

APPENDIX 3 PROVISION CASCADE

Objective	Policies	Rules	Assessment Criteria
<p>2.12 Whakapapa (connection to nature) a) Relationships with ancestral lands, water, sites, waahi tapu and other taonga are protected and enhanced.</p> <p>2.13 Whenuatanga (land management) a) Tangata whenua have the ability to utilise, manage and enjoy their traditional resources in accordance with tikanga Maaori, including matauranga Maaori maintaining their relationship to ancestral land.</p> <p>2.14 Kaitiaki (steward/guardian) a) The role of Tangata Whenua as kaitiaki is recognised and maintained.</p> <p>2.15 Waikatotanga (way of life) a) Cultural practices and beliefs of Tangata Whenua are respected.</p> <p>2.16 Tikanga aa-iwi o te Takiwaa o Waikato a) Recognise the cultural significance of Waikato Takiwaa (district)</p>	<p>2.12.1 Policy- Whanaungatanga (relationship to nature) a) Recognise the relationship of tangata whenua with areas of significance, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora through provisions which may include: i) Cultural value assessments and/or cultural impact assessments ii) Accidental discovery protocols iii) Use of traditional place names iv) Protection, enhancement and restoration of mauri v) Use of appropriate plant species vi) Use of archaeological information vii) Incorporation of traditional or sympathetic design elements.</p> <p>2.13.1 Tangata Whenuatanga (utilisation by landowners) Tangata Whenua are enabled to sustainably manage their lands and resources in accordance with their cultural preferences and aspirations.</p> <p>a) Tangata whenua are enabled to sustainably use and develop ancestral land, including; marae complexes and associated facilities, and papakainga housing development according to customs and practices.</p> <p>b) Economic development supports the occupation, development and use of Maaori land.</p> <p>2.14.1 Kaitiakitanga (stewardship / guardianship) (i) Consult with Tangata Whenua where activities have the potential to adversely affect ancestral lands, water, sites waahi tapu, and other taonga and which may include: A. Establishing who should be consulted B. Establishing formal arrangements such as joint management agreements or memoranda of understanding C. Tangata Whenua involvement with consent processes and representation on hearings D. Support the creation of iwi and hapuu management plans</p>	<p>Rules</p> <p>Residential Zone P2 A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land. (a) The total building coverage does not exceed 50%; (b)(a) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application: (i) A Concept Management Plan approved endorsed by the Māori Land Court and (ii) A Licence to Occupy; (c)(b) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the application for building consent: (i) A Concept Management Plan approved endorsed by the Māori Land Court; (ii) A lease, or an Occupation Order of the Māori Land Court; (d)(c) The following Land Use – Effects rules in Rule 16.3 do not apply: (i) Rule 16.3.1 (Dwelling); (ii) Rule 16.3.2 (Minor dwellings); Rule 16.3.6 (Building Coverage).</p> <p>Business Zone P16 A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land. (b) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application: (iii) A Concept Management Plan approved endorsed by the Māori Land Court; and (iv) A Licence to Occupy. (c) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the building consent: (iii) A Concept Management Plan approved endorsed by the Māori Land Court; and (iv) A lease, or an Occupation Order of the Māori Land Court. (d) The following Land Use – Effects rules in Rule 17.2 do not apply: (iii) Rule 17.3.8 (Dwelling); Rule 17.1.4 (Multi-unit development).</p> <p>Rural Zone P1 A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land. (a) Land Use – Effects in Rule 22.2; (b) Land Use – Building in Rule 22.3 except: (i) Rule 22.3.1 (Number of dwellings) does not apply; (ii) Rule 22.3.2 (Minor Dwellings) does not apply; (iii) Rule 22.3.3 (Buildings and structures in landscape and natural</p>	<p>(b) <u>The Council's discretion is restricted to the following matter:</u></p> <p>(i) <u>Location of earthworks in relation to the Maaori site or area of significance;</u> (ii) <u>Effects on heritage and cultural values</u></p> <p>Signs general RDI(b) (viii) Effects on cultural values of any Maaori Site of Significance;</p> <p>Subdivision Title boundaries-Maaori sites and Maaori areas of significance (i) Effects on sites of significance to Maaori; (ii) Effects on areas of significance to Maaori.</p>

