

# ATTACHMENT 1 – Recommended Amendments to Treaty Settlement Land overlay Chapter

Amendments below only relate to a provisions where amendments have been recommended to address Te Aupōuri’s Relief. These are shown as underline used for new text and ~~strikethrough~~ for deleted text).

## Overview

The Far North District has six Iwi Authorities (Te Roroa, Ngati KurT, Te Aupouri, NgaiTakoto, Te Rarawa and NgatiKahu ki Whangaroa) who have reached treaty settlement with the Crown and for whom legislation has been enacted. The largest Iwi Authority, Ngapuhi is yet to settle.

The land included in this overlay has been returned through the settlement process either as cultural or economic redress. Land tenure is predominantly general title and is governed by a post-settlement governance entity which differs from Maori Purpose zoned land which is administered under Te Ture Whenua Maori Act 1993.

As part of the settlement process, iwi authorities may have the first right of refusal on further land if it was specified in their settlement. Should further land need to be incorporated into this overlay, Council will initiate the plan change process to apply the Treaty Settlement Land overlay to the returned land. The underlying zone provisions apply to Treaty Settlement Land unless otherwise specified in these overlay provisions.

If economic redress land is sold post settlement then the overlay provisions and framework will no longer apply.

The Treaty Settlement Overlay recognises the importance of Treaty Settlement claims and the cultural and commercial redress lands that are returned to iwi entities as kaitiaki and custodians on behalf of tangata whenua.

The majority of Treaty Settlement land is located in the Rural Production and Conservation Zones, and the Treaty Settlement Overlay is intended enable use and development land to support Māori in providing for their social, economic, cultural and environmental wellbeing. As such, the overlay anticipates the development of activities such as papakāinga, marae, community facilities, commercial activities and other cultural activities that support the economic, social, environmental and cultural wellbeing of tangata whenua.

The Council has responsibilities under Te Tiriti / the Treaty, the Act and the Northland Regional Policy Statement to provide for the use and development of Treaty Settlement Land.

Objectives	
TSL-O1	The viability of Treaty Settlement Land is ensured for future generations.
TSL-O2	Treaty Settlement Land returned as <del>commercial redress supports</del> <u>enables a range of</u> social, cultural, <u>environmental</u> and economic development.
TSL-O3	Treaty Settlement Land <del>returned as cultural redress</del> provides for the on-going relationship <u>tangata</u> whenua has with their land.
TSL-O4	Use and development on Treaty Settlement Land reflects the sustainable carrying capacity of the land and surrounding environment.

Policies	
TSL-P1	<b>Provide <u>Enable</u> for the <u>occupation</u> use and development of Treaty Settlement Land <u>and where appropriate, take into account any iwi or hapū plans or strategies that support the environmental, economic, cultural and social wellbeing of tangata whenua.</u></b>
TSL-P2	Enable a range of activities on Treaty Settlement Land including marae, papakainga, customary use, cultural, and <b>small-scale</b> commercial activities where the adverse effects can be avoided, remedied or mitigated
TSL-P3	Provide for development on Treaty Settlement Land where it is demonstrated that: <ul style="list-style-type: none"> <li>a. <del>it is compatible with surrounding activities;</del></li> <li>b. it will not compromise the occupation, development and use of Treaty Settlement Land;</li> <li>c. <del>it will not compromise the underlying zone, adjacent land or other zones to be efficiently or effectively used for their intended purpose;</del></li> <li>d. any values identified through cultural redress are maintained;</li> <li>e. it maintains the character and amenity of surrounding area;</li> <li>f. it provides for community wellbeing, health and safety;</li> <li>g. it can be serviced by onsite infrastructure or reticulated infrastructure where this is available; and</li> <li>h. any adverse effects can be avoided, remedied or mitigated.</li> </ul>
Rules	

<b>TSL-R4</b>	<b>Papakainga</b>	
<b>Treaty Settlement Land overlay</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The number of residential units does not exceed the greater of:</p> <ol style="list-style-type: none"> <li>10 residential units per site; or</li> <li>one residential unit per <b>1240ha</b> of site area.</li> </ol> <p><b>PER-2</b> Any commercial activity associated with the papakainga does not exceed a <b>GFA GBA</b> of 250m<sup>2</sup>.</p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>The matters set out in policy TSL-P4.</li> </ol>
<b>TSL-R5</b>	<b>Visitor accommodation</b>	
<b>Treaty Settlement Land overlay</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The occupancy does not exceed <del>ten six</del> guests per night.</p> <p><b>Note:</b> PER-1 does not apply to marae provided for under TSL-R6.</p>	<p><b>Activity status where compliance not achieved: Discretionary</b></p>
<b>TSL-R11</b>	<b>Educational facility</b>	
<b>Treaty Settlement Land overlay</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The educational facility is within a residential unit or accessory building.</p> <p><b>PER-2</b> The number of persons attending at any one time does not exceed four, excluding those who reside on site.</p> <p><b>PER-3</b> <b><u>Kohanga Reo and Kura Kaupapa are exempt from PER-1 and PER-2</u></b></p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</b></p>

	<del>These standards do not apply to: Kohanga- reo activities</del>	
<b>TSL-R12</b>	<b>Commercial activity</b>	
Treaty Settlement Land overlay	<b>Activity status: Permitted</b> <b>Where:</b> <b>PER-1</b> The commercial activity does not exceed a <del>GBA</del> <b>GFA</b> of 250m <sup>2</sup> .	<b>Activity status where compliance not achieved with PER-1:</b> <b>Discretionary</b>
<b>TSL-R13</b>	<b>Rural tourism activity</b>	
Treaty Settlement Land overlay	<b>Activity status: Permitted</b> <b>Where:</b> <b>PER-1</b> The rural tourism activity does not exceed a <del>GBA</del> <b>GFA</b> of 250m <sup>2</sup> .	<b>Activity status where compliance not achieved with PER-1:</b> <b>Discretionary</b>

<b>TSL-S5</b>	<b>Building or structure coverage</b>	
Treaty Settlement Land Overlay	The combined building or structure coverage of the site is no more than <del>3550</del> %.	<b>Where the standard is not met, matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>the character and amenity of the surrounding area;</li> <li>any landscaping, planting and screening to mitigate any adverse effects;</li> <li>the extent to which private open space can be provided for future uses;</li> <li>the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment; and</li> <li>natural hazard mitigation and site constraints.</li> </ol>