

## Chapter 17.2 — Papakainga and Maori Purpose Areas

### 17.2.1 Introduction

#### 17.2.1.1 Background

The tangata whenua of Manukau include various tribal and sub-tribal groups, who are the descendants of the crew of the Tainui canoe. These groups include Wai-o-hua, Wai-o-hua te Ahi Waru, Wai-o-hua te Akitai and Ngati te Ata all of Waikato, and Ngati Paoa, Ngai Tai and Ngati Tai of both Hauraki and Waikato. While traditional settlement patterns have been nearly totally disrupted since the 1860s there is still ownership or occupation of small pockets of ancestral lands or papakainga areas within the City at Umupuia, Ihumatao, Pukaki, and Te Puea.

There are also areas of land at Manurewa and Otara that are used for Marae based activity or for other Maori purpose activity such as kokiri. These areas are referred to as Maori Purpose areas.

While Papakainga and Maori Purpose areas in the city are relatively small in size they play a significant role in the traditional, spiritual, cultural and social life of respective tribal and Maori groups.

#### 17.2.1.2 The Concept of Papakainga

The term 'Papakainga' is often used to describe a village settlement. However, the concept of papakainga has a deeper meaning. While 'kainga' refers to '*place of abode*', 'papa' refers to '*the earth floor/site of a native house*' indicating the strong association that each community has with the land. Traditional papakainga embrace and immortalise tipuna (ancestors) and give tangata whenua, *turangawaewae*, a place of belonging. They connect tangata whenua in a long chain of being back to the beginning of time. Traditional papakainga are therefore a spiritual home for the iwi and hapu with ancestral links to that area.

#### 17.2.1.3 Maori Purpose Areas

The identification of Maori Purpose areas allows opportunity, particularly for Maori whose tribal links are outside Manukau (taurahere) to establish with some certainty, Maori cultural institutions and participate in activity that reflects Maori customs and values.

### 17.2.2 Resource Management Issues

Three resource management issues relating to the City's Papakainga and Maori Purpose areas have been identified. A summary of each issue prefixes each issue statement.

#### Issue

- 17.2.2.1 The ability of tangata whenua to live on, develop and manage traditional papakainga in accordance with tikanga Maori has not always been readily accommodated within the policy framework set up to manage resources. Tangata whenua therefore have not been able to properly provide for their own well-being.**

Tangata whenua have customary rights guaranteed by Te Tiriti o Waitangi. The ability to exercise these contributes to their well-being. These rights include the ability to exercise rangatiratanga and kaitiakitanga, authority and control over taonga. Section 5(2) of the Act requires Council in undertaking its functions under the Act to manage resources in a way that enables people to provide for their own well-being within the limits of Section 5(2)(a)(b)(c). Section 6(e) of the Act requires Council to recognise and provide for the relationship of Maori and their culture and traditions with their taonga. Papakainga are taonga. Section 6(f) of the Act also requires the Council to recognise and provide for the protection of historic heritage

(including historic sites, archaeological sites and sites of significance to Maori, including waahi tapu) from inappropriate subdivision, use, and development. Section 8 of the Resource Management Act obliges Council to take into account the principles of Te Tiriti o Waitangi. These principles include the principle of tribal rangatiratanga. Section 7(a) of the Act requires Council, in undertaking its duties under the Act to have particular regard to kaitiakitanga. Kaitiakitanga is an instrumental part of rangatiratanga. Tangata whenua's ability to protect taonga including papakainga which are part of their heritage is enhanced by enabling rangatiratanga and kaitiakitanga over their taonga. [AM89]

Section 6(f) of the Act also requires the Council to recognise and provide for the protection of historic heritage (including historic sites, archaeological sites and sites of significance to Maori, including waahi tapu) from inappropriate subdivision, use, and development.

These legislative provisions cumulatively oblige Council to ensure there is opportunity for tangata whenua to live on, develop and manage their ancestral lands in accordance with tikanga Maori (Maori customary values and practices). This is not possible within the policy framework set up for other urban and rural activity.

#### Issue

##### **17.2.2.2 There has not always been certainty for Maori to establish Maori cultural institutions in the City.**

The well-being of Maori, who have migrated from tribal areas outside Manukau City or who have experienced a loss of cultural origins, can be adversely affected if there is not opportunity to establish Maori cultural institutions that meet their needs. The identification of specific areas of land as Maori Purpose areas gives greater certainty for this to occur. Otherwise the needs of Maori may be overlooked because predominant cultural values sometimes prevail.

Section 8 of the Resource Management Act requires the Council, in undertaking its functions under the Act to take into account the principles of the Treaty of Waitangi. These principles include the intention to afford an appropriate priority and respect to Maori people.

