

**OVERVIEW**

The Papakaianga Zone provides particular recognition and provision for the relationship of tangata whenua of Banks Peninsula with their ancestral lands. The term ‘Papakaianga’ can mean original home and is sometimes used to describe a village settlement. The concept of papakaianga has a deeper meaning expressing the strong relationship the Maori community has with ancestral land. Ancestral and traditional papakaianga give Turangawaewae, or a place of belonging to tangata whenua, who have a Whakapapa or genealogical connection with ancestral land.

The Resource Management Act requires in Section 6(e) of Part II that Councils shall recognise and provide for “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga”.

The area provides for a wide range of activities in order to meet the cultural and traditional needs of the tangata whenua. At the same time some of the activities which may be undertaken in the Zone have the potential to generate adverse effects on the environment, particularly on adjoining properties. Accordingly, standards are applied to some activities and others are controlled or discretionary depending on their potential impact on the environment.

The provisions of the Papakaianga Zone are intended to be applied to ancestral lands of the runanga of Banks Peninsula. At the time of notification of the proposed District Plan the Papakaianga Zone has been applied to two locations in the District, at Rapaki and Port Levy. The Zone may, in future, be applied to other localities. This will occur by way of a change to the Plan, on application from the appropriate runanga. Applications will need to demonstrate that the objectives and policies of the Plan and the Zone can be met.

<b>ISSUE 1</b>	<b>The difficulties Maori can experience in expressing their cultural relationship with ancestral lands.</b>
<b>OBJECTIVE 1</b>	<b>To recognise and provide for the cultural relationship of Maori with ancestral lands in the Papakaianga Zone.</b>

**POLICIES**

- 1A** The Papakaianga Zone shall be applied to identified areas of ancestral lands which are turangawaewae to the tangata whenua of Banks Peninsula.
- 1B** Activities giving expression to the relationship of Maori, their culture and traditions with ancestral lands shall be recognised and provided for in a manner which avoids, remedies or mitigates adverse effects on the environment.

**EXPLANATION AND REASONS**

Banks Peninsula contains a number of locations of traditional importance to Maori which provide a place of belonging, a spiritual home and ancestral links to particular areas. The Act requires the Council to recognise and provide for the relationship of Maori and their culture and traditions with these ancestral lands.

The application of the Papakaianga Zone to ancestral lands identified by runanga will foster the relationship of Maori with their ancestral lands.

<b>ISSUE 2</b>	<b>Planning controls can pose difficulties for tangata whenua establishing and managing facilities on ancestral lands which sustain their culture and traditions.</b>
<b>OBJECTIVE 2</b>	<b>To enable the tangata whenua to carry out activities and establish and manage facilities on ancestral lands which sustain their culture and traditions.</b>

**POLICIES**

- 2A** A wide range of activities required for the relationship of Maori with their ancestral lands shall be provided for in the Papakaianga Zone.
- 2B** The status of and standards for activities shall be clearly stated in the provisions for the Papakaianga Zone.

**EXPLANATION AND REASONS**

Section 8 of the Act cites the ability of Maori to exercise customary authority over ancestral lands as one of the principles of the Treaty of Waitangi and a contribution to well-being. Section 6(e) also requires the Council to recognise and provide for the relationship of Maori and their culture and traditions with ancestral lands.

Planning controls can pose constraints on the ability of Maori to maintain their traditional values and practices and relationship with ancestral lands.

Flexibility can be provided by allowing a wide range of activities in the Papakaianga Zone. Certainty can be provided by setting out the status, standards, objectives and policies against which applications for discretionary activities will be assessed.

<b>ISSUE 3</b>	<b>Some activities in the Papakaianga Zone may have an adverse effect on the environment or the amenity of adjoining properties and may require additional controls to avoid, remedy or mitigate any such effects.</b>
<b>OBJECTIVE 3</b>	<b>To protect the natural environment and external amenity values from significant adverse effects of activities in the Papakaianga Zone.</b>

### **POLICIES**

- 3A** Activities requiring earthworks, such as the construction of new residential buildings and associated access, shall not be undertaken in locations which are identified as being prone to soil and slope instability without an appropriate engineering/geotechnical investigation.
- 3B** Earthworks should be controlled so as to avoid the creation or exacerbation of soil or slope stability problems and to avoid the siltation of water bodies.
- 3C** The scale and form of buildings should be integrated with and complement the surrounding landforms and vegetation.
- 3D** Buildings and structures should be sited so that they do not detract from important elements in the surrounding rural landscape.
- 3E** The bulk, location, height, scale and appearance of buildings in the Papakaianga Zone should not adversely effect the amenity of adjoining properties which are not within the Zone.
- 3F** The nature, character and intensity of activities in the Papakaianga Zone and any generated effects such as traffic and noise shall not detract from the amenity of adjoining properties which are not within the Zone.
- 3G** The scale and intensity of any proposed activity should be compatible with activities already established in the locality.
- 3H** Building platforms and vehicular access should take into account the topography of sites and visual amenity.
- 3I** Activities should not generate noise, dust or odours to the extent that they compromise the amenity of the rural environment.
- 3J** Any site subject of a proposal should be of sufficient size to substantially contain any potential effects on amenity within the site.
- 3K** Levels of noise should be consistent with those generated by surrounding activities.

