

# Chapter 12 Papakāinga/Kāinga Nohoanga Zone

## 12.1 Introduction

- a. This introduction is to assist the lay reader to understand how this chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
- b. The provisions in this chapter give effect to the [Chapter 3 Strategic Directions Objectives](#).
- c. This chapter relates to the Papakāinga/Kāinga Nohoanga Zone. Papakāinga can be used to describe traditional forms of Māori communal living on ancestral or tribal lands. Papakāinga development usually involves housing and marae facilities, but in its true sense includes a raft of facilities and activities associated with whānau or hapū providing for their social, cultural and economic well-being on tribal land. Ngāi Tahu use the term kāinga nohoanga to describe their traditional areas of communal living on tribal lands.
- d. The Papakāinga/Kāinga Nohoanga Zone is provided within this [District Plan](#) in some of the areas of traditional settlement of the Papatipu Rūnanga who represent those who hold mana whenua over land in the [Christchurch District](#). The zones incorporate a variety of land types, but only land which has the status of Māori customary or freehold land, or [Māori land](#) reserved for communal purposes, under [Te Ture Whenua Māori Act 1993](#), is able to be used or developed as papakāinga/kāinga nohoanga. For other land in this zone, the [Rural Banks Peninsula Zone](#) provisions apply.

## 12.2 Objectives and policies

### 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 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 land for activities appropriate in a rural area.

#### 12.2.1.1 Policy — Provision for a range of residential and non-residential activities on Maori land

- a. Enable the use and development of [Māori land](#) for a range of [residential activities](#) and non-residential activities in accordance with tikanga Māori, including kāinga nohoanga and mahinga kai, to support the social, cultural and economic aspirations of mana whenua.

### **12.2.1.2 Policy — Sustainable management**

- a. Land use and development is undertaken in a way which ensures:
  - i. integration of land use with infrastructure in a manner appropriate to the [site](#) and development;
  - ii. for papakāinga/kāinga nohoanga, the exercise of kaitiakitanga and tikanga Māori, including in the design and layout of [buildings](#), facilities and activities;
  - iii. effects of natural hazards, including land instability and flooding, and potential liquefaction are avoided or mitigated to an acceptable level of risk;
  - iv. maintenance of the privacy and [amenity values](#) of [adjoining](#) landowners; and
  - v. adverse effects on the environment are remedied or mitigated.

### **12.2.1.3 Policy — Future development**

- a. Support the application of the Papakāinga/Kāinga Nohoanga Zone in other locations where it enables the use and development of Ngāi Tahu ancestral land for a range of [residential activities](#) and non-residential activities in accordance with tikanga Māori, to support the social, cultural and economic well-being of Ngāi Tahu whānui.

### **12.2.1.4 Policy — Rural activities**

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

### **12.2.1.5 Policy — Integrated approach to development**

- a. On [Māori land](#), encourage an integrated approach to the development of land, including through the use of a co-ordinated development plan, if required, for papakāinga/kāinga nohoanga developments that are larger scale or require multiple land use consents.

## 12.3 How to interpret and apply the rules

- a. The rules that apply to activities in the Papakāinga/Kāinga Nohoanga Zone are contained in the tables (including activity specific standards) within:
  - i. Rule 12.4 – Māori land
  - ii. Rule 12.4.2 - Built form standards – Māori land; and
  - iii. Rule 12.4.3 – Other land.
- b. The activity status tables and standards in the following chapters as specified also apply to activities on [Māori land](#) within the Papakāinga/Kāinga Nohoanga Zone:
  - 4 Hazardous Substances and Contaminated Land;
  - 5 Natural Hazards;
  - 6 Only the following provisions (except as modified by the rules in this chapter) in the General Rules and Procedures Chapter apply:
    - a. Rule 6.1 Noise;
    - b. Rule 6.3 Outdoor Lighting and Glare;
    - c. Rule 6.6 Water Body Setbacks; and
    - d. Rule 6.8 Signs.
  - 7 Only the following provisions (except as modified by the rules in this chapter) in the Transport Chapter apply,:
    - a. Rule 7.4.2.1 P7 Access design;
    - b. Rule 7.4.2.1 P8 Vehicle crossings;
    - c. Rule 7.4.2.1 P9 Location of buildings and access in relation to road/rail crossings; and
    - d. Rule 7.4.2.1 P10 High trip generators.
  - 8 Subdivision, Development and Earthworks;
  - 9 Natural and Cultural Heritage, (except as modified by the rules in this chapter); and
  - 11 Utilities and Energy.
- c. The activity status tables and standards in the following chapters also apply to activities on other land within the Papakāinga/Kāinga Nohoanga Zone:
  - 4 Hazardous Substances and Contaminated Land;
  - 5 Natural Hazards;
  - 6 General Rules and Procedures;
  - 7 Transport;
  - 8 Subdivision, Development and Earthworks;
  - 9 Natural and Cultural Heritage; and

