



SECTION 42A REPORT

Sites and Areas of Significance to Māori

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List of Abbreviations

Table 1: List of Submitters and Abbreviations of Submitters' Names

Submitter Number	Abbreviation	Full Name of Submitter
S486	TRoW	Te Rūnanga o Whaingaroa
S498	TRAION	Te Rūnanga Ā Iwi O Ngāpuhi
S390	TRoNT Trust	Te Rūnanga o Ngāi Takoto Trust
S339	TACD Ltd	Te Aupōuri Commercial Development Ltd
S399	THID Trust	Te Hiku Iwi Development Trust
S394	HMK Trust	Haititaimarangai Marae Kaitiaki Trust
S282	Telco Companies	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark Tower Co Limited, Vodafone New Zealand Limited
S483	TE Ltd	Top Energy Ltd
S454	Transpower NZ Ltd	Transpower New Zealand Ltd
S368	FNDC	Far North District Council
S159	Horticulture NZ	Horticulture New Zealand
S389	Taituha, Tane & Apiata	Merata Kawharu Taituha, Renata Tane, Albie Apiata, Billie Taituha and Hirini Tane
S1	JPN Trust & AMLN	John-Peter Nilsson Trust and Anne-Marie Linder Nilsson
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga



S421	Federated Farmers	Northland Federated Farmers of New Zealand
S359	NRC	Northland Regional Council
S356	NZTA	Waka Kotahi NZ Transport Agency
S409	HNZPT	Heritage New Zealand Pouhere Taonga
S91	PFO Ltd	PF Olsen Limited

Note: This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

Table 2: Other abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement
NZAA	New Zealand Archaeological Association



1 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Sites and Areas of Significance to Māori Chapter is located in District-wide Matters section of the PDP.
2. 33 original submitters (with 73 individual submission points) and 242 further submitters (with 1820 individual submission points) were received on the Sites and Areas of Significance to Māori topic. 28 original submission points indicated general support for the provisions, with some requesting minor amendments. 22 submission points indicated support in part, with changes requested, whilst 12 submission points opposed the provisions. 11 submission points did not indicate their position.
3. The submissions can largely be categorised into several key themes:
 - a. Submissions on the Overview in the chapter
 - b. Submissions on the Objectives in the chapter
 - c. Submissions on the Policies in the chapter
 - d. Submissions on the Rules in the chapter
 - e. Submission on the Definitions in the chapter
 - f. Submissions on General / Plan Content / Miscellaneous matters in the chapter
 - g. Submissions on Schedule 3 and Planning Maps in the chapter.
 - h. Submissions on Infrastructure matters in the chapter
4. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
5. The key changes recommended in this report relate to:
 - Amendments to objectives of the Sites and Areas of Significance to Māori chapter.
 - Amendments to policies of the Sites and Areas of Significance to Māori chapter.
 - Amendments to rules of the Sites and Areas of Significance to Māori chapter.
 - Amendments to schedule 3 and planning maps of the Sites and Areas of Significance to Māori chapter.



2 Introduction

2.1 Author and qualifications

6. My full name is Theresa Annetta Burkhardt, and I am a Senior Policy Planner at Far North District Council.
7. I hold the planning qualification of Master of Planning Practice from University of Auckland, Waipapa Taumata Rau. I am a full member of the New Zealand Planning Institute.
8. I have 15 years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; the preparation of Environment Court evidence; and the processing of resource consent applications. During this time, I have also developed specialist knowledge and understanding of whenua Māori / Māori land, Te Kooti Whenua Māori / Māori Land Court processes and the context of whenua Māori in the District. I have recently completed the Making Good Decisions Foundation Course and obtained certification to sit as an accredited member of a hearings panel.

2.2 Code of Conduct

9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
10. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

2.3 Expert Advice

11. In preparing this report no expert advice was sought or required.

3 Scope/Purpose of Report

12. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
 - a) assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
 - b) provide submitters with an opportunity to see how their submissions have been evaluated, and the recommendations being made by officers, prior to the hearing.
13. This report responds to submissions on Sites and Areas of Significance to Māori chapter.
14. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16(2) amendments to the PDP to achieve consistent formatting of rules and standards, including



inserting semi colons between each standard, followed by “and” after the second to last standard (where all of the standards must be met to comply) or “or” after the second to last standard (when only one of the standards must be met to comply). These changes are neutral and do not alter the effect of the rules or standards, they simply clarify the intent. The clause 16 corrections are reflected in Appendix 1A to this Report (Officer’s Recommended Provisions in response to Submissions).

4 Statutory Requirements

4.1 Statutory documents

15. I note that the Tangata Whenua Section 32 report provides detail of the relevant statutory considerations applicable to the Sites and Areas of Significance to Māori Chapter.
16. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
17. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan which must be given effect to, and which are relevant to the Sites and Areas of Significance to Māori Chapter.



4.1.1 Resource Management Act

18. On the 24 March 2025, the Government announced that RMA will be replaced with two new pieces of legislation:
 - a. A Natural Environment Act – focused on managing the natural environment.
 - b. A Planning Act – focused on planning to enable development and infrastructure.
19. In the announcement, the Government stated that the new legislation will narrow the scope of the resource management system and the effects it controls, with the enjoyment of private property rights as the guiding principle. It was also signalled that there will be a shift has from a precautionary to a more permissive approach to better enable development, streamline processes, and enhance New Zealand’s ability to meet its housing, infrastructure, and environmental objectives. This includes nationally standardised land use zones, one combined plan per region (including a regional spatial plan) and more cohesive and streamlined national direction. The intention is that the two new pieces of legislation will be introduced to Parliament by the end of 2025, with a Select Committee process in 2026, and passage into law before the 2026 general election. The RMA continues to be in effect until when and if this new replacement legislation is passed.

