

Attachment B – Officer’s Recommended Amendments

Māori Purpose Zone provisions

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Matamata-Piako District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).

MPZ – Māori Purpose Zone | Wāhi Kaupapa Māori

Overview

The Māori population in the Matamata-Piako District is growing and is expected to continue to grow. Many areas of Māori Land in the District are underutilised, meaning that the potential of this land to support and enhance the social, cultural and economic wellbeing of tangata whenua is yet to be unlocked.

The intent of the Māori Purpose Zone is to recognise existing developments on ancestral lands, as well as to enable the establishment of residential activities and ancillary social, cultural, economic, conservation and recreation activities. Sites within the District identified as MPZ-PREC1-Papakāinga Tahī have Māori Freehold status under Te Ture Whenua Māori Act 1993. They include existing marae, as well as directly adjoining land that has the potential to be developed for papakāinga. These sites are generally located within rural areas, where infrastructure and services are limited. Any new papakāinga development will need to ensure that adequate provision for servicing can be accommodated on site. Furthermore, Council recognises that some areas may have existing constraints (such as flooding) and further investigations will need to be undertaken by the owner / developer to determine development suitability.

Sites within the District identified as MPZ-PREC2-Papakāinga Rua have existing papakāinga located at Rukumoana Road, Kutia Road, Gillet Road and State Highway 27. These sites are connected to Council services and therefore have the ability to provide for further housing, subject to maintaining on site amenity, and maintaining the amenity of adjoining properties.

Objectives

MPZ-O1	Enable Māori to maintain and enhance their traditional and cultural relationship with their ancestral lands, <u>water, sites, waahi tapu, and other taonga</u> ¹ and to enhance their social, economic and cultural wellbeing.
MPZ-O2	Enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga.
MPZ-O3	Manage adverse effects of buildings, structures and activities on the amenity values, character and quality of the surrounding environment, including reverse sensitivity effects.

Policies

MPZ-P1	To provide for marae and papakāinga on ancestral land, including residential activities, and ancillary social, cultural, economic, conservation and recreation activities.
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¹ Submission 26.1

MPZ-P2	<p>For MPZ-PREC2-Papakāinga Rua</p> <p>To recognise existing papakāinga in the district and to enable further development of housing on these sites, only where:</p> <p>(a) The land is and will continue to be Māori Freehold land in perpetuity; or</p> <p>(b) A legal mechanism is in place to ensure the land will be maintained <u>remain</u> in <u>either iwi, hapū or</u>² whānau ownership in perpetuity.</p>
MPZ-P3	To maintain the amenity of adjoining properties by controlling the bulk and location of buildings and structures at the interface of the zone.
MPZ-P4	<p>Papakāinga (including non-residential activities) shall be of a scale that does not adversely affect:</p> <p>(a) The safe and efficient operation and functioning of the surrounding transport network; and</p> <p>(b) The functioning of legitimate land uses on adjacent sites.</p>
MPZ-P5	(c) To ensure sites have provision for the treatment and disposal of stormwater and wastewater, and the provision of water, electricity and telecommunications.
MPZ-P6	(d) To promote on-site amenity through setbacks, landscaping, open space and communal areas.
MPZ-P7	(e) To ensure an integrated and sustainable management approach to development by requiring the preparation of Papakāinga Development Plans.
MPZ-P8	<p>Subdivision of papakāinga shall only occur where:</p> <p>(a) It can be demonstrated that the papakāinga will remain in iwi, <u>hapū or whānau</u>³, ownership in perpetuity; and</p> <p>(b) The subdivision will not compromise the functionality of the papakāinga; and</p> <p>(f) Infrastructure services are provided for each lot. Some of these services may be communal (for example: a shared wastewater system).</p>

