

E20. Māori Land

E20.1. Background

These Auckland-wide provisions recognise the unique legal and governance framework for Māori Land being subject to Te Ture Whenua Māori Act 1993. They provide for the use and development of Māori land to support the economic, social and cultural aspirations of Mana Whenua. These sites can be identified on the website for Māori Land Online.

These provisions are in addition to the zone provisions for any site which is Māori land. The provisions of the zone apply to Māori Land unless otherwise specified in this section. The rules provide that where the activity table for the relevant zone provides for the same activity, the less restrictive rule applies.

In particular, an integrated Māori development provides a basis for better co-ordination between landowners, the Māori Land Court and the Council in managing the resource of Māori land.

E20.2. Objectives

- (1) Mana Whenua have flexibility to use and develop Māori land in accordance with mātauranga and tikanga while ensuring appropriate health, safety and amenity standards are met.
- (2) The importance of economic development to support the occupation, development and use of Māori land is recognised.
- (3) Mana Whenua use and develop Māori land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, provided that adverse effects on those values are avoided, remedied or mitigated.
- (4) The occupation, development and use of Māori land is not adversely affected by the location of new infrastructure.

E20.3. Policies

- (1) Provide for an appropriate character, scale, intensity and range of development on Māori land across Auckland, including in coastal areas and outside the Rural Urban Boundary, recognising that the purpose of the Māori land provisions are to facilitate a scale, intensity and range of activities that may not be anticipated in the zone of the site.
- (2) Provide for a range of activities including papakāinga, marae and associated facilities, customary use, and cultural and commercial activities on Māori land.

- (3) Encourage integrated development of Māori land taking into account the requirements of the activities proposed as well as the requirements for activities, access, parking, building design and layout, infrastructure, landscaping, lighting and open space areas.
- (4) Avoid, remedy or mitigate adverse effects on neighbouring properties.
- (5) Provide for the integration of mātauranga and tikanga in determining the scale, intensity, range of activities, layout and location of development.
- (6) Require appropriate provision for the treatment and disposal of stormwater, wastewater and the provision of water and electricity supply.
- (7) Enable alternative approaches to site access and infrastructure provision where the occupation, use and development of Māori land is constrained by access or the availability of infrastructure.
- (8) Enable the occupation, use and development of Māori land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, by considering:
 - (a) the need to enable development, occupation and use of Māori land in accordance with mātauranga and tikanga to support the social, cultural and economic wellbeing of Mana Whenua;
 - (b) alternative approaches to or locations for development that avoid adverse effects on the characteristics and qualities that contribute to the values for which the area was scheduled; and
 - (c) that there may be no or limited alternative locations for whanau, hapū or iwi to occupy, manage and use their ancestral lands.
- (9) Encourage utility operators to consider alternative routes and locations for infrastructure outside Māori land, where new infrastructure development may adversely affect the occupation, development and use of Māori land.

E20.4. Activity table

Table E20.4.1 Activity table specifies the activity status of land use and development activities on Māori land pursuant to section 9(3) of the Resource Management Act 1991.

The provisions of the zone apply to Māori Land unless otherwise specified in this section. Where the rules in this section as well as the relevant zone rules provide for the same activity, the less restrictive rule applies.

Table E20.4.1 Activity table

| | Activity | Activity status |
|-------|---|------------------------|
| (A1) | Activities associated with marae or papakāinga up to 250m ² gross floor area | P |
| (A2) | Activities associated with marae or papakāinga greater than 250m ² gross floor area | RD |
| (A3) | One dwelling per hectare with no more than 10 dwellings per site in the rural zones | P |
| (A4) | One dwelling per 4,000m ² with no more than 20 dwellings per site in the rural zones | RD |
| (A5) | Integrated Māori development | D |
| (A6) | Dwellings not otherwise provided for in a rural zone | NC |
| (A7) | Māori cultural activities | P |
| (A8) | Marae up to 700m ² gross floor area | P |
| (A9) | Marae greater than 700m ² gross floor area | RD |
| (A10) | Rural commercial services | D |
| (A11) | Rural industries in rural zones | RD |
| (A12) | Urupā | C |
| (A13) | Buildings associated with the above activities | P |

E20.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E20.4.1 Activity table above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for any of the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
 - (a) integrated Māori development; or
 - (b) rural commercial services.
- (3) Any application for resource consent for an activity listed in Table E20.4.1 Activity table and which is not listed in E20.5(1) or E20.5(2) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (4) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

E20.6. Standards

The provisions of the zone apply to Māori Land unless otherwise specified below.