#### Issue

##### **17.2.2.3 The adverse effects of activities associated with Papakainga and Maori Purpose Areas on the environment are relatively limited and minor in nature. However, activities have the potential to create some adverse effects, particularly on adjacent properties.**

While activities associated with Papakainga and Maori Purpose areas generally do not generate significant adverse effects on the environment, they do have some potential to create adverse effects. These include off-site effects on adjoining properties. For example, the development of housing on Papakainga that is close to residential boundaries can have the same types of potential effects that any residential development has on adjoining residential amenity (e.g. loss of sunlight, and reduced privacy for neighbours). The development and use of buildings and facilities for social, cultural and educational purposes also has the potential to create adverse effects on neighbouring residential amenity, for example, effects from noise, traffic movement and parking. Other effects of activities include impacts on landscape values, particularly in rural areas. For example, Pukaki, and Umupuia are located within rural areas, with the marae at Umupuia located in an area that has been identified as being of higher sensitivity to landscape changes. Ihumatao Papakainga is located within the Metropolitan Urban Limits as identified in the Auckland Regional Policy Statement. [AM109]

### **17.2.3 Objectives**

#### **17.2.3.1 To provide opportunity for tangata whenua to live on, develop and exercise rangatiratanga over traditional Papakainga in accordance with tikanga Maori (Maori customary values and practices).**

*(This objective relates to Issue 17.2.2.1)*

- 17.2.3.2 To provide certainty for Maori to establish Maori cultural institutions and activities that contribute to their well-being on identified areas of urban land.**

*(This objective relates to Issue 17.2.2.2)*

- 17.2.3.3 To protect local environmental quality including the amenity values of adjoining properties, the natural environment and local landscape values while still enabling Papakainga and Maori Purpose areas to be used in accordance with tikanga Maori (Maori customary values and practices).**

*(This objective relates to Issue 17.2.2.3)*

## **17.2.4 Policies**

- 17.2.4.1 Papakainga should be able to be developed in a way that allows a range of activities associated with papakainga to be established.**

### **Explanation/Reasons**

*(This policy seeks to achieve Objective 17.2.3.1)*

*The development and use of tangata whenua ancestral lands may involve a range of activities, including whanau and kaumatua housing, kohanga reo, kokiri, marae buildings, farming and the exchange of goods. The choice of activities is dependent on the requirements and desires of tangata whenua, and should not be unnecessarily curtailed or restricted. To provide for the needs of tangata whenua, a number of activities need to be permitted that may not otherwise be permitted under the policies of the surrounding zone(s), which is primarily either Rural or Residential. This is an appropriate policy in the context of the requirements of papakainga, and given that papakainga are blocks of land within which a range of activities could occur generally without creating detrimental effects beyond the perimeter of the zone.*

*Papakainga are also important means for tangata whenua to preserve and exercise their traditions and culture, and to maintain their relationship with ancestral lands, water, sites and other taonga. This should include recognising the principles of rangatiratanga (tribal authority) and hapu self-management.*

### **Methods**

- Zoning
- Rules — Activity Table

- 17.2.4.2 Any adverse effects of activities associated with Papakainga or Maori Purpose areas on adjoining properties, in particular on:**

- (a) access to sunlight and daylight;
  - (b) privacy; and
  - (c) the acoustic environment;
- should be avoided, remedied or mitigated.

**Explanation/Reasons**

*(This policy seeks to achieve Objective 17.2.3.3)*

*Activities within Papakainga or Maori Purpose areas have the potential to create some adverse effects on the quality of the local environment beyond the boundaries of the zone. This includes the potential adverse effects of intensive development and clusters of buildings on the amenity values of adjoining properties, such as buildings close to boundaries limiting neighbours access to sunlight and daylight. Papakainga and Maori Purpose areas should be managed in a way that protects neighbouring properties from such potential adverse effects, in a manner that is generally consistent with relevant policies of the Plan.*

**Methods**

- Rules — Development and Performance Standards

**17.2.4.3 Any adverse effects of development, occurring at Ihumatao, Pukaki and Umupuia on the landscape values of rural areas should be mitigated in a way that does not limit activity that is necessary for the development of papakainga.**

**Explanation/Reasons**

*(This policy seeks to achieve Objective 17.2.3.3)*

*Three of the papakainga are located within or adjoining rural areas of the City. One of these, Ihumatao, is already a well developed settlement. The other two settlements, Umupuia and Pukaki, are located within the rural coastal environment, on the shores of the Hauraki Gulf (Umupuia) and the Manukau harbour (Pukaki). Umupuia, in particular, is located in an area that has been identified as a highly sensitive landscape. Intensive development in these locations could impact on the visual character of the areas, and development should be managed to mitigate adverse effects on the landscape values. However, this policy should not be applied in a way that undermines the intention of both texts of Te Tiriti o Waitangi which is to afford Maori appropriate priority and respect and thereby allow them to manage their ancestral lands in keeping with tikanga Maori. Tangata whenua may have different values or priorities to the landscape values currently identified.*

**Methods**

- Rules — Development and Performance Standards

**17.2.4.4 The natural environment should not be adversely affected by the development and use of Papakainga and Maori Purpose areas.**

**Explanation/Reasons**

*(This policy seeks to achieve Objective 17.2.3.3).*

*All Papakainga and Maori Purpose areas are located on the edge or adjacent to water bodies; streams, or the coast. Some include or are adjacent to pockets of bush, mangroves or other natural habitats and resources. The development and use of the papakainga has the potential to adversely affect these natural resources, by stormwater or effluent soakage. This policy seeks to address this potential area of effects.*

**Methods**

- Rules — Development and Performance Standards

**17.2.4.5 A range of activities that enable Maori people to provide for their well-being should be able to be located on identified Maori Purpose areas.**

**Explanation/Reasons**

*(This policy seeks to achieve Objective 17.2.3.2.)*

*This policy ensures opportunity for activities that will support Maori cultural institutions to be established on identified sites. For the Otara site, which is essentially undeveloped, it ensures the nature of development is not unnecessarily prescribed or limited.*

**Methods**

- Zoning
- Rules — Activity Table

**17.2.5 Papakainga and Maori Purpose Areas Strategy**

The strategy for managing Papakainga and Maori Purpose areas is based on the following:

- avoiding, remedying or mitigating any adverse effects of activities associated with Papakainga and Maori Purpose areas at the external boundaries of the areas;
- enabling rangatiratanga and self-management of Papakainga and Maori Purpose areas to the fullest extent possible.
- affording appropriate priority for the establishment of a range of activities associated with Papakainga and Maori Purpose areas.