² Submissions 54.4, 5.6 and 54.37

³ Submissions 54.4, 5.6 and 54.37

MPZ-PREC1–Papakāinga Tahī

MPZ-PREC1-R(1) PER Activities	
<i>All permitted activities must comply with the general and relevant activity specific standards. The general standards are listed in MPZ-PREC1-R(5)(a) to MPZ-PREC1-R(5)(f). Activity specific standards are identified under the following activity rules.</i>	
(a)	Demolition and alteration of buildings and structures except those outlined in Schedules 1 and 2
(b)	Relocatable buildings
(c)	Accessory buildings
(d)	Marae-related activities
(e)	Marae
(f)	One kāinga (residential unit) per 5000m² of site area, up to a maximum of ten kāinga (residential units) per site
	<ul style="list-style-type: none"> (i) The Record of Title on which the kāinga will be located must have been issued prior to 21 December 2022. (ii) A Māhere Ahu Papakāinga (Papakāinga Development Plan) must be submitted to Council prior to (or with) any application for building consent for two or more kāinga (residential units). The Plan shall show the entire papakāinga development (although the development may be staged) and must include: <ul style="list-style-type: none"> (a) A site plan demonstrating compliance with the relevant standards of the Māori Purpose Zone and other relevant rules of the District Plan. <u>This includes, but is not limited to, requiring a site suitability report as per Rule 1.2.2(vii) and 11.3.⁴</u> (b) The bulk, scale and location of existing, proposed and future buildings and structures. (c) The location of solid waste storage areas and a statement as to how waste shall be managed.

⁴ Submission 2.5

	<p>(d) The location of any archaeological site, heritage site, waahi tapu site, or any other scheduled item under the District Plan.</p> <p>(e) How the development will be serviced with three waters infrastructure, electricity and telecommunications.</p> <p>(f) Compliance with the transportation provisions, including parking, location and formation of vehicle crossings and access arrangements.</p> <p>(g) Location of overflow parking for events or commercial activities.</p> <p>(h) Landscaping and communal areas.</p> <p>(i) Any proposed staging for the development.</p>
(g)	<p>Ahumahi -ā- kāinga (Home business)</p> <p>A maximum of one home business per residential unit is permitted on the site, subject to compliance with the following standards:</p> <ul style="list-style-type: none"> (i) A maximum of two full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the residential unit; (ii) The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3,500kg or more) on site; (iii) The sale of goods directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site; (iv) The total area dedicated to a home occupation shall be limited to 60m² floor area. This may include up to 20m² outdoor areas for the activity including storage subject to this area being screened by fencing and/or landscaping to a minimum height of 1.8m; (v) A maximum outdoor area of 10m² for the display of goods for sale in addition to (iv). This rule is a maximum total area for all home businesses on site combined; (vi) Includes non-self-contained visitor accommodation for up to six people. Only one visitor accommodation per site is permitted; (vii) All on site activities must individually and collectively comply with all permitted activity standards; (viii) Shall not involve any pet day care or grooming services; and (ix) The hours for delivery and collection of goods as well as onsite customer visits shall be between 7.30am to 5.30pm, Monday to Sunday. (x) All vehicle loading and parking shall be provided on-site.
(h)	<p>Whare Hapori (Community facilities), Whare Akomanga (Education facilities), Whare Hauora (Healthcare facilities)</p> <ul style="list-style-type: none"> (i) The Record of Title on which the facility will be located must have been issued prior to 21 December 2022. (ii) The total gross floor area of the community facility, education facility and/or healthcare facility combined shall not exceed 150m², or 10% of the net site area (whichever is the lesser). (iii) The facilities shall be established only where: <ul style="list-style-type: none"> (a) The site is adjoining a marae; or (b) The site is part of a papakāinga with 5 or more kāinga (residential units).
(i)	<p>Urupā</p> <p>The edge of the urupā shall be set back 10m from the property boundary.</p>
(j)	<p>Earthworks</p>

	<ul style="list-style-type: none"> (i) Shall not exceed a volume of more than 1000m³ and an area of more than 2000m² over any single consecutive 12-month period. (ii) All site works shall be reinstated within 6 months of works commencing. (iii) Works must not affect or be located within any archaeological site heritage site, waahi tapu site, or any other scheduled <u>site or</u> item under the District Plan⁵. (iv) Works must not involve the excavation or disposal of contaminated land/materials. (v) Works shall be set back 5m from any overland flow path and 10m from any water body. <p><u>Exclusion:</u></p> <p>Any earthworks which:</p> <ul style="list-style-type: none"> (vi) Have been approved as part of a land use or subdivision consent, or (vii) Are for the removal of topsoil for building foundations and/or driveways, or (viii) Any earthworks associated with utility installation, maintenance, upgrading and/or removal where the ground surface is fully reinstated within one month from when the work started.
(k)	Any other activity that is permitted within the Rural Zone.
	<ul style="list-style-type: none"> (i) Compliance with the relevant standards of the Rural Zone.

