landscapes without sufficient oversight. The submitter argued this diverges from the effects based, landowner neutral approach of the RMA, creating inconsistency in how rural development is managed. The scale of permitted activities under the TSLO may undermine landscape coherence, underlying zone objectives and regional policy direction. It was also noted that while Karikari Peninsula is not yet subject to Treaty Settlement, any future TSLO would likely be limited to a mapping change, restricting broader input or challenge through submissions. The reporting officer's right of reply report considered the TSLO provisions to be consistent with the RMA, which supports Māori development and recognises iwi planning documents, assesses cultural and economic benefits, and gives effect to regional policies supporting tangata whenua, and goes on to advise, while some TSLO rules are more permissive, others are not. The reporting officer considered the rules were appropriate and the requested changes were not supported.

4.15.2 Hearings Panel Evaluation

The submission from the Trustees of Jet#2 Trust (S383.001) and related evidence is not supported. While the concerns about potential over enablement and landscape effects are noted, the approach proposed to limit the TSLO to an informational tool and rely solely on existing zone frameworks would undermine the purpose and function of the Overlay. The TSLO is specifically designed to recognise the unique status and purpose of returned land under Treaty settlements, providing an enabling mechanism that reduces development barriers while maintaining appropriate environmental safeguards through underlying zone integration and rule frameworks.

The requested approach would remove the practical utility of the TSLO, potentially creating inequity between Treaty Settlement land and other Māori land, and in our view, would fail to give effect to higher-order policy direction supporting Māori economic, cultural, and environmental wellbeing under Te Tiriti o Waitangi, the RMA, and regional

policy statements. We find that the relief sought lacks clarity, provides no drafting detail, and would lead to inconsistency in plan implementation.

We recommend to reject the submissions as the TSLO framework is already appropriately balanced, enabling Māori development while retaining necessary checks and alignment with the RMA effects based approach and regional policy direction.

4.15.3 Hearings Panel Recommendations

For the reasons above, the submission from Trustees of Jet#2 Trust on TSLO are accepted, accepted in part, and rejected as described in the evaluation above and as set out in **Appendix. 2.2**.

5. Conclusion

We have received a number of submissions and heard detailed evidence on the MPZ and TSLO chapters, reflecting the importance of these provisions in recognising Māori rights, interests, and aspirations under Te Tiriti of Waitangi.

Having considered all submissions, evidence and assessments provided by the Council reporting officer, we are largely in agreement with recommendations made. Our additional recommendations and amendments are limited to targeted refinements that improve internal consistency, clarify implementation, and strengthen alignment between the MPZ, TSLO and the wider planning framework.

For the reasons set out in this recommendation report, we recommend adopting the amendments to the PDP provisions relating to the Māori Purpose zone, to the Treaty Settlement Land Overlay, and to the Glossary. Our recommended amendments to provisions are shown in **Appendices 2.1, Appendix 2.2** and **Appendix 3.** While our recommended amendments to the planning maps are identified in **Appendix 5.**

Our recommendations on submissions are set out in **Appendices 4.1 – 4.2.**

Overall, we find that these amendments enhance the clarity and workability of the MPZ and TSLO provisions, ensure better integration with underlying zones, and collectively give effect to national direction, statutory requirements, and the purpose and principles of the RMA.