**17.2.6 Implementation**

**17.2.6.1 Regulatory Methods**

**17.2.6.1.1 Papakainga and Maori Purpose Zones**

The most effective method of achieving the management objectives for Papakainga and Maori Purpose areas is to identify and manage the development, use and protection of resources within Papakainga and identified Maori Purpose areas as a separate zone. This method clearly identifies and recognises the presence and importance of Papakainga and Maori Purpose areas in Manukau City. It provides a management framework for addressing the issues, in a manner that is consistent with the overall framework of the Plan. The rules applying to the Papakainga and Maori Purpose Zones address the avoidance, remedy or mitigation of adverse effects of the development and use of Papakainga and Maori Purpose areas while still providing a range of opportunities for their development.

The Papakainga and Maori Purpose zones have been applied to those areas within the City that have already been identified as special areas to tangata whenua or local Maori.

Ihumatao, Pukaki, Te Puea, and Umupuia are ancestral areas of settlement. Land at Manurewa is set aside as a Maori reservation for the purpose of a marae site for the common use and benefit of the people

of Manurewa. The site at Otara is in Crown ownership and has been used for the purposes of operating a Kokiri (skills training centre).

#### **17.2.6.1.2 Rules — Activities in the Papakainga and Maori Purpose Zones**

##### **Permitted Activities**

Within the Papakainga and Maori Purpose zones, a range of activities are permitted that provide for the general purposes of papakainga, as the potential for creating adverse effects is generally minor, provided that the activity meets the specified development and performance standards. Such standards avoid or mitigate any adverse effects of activities on the local environment.

The site specific identification and known circumstances of Papakainga and Maori Purpose areas provides the opportunity for there to be greater flexibility about the type and range of permitted activities that can occur on these sites compared to the areas zoned Main Residential. There is not the same potential for cumulative effects since papakainga are limited in number and size. There is greater opportunity for residential activity to be made a permitted activity at Pukaki than on the other Papakainga because Pukaki is fully serviced with a sewer, stormwater and water supply system.

##### **Controlled Activities**

The effects of controlled activities cannot be managed by prescribed development and performance standards alone. Activities (e.g. multiple household units) except at Pukaki have primarily been made controlled activities for the purposes of ensuring appropriate service provision, for example for stormwater and sewerage disposal.

##### **Restricted Discretionary or Discretionary Activities**

There are some activities which have the potential to create adverse effects which may not be able to be avoided or mitigated. Activities which increase waste water volumes at Umupuia fall into this category, in recognition of the unserviced nature of the site. Urupa have been made a restricted discretionary activity as there is a possibility that they could cause ground water contamination.

#### **17.2.6.1.3 Rules — Development and Performance Standards**

To protect amenity values and the quality of the environment, development and performance standards are applied to activities. Such standards particularly apply to the potential effects outside the Papakainga and Main Purpose zone boundaries.

#### **17.2.6.2 Non-regulatory methods**

##### **17.2.6.2.1 Consultation**

Council will use consultation with the representatives of the respective Papakainga and Main Purpose areas to address any issues that arise from any adverse effects of activities associated with these areas. This may be achieved by the involvement of the Council's Maori Liaison Officer. Other methods might be through the use of pre-hearing meetings or other consultative techniques.

### 17.2.6.2.2 Services

Council has contributed to the provision of servicing facilities at some Papakainga. For example, at Pukaki all servicing facilities such as the stormwater system and water supply system were built by Council.

Council can offer advice services to the respective communities associated with each Papakainga and Maori Purpose area in respect of development requirements under the Building Act. The Council can also offer advice on design solutions to any development issues that may arise.

## 17.2.7 Anticipated Environmental Results

The implementation of the policies and methods for papakainga is expected to have the following environmental results:

- Enhanced iwi/hapu self-management of Papakainga;
- Papakainga within the City developed and used in accordance with tikanga Maori;
- Established Maori cultural institutions;
- A high quality of amenity values within and adjacent to Papakainga and Maori Purpose areas;
- Protected rural landscape values;
- Good local environmental quality;
- A range of housing types within Papakainga;
- A degree of mixed activity within Papakainga and Maori Purpose areas.

## 17.2.8 Procedures for Monitoring

The Council will, in consultation with tangata whenua, develop monitoring procedures that will assess the effectiveness of the provisions of the Plan in achieving the resource management objectives for the Papakainga and Maori Purpose areas.

## 17.2.9 Description and Explanations of Zones

### 17.2.9.1 Papakainga Zone

The Papakainga zone encompasses ancestral lands that are owned or occupied by tangata whenua and are associated with traditional marae.

### 17.2.9.2 Maori Purpose Zone

The Maori Purpose Zone encompasses two sites where Maori cultural institutions or other activities that enable Maori to provide for their own well-being can be established.