The activities listed in Table E20.4.1 Activity table must comply with the following standards.

E20.6.1. Marae up to 700m² gross floor area or Marae greater than 700m² gross floor area

- (1) Marae must be on a site 1 hectare or greater.

E20.6.2. Building and structure height for Marae and Māori cultural activities

- (1) Marae (including wharenuī and wharekai) and structures or buildings associated with Māori cultural activities (including but not limited to waharoa, pekerangi/taiapa, whare waka) must not exceed 10m in height.
- (2) Pou haki are excluded from Standard E20.6.2(1) if they:
- (a) do not exceed an additional one third of the permitted activity height for the site; and
 - (b) are not more than 300mm in diameter.

E20.6.3. Dwellings

- (1) Dwellings and buildings used for dwellings on Māori Land must comply with the standards in the underlying zone.

E20.6.4. Maximum impervious area and building coverage

- (1) In rural zones building coverage must not exceed 20 per cent of the site area.
- (2) In all other zones the standards for building coverage and maximum impervious area are as provided for in the zone relevant to the site.

E20.7. Assessment – controlled activities

E20.7.1. Matters of control

The Council will reserve its control to all of the following matters when assessing a controlled activity resource consent application:

- (1) urupā:
- (a) effects on groundwater; and
 - (b) visual effects on neighbouring dwellings.

E20.7.2. Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) urupā:
 - (a) whether an urupā would cause leachate emergence or contamination to groundwater; and
 - (b) measures to mitigate visual effects on neighbouring dwellings.

E20.8. Assessment – restricted discretionary activities

E20.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) for rural industries, buildings associated with a marae or papakainga greater than 250m² gross floor area, and marae greater than 700m² gross floor area:
 - (a) the effects on rural character and amenity values;
 - (b) the effects on noise;
 - (c) the effects on traffic volume and safety;
 - (d) the effects on stormwater;
 - (e) the effects on land containing elite soils; and
 - (f) the effects on wastewater.
- (2) for dwellings in rural zones:
 - (a) the reverse sensitivity effects on existing rural activities and infrastructure;
 - (b) the effects on stormwater; and
 - (c) the effects on wastewater.

E20.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) for rural industries, buildings associated with a marae or papakainga greater than 250m² gross floor area and marae greater than 700m² gross floor area:
 - (a) rural character and amenity values:

(i) whether the design and location of the buildings, and site landscaping avoids, remedies or mitigates the adverse visual effects of the buildings and related site works on rural and rural coastal character and amenity values of the surrounding environment. The following aspects are particularly relevant:

- building bulk;
- glare or reflections from the exterior cladding;
- landform modification needed for building platforms;
- screening from neighbouring sites;
- views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and
- related signage.

(b) noise:

(i) whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated.

(c) traffic volume and safety:

(i) whether the design and location of the buildings, and associated traffic, avoids, remedies or mitigates adverse effects on the road network or traffic safety.

(d) stormwater:

(i) whether the control, treatment, storage, or disposal of stormwater is appropriately managed.

(e) land containing elite soils:

(i) whether the adverse effects of buildings, structures, and site development on the productive potential of land containing elite soils is minimised.

(f) wastewater:

(i) wastewater is appropriately managed.

(2) for dwellings in rural zones:

(a) reverse sensitivity effects on existing rural activities and infrastructure:

(i) whether dwellings are located and designed to minimise the adverse effects on existing rural activities and existing infrastructure.

(b) stormwater:

(i) the extent to which the control, treatment, storage, or disposal of stormwater is appropriately managed.

(c) wastewater:

(i) wastewater is appropriately managed.

E20.9. Special information requirements

(1) An application for an activity under the rules in this section must be accompanied by documentation from the Māori Land Court which demonstrates that the land is Māori Land.