**EXPLANATION AND REASONS**

The standards and controlled, discretionary *and non-complying* activity status for certain activities in the Papakaianga Zone will ensure that any potential adverse effects of those activities on the environment and adjoining properties are avoided, remedied or mitigated.

Some of the activities, which may be undertaken in the Zone, have the potential to generate adverse effects on the environment, particularly on adjoining properties outside the Papakaianga Zone. The objectives and policies seek to control the off-site effects of those activities.

<b>ISSUE 4</b>	<b>Ancestral lands tenure may be in a variety of forms which could require subdivision and the creation of new allotments in response to growth, development or change in the relationship of Maori with their ancestral lands.</b>
<b>OBJECTIVE 4</b>	<b>To allow subdivision of ancestral lands in the Papakaianga Zone in response to growth, development or change in the relationship of Maori with their ancestral lands.</b>

**POLICIES**

- 4A** Consent to subdivision below the minimum area for controlled activities within the Papakaianga Zone shall be granted where the subdivider is tangata whenua, has the written approval of the runanga and where the subdivision meets the objectives, policies and standards of the Papakaianga Zone.
- 4B** All sites within unserviced settlements must be able to accommodate the effects of on site sewerage.

**EXPLANATION AND REASONS**

The creation of new allotments by subdivision, cross-lease or unit title may be required for the purposes of meeting changing circumstances in the relationship of Maori with their ancestral lands. However, minimum site sizes for subdivision in other Zones may not be appropriate to runanga in some circumstances. Subdivision by tangata whenua to enable the maintenance of links to ancestral land may be appropriate to provide for the relationship of Maori with their ancestral lands.

All effluent from sites within unserviced settlements must be disposed of so that any adverse effects on the environment are avoided, remedied or mitigated.

**METHODS TO ACHIEVE OBJECTIVES AND POLICIES**

- Identification of ancestral lands on which Maori seek to exercise their culture and traditions.
- Providing for a range of activities, which are allowed in the Zone as either permitted, controlled, or discretionary activities.
- Plan rules, which control the adverse effects of buildings in the Papakaianga Zone on properties in adjoining Zones.
- Plan rules, which control the adverse effects of activities in the Papakaianga Zone on properties in adjoining Zones.

**RULES****1. Permitted Activities**

The following are permitted activities where they meet the conditions for permitted activities set out in Rule 3 (below):

- a) The erection of dwellings.
- b) Marae.
- c) Kohanga reo and Kura Koupapa.
- d) Home Enterprises.
- e) Urupa.
- f) The creation and maintenance of reserves.

**2. Controlled Activities**

The following are controlled activities where they meet the standards set out in Rule 3 (below):

- a) Papakaianga Housing.
- b) Relocated Buildings

**2.1 Matters Over Which Control May be Exercised**

In considering an application for a controlled activity for Papakaianga Housing the Council may exercise its discretion in relation to the following matters:

- The scale, form and location of any building on a site.
- The location of vehicle accessways.
- The placement of reticulated services.
- Disposal of stormwater.

In considering an application for a controlled activity for Relocated buildings the Council may exercise its discretion in relation to the following matters:

- The likely appearance of the building upon restoration or alteration, and its compatibility with buildings on adjoining properties and in the vicinity.
- The exterior materials used, and their condition and quality.
- The period required for restoration work to be undertaken.
- Any requirements to impose a bond or other condition to ensure completion of restoration work to an acceptable standard.

### **3. Conditions for Permitted Activities and Standards for Controlled Activities**

#### **3.1 Dwelling Density**

No more than one dwelling on any site 800m<sup>2</sup> or less in area.

or

One dwelling per 800m<sup>2</sup> on sites greater than 800m<sup>2</sup> in area.

#### **3.2 Height**

Maximum height of buildings and structures – 7.0 metres.

Maximum height of accessory buildings and structures – 4.5 metres.

#### **3.3 Building height in relation to boundary**

No part of any building shall project beyond a building envelope contained by a 45 degree recession plane from any point 2.0m above any adjoining site boundary.

#### **3.4 Yards – Minimum**

No building or part of a building shall be erected within the following yards:

- Front – 3.0 metres. Where a garage contains a vehicle entrance which generally faces the road, the garage shall be setback 6 metres.
- Side – 3.0 metres. (Except that accessory buildings may be located within any of the side yards provided that no wall within the required setback facing the boundary is longer than 6 metres).
- Rear – 3.0 metres.
- All buildings shall be at least 25 metres from the Mean High Water Spring Tide Mark.

#### **3.5 Site Coverage**

Maximum – 35% of net site area.

#### **3.6 Earthworks**

Earthworks which extend outside the eaves of buildings shall not exceed the following dimensions:

- 40m<sup>3</sup> (volume)

and

- shall not have a face height greater than 2.0m.