## 17.2.10 Rules — Activities

### 17.2.10.1 Activities in the Papakainga and Maori Purpose Zones

Activities in the Papakainga and Maori Purpose zones shall comply with the following:

- (a) All permitted activities in Activity Table 17.2.10.2 shall comply with the Development and Performance Standards in Rule 17.2.11 and any relevant Additional Development and Performance Standards for Specified Activities in Rule 17.2.11.A.
- (b) All controlled activities in Activity Table 17.2.10.2 shall comply with the General Development and Performance Standards in Rule 17.2.11 and any relevant Additional Development and Performance Standards for Specified Activities in Rule 17.2.11.A. Council shall exercise control over those matters specified in Rule 17.2.12
- (c) All restricted discretionary activities shall comply with the Development and Performance Standards in Rule 17.2.11 and any relevant Additional Development and Performance Standards for Specified Activities 17.2.11.A.
- (d) All discretionary activities in Activity Table 17.2.10.2 will be assessed against any relevant matters in Section 104 of the Act.
- (e) Any activity not listed in Activity Table shall be deemed a non complying activity.
- (f) Unless special circumstances exist, a resource consent application for a controlled activity or a restricted discretionary activity shall not be notified, and the written approval of affected persons need not be obtained.
- (g) For notification procedures under the Resource Management Act 1991 see Rules 5.2.2, 5.2.3, 5.2.4 and 5.3.3.1 of Chapter 5 General Procedures and Rules.

#### **Note: Activities Sensitive to Aircraft Noise in the Papakainga and Maori Purpose Zones**

Any Activity Sensitive to Aircraft Noise (“ASAN”) and certain additions to an ASAN for which provision is made in this zone as a permitted, controlled, restricted discretionary or discretionary activity:

- are subject to Rule 5.21, and
- may also become a controlled, restricted discretionary, discretionary or non-complying activity by reason of Rule 5.21

if the subject site is located within the High Aircraft Noise Area or the Moderate Aircraft Noise Area. Therefore, in the case of an ASAN and certain additions to an ASAN in this zone, reference should be made to Rule 5.21.

(Refer to Chapter 18 for the definition of “Activity Sensitive to Aircraft Noise”)



**17.2.10.2 Activity Table**

In the table below, the terms used have the following meanings:

P = Permitted Activity

C = Controlled Activity

(R)D = Restricted Discretionary Activity

D = Discretionary Activity

NC = Non-Complying Activity

ACTIVITY (USE/BUILDING)	PAPAKAINGA ZONE (TE PUEA AND IHUMATAO)	PAPAKAINGA ZONE (PUKAKI)	PAPAKAINGA ZONE (UMUPUIA)	MAORI PURPOSE ZONE
Accessory buildings not exceeding 81m <sup>2</sup> in area and not exceeding a maximum height of 4.0m	P	P	P	P
Any activity that does not meet the development and performance standards in Rules 17.2.11, 17.2.11.A.1, 17.2.11.A.4 and 17.2.11.A.5 <b>Note:</b> ASAN's in the HANA and the MANA and within Ldn57 dbA area ( shown on Appendix 2E to Planning Maps ) are subject to Rule 5.21	(R)D	(R)D	(R)D	(R)D
Activities that are permitted activities in the Business 1 zone, provided they do not exceed a gross floor area of 500m <sup>2</sup> <b>Note:</b> ASAN's in the HANA and the MANA and within Ldn57 dbA area ( shown on Appendix 2E to Planning Maps ) are subject to Rule 5.21	D	D	D	D
Activities which may have an adverse effect on any Scheduled Heritage Resource in Schedules 6A–6G of Chapter 6	Refer to Rules in Chapter 6 — Heritage			
Buildings and facilities used for educational, recreational, cultural, social, or community purposes including marae complex, churches, schools, kokiri and administration buildings complying with Rule 17.2.11.A.4. <b>Note:</b> ASAN's in the HANA and the MANA and within Ldn57 dbA area ( shown on Appendix 2E to Planning Maps ) are subject to Rule 5.21	P	P	P	P
Childcare services and facilities including kohanga reo for up to 10 children complying with Rule 17.2.11.A.3. <b>Note:</b> within the HANA and the MANA and within Ldn57 dbA area (shown on Appendix 2E to the Planning Maps) subject to Rule 5.21	P	P	P	P
Childcare services and facilities including kohanga reo for more than 10 children <b>Note:</b> within the HANA and the MANA and within Ldn57 dbA area (shown on Appendix 2E to the Planning Maps) subject to Rule 5.21	C	P	(R)D	C
Community and Health Care Services staffed by not more than 2 persons <b>Note:</b> ASAN's in the HANA and the MANA and within Ldn57 dbA area ( shown on Appendix 2E to Planning Maps ) are subject to Rule 5.21	P	P	P	P

