

The Proposed Auckland Unitary Plan (notified 30 September 2013)

2.2 Treaty settlement land

The following rules apply to Treaty settlement land acquired by Mana Whenua through the Claims Settlement Acts. These provisions do not apply to land acquired by Mana Whenua through the right of first refusal process.

Where the underlying zone specifies more enabling rules, they will apply in place of the relevant rules in this section.

1. Activity table

The following table specifies the activity status of activities on Treaty settlement land.

Activity	Activity Status
Activities associated with a marae complex on Treaty settlement land up to 250m ² GFA	P
Activities associated with a marae complex on Treaty settlement land greater than 250m ² GFA	RD
Construction of structures or buildings on Treaty settlement land associated with Māori cultural activities	P
Up to ten dwellings on Treaty settlement land in Rural zones	P
Integrated Māori development on Treaty settlement land	D
Maori cultural activities	P
Marae complex on Treaty settlement land up to 700m ² GFA	P
Marae complex on Treaty settlement land greater than 700m ² GFA	RD
Rural commercial services on Treaty settlement land	D
Rural industries on Treaty settlement land	RD
Ururū on Treaty settlement land	C

2. Notification

1. Discretionary activities on Treaty settlement land will be considered without public or limited notification, or the need to obtain written approval from affected parties, unless special circumstances exist in accordance with s. 95A(4) of the RMA that make notification desirable.

3. Development controls

3.1 Building height

1. Marae complex (including wharenuī and wharekai) and structures or buildings associated with Māori cultural activities (including but not limited to pou, waharoa, pekerangi/taiapa, whare waka) must not exceed 10m in height. Pou haki are excluded from these controls 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, and
 - c. are within the footprint of the building.
2. Marae complex (including wharenuī and wharekai) and structures or buildings associated with Māori cultural activities (including but not limited to pou, waharoa, pekerangi/taiapa, whare waka) must not be located in the CMA.

3.2 Dwellings on treaty settlement land

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1. Dwellings on Treaty settlement land must not exceed an average density of one dwelling per hectare of net site area, or, if the applicable zone provides for higher density of dwellings, dwellings must comply with the density controls of the underlying zone.
2. Dwellings on Treaty settlement land must comply with the development controls in the underlying zone.

3.3 Marae complexes on treaty settlement land

1. Marae complexes on Treaty settlement land must operate on a site with a minimum size of 1ha.
2. Except for building height, marae complexes must comply with the development controls for dwellings in the underlying zone.

3.4 Buildings for activities associated with a marae complex on Treaty settlement land

1. The GFA of buildings for activities associated with a marae complex must not exceed 250m².

3.5 Maximum impervious area and building coverage on treaty settlement land

Table 1:

Zone	Building coverage	Maximum impervious area
All rural zones	The lesser of 20 per cent of the site area or 2500m ²	The lesser of 25 per cent of the site area or 5,000m ²
All other zones	As provided for in zone	As provided for in zone

3.6 Access

1. Every building, other than those for which water access is provided, must be provided with legal and physical access to a road.

3.7 Services

1. Every building must be designed and located so that adequate provision is made for:
 - a. treatment and disposal of stormwater
 - b. treatment and disposal of wastewater
 - c. water and electricity supply.

3.8 Building platform

1. A stable, flood-free building platform must be provided for all buildings. All building platforms must be located clear of yards.

4. Assessment - Controlled activities

4.1 Matters of control

The council will reserve its control to the matters below for the activities listed as controlled in the activity table:

1. Urupā
 - a. effects on groundwater.

4.2 Assessment criteria

The council will consider the relevant assessment criteria below for the controlled activities listed above.

1. Urupā
 - a. Whether an urupā would cause leachate emergence or contamination to groundwater.

5. Assessment - Restricted discretionary activities

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5.1 Matters of discretion

The council will restrict its discretion to the matters below for the activities listed as restricted discretionary in the activity table.

1. Rural industries on Māori land, activities associated with a marae complex on Treaty settlement land greater than 250m² GFA and marae complex on Māori land greater than 700m² GFA
 - a. rural location
 - b. rural character and amenity values
 - c. noise
 - d. traffic volume and safety
 - e. stormwater
 - f. elite or prime land.

5.2 Assessment criteria

1. Rural industries on Māori land, activities associated with a marae complex on Treaty settlement land greater than 250m² GFA and marae complex on Māori land greater than 700m² GFA
 - a. Rural location
 - i. The activity must be proposed in a rural zone.
 - b. Rural character and amenity values
 - i. The design and location of the buildings, and site landscaping should avoid, remedy or mitigate the adverse visual effects of the buildings and related site works on rural and rural coastal character and amenity values. The following aspects are particularly relevant:
 - building bulk
 - glare or reflections off 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
 - related signage.
 - c. Noise
 - i. Noise from fans, ventilators, heaters, or other machines, for from on-site activities should be adequately mitigated.
 - d. Traffic volume and safety
 - i. The design and location of the buildings, and associated traffic, should avoid, remedy or mitigate adverse effects on the road network or traffic safety.
 - e. Stormwater
 - i. The control, treatment, storage, or disposal of stormwater should be adequately managed.
 - f. Elite or prime land
 - i. If the site contains elite or prime land, the proposed buildings, structures, or site development should not prevent or compromise its availability or use for activities that directly rely on it.
 - ii. To avoid or mitigate this potentially adverse effect, the council may decline to grant consent to an application, or may attach conditions to a consent that require the buildings or associated site works to be relocated.

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6. Special information requirements

1. Applications which include an on-site or communal waste-water and effluent disposal system must be accompanied by a funding and maintenance plan which demonstrates that the system will:
 - a. maintain public health standards
 - b. ensure land stability of the property and adjoining land
 - c. safeguard the recreational, ecological values and water quality of natural water courses draining through and from the land
 - d. protect any underground water resources.

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