## 12.4 Rules – Maori Land

### 12.4.1 Activity status tables — Māori land

#### 12.4.1.1 Permitted activities

- a. On land which is held as [Māori land](#), the activities listed below are permitted activities in the Papakāinga / Kāinga Nohoanga Zone if they meet the activity specific standards set out in the following table and the built form standards in Rule [12.4.2](#).
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules [12.4.1.2](#), [12.4.1.3](#), [12.4.1.4](#), [12.4.1.5](#) and [12.4.1.6](#).

Activity	Activity specific standards
<b>P1</b> Marae complexes, including wharenui, wharekai, manuhiri noho ( <a href="#">guest accommodation</a> with or without tariff) and associated <a href="#">accessory buildings</a>	Nil
<b>P2</b> <a href="#">Residential activity</a> , including <a href="#">minor residential units</a> , and kaumātua units	Nil
<b>P3</b> <a href="#">Home occupation</a>	Nil
<b>P4</b> Relocation of, or repairs, replacement and/or additions to <a href="#">residential units</a>	Nil
<b>P5</b> <a href="#">Community activities</a> and associated facilities, including whare hauora ( <a href="#">health care facilities</a> )	Nil
<b>P6</b> Kōhanga reo ( <a href="#">preschool</a> ) and kura kaupapa ( <a href="#">education activity</a> and facilities)	Nil
<b>P7</b> Hākinakina ( <a href="#">recreation activities</a> and facilities)	Nil
<b>P8</b> Ahuwhenua ( <a href="#">farming</a> ) including huawhenua (horticulture), <a href="#">rural produce manufacturing</a> and <a href="#">existing forestry</a>	Nil
<b>P9</b> Urupā	Nil
<b>P10</b> Whare hoko ( <a href="#">convenience activities</a> ), including <a href="#">rural produce retail</a> and arumoni ( <a href="#">commercial services</a> ), including <a href="#">veterinary care facilities</a> and <a href="#">rural tourism activity</a>	a. Maximum of 100m <sup>2</sup> GLFA per business.
<b>P11</b> <a href="#">Office</a>	a. Maximum of 100m <sup>2</sup> GLFA per business.
<b>P12</b> Māketē (markets)	a. Not exceeding one event per week.
<b>P13</b> <a href="#">Farm buildings</a>	Nil

Activity		Activity specific standards
P14	Conservation activities, including new <a href="#">access</a> tracks	Nil
P15	<a href="#">Farm stay</a>	Nil
P16	<a href="#">Emergency service facilities</a>	Nil
P17	<a href="#">Heli-landing area</a>	a. Shall be located on a minimum nominated land area of 3,000m <sup>2</sup> .
P18	Flood protection activities, including planting of exotic trees, <a href="#">earthworks</a> and structures, undertaken by the <a href="#">Council</a> or Canterbury Regional Council	Nil
P19	<a href="#">Public amenities</a>	a. Maximum of 100m <sup>2</sup> GLFA per <a href="#">building</a> .
P20	Mahinga kai	Nil

### 12.4.1.2 Controlled activities

- a. On land which is held as [Māori land](#), the activities listed below are controlled activities.
- b. Discretion to impose conditions is restricted to the matters over which control is reserved, as set out in the following table.