ACTIVITY (USE/BUILDING)	PAPAKAINGA ZONE (TE PUEA AND IHUMATAO)	PAPAKAINGA ZONE (PUKAKI)	PAPAKAINGA ZONE (UMUPUIA)	MAORI PURPOSE ZONE
Community and Health Care Services and Facilities staffed by more than 2 persons <b>Note:</b> ASAN's in the HANA and the MANA and within Ldn57 dbA area ( shown on Appendix 2E to Planning Maps ) are subject to Rule 5.21	C	C	(R)D	(R)D
Construction of a single household unit complying with Rule 17.2.11.A.1 <b>Note:</b> within the HANA and the MANA and within Ldn57 dbA area (shown on Appendix 2E to the Planning Maps) subject to Rule 5.21	P	P	P	P
Constructing, erecting or altering any one or more buildings for the purpose of providing 2 or more new or 1 or more additional household units, complying with Rule 17.2.11.A.1. <b>Note:</b> within the HANA and the MANA and within Ldn57 dbA area (shown on Appendix 2E to the Planning Maps) subject to Rule 5.21	C	P	C	C
Demolition/removal, the internal or external restoration, repair or alteration of any existing buildings on the site (except those buildings listed in Schedule 6A)	P	P	P	P
Farming (excluding farm forestry) complying with Rule 13.11.2.5 Residential Areas Chapter 13	P	P	P	P
Greenhouses not exceeding 200m <sup>2</sup> in area	P	P	P	(R)D
Hazardous Facilities and Substances	Refer to Chapter 10.1 — Hazardous Facilities and Substances			
Home Enterprises [AM61]	Refer Section 5.18.5, Chapter 5 — General Procedures and Rules			
Integrated Intensive Housing <b>Note:</b> within the HANA and the MANA subject to Rule 5.21 and within Ldn57 dbA area (shown on Appendix 2E to the Planning Maps)	(R)D	C	(R)D	(R)D
Kaumatua Housing <b>Note:</b> within the HANA and the MANA subject to Rule 5.21 and within Ldn57 dbA area (shown on Appendix 2E to the Planning Maps)	C	P	(R)D	C
Land Modification, Development and Subdivision	Refer to Chapter 9 — Land Modification, Development and Subdivision			
Land set aside for Public Open Space purposes	P	P	P	P
Minor Household unit <b>Note:</b> within the HANA and the MANA subject to Rule 5.21 and within Ldn57 dbA area (shown on Appendix 2E to the Planning Maps)	P	P	P	P
Network Utility Services	Rules in Chapter 7 — Network Utility Services apply			
Parking, Access and Loading	Refer to Chapter 8 and Rule 17.2.11.2			
Relocated Buildings	Refer to Section 5.17 Chapter 5 — General Procedures and Rules			
Residential activities <b>Note:</b> ASAN's in the HANA and the MANA and within Ldn57 dbA area ( shown on Appendix 2E to Planning Maps ) are subject to Rule 5.21	P	P	P	P

ACTIVITY (USE/BUILDING)	PAPAKAINGA ZONE (TE PUEA AND IHUMATAO)	PAPAKAINGA ZONE (PUKAKI)	PAPAKAINGA ZONE (UMUPUIA)	MAORI PURPOSE ZONE
Residential Centres accommodating not more than 10 persons inclusive of owners family and staff <b>Note:</b> within the HANA and the MANA subject to Rule 5.21 and within Ldn57 dbA area (shown on Appendix 2E to the Planning Maps)	P	P	P	P
Residential Centres accommodating more than 10 persons <b>Note:</b> within the HANA and the MANA subject to Rule 5.21 and within Ldn57 dbA area (shown on Appendix 2E to the Planning Maps)	C	P	(R)D	C
Retail activity provided that buildings do not exceed a gross floor area of 100m <sup>2</sup> complying with Rule 17.2.11.A.5	P	P	C	P
Subdivision	C	C	C	C
Signs	Rules in Chapter 5 — General Procedures and Rules apply			
Temporary Activities	Rules in Chapter 5 — General Procedures and Rules apply			
Traveller's Accommodation	D	D	D	D
Urupa	D	D	D	D

### 17.2.11 Rules — Development and Performance Standards

All permitted, controlled and restricted discretionary activities shall comply with the following Rules.

#### Rule

##### 17.2.11.1 Noise

- (a) All activities carried out in the Papakainga and Maori Purpose zones shall not exceed the noise performance standards in Table A below which shall apply at the boundary of Papakainga and Maori Purpose and other zones.

Table A: Papakainga &amp; Maori Purpose Noise Performance Standards

CATEGORY	ACTIVITY	AVERAGE MAXIMUM NOISE LEVEL			MAXIMUM NOISE LEVEL
		L <sub>10</sub> dBA			L <sub>MAX</sub> dBA
		Monday to Saturday 7am–6pm (0700–1800)	Monday to Saturday 6pm–10pm (1800–2200)  Sunday and Public Holidays 7am–10pm (0700–2200)	At all other times	10pm–7am (2200–0700)
1	Activities on sites other than those described in category 2	45	40	35	65 (or the background plus 30, whichever is the lower)
2	Activities on sites located adjacent to business zones 4, 5, 6, and where the background noise level is 50 dBA or greater when measured during the period of 7am–6pm (0700–1800)	50	45	40	70 (or the background plus 30, whichever is the lower)

- (b) Noise which is intermittent and/or limited in duration (for example: lawn mowing and other customary property and house maintenance activities but not including the playing or amplification of music) and is associated with normal household activities shall be exempt from the above standards provided that property and house maintenance shall comply with the requirements of Rule 5.18.3.6 Chapter 5 General Procedures and Rules.

**Rule****17.2.11.2 Vehicle Parking, Access and Loading**

Activities locating within Papakainga or Maori Purpose Zones shall comply with the parking access and loading provisions in Chapter 8 — Transportation *except that* household units, located on Maori land held in common title zoned Papakainga, shall only be required to provide one carparking space for each household unit.

**Rule****17.2.11.3 Building Height in Relation to Boundary**

All buildings and structures in the Papakainga and Maori Purpose Zones shall comply with the Building Height in Relation to Boundaries Control as specified in Rule 5.18.1 Chapter 5 General Procedures and Rules.

**Rule****17.2.11.4 Yards**

- (a) Yard requirements specified in the Yard Table Rule 13.11.1.5 for the Main Residential Zone (Chapter 13 — Residential Areas) shall apply at the boundaries of the Papakainga and Maori Purpose Zones with residential or rural zones.
- (b) Yard requirements specified in the Yard Table Rule 13.11.1.5 for the Main Residential Zone (Chapter 13 — Residential Areas) shall apply at the boundaries of separate lots

not owned by the same person(s), unless the written approval of adjoining property-owner(s) is obtained.

