



TANGATA WHENUA VALUES AND MĀORI LAND - RULES

ML3.1 Rule Statement

The following rules shall apply to Māori Land across the District. These rules shall be read in conjunction with the following rules in the District Plan:

- (a) Transport Infrastructure and Car Parking – Rules.
- (b) Subdivision – Rules.
- (c) Signs – Rules.
- (d) Hazardous Substances – Rules.
- (e) Riparian Management and Public Access – Rules.
- (f) Relocated Buildings – Rules.
- (g) Network Utilities – Rules.
- (h) Surface of Water – Rules.
- (i) Natural Hazards – Rules.
- (j) Heritage – Rules.
- (k) District Wide Rules.

Where an activity is not covered by the Tangata Whenua Values and Māori Land rules then the relevant rules for the zone the land is within shall apply.

Regard shall be had to all Objectives and Policies which may be relevant to any proposed activity subject to the provisions of this Rule. This includes, but shall not be limited to the Tangata Whenua Values and Māori Land - Policy section and the applicable zone policy section.

ML3.2 Rules

Table 1 below lists activities that may be undertaken on Māori Land within the District. All activities provided for as Permitted Activities and Controlled Activities are subject to the General Conditions outlined in Section ML3.3 below.

Applications for Controlled Activities shall be considered without the need to obtain written approval from affected parties and without the need for notification. Applications will be assessed and conditions imposed only in respect of the matters identified by the assessment criteria outlined in Section ML3.4.1 below.

Applications for Restricted Discretionary Activities will be assessed and conditions imposed only in respect of the subject matter of the assessment criteria noted below the General or Condition(s) with which the activity is unable to comply.

Applications for Discretionary Activities will be assessed against, but not limited to, the relevant Assessment Criteria outlined in Section ML3.4.2 below.



Table 1: Activity Status for Māori Land

	Activity Status P = Permitted Activity C = Controlled Activity R = Restricted Discretionary Activity D = Discretionary Activity - = Not Applicable	Rural Zone	Residential and Urban Settlement Zone	Commercial Zone	Protected Areas and Active Reserve Zone
		.1	Māori Cultural Activity	P	D
.2	Māori Cultural Education Activity	P	P	P	P
.3	Papakainga Housing Activity: (a) For up to 4 residential units (b) For 5 to 10 residential units (c) For more than 10 residential units	P C D	P P P	D D D	P D D
.4	Marae Activity	P	P	P	D
.5	Any Māori Cultural Activity, that is provided for as a Permitted Activity in this table, but is unable to comply with one or more of the relevant General Conditions outlined in Section ML3.3.	R	-	-	D
.6	Any Māori Cultural Education Activity that is provided for as a Permitted Activity in this table, but is unable to comply with one or more of the relevant General Conditions outlined in Section ML3.3.	R	R	R	D
.7	Any Marae Activity that is provided for as a Permitted Activity in this table, but is unable to comply with one or more of the relevant General Conditions outlined in Section ML3.3.	R	R	R	-
.8	Any Papakainga Housing Activity that is provided for as either a Permitted or Controlled Activity in this table, but is unable to comply with one or more of the relevant General Conditions outlined in Section ML3.3 below	D	R	-	D

Relevant Objectives and Policies – ML2.2.2(a) and ML2.2.3(a) and (b).

ML3.3 General Conditions

Compliance with the following General Conditions is required for all Permitted and Controlled Activities as outlined in Table 1 of Rule ML3.2. above.

ML3.3.1 Bulk and Location

- (a) All buildings and structures associated with the above activities shall demonstrate compliance with the bulk and location conditions for the zone in which they are located: Table 2 below outlines the corresponding conditions that shall be complied with:

Table 2: Bulk and Location Conditions to be Complied With

Please see the Zone chapters for details of the Bulk and Location Conditions referred to below.

	Rural Zone	Residential Zone	Urban Settlement Zone	Commercial Zone	Protected Areas Zone
Front Yard Setbacks	RU3.3.1	RE3.3.5	US3.3.5	N/A	RU3.3.1
Side and Rear Yard Setbacks	RU3.3.2	RE3.3.5	US3.3.5	N/A	RU3.3.2 and RU3.3.3
Maximum Height	RU3.3.5	RE3.3.3	US3.3.4	CM3.3.1	RU3.3.5
Maximum Site Coverage	N/A	RE3.3.1	US3.3.1	N/A	N/A
Noise Standards	RU3.3.6	RE3.3.7	US3.3.7	CM3.3.3	RU3.3.6



ML3.3.2 Transportation

- (a) All activities shall demonstrate compliance with the relevant provisions of the “Transport Infrastructure and Car Parking - Rules” section of the District Plan.
Relevant Assessment Criteria: Refer “Transport Infrastructure and Car Parking - Rules” section.

ML3.3.3 Relationship

- (a) All Māori Cultural Activities and Māori Cultural Education Activities undertaken in the Protected Areas Zone shall be established on ancestral sites that have traditionally been occupied by Māori for Māori Cultural Activities.

Advice Note:

If it is possible that archaeological sites may be affected by the proposed work then the site is subject to a consenting process under the Historic Places Act 1993.

Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

If any activity associated with this proposal, such as earthworks, fencing or landscaping may modify, damage or destroy any archaeological site(s) an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information.

ML3.4 Assessment Criteria

ML3.4.1 Controlled Activities

Applications for Controlled Activities will be assessed against the following assessment criteria. Conditions will be imposed only in respect of the subject matter of this assessment criteria.

- (a) Whether the site has sufficient area that it can be adequately serviced in terms of sewer, water and stormwater.
- (b) Whether the shape and area of the site is adequate to provide for the reasonable needs of the activity including building platforms, sewage disposal, building setbacks and parking areas.
- (c) Whether the potential risk presented by natural hazards has been considered in the design and layout of the subdivision or boundary adjustment and if necessary measures to avoid, remedy or mitigate such a risk are proposed.

ML3.4.2 Restricted Discretionary, Discretionary and Non-Complying Activities

Restricted Discretionary Activities will be assessed only in respect of the Relevant Assessment Criteria applicable to the Conditions with which the activity was unable to comply.

Discretionary and Non-Complying Activities will be assessed against, but not limited to, the assessment criteria below.



Reference to relevant assessment criteria in other sections of the District Plan may be required as stated for the General and Specific Conditions above.

- (a) The assessment criteria listed for Controlled Activities in Section ML3.4.1 above.
- (b) Any other relevant assessment criteria within other sections of the District Plan.
- (c) Whether the development will be consistent with the character and amenity of the surrounding environment in particular in terms of the design and scale of buildings, number vehicle movements likely to be generated.
- (d) Whether measures to avoid, remedy or mitigate potential adverse effects are proposed and the effectiveness of such measures.