MPZ-PREC1-R(2) RDIS Activities	
(a)	<p>Any permitted activity which does not comply with one or two general standards listed in MPZ-PREC1-R(5)(a) to MPZ-PREC1-R(5)(f).</p> <p><u>Matters of discretion:</u></p> <p>In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:</p> <ul style="list-style-type: none"> (i) The adverse effects on the amenity values of nearby residents, including outlook, privacy, and shading. (ii) The ability to mitigate adverse effects, including through landscaping. (iii) Effects on the transportation network. (iv) In relation to the river protection yard, any adverse effects on the river environment. (v) On site amenity values. (vi) Adverse effects relating to the bulk and dominance of buildings and structures. (vii) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites. (viii) Management of waste. (ix) The effect of increased coverage on the ability to effectively dispose of stormwater within the boundaries of the site. (x) The effect of increased coverage on the ability to effectively treat and dispose of wastewater within the boundaries of the site.
MPZ-PREC1-R(3) DIS Activities	

⁵ Submission 54.22

In considering any application for a discretionary activity, Council shall have regard to the matters outlined in Section 1.4.30 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.

(a)	Any permitted activity which does not comply with three or more general standards listed in MPZ-PREC1-R(5)(a) to MPZ-PREC1-R(5)(f)
(b)	Activities that do not comply with an activity specific condition in MPZ-PREC1-R(1)(a) to MPZ-PREC1-R(1)(k).
(c)	More than ten kāinga (residential units) per site, or up to ten kāinga (residential units) that exceed the density limit as specified in MPZ-PREC1-R(1)(f).
(d)	Communal living arrangement
(e)	Commercial activities (other than what is provided as part of a home business)

MPZ-PREC1-R(4) NC Activities

In considering any application for a non-complying activity, Council shall have regard to the matters outlined in Section 1.4 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.

(a)	Any activity not provided for
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MPZ-PREC1-R(5) Standards

MPZ-PREC1-R(5)(a) to MPZ-PREC1-R(5)(f) are general standards for all permitted activities in MPZ-PREC1. The table MPZ-R(1) outlines additional standards that need to be complied with in other sections of the District Plan (where relevant).

(a)	Maximum height
	<p>The maximum height of buildings shall not exceed 10m.</p> <p>The maximum height rule does not apply to a single design feature or building component, which does not exceed the maximum permitted height by more than 2 metres and/or an external dimension of 2 metres in any other direction (excluding diagonal measurements).</p>
(b)	Height in relation to boundary

	<p>No part of any building shall exceed a height of 3m plus the shortest horizontal distance between that part of the building and the nearest site boundary, provided that this shall not apply:</p> <ul style="list-style-type: none"> (i) to the apex of the gable ends of a roof, being no more than 1m² in area (See Appendix 2), or (ii) a design feature or building component that does not exceed an external measurement of 2 metres in any direction (excluding diagonal measurements); and (iii) subject to no more than a total of two design features or building components (including the apex of a gable end) encroaching through the height relative to boundary plane of all boundaries. <p><u>Unless:</u> Written consent of all property owners contiguous to the building/structure is obtained, subject to compliance with the Building Act 2004.</p>
(c)	<p>Yards</p> <ul style="list-style-type: none"> (i) Front yard: 25m (ii) Side and rear yard: 20m (iii) River protection yard: 20m <p><u>Provided that:</u></p> <ul style="list-style-type: none"> (a) The side and rear yard for habitable buildings (excluding marae, community, education, and healthcare facilities) may be reduced to 10m so long as the written consent of all property owners contiguous to the habitable building is obtained. (b) Non-habitable buildings and structures (excluding marae, community, education, and healthcare facilities) may be erected on any rear and/or side yard so long as the written consent of all property owners contiguous to any building/structure is obtained, subject to compliance with the Building Act 2004.
(d)	<p>Fences and walls</p> <p>No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.</p>
(e)	<p>Maximum building coverage</p> <p>The maximum building coverage shall not exceed 10% of the net site area.</p>
(f)	<p>Solid waste</p>

- (i) Each kāinga (residential unit) shall have a service area which meets the following:
- ~~(a)~~ Has a minimum area of **3m²–10m², with a minimum dimension of 3m.**⁶
 - (b) Is readily accessible from the residential unit.
 - (c) **Rubbish and/or refuse storage shall be**⁷ ~~is~~ screened from a public road or other public place.
 - (d) Is set back 10m from the boundary of another property.
- (ii) A marae, community facility, healthcare and/or education facility shall have a service area which meets the following:
- (a) Has a minimum area of 10m² adjacent to each facility, with a minimum dimension of 3m.
 - (b) The service area may be a combined area where there are multiple facilities. In this case, the minimum area is 20m², with a minimum dimension of 3m.
 - (c) Is screened from the public road or other public place.
 - (d) Is set back 10m from the boundary of another property.