**Rule****17.2.11.5 Intensity Conditions**

- (a) Where Papakainga or Maori Purpose zones are divided into separate titles in individual ownership, household units shall not exceed a density of one household unit per 400m<sup>2</sup> net site area *except that* for sites 1000m<sup>2</sup> net site area or greater, household density shall not exceed one household unit per 300m<sup>2</sup> of site area. Site (Building) coverage for the purpose of this Rule shall be 35% and maximum building height shall be 8.0m.
- (b) Where Papakainga or Maori Purpose zones include single large contiguous blocks of land under common title, density shall not exceed 50% maximum site (building) coverage and a maximum building height of 8.0m. The maximum site (building) coverage shall be determined by including the building coverage of all buildings, residential or otherwise on the site.
- (c) Integrated intensive housing within papakainga zones shall be subject to Appendix 1 Chapter 13 — Residential Areas 'design code for intensive housing'.

**Rule****17.2.11.5.1 Exceptions, Modifications, and Qualifications to Intensity Conditions**

- (i) A maximum height limit of 10.0m shall apply to the following:
  - wharenuui (meeting house)
  - wharekai (dining hall)
- (ii) No account shall be taken of projections or decorative features including tekoteko (ancestral finial figures) that do not exceed:
  - 1.5m above the maximum permitted height at 8.0m or for wharenuui and wharekai, the maximum permitted height of 10.0m; and
  - 2.0m in any horizontal direction.

**Rule****17.2.11.5.2 Other Development and Performance Standards**

- (a) Rules 5.14.9 (Signs); 5.16.1 (Temporary Activities); 5.17.3 (Relocated Buildings); 5.18.2 (Artificial Lighting); 5.18.4 (Vibration) apply. Chapter 5 General Procedures and Rules shall apply.
- (b) Rules in Chapter 6 — Heritage shall apply.
- (c) Rules in Chapter 9 — Land Modification, Development and Subdivision shall apply.
- (d) Rules in Chapter 10.1 — Hazardous Facilities and Substances shall apply.

**Explanation/Reasons**

*The provisions for vehicle parking, natural hazards, the coastal environment, subdivision and land modification are generally consistent with those for the general residential zones. There is some relaxation of carparking provisions for traditional papakainga areas where the land is held in common as the effects of such provision on the environment is seen to be minor.*

*Other standards (such as height) are consistent with the general residential provisions, of the Plan. However the need to provide for greater flexibility within a papakainga zone is recognised. This flexibility is needed to contribute to a greater degree of self-management, to recognise the different types of land tenure that may exist within papakainga, and to generally enable a community with specific needs to provide for its well being.*

*Yard and sunlight/daylight access provisions specifically recognise different land ownership types in papakainga zones and allow a greater degree of flexibility where land is owned under common title. They seek at the same time to protect adjacent properties in adjoining zones from any adverse environmental effects. The provisions for noise also seek to prevent the 'spill' of any adverse environmental effects into adjacent zones.*

*The intensity conditions have been written to achieve residential amenity, in ways that take into account different land tenures. For land divided into separate lots the minimum site size has been set at the amount allowed in the main residential zone. Site coverage has been increased to 50% for ancestral papakainga areas because the cumulative impacts of development are less relevant as the extent of the papakainga areas are well defined. The provision also better enables tangata whenua to provide for their well-being over time as new beneficiaries will have interests in the land.*

#### **Rule**

##### **17.2.11.A Additional Development and Performance Standards: Specified Activities**

All activities listed below shall comply with the development and performance standards in Rule 17.2.11. In addition the following additional development and performance standards shall be complied with for specified activities.

#### **Rule**

##### **17.2.11.A.1 Household Units — Private Open Space**

Single household units on sites less than 500m<sup>2</sup> net site area and the construction, erection or alteration of any one or more buildings for the purpose of providing 2 or more new or one or more additional units on land divided into separate title in individual ownership shall comply with the Private Open Space requirements of the Main Residential Zone Rule 13.11.2.1 Residential Areas Chapter 13.

#### **Rule**

##### **17.2.11.A.2 Home Enterprises [Deleted by AM61 See Plan Change No. 10]**

#### **Rule**

##### **17.2.11.A.3 Child Care Services and Facilities, including Kohanga Reo for up to 10 children**

The outdoor play area shall be screened from any adjoining properties zoned residential by a 1.8 metre high close boarded fence;

#### **Rule**

##### **17.2.11.A.4 Buildings and facilities used for educational, recreational, cultural, social or community purposes including marae complex, churches, schools and administration buildings**

These facilities shall be located a minimum of 20 metres from a zone boundary.

#### **Rule**

##### **17.2.11.A.5 Retail activity provided that buildings do not exceed a gross floor area of 100m<sup>2</sup>**

- (a) Any storage or service delivery areas shall be screened from any adjoining properties zoned rural or residential by a 1.8 metre high closed boarded fence.
- (b) Hours of operation shall not exceed 7 am – 10 pm, Monday – Sunday inclusive for sites zoned Maori Purposes.

- (c) Any building shall be located a minimum distance of 10 metres from a residential zone boundary.
- (d) The activity shall be sited on land held in common title and there shall be a maximum of one facility for each Papakainga and Maori Purpose Zone.