Activity	The <a href="#">Council</a> 's control shall be limited to the following matters
<p><b>C1</b></p> <p>a. Any activity listed in Rule <a href="#">12.4.1.1</a> P1 – P7, P10 – P13, P15 – P17 or P19, including associated access tracks, within either of the following <a href="#">Banks Peninsula</a> Outstanding Natural Landscapes:</p> <ol style="list-style-type: none"> <li>i. <a href="#">ONL 2.0</a> (Rāpaki Ōhinetahi / Governors Bay Summits - Ōtaranui ki Ōmawete); or</li> <li>ii. <a href="#">ONL 6.4</a> (Port Levy/Koukourāra - Eastern Summits - Kākānui ki Ngārara).</li> </ol> <p>that meets the activity specific standards for that activity in Rule <a href="#">12.4.1.1</a> and the built form standards in Rule <a href="#">12.4.2</a>.</p> <p>b. For the avoidance of doubt, the provisions in Rule <a href="#">9.2.4</a> do not apply to this activity.</p> <p>c. Any application arising from this rule shall not be limited or publicly notified.</p>	<p>a. Mitigation of adverse effects on the qualities of the Outstanding Natural Landscape with respect to:</p> <ol style="list-style-type: none"> <li>i. the reflectivity and colour of <a href="#">building</a> materials; and</li> <li>ii. <a href="#">landscaping</a> and planting to integrate with <a href="#">indigenous vegetation</a> where present.</li> </ol> <p>b. No mitigation is to be applied to aspects of <a href="#">buildings</a> or activities that are culturally fundamental (e.g. whareni).</p>
<p><b>C2</b></p> <p>a. Any activity listed in Rule <a href="#">12.4.1.1</a> P1 – P7, P10 – P13, P15 – P17 and P19, including associated access tracks, within either of the following Areas of At Least High Natural Character:</p> <ol style="list-style-type: none"> <li>i. <a href="#">HNC 2.0</a> (Rāpaki - Ōhinetahi / Governors Bay Coastline - Taukahara and Ōtūherekio); or</li> <li>ii. <a href="#">HNC 22.0</a> (Wainui Coastline).</li> </ol> <p>that meets the activity specific standards for that activity</p>	<p>a. Mitigation of adverse effects on the qualities of the Area of At Least High Natural Character in the Coastal Environment with respect to:</p> <ol style="list-style-type: none"> <li>i. the reflectivity and colour of <a href="#">building</a> materials; and</li> <li>ii. <a href="#">landscaping</a> and planting</li> </ol>

Activity	The <b>Council's</b> control shall be limited to the following matters
<p>and the built form standards in Rule 12.4.2.</p> <p>b. For the avoidance of doubt, the provisions in 9.2.6 do not apply to this activity.</p> <p>c. Any application arising from this rule shall not be limited or publicly notified.</p>	<p>to integrate with <a href="#">indigenous vegetation</a> where present.</p> <p>b. No mitigation is to be applied to aspects of <a href="#">buildings</a> or activities that are culturally fundamental (e.g. wharenuī).</p>

### 12.4.1.3 Restricted discretionary activities

- a. On land which is held as [Māori land](#), the activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity	The <b>Council's</b> discretion shall be limited to the following matters
<p><b>RD1</b></p> <p>a. Any activity listed in Rule 12.4.1.1 P1 – P20 or Rule 12.4.1.2 C1 or C2 that does not meet one or more of the activity specific standards.</p> <p>b. Any application arising from this rule will not require written approvals and shall not be limited or publicly notified.</p>	<p>a. Traffic generation and access – Rule 12.5.6.</p> <p>b. Scale of non-residential business activity – Rule 12.5.7.</p> <p>c. The relevant matters of control for C1 and C2 for that activity.</p>
<p><b>RD2</b></p> <p>a. Any activity listed in Rule 12.4.1.1 P1 – P20 or Rule 12.4.1.2 C1 or C2 that does not meet one or more of the built form standards in Rule 12.4.2.</p> <p>Advice note:</p> <p>1. Refer to relevant built form standard for provision regarding notification and written approval.</p>	<p>a. As relevant to the built form standard that is not met:</p> <p>i. Internal boundary setback – Rule 12.5.1</p> <p>ii. Road boundary setback – Rule 12.5.2</p> <p>iii. Building height – Rule 12.5.3</p> <p>iv. Coverage – Rule 12.5.4</p> <p>v. Water supply for firefighting – Rule 12.5.5</p> <p>vi. The relevant matters of control for C1 and C2 for that activity</p>
<p><b>RD3</b></p> <p>a. Any activity that is otherwise specified as a controlled, restricted discretionary, discretionary or non-complying activity in any of:</p> <p>i. Sub-chapter 6.1, 6.3 and 6.6; or</p> <p>ii. Chapter 7 in relation to activities that require resource consent due to inability to comply with permitted activity Rule 7.4.2.1 P7, P8, P9 or P10;</p> <p>b. For the avoidance of doubt, the activity</p>	<p>a. Relevant matters of control or discretion in Chapters 6 and 7 for that activity.</p> <p>b. Relevant objectives and policies in Chapters 6 and 7 for that activity.</p> <p>c. In those cases where no <a href="#">subdivision</a> consent has been sought, whether a co-ordinated development plan,</p>