⁶ Submissions 54.18 and 54.27

⁷ Submissions 54.18 and 54.27

MPZ-PREC2–Papakāinga Rua

MPZ-PREC2-R(1) PER Activities	
<p><i>All permitted activities must comply with the general and relevant activity specific standards. The general standards are listed in MPZ-PREC2-R(5)(a) to MPZ-PREC2-R(5)(f). Activity specific standards are identified under the following activity rules.</i></p>	
(a)	One kāinga (residential unit) per Record of Title
(b)	One kāinga (residential unit) per 500m² of site area
	<p>This rule only applies for sites in MPZ-PREC2 that either:</p> <ul style="list-style-type: none"> (i) Have Māori Freehold land status; or (ii) Have a legal mechanism in place to ensure the land will be maintained remain in <u>either iwi, hapū or</u>⁸ whānau ownership in perpetuity.
(c)	Relocatable buildings
(d)	Accessory buildings
(e)	Earthworks
	<ul style="list-style-type: none"> (i) Maximum cut or fill height: <ul style="list-style-type: none"> (a) 0.5m within minimum building setback. (b) 1.5m outside minimum building setback. (ii) All site works shall be reinstated within 6 months of works commencing. (iii) Maximum volume of earthworks is 100m³ within any 12 month period. (iv) Works must not affect or be located within any archaeological site heritage site, wahi tapu site, or any other scheduled <u>site or</u> item under the District Plan⁹ (v) Works cannot involve the excavation or disposal of contaminated land/materials. (vi) Works shall be set back 5m from any overland flow path and 10m from any water body. <p><u>Exclusion:</u> Any earthworks which:</p> <ul style="list-style-type: none"> (vii) Have been approved as part of a land use or subdivision consent; or (viii) Are for the removal of topsoil for building foundations and/or driveways; or (ix) Any earthworks associated with utility installation, maintenance, upgrading and/or removal where the ground surface is fully reinstated within one month from when the work started.

MPZ-PREC2-R(2) RDIS Activities

⁸ Submissions 54.4, 5.6 and 54.37

⁹ Submission 54.22

(a)	<p>Any permitted activity which does not comply with one or two general standards listed in MPZ-PREC2-R(5)(a) to MPZ-PREC2-R(5)(f).</p> <p><u>Matters of discretion:</u></p> <p>In assessing any application for a restricted discretionary activity, Council shall have discretion over the following matters:</p>
	<ul style="list-style-type: none"> (i) The adverse effects on the amenity values of nearby residents, including outlook, privacy, and shading. (ii) The ability to mitigate adverse effects, including through landscaping. (iii) Effects on the transportation network (for non-compliances related to the road boundary). (iv) On site amenity values. (v) Adverse effects relating to the bulk and dominance of buildings and structures. (vi) Management of waste. (vii) The effect of increased coverage on the ability to effectively dispose of stormwater within the boundaries of the site.

MPZ-PREC2-R(3) DIS Activities	
<i>In considering any application for a discretionary activity, Council shall have regard to the matters outlined in Section 1.4.30 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.</i>	
(a)	Earthworks that do not comply with an activity specific condition in MPZ-PREC2-R(1)(e).
(b)	Any permitted activity which does not comply with three or more general standards listed in MPZ-PREC2-R(5)(a) to MPZ-PREC2-R(5)(f).