This rule shall not apply to Urupa.

### 3.7 Outdoor Amenity Space

An outdoor space of not less than 35m<sup>2</sup> in area with a minimum dimension of 5 metres shall be provided for each residential unit on a site.

### 3.8 Light

Maximum lux spill from any artificial sources of light shall not exceed 10 lux spill (horizontal and vertical) at or within any adjoining property outside the Papakaianga Zone.

### 3.9 Relocated Buildings

Any relocated building must be clad, roofed and, if it is to be used as a dwelling, made habitable within six months of the issuing of a building consent.

## 4. Restricted Discretionary Activities

An application must be made for a restricted discretionary activity for any activity included in the lists of permitted or controlled activities which does not comply with one or more of the conditions for permitted activities and standards for controlled activities.

### 4.1 Resource Consent Conditions

In granting a resource consent the Council shall restrict the exercise of its discretion to those conditions for permitted activities or standards for controlled activities with which the proposal fails to comply.

## 5. Discretionary Activities

The following are discretionary activities where they meet the standards set out in Rule 6 (below):

- a) Places of Assembly.
- b) Visitor Facilities.
- c) Health Care Services.
- d) Retailing.

## 6. Standards for Listed Discretionary Activities

Refer to list of standards below:

- a) Places of Assembly – 6.1, 6.2, 6.3, 6.5,

- b) Visitor Facilities – 6.1, 6.2, 6.5,
- c) Health Care Services – 6.4(a), 6.5,
- d) Retailing – 6.2, 6.3, 6.4(b), 6.5,

#### 6.1 Intensity Ratio

Minimum 50m<sup>2</sup> of site area per person the activity is designed to accommodate.

#### 6.2 Screening of Outdoor Areas

All outdoor areas associated with the activity shall be screened with a 1.8 metre high fence or solid planting which ensures privacy for adjoining sites.

#### 6.3 Hours of Operation

0700 to 2200 hours.

#### 6.4 Floor Area

- Maximum floor area used for **Health Care Services** activities on any site shall not exceed 100m<sup>2</sup>.
- Maximum floor area used for **Retailing** activities on any site shall be 50m<sup>2</sup>.

#### 6.5 Use of Heavy Motor Vehicles

No use of heavy motor vehicles (as defined by the Traffic Regulations 1976, or any subsequent amendments) shall be associated with the activity.

### 7. Non-Complying Activities

#### 7.1 Heli-landing areas, (Updated November 2010)

except that this rule shall not apply to heli-landing areas on sites greater than 3000m<sup>2</sup> where all of the following conditions are met:

- (m) The number of flights do not exceed 12 (24 movements) in any calendar year;
- (n) The flights (movements) do not take place on more than five days in any one month period;
- (o) The flights (movements) do not exceed three in any one week;
- (p) Any movements shall only occur between 8.00am and 6.00pm;
- (q) No movements shall take place within 25m of any dwelling unless that dwelling is owned or occupied by the applicant;
- (r) A log detailing the time and date of each helicopter movement shall be maintained and made available for inspection by the Christchurch City Council if requested.

7.2 Any activity listed in Rule 5 which does not comply with the relevant standards in Rule 6.

7.3 Any activity not otherwise specified as a permitted, controlled, restricted discretionary, or discretionary activity is a non-complying activity.

## **ASSESSMENT OF APPLICATIONS**

### **8. Controlled Activities**

Applications for controlled activities will be assessed against the following:

- The relevant objectives and policies of the Papakaianga Zone.
- The objectives and policies of any relevant Protection Area.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

### **9. Restricted Discretionary Activities**

Assessment of applications for restricted discretionary activities will be limited to those conditions for permitted activities or standards for controlled activities with which the proposal fails to comply.

Applications for restricted discretionary activities will be assessed against the following:

- The relevant objectives and policies of the Papakaianga Zone.
- The objectives and policies of any relevant Protection Area.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

### **10. Discretionary Activities**

Applications for Discretionary Activities will be assessed against the following:

- The relevant objectives and policies of the Papakaianga Zone.
- The objectives and policies of any relevant Protection Area.
- Any other objectives and policies of the Plan which are relevant to consideration of the application.
- Any relevant criteria set out in Chapter 30 (Resource Consent Procedures).

In addition, the conditions for permitted activities will be used as a guide.

**ANTICIPATED ENVIRONMENTAL RESULTS**

The following environmental results are anticipated from the implementation of the objectives and policies relating to Papakaianga Zone:

Provision for tangata whenua to occupy and maintain their relationships with ancestral lands in ways considered appropriate to their culture and traditions.

To ensure that activities within the Zone are carried out so that any adverse effects on adjacent zones are avoided, remedied or mitigated.

**REFERENCE TO OTHER PROVISIONS**

- 14 Cultural Heritage
- 15 Trees
- 16 Conservation Reserves
- 31 Subdivisions
- 32 Financial Contributions
- 33 Noise
- 34 Signs
- 35 Access Parking and Loading