Activity	The <b>Council's</b> discretion shall be limited to the following matters
<p>classifications in the specified chapters as set out above do not apply to an activity under this rule.</p> <p>c. For any application arising from Sub-chapter 6.1, 6.3 and 6.6 and Chapter 7, the related rules concerning public or limited notification of applications apply.</p> <p>d. In all other cases, any application arising from this rule shall not be limited or publicly notified</p>	<p>including any staging, is required in order to address matters that would otherwise have been addressed in a <a href="#">subdivision</a> consent.</p>
<p><b>RD4</b></p> <p>a. Any activity that is otherwise listed as a controlled, restricted discretionary or discretionary activity in sub-chapter 6.8.</p> <p>b. For the avoidance of doubt, the activity classifications in sub-chapter 6.8 do not apply to an activity under this rule.</p> <p>c. Any application arising from this rule shall not be limited or publicly notified.</p>	<p>a. Relevant matters of control or discretion in Chapter 6 for that activity.</p> <p>b. Relevant objectives and policies in Chapter 6 for that activity.</p>
<p><b>RD5</b> <a href="#">Boarding of domestic animals, equestrian facilities or intensive farming</a>.</p>	<p>a. Relevant matters of discretion in 12.5 for that activity.</p> <p>b. Intensive farming, equestrian facilities and boarding of domestic animals - Rule 17.11.2.3.</p>
<p><b>RD6</b> <a href="#">Plantation forestry</a></p>	<p>a. Plantation forestry - Rule 17.11.2.4.</p>
<p><b>RD7</b></p> <p>a. Any <a href="#">plantation forestry</a> that is otherwise specified as a non-complying activity in Rule 9.2.4.1 within either of the following <a href="#">Banks Peninsula</a> Outstanding Natural Landscapes:</p> <p>i. <a href="#">ONL 2.0</a> (Rāpaki Ōhinetahi / Governors Bay Summits - Ōtaranui ki Ōmawete); or</p> <p>ii. <a href="#">ONL 6.4</a> (Port Levy/Koukourāata - Eastern Summits - Kākānui ki Ngārara).</p> <p>b. For the avoidance of doubt, the activity classifications in Rule 9.2.4.1 do not apply to an activity under this rule.</p>	<p>a. Plantation forestry - Rule 17.11.2.4.</p> <p>b. Outstanding natural features and landscapes – Rule 9.2.8.1.</p>
<p><b>RD8</b></p> <p>a. Any <a href="#">plantation forestry</a> that is otherwise specified as a non-complying activity in Rule 9.2.6.1 within either of the following Areas of At Least High Natural Character:</p> <p>i. <a href="#">HNC 2.0</a> (Rāpaki - Ōhinetahi / Governors Bay Coastline - Taukahara and Ōtūherekio); or</p> <p>ii. <a href="#">HNC 22.0</a> (Wainui Coastline).</p> <p>b. For the avoidance of doubt, the activity classifications in Rule 9.2.6.1 do not apply to an activity under this rule.</p>	<p>a. Plantation forestry - Rule 17.11.2.4.</p> <p>b. Natural character in the coastal environment – Rule 9.2.8.3.</p>

#### 12.4.1.4 Discretionary activities

- a. On land which is held as [Māori land](#), the activities listed below are discretionary activities.

	Activity
<b>D1</b>	Any other activity not provided for as a permitted, controlled or restricted discretionary, non-complying or prohibited activity.
<b>D2</b>	<p>a. Any <a href="#">quarry</a> specified as a non-complying activity in Rule 9.2.4.1 within either of the following <a href="#">Banks Peninsula</a> Outstanding Natural Landscapes:</p> <ul style="list-style-type: none"> <li>i. <a href="#">ONL 2.0</a> (Rāpaki Ōhinetahi / Governors Bay Summits - Ōtaranui ki Ōmawete); or</li> <li>ii. <a href="#">ONL 6.4</a> (Port Levy / Koukourārata - Eastern Summits - Kākānui ki Ngārara).</li> </ul> <p>b. For the avoidance of doubt, the activity classification in the specified rule set out above does not apply to an activity under this rule.</p>
<b>D3</b>	<p>a. Any <a href="#">quarry</a> specified as a non-complying activity in Rule 9.2.6.1 within either of the following Areas of At Least High Natural Character:</p> <ul style="list-style-type: none"> <li>i. <a href="#">HNC 2.0</a> (Rāpaki - Ōhinetahi / Governors Bay Coastline - Taukahara and Ōtūherekio); or</li> <li>ii. <a href="#">HNC 22.0</a> (Wainui Coastline).</li> </ul> <p>b. For the avoidance of doubt, the activity classification in the specified rule set out above does not apply to an activity under this rule.</p>

### 12.4.1.5 Non-complying activities

There are no non-complying activities

### 12.4.1.6 Prohibited activities

There are no prohibited activities

## 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 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 metres.

- 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 Maximum coverage

- a. The maximum percentage of [net site area](#) covered by [buildings](#) shall be 35%.
- 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).