### **Explanation/Reasons**

*General residential standards relating to home enterprises are considered to be appropriate to such activity within Papakainga and Maori Purpose zones except the restriction that members of that household must be engaged in the activity. The provision above recognises that 'household' may be more fluid and less easily defined in Maori communities and has therefore replaced the use of that term with more appropriate references.*

*Childcare facilities such as Kohanga Reo have been recognised as a vital and integral part of the functioning of a Papakainga or areas set aside as Maori Purpose and as such privacy within the zone have been given less priority, and a minimum of restrictions is considered necessary. Screening has been retained as an effective way in which to preserve the amenity of sites in adjacent zones. Community buildings including marae buildings are also recognised and provided for as essential and integral components in a papakainga and have therefore been allowed with a buffer distance between such facilities and adjacent zones.*

*Provisions for farming and subdivision are the same as the main residential zone which are comparable in character as effects from these activities are likely to remain constant from zone to zone.*

*Opportunity is given for the establishment of a small retail premise such as a shop so that Papakainga can develop as self-contained communities if desired.*

## **17.2.12 Rules — Matters for Control: Controlled Activities**

All controlled activities shall comply with the development and performance standards in Rule 17.2.11. In addition, the Council reserves control over the following matters for specified activities.

### **Rule**

**17.2.12.1 Construction, erection, or alteration of any one or more buildings for the purpose of providing 2 or more new or 1 or more additional household units; Residential Centres accommodating more than 10 persons; Kaumatua housing; Childcare services and facilities including kohanga reo for more than 10 children; Community and Health Care Services and Facilities staffed by more than two persons.**

### **Rule**

**17.2.12.1.1 Council reserves control over the following matters for the activities specified in 17.2.12.1 above for all Papakainga and Maori Purpose zones and may impose conditions in respect of each:**

- (a) Servicing in particular stormwater drainage, potable water supply and sewage disposal.
- (b) Building Design and Site Layout.
- (c) Scale and Intensity



**17.2.12.1.2** When assessing an application for a controlled resource consent for activities described in 17.2.12.1 above, the Council will have regard to the following assessment criteria and any relevant matters in S.104 of the Act:

(a) **Servicing**

Refer to assessment criteria Chapter 9 — Land Modification and Subdivision.

(b) **Building Design and Site Layout**

- (i) whether vehicular access/egress ensures pedestrian and vehicular safety;
- (ii) whether carparking areas are sited in a way that would avoid or mitigate visual or acoustic effects on adjoining residentially zoned properties, for example by screening or planting.
- (iii) whether any adverse effects of activity on the visual amenity including any identified landscape values in the surrounding residential or rural neighbourhood or coastal environment can be mitigated.

(c) **Scale and Intensity**

- (i) Whether the scale and intensity of any proposed development will cause any adverse effects on adjoining residentially zoned land.

**Rule**

**17.2.12.2 Integrated Intensive Housing — Pukaki**

**Rule**

**17.2.12.2.1** Council reserves control over the following matters for integrated intensive housing located at Pukaki and may impose conditions in respect of each:

- (a) Neighbourhood Layout
- (b) Site Design

**17.2.12.2.2** When assessing a controlled resource consent application for integrated intensive housing at Pukaki, the Council will have regard to the performance criteria in the 'design code for intensive housing' Appendix 1, Chapter 13 Residential Areas and any relevant matters in Section 104 of the Act.

## **17.2.13 Matters for Discretion: Restricted Discretionary Activities**

All restricted discretionary activities shall comply with the Development and Performance Standards in Rule 17.2.11. In addition the Council shall exercise discretion over the following matters for specified activities.

**Rule**

**17.2.13.1** Childcare services and facilities including kohanga reo for more than ten children; Kaumatua Housing; and Residential Centres accommodating more than ten persons sited at Umupuia.

**Rule**

**17.2.13.1.1** Council restricts the exercise of its discretion to the following matters when assessing an application for the activity 17.2.13.1 and may impose conditions in respect of it.

- (a) Servicing, including disposal of sewerage or stormwater to be processed through ground soakage and potable water systems.
- (b) Landscape Values
- (c) Access & Egress

**17.2.13.1.2** When assessing a restricted discretionary resource consent application for the activity 17.2.13.1 at Umupuia, Council will have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act.

(a) **Servicing**

Refer to Assessment Criteria Chapter 9 Land Modification and Subdivision.

(b) **Landscape Values**

- (i) Whether the development respects the landscape values as identified in the South East Manukau Visual Assessment, Report for Manukau City Council, prepared by LA4 Landscape Architects 1994 or mitigates any adverse effects on identified landscape values.
- (ii) Whether tangata whenua wish to promote a different concept of landscape amenity in this locality.

(c) **Access & Egress**

Whether provision for access and egress ensures vehicular and pedestrian safety and avoids traffic conflicts.

**Rule**

**17.2.13.2** Integrated Intensive Housing

**Rule**

**17.2.13.2.1** Council restricts the exercise of its discretion to the following matters when assessing a restricted discretionary resource consent application for Integrated Intensive Housing and may impose conditions in respect of each:

- (a) Servicing
- (b) Elements in the 'design code for intensive housing' (Appendix 1 — Chapter 13 Residential Areas)
- (c) Intensity

**17.2.13.2.2** When assessing an application for a restricted discretionary resource consent for Integrated Intensive Housing, Council will have regard to the following assessment

criteria and any relevant matters in Section 104 of the Act and may impose conditions in respect of each:

(a) **Servicing**

Refer to Assessment Criteria Chapter 9 Land Modification and Subdivision.