MPZ-PREC2-R(4) NC Activities	
<i>In considering any application for a non-complying activity, Council shall have regard to the matters outlined in Section 1.4 of the District Plan. However, there is no limit or restriction on the matters or effects that may be assessed.</i>	
(a)	Any activity not provided for

MPZ-PREC2-R(5)	
<i>MPZ-PREC2-R(5)(a) to MPZ-PREC2-R(5)(f) are general standards for all permitted activities in MPZ-PREC2. The table MPZ-R(1) outlines additional standards that need to be complied with in other sections of the District Plan (where relevant).</i>	
(a)	<p>Maximum height</p> <p>The maximum height of buildings shall not exceed 10m.</p> <p>The maximum height rule does not apply to a single design feature or building component, which does not exceed the maximum permitted height by more than 2 metres and/or an external dimension of 2 metres in any other direction (excluding diagonal measurements).</p>

(b)	Height in relation to boundary
	No part of any building shall exceed a height of 3m plus the shortest horizontal distance between that part of the building and the nearest site boundary, provided that this shall not apply:
	<ul style="list-style-type: none"> (i) To the apex of the gable ends of a roof, being no more than 1m² in area (see Appendix 2), or (ii) A design feature or building component that does not exceed an external measurement of 2 metres in any direction (excluding diagonal measurements); and (iii) Subject to no more than a total of two design features or building components (including the apex of a gable end) encroaching through the height relative to boundary plane of all boundaries. <p><u>Unless:</u> Written consent of all property owners contiguous to the building/structure is obtained, subject to compliance with the Building Act 2004.</p>
(c)	Yards
	<ul style="list-style-type: none"> (i) Front yard (for sites adjoining a State Highway or Morrinsville-Walton Road): 15m (ii) Front yard (for all other sites): 5m (iii) Side and rear yard: 3m <p><u>Provided that:</u> Buildings and structures may be erected on any rear and/or side yard so long as the written consent of all property owners contiguous to any building/structure is obtained, subject to compliance with the Building Act 2004.</p> <p><u>Note:</u> For sites located along a state highway or railway line corridor, internal noise levels for buildings shall comply with the acoustic insulation standards in Rule 5.2.9.</p>
(d)	Fences and walls
	No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.
(e)	Maximum building coverage
	The maximum building coverage shall not exceed 35% of the net site area.
(f)	Solid waste
	<p>Each kāinga (residential unit) shall have a service area which meets the following:</p> <ul style="list-style-type: none"> (i) Has a minimum area of 3m²-10m², with a minimum dimension of 3m.¹⁰ (ii) Is readily accessible from the residential unit. (iii) <u>Rubbish and/or refuse storage shall be</u>¹¹ is screened from a public road or other public place.

MPZ-R(1) Other Plan Provisions

¹⁰ Submissions 54.18 and 54.27

¹¹ Submissions 54.18 and 54.27

All activities in MPZ-PREC1 and MPZ-PREC2 shall comply with the relevant standards / rules identified in the following sections of the District Plan:

- Rule 1.2: Development Suitability
- Rule 3.5: Activities adjacent to the National Grid
- Rule 3.6: Development adjacent to sub-transmission lines
- Rule 3.7: Approach and restart sight triangles and railway crossings
- Rule 3.8: Activities adjacent to flood control assets
- Rule 3.9: Signage
- Rule 5.1: Conservation
- Rule 5.2: Noise
- Rule 5.3: Vibration
- Rule 5.4: Lighting and glare
- Rule 5.5: Air emissions
- Rule 5.6: Management of disposal of wastes
- Rule 5.7: Use and storage of hazardous substances
- Rule 5.9: Infrastructure and servicing
- Section 6: Subdivision
- Section 7: Development contributions
- Section 8: Works and network utilities
- Section 9: Transportation
- Section 10: Natural environment and heritage
- Section 11: Natural hazards
- Section 12: Surface of water

MPZ Principal Reasons

MPZ-PR1	The provisions seek to enable settlement patterns, activities and development in accordance with kaupapa Māori and tikanga. They recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
MPZ-PR2	In relation to MPZ-PREC1-R(1)(f), the Papakāinga Development Plan is required to ensure an integrated approach to development (including future development) is achieved. This is only required where two or more residential units on a site are proposed. If subdivision is envisaged, this should be considered at the initial development phases to ensure the site is comprehensively designed, with the required infrastructure in place (in accordance with MPZ-P8).
MPZ-PR3	In relation to MPZ-PREC2-R(1)(b), this rule is required to ensure the papakāinga is retained in perpetuity and not sold outside of the whanau, hapū or iwi ¹² . A legal mechanism may include a management structure under Te Ture Whenua Māori Act 1993 (for example an ahu whenua trust or whānau trust). Independent legal advice is recommended.

¹² Submissions 54.4, 5.6 and 54.37