### 12.4.2.5 Water supply for firefighting

- a. Provision for sufficient water supply and access to water supplies for firefighting shall be made available to all [buildings](#) (excluding [accessory buildings](#) that are not [habitable buildings](#)) via [Council](#)'s urban reticulated system (where available) in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice ([SNZ PAS: 4509:2008](#)).
- b. Where a reticulated water supply compliant with [SNZ PAS:4509:2008](#) is not available, or the only supply available is the controlled restricted rural type water supply which is not compliant with [SNZ PAS:4509:2008](#), water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water sources provisions of [SNZ PAS 4509:2008](#).
- c. Any application arising from this rule shall not be publicly notified and shall, absent written approval, be limited notified only to the New Zealand Fire Service Commission.

## 12.4.3 Activity status — other land

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

Advice note:

1. The built form standards in Rule [12.4.2](#) do not apply to Rule 12.3.4.

## 12.5 Rules – Matters of discretion – Māori Land

### 12.5.1 Internal boundary setback

- a. The extent to which the [site](#) layout and use of spaces maintains adequate levels of privacy and outlook for [adjoining sites](#), taking into account:
  - i. the need to enable an efficient, practical and/or pleasant use of the remainder of the [site](#);
  - ii. the need to provide future occupants with adequate levels of daylight and outlook from internal [living spaces](#);
  - iii. the need to provide future occupants with adequate levels of privacy from neighbouring [residential units](#) or [sites](#);
  - iv. adequate separation distance from any existing direct facing [windows](#) or [balconies](#) (within the [site](#) or on [adjoining sites](#)) or to ensure appropriate levels of privacy are maintained; and
  - v. any adverse effects of the proximity or bulk of the [building](#) in terms of loss of access to daylight on and outlook from [adjoining sites](#).

### 12.5.2 Road boundary setback

- a. Any loss of privacy for [adjoining](#) properties through overlooking.
- b. Alternative practical locations for the [building](#) on the [site](#).

### 12.5.3 Building height

- a. The extent to which an increase in [building height](#) and any associated increase in the scale and bulk of the [building](#):
  - i. reflects the cultural and functional requirements of the [building](#) and purposes of the zone; and
  - ii. affects [amenity values](#) of [adjoining](#) properties, resulting from visual dominance, loss of daylight and sunlight admission, and loss of privacy from overlooking.

### 12.5.4 Coverage

- a. Whether the additional [coverage](#) of the zone with [buildings](#) is appropriate to its context, taking into account:
  - i. the function of the [building](#) to support Ngai Tāhu whānau to deliver economic, social and cultural development;

- ii. the extent to which the topography and the location, scale, design and appearance of the [building](#), [landscaping](#), natural features or existing [buildings](#) mitigate the visual effects of additional [buildings](#); and
- iii. any loss of privacy or other [amenity values](#) to [adjoining](#) residents and the effectiveness of any mitigation measures.

### **12.5.5 Water supply for firefighting**

- a. Whether sufficient firefighting water supply is available to ensure the health and safety of the community, including neighbouring properties.

### **12.5.6 Traffic generation and access**

- a. The extent to which the traffic generated is appropriate to the character, amenity, safety and efficient functioning of the [access](#) and [road](#) network in the area.
- b. The ability to mitigate any adverse effects of the additional traffic generation.
- c. The location of the proposed [access](#) points in terms of [road](#) and [intersection](#) efficiency and safety, including availability or otherwise of space on the [road](#) for safe right hand turning into the [site](#).
- d. Any significant increase in glare from headlights.

### **12.5.7 Scale of non-residential business activity**

- a. The extent to which increased scale is appropriate in the context of the surrounding environment taking into account:
  - i. hours of operation;
  - ii. traffic or pedestrian movements generated;
  - iii. any adverse effects, in terms of unreasonable noise and loss of privacy, which would be inconsistent with the respective environments; and
  - iv. the extent to which the business contributes to the local employment and the economic base of Ngāi Tahu whānau and/or the needs of residents in the surrounding area.