(b) **Elements in the 'design code for intensive housing'.**

The performance criteria in the 'design code for intensive housing' will be used as assessment criteria.

(c) **Intensity**

Whether design, site layout and the application of the 'design code for intensive housing' mitigates any adverse effects on amenity values.

**Rule**

**17.2.13.3 Community and Health Care Services and Facilities staffed by more than 2 persons**

**Rule**

**17.2.13.3.1 Council restricts the exercise of its discretion to the following matters which assessing a restricted discretionary resource consent application for the above activity 17.2.13.3 and may impose conditions in respect of each:**

(a) **Servicing**

(b) **Site Layout/Screening**

(c) **Access and Egress**

(d) **Signs**

**17.2.13.3.2 When assessing a restricted discretionary resource consent application for the above activity 17.2.13.3 Council will have regard to the following assessment criteria and may impose conditions in respect of each:**

(a) **Servicing**

Refer to Assessment Criteria Chapter 9 Land Modification and Subdivision.

(b) **Site Layout/Screening**

Whether the siting and/or screening of buildings and structures including carparking areas avoids or mitigates adverse effects on the amenity values of any adjoining properties zoned residential or rural.

(c) **Access and Egress**

Whether provisions for access and egress ensure vehicular and pedestrian safety.

(d) **Signs**

Whether the siting of any signs ensures pedestrian and vehicular safety.

**Rule****17.2.13.4 Greenhouses****Rule**

**17.2.13.4.1** Council restricts the exercise of its discretion to visual amenity when assessing a restricted discretionary resource consent application for Greenhouses and may impose conditions with respect to visual amenity.

**17.2.13.4.2** When assessing a restricted discretionary resource consent application for Greenhouses Council will have regard to the assessment criteria in 13.13.4.2 Chapter 13, Residential Areas and any relevant matters in Section 104 of the Act.

**Rule**

**17.2.13.5** Any activity that does not meet the development and performance standards in Rule 17.2.11, 17.2.11.A.1, 17.2.11.A.4 and 17.2.11.

**Rule**

**17.2.13.5.1** Council restricts the exercise of its discretion to the matters specified in the Table B below when assessing a restricted discretionary resource consent application for activities specified in 17.2.13.5 and may impose conditions in respect of each:

**17.2.13.5.2** When assessing a restricted discretionary resource consent application for any activity specified in 17.2.13.5, Council will have regard to the relevant assessment criteria below as specified in Table B, and any relevant matters in Section 104 of the Act.

(a) **Noise Mitigation Measures**

Whether the noise mitigation measures such as insulation of buildings is proposed.

(b) **Hours of Operation**

Whether the hours of operation are limited so that any adverse effects of noise is mitigated.

(c) **Site Layout**

Whether adverse effects on the acoustic environment and visual privacy of adjoining residentially zoned properties is avoided, remedied or mitigated.

(d) **Visual Amenity**

Whether the effects of the variation to the development and performance standards are minor, and does not adversely affect the visual amenity of the local environment.

(e) **Servicing**

Whether the activity can be serviced in terms of matters in Chapter 9 Land Modification and Subdivision.

(f) **Scale**

Whether the scale of the development enhances good architectural design.

Whether the scale adversely affects streetscape values.

(g) **On Site Amenity**

Whether any departure from the development and performance standards adversely affects access to sunlight and daylight, privacy and the acoustic environment of adjoining residentially zoned properties.

### 17.2.14 Assessment Criteria — Discretionary Activities

Without limiting its discretion, the Council will have regard to those matters specified in Section 13.14 of the Residential Areas Chapter 13 and any relevant matters in S.104 of the Act.

DEVELOPMENT & PERFORMANCE STANDARDS	TABLE B						
	MATTER FOR DISCRETION						
	(A) NOISE MITIGATION MEASURES	(B) HOURS OF OPERATION	(C) SITE LAYOUT	(D) VISUAL AMENITY	(E) SERVICING	(F) SCALE	(G) ON-SITE AMENITY
Rule 17.2.11.1 (Noise)	*	*	*				*
Rule 17.2.11.2 (Vehicle Parking Access and Loading)	Refer to Rules 8.23 and 8.24 Chapter 8 Transportation						
Rule 17.2.11.3 Building Height in Relation to Boundary	Refer to Rule 5.18.2 Chapter 2 — General Procedures and Rules						
Rule 17.2.11.4 (Yards)			*	*			*
Rule 17.2.11.5 (Site Coverage)				*	*	*	*
Rule 17.2.11.5 (Height)				*		*	*
Rule 17.2.11.5 (Density)				*		*	*
Rule 17.2.11.A.1 (Private Open Space)				*			*
Rule 17.2.11.A.4 (Minimum Yard Buildings for Recreational)	*	*	*	*			*
Rule 17.2.11.A.5 (Gross Floor Area) Retail Activity	*	*	*				*

#### Rule

#### 17.2.14.1 Additional assessment criteria for particular discretionary activities.

In addition to the matters specified in Section 13.14 of the Residential Areas Chapter 13, Council will have regard to the following assessment criteria for the specified discretionary activity.

##### 17.2.14.1.1 Urupa

#### (a) Location

- Whether the siting of the urupa avoids, remedies or mitigates any adverse environmental effects on adjoining properties zoned residential or rural or public open space.

#### (b) Effects on Ground Water

- Whether an urupa would cause leachate emergence or contamination to groundwater.