	<p>E. The exercise of kaitiakitanga or stewardship</p> <p>F. <u>Kaitiaki responsibility to ensure the mauri and the taonga inherited from tupuna are not negatively affected through resource consent and activities.</u></p> <p>2.15.1 Ngaa taonga tuku iho (Maaori Sites and Areas of Significance)</p> <p>a) Ensure subdivision, use and development does not compromise the cultural and spiritual significance of areas, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora and fauna.</p> <p>b) Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are protected from adverse effects of development or activities on those sites.</p> <p>2.16.1 Policy- Whaanga Coast Specific Area</p> <p>a) Enable the use and development of Maaori land for a range of activities in accordance with tikanga Maaori including kainga nohoanga and mahinga kai to support the social, cultural and economic aspirations of mana whenua on the Whaanga coast.</p> <p>2.16.2 Policy- Aahuatanga Motuhake (special features)</p> <p>a) Recognise and maintain the cultural significance of wetlands lakes and other waterbodies, including the Waikato and Waipa awa (rivers), coastal areas of Whaingaroa (Raglan Harbour) , Aotea, and Te Puaha o Waikato (Port Waikato).</p> <p>b) Recognise the historic and contemporary relationships of Ngaal iwi o Tainui to Kairioi, Taupiri, Hakarimata Range, Hinua, Pirongia maunga</p>	<p>character areas) does not apply;</p> <p>(iv) Rule 22.3.4 (Building Height) does not apply;</p> <p>(v) Rule 22.3.6 (Building Coverage) does not apply;</p> <p>(c) Building height does not exceed 7.5m in any of the following areas:</p> <p>(i) Outstanding Natural Landscape;</p> <p>(ii) Outstanding Natural Feature;</p> <p>(iii) Outstanding Natural Character Area of the coastal environment;</p> <p>(iv) High Natural Character Area of the coastal environment;</p> <p>(d) A Concept Management Plan is provided, with either:</p> <p>(i) A Licence to Occupy at the time of lodgement of the building consent application where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation; or</p> <p>(ii) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the building consent application:</p> <p>A. A lease; or</p> <p>B. An Occupation Order of the Māori Land Court.</p> <p>(e) <u>On Riria Kereopa Drive the following activity is permitted:</u></p> <p>(i) <u>Restaurant</u></p> <p>Village Zone</p> <p>P2 A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.</p> <p>(a) <u>The total building coverage does not exceed 50%;</u></p> <p>(b)(a) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application:</p> <p>(v) A <u>Concept Management Plan approved endorsed</u> by the Māori Land Court; and</p> <p>(vi) A Licence to Occupy.</p> <p>(c)(b) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the <u>building</u> consent application:</p> <p>(v) A <u>Concept Management Plan approved endorsed</u> by the Māori Land Court; and</p> <p>(vi) A lease, or an Occupation Order of the Māori Land Court.</p> <p>(d)(c) The following Land Use – Effects rules in Rule 24.3 do not apply:</p> <p>(iv) <u>Rule 24.3.1</u> (Dwelling);</p> <p>(v) <u>Rule 24.3.2</u> (Minor dwellings);</p> <p><u>Rule 24.3.5</u> (Building Coverage).</p> <p>P6 Cultural event on Maaori Freehold Land containing a Marae Complex</p> <p><u>Earthworks – Maaori Sites and Maaori Areas of Significance</u></p> <p><u>RDI – Earthworks within a significant Maaori site or area of significance</u></p> <p>(a) <u>Earthworks within a significant Maaori site or area of significance as identified in Schedule 30.3 and 30.4.</u></p>	
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~~Earthworks-Maaori Sites and Maaori Areas of Significance~~

~~RDI~~

- ~~(a) Earthworks within a Maaori Site of Significance as identified in Schedule 2 (Maaori Site of Significance) and shown on the planning maps.~~

~~RDI2~~

- ~~(a) Earthworks within a Maaori area of significance as identified in Schedule 3 (Maaori Area of Significance) and shown on the planning maps.~~

Signs –general

P2 (xi) The sign is not attached to a Maaori Site of Significance listed in Schedule 2 (Maaori Sites of Significance), except for the purpose of identification and interpretation

P4 Indigenous vegetation clearance inside a Significant Natural Area

- (a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule No. 5 (Urban Allotment Significant Natural Areas) where:
- (ii) There is no alternative development area on the site outside the Significant Natural Area;
 - (iii) The following total areas are not exceeded:
 - G. 1500m² for a Marae complex, including areas associated with access parking and manoeuvring; and
 - H. 500m² per dwelling, including areas associated with access parking and manoeuvring; and

500m² for a papakainga building including areas associated with access parking and manoeuvring.

P5 Indigenous vegetation clearance inside a Significant Natural Area

- (a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule No. 5 (Urban Allotment Significant Natural Areas) for the following purposes:
- (i) Removing vegetation that endangers human life or existing buildings or structures; or
 - (ii) Conservation fencing to exclude stock or pests; or
 - (iii) Maintaining existing farm drains; or
 - (iv) Maintaining existing tracks and fences; or

Gathering plants in accordance with Maaori customs and values. On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule No. 5 (Urban Allotment Significant Natural Areas) for the following purposes

Title boundaries-Maaori sites and Maaori areas of significance

RDI

(a) Subdivision of sites containing Maaori Sites of Significance and Maaori trees of Significance that includes all of the site or area within a proposed lot.

Subdivision of Maaori Freehold Land
D1 Subdivision for a full partition of Maaori Freehold Land under the Te Ture Whenua Maori Act 1993.

