

PAPAKĀINGA/KĀINGA NOHOANGA ZONE - RULE AMENDMENTS

Explanation

Plan Change 8 revised the internal boundary setback, road setback, coverage and earthworks rules for Māori land in the Papakāinga/Kāinga Nohoanga zone, to better facilitate use and development of that land.

The Plan Change extended the definition of Māori land which applies within the Papakāinga/Kāinga Nohoanga zone, to include general land owned by Māori within the zone which is not formally “Māori land” under the Te Ture Whenua Māori Act 1993 (TTWMA), but which is still owned by descendants of the original grantees of the Māori Reserve land under the Port Cooper, Port Levy or Akaroa Deeds of Purchase by the Crown in the mid 19th Century. This was done by adding to the definition of Māori Land in the District Plan, land owned by Maori which is in following categories:

- i) land where a status declaration under the Māori Affairs Amendment Act 1967 was made converting Māori freehold land to general title, and where there have been no subsequent changes of ownership;
- ii) land where one or more owners are able to provide written evidence of Whakapapa to the original grantees of the land as confirmed by the Te Runanga o Ngāi Tahu Whakapapa Unit or the Māori Land Court;
- iii) land which is vested in a Trust or Maori incorporation under the TTWMA; and
- iv) land which is owned by Runanga with authority over the area in which the original Maori Reserve is located.

There is no effect on the status of the land under the TTWMA.

The extended definition of Maori land will enable the revised internal boundary setback, road setback, coverage and earthworks rules to apply to further areas owned by Maori within the Papakāinga/Kāinga Nohoanga zone.

Papakāinga/Kāinga Nohoanga zones are provided in the District Plan at Rapaki, Koukourārata (Port Levy), Wairewa (Little River), Ōpukutahi (near Wainui) and Ōnuku, and are intended to facilitate and enable Ngāi Tahu whanau use and development of that ancestral land i.e. “coming home to live”. The zones correspond to the outer extent of the main concentrations of land in Christchurch District set aside as Māori Reserves in the mid 19th Century. Four of the zoned areas (those other than Opukutahi) are based around marae. There are some further smaller land areas in the District that are Māori Reserve land but without marae and which are not zoned as Papakāinga/Kāinga Nohoanga. Plan Change 8 has no effect on the planning status of Māori land or general land owned by Māori outside of the Papakāinga/Kāinga Nohoanga zones e.g. in rural zones in the District.

Land parcels in the Papakāinga/Kāinga Nohoanga zones are relatively fragmented. Previous setbacks requirements for Maori land within these zones leave little or no buildable area on many of the smaller sites in the zones. The setback rules add an additional constraint on development, to existing constraints resulting from properties frequently being in multiple ownership.

The primary objective of the zone is to facilitate and enable Ngāi Tahu whanau use and development of ancestral land in the zone. This objective would be given better effect to by reducing setbacks for Māori land, and therefore providing more flexibility for building locations which do not require resource consent. Internal boundary setback breaches in particular cause difficulty for Māori land. Under the RMA, if limited notification is to be avoided each property owner adjoining that boundary must be notified and their written approval obtained. This is often very difficult to achieve in multiple ownership situations if comprehensive and up-to-date records of all the owners' contact details are not available, causing delays and a possible need for limited notification. Reducing internal boundary setbacks will improve this situation.

Plan Change 8 significantly reduced the previous 15m road setback for buildings on Māori land to 3m, or 5m where the garage directly faces the road, and the previous 10m internal boundary setback for buildings on Māori land to 2m. As this could result in adverse visual and privacy effects for neighbours in some cases, a recession plane on those internal boundaries between different landowners' properties mitigated these effects, based on the standard Christchurch City recession plane rule.

In situations where there could be multiple buildings on communally owned land, the previous coverage limit of 35% could be restrictive so it is increased beyond what might otherwise be expected (to 50%), to recognise the unique nature of this form of land tenure, and an associated strong desire for kaitiakitanga. The previous coverage rule also assumed residential land use when the zone provided for a wider range of land uses than purely residential.

A more generous earthworks allowance (the same as for residential zones) is now allowed for Māori land in the zone, where sites are below 2000m².

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DISTRICT PLAN AMENDMENTS

Note: For the purposes of this plan change, any text proposed to be added by the plan change as notified is shown as **bold underlined** and text to be deleted as ~~**bold strikethrough**~~.

Text proposed to be added by the Council's decision is shown as **bold underlined text in red** and text to be deleted as ~~**bold strikethrough in red**~~.

Text in blue underlined font identifies existing terms defined in Chapter 2 – Definitions and/or links to other provisions in the District Plan and/or external documents. These have pop-ups and links, respectively, in the on-line Christchurch District Plan. Where a term is defined in the newly added bold text it will show as blue underlined text in bold.

Chapter 2 – Definitions

Māori land

in relation to Chapter 12 Papakāinga/Kāinga Nohoanga Zone, means land ~~with the following status in any one or more of the following categories or sub-categories:~~

- a. ~~Māori communal~~ Land gazetted **or determined by order of the Māori Land Court** as Māori reservation under s338 Te Ture Whenua Māori Act 1993; ~~and~~
- b. Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Māori Act 1993; ~~and~~
- c. Any land where:
 - i. a status declaration under the Māori Affairs Amendment Act 1967 was made converting Māori freehold land to general title, and where there have been no changes of ownership since the conversion other than to an owner's bloodline successor(s); or
 - ii. one or more owners are able to provide written evidence of Whakapapa to the original grantees of the land as confirmed by the Te Runanga o Ngāi Tahu Whakapapa Unit or the Māori Land Court; or
 - iii. the land is vested in a Trust constituted pursuant to Part 12 of Te Ture Whenua Māori Act 1993 or a Māori incorporation constituted pursuant to Part 13 of the Te Ture Whenua Māori Act 1993; or
 - iv. the land is owned by a Rūnanga with authority/mana over the area in which the original Māori reserve is located.

Chapter 8 – Subdivision, Development and Earthworks

8.9 Rules - Earthworks

8.9.2.1 Permitted activities- earthworks

Table 9: Maximum volumes – earthworks

Zone / Overlay		Volume
d. Residential and Papakāinga/Kāinga Nohoanga	i. All residential zones. ii. <u>Māori land within the Papakāinga/Kāinga Nohoanga zone where sites have an area of 2000m² or less.</u>	20m ³ / site
f. Rural and Papakāinga/Kāinga Nohoanga	i. All rural zones <u>and non-Māori land within the Papakāinga/Kāinga Nohoanga zone</u> (excluding excavation and filling associated with quarrying activities). ii. <u>Māori land within the Papakāinga/Kāinga Nohoanga zone where sites have an area of more than 2000m².</u>	100m ³ /ha

Chapter 12 –Papakāinga/Kāinga Nohoanga Zone

12.2.1 Objective - Use and development of Ngāi Tahu whānau ~~ancestral~~ land and other land

- a. Papakāinga/kāinga nohoanga zones facilitate and enable:
 - i. Ngāi Tahu whānau use and development of **Māori land** ~~ancestral land~~ to provide for kāinga nohoanga and their economic, social and cultural well-being and to exercise kaitiakitanga; and
 - ii. use and development of **non-Māori** land for activities appropriate in a rural area.

[....]

12.2.1.4 Policy – Rural activities

- a. Enable rural activities on ~~any~~ **non-Māori** land in a manner which is consistent with the [Rural Banks Peninsula Zone](#) provisions.

12.4.2 Built form standards - Māori Land

12.4.2.1 Internal boundary setback

- a. The minimum [setback](#) from internal [boundaries](#) for [buildings](#) and structures, shall be **10.2** metres and shall apply at the legal [boundary](#) of any property where it adjoins another property which is not held in the same ownership or used for the same development.

- b. Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).

12.4.2.2 Road boundary setback

- a. The minimum [setback](#) distance for any [building](#) from the [road boundary](#) shall be ~~15~~ **3** metres, or 5 metres where a garage has a vehicle door that faces a road.
- b. Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).

12.4.2.3 Building height

- a. The maximum [height](#) of any [building](#) shall be 9 metres. This standard shall not apply to art, carvings or other cultural symbols fixed to [Māori land](#) or to [buildings](#) on [Māori land](#).
- b. Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).

12.4.2.4 Recession planes

- a. Buildings and structures shall not project beyond a building envelope constructed by recession planes from points 2.3m above the internal boundary, as shown in Appendix 14.16.2 Diagram B.
- b. The recession plane shall only apply to the midpoint of each section of wall and roof of a building, as shown in Appendix 14.16.2B.
- c. This rule shall only apply at the legal boundary of any property where it adjoins another property which is not held in the same ownership or used for the same development.
- d. Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).

Advice note:

1. Refer to Appendix 14.16.2 for permitted intrusions.

12.4.2.54 Maximum coverage

- a. The maximum percentage of [net site area](#) covered by [buildings](#) shall be ~~35%~~ **50%**.
- b. Any application arising from this rule shall not be publicly notified and may be limited notified only to directly abutting land owners (where the consent authority considers this is required, and absent written approval).

12.4.2.65 Water supply for firefighting

[....]

12.4.3 Activity status and built form rules- non-Māori ~~other~~ land

- a. In the Papakāinga /Kāinga Nohoanga Zone, on land which is not ~~held as~~ [Māori land](#), the activity status and built form rules applicable to the Rural Banks Peninsula Zone apply.

~~Advice note:~~

~~The built form standards in Rule 12.4.2 do not apply to Rule 12.4.3.~~

Chapter 14 –Residential

Appendix 14.16.2 Recession planes

Add the following wording under Diagram B:

- In the Residential Hills zone and on Māori land within the Papakāinga /Kāinga Nohoanga zone