4.1.2 National Policy Statements

4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

20. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be “prepared in accordance with” and “give effect to” a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
21. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe.
22. The National Policy Statement for Highly Productive Land (NPS-HPL) took effect on 17 October 2022, The NPS-HPL has a single objective: Highly productive land is protected for use in land-based primary production, both now and for future generations. The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning,



and subdivision of highly productive land and requirements to protect highly productive land from inappropriate use and development.

4.1.2.2 National Policy Statements – Announced Future Changes

23. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend or replace various National Policy Statements. There are no announced changes that are directly relevant to this topic.

4.2 Council's Response to Current Statutory Context

24. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.
25. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).
26. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
27. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.

4.2.1 National Environmental Standards

28. The National Environment Standards for Commercial Forestry 2017 (NESCF), which amend the NES-PF, came into effect on 3 November 2023. In addition to regulating the effects of plantation forestry, the NES-CF now regulates "exotic continuous-cover forestry", which is commercial forestry not intended to be harvested (i.e. carbon forestry). As such, the NES-CF now applies to all types of forestry deliberately established for commercial purposes (permanent indigenous forestry is not regulated under the NES CF). In addition to bringing exotic continuous-cover forestry within scope, the changes in the NES-CF: a. Allow plan rules to be more stringent or



lenient to manage afforestation relating to both types of forestry. 2 b. Introduce a range of operational changes, including a new permitted 9 activity standard for managing forestry slash at harvest and new requirements around management of wilding trees.

4.2.2 National Planning Standards

29. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The Sites and Areas of Significance to Māori provisions proposed and recommended in this report follow this guidance.

4.2.3 Treaty Settlements

30. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

4.2.4 Iwi Management Plans

31. Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with a territorial authority.
32. When the PDP was notified in July 2022, Council had 14 hapū/Iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP:
 - Ngā Tikanga mo te Taiao o Ngāti Hine-Ngāti Hine Environmental Management Plan – 2022.
 - Ahipara Takiwā Environmental Management Plan.
33. 'Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the Sites and Areas of Significance to Māori the Ngāti Hine Environmental Management Plan provides the following direction:

Tuātoru: Para Hiako

3.6 MARAE, KAINGA AND WAHI TAPU Our marae are the whatu manawa or cultural heart of our hapu. Our kainga, those that remain in Maori ownership, are sites of significance and essential for the re-establishment of Ngāti Hine communities. Our wahitapu are tapu and are not always known by councils or other entities.

Issues

- *Our marae are the cultural heart of our hapu.*



- *Our kainga, those that remain in Maori ownership, are the obvious sites for the re-establishment of Ngāti Hine communities.*

- *Our wahitapu are tapu.*¹

3.7 ACCESS - NAKU TE WHENUA, NAKU TE AWA There has been significant public debate over issues of public access to water bodies and the coast in recent years, especially following the Foreshore and Seabed Act (2004) and more recently the Marine and Coastal Area (2011). Ngāti Hine recognises the desire of most New Zealanders to be able to access our water bodies and coastline for a variety of reasons and uses. Access has long been a significant issue for Ngāti Hine for three principle reasons:

*1. Kaitiaki require access to all wahi tapu and sites of historic and cultural significance. With the raupatu, Crown and government land confiscation and alienation of many ancestral lands. From Maori title to either private or public land, many of these sites are now on either private or public lands. There is public pressure to open up many areas for use by the general public. The ability of external stakeholders ensuring sites are protected and not violated or compromised in any processes of development, is of great concern to Ngāti Hine.*²

Tuāwha: Para Mātenga.

4.1 NGA HONONGA – RELATIONSHIPS

3. Relationships with Agencies

Agencies have statutory responsibilities for various roles in managing the natural, physical and heritage resources within our rohe. They operate at local, regional and central government levels. We have listed the most significant agencies and their respective statutes below but a full list would include numerous bodies including the Ministry of Health and Health Boards, Ministry of Education, Maritime Safety Authority, the National Archives, Te Papa, Fish and Game, TRANSIT, Land Information NZ, the NZ Geographic Board and especially the Crown Research Institutes such as Land care Research and NIWA. Ngāti Hine considers all these agencies to be components of the Crown and therefore, under Te Tiriti, partners with Ngāti Hine in the management of our rohe and the natural, physical and heritage resources within it. Where there is any confusion as to the status of this relationship on any issue, this should be addressed as early as possible through direct dialogue and negotiation.

Joint Management • The Department of Conservation is obliged by statute to give effect to Te Tiriti o Waitangi and Ngāti Hine status as rangatira, and should do so when entering into binding memoranda with Ngāti Hine. These memoranda will include collaborative management agreements for specific localities within the Crown's conservation estate, as well as agreements whereby Ngāti Hine have effective input into all aspects of the Department's management processes that affect us, our values or our taonga. • Currently local authorities have the ability to transfer powers

¹ Ngāti Hine Environmental Plan p 47

² Ngāti Hine Environmental Plan p 48



and functions under the RMA and the ability under the RMA and the LGA to enter into joint management agreements with Ngāti Hine. Opportunities for either of these mechanisms should be identified and incrementally implemented. For example, management of Council owned reserves and similar areas, especially where these contain wāhi tapu or other sites of significance, or Mana Whakahono a Rohe; present a prime opportunity for this. Ngāti Hine will negotiate a schedule for developing joint management agreements over key reserves within Ngāti Hine that have high cultural value.³

Resource consents, permits and concessions

...

b. place conditions on consents that provide for the avoidance of effects on matters of significance to Ngāti Hine and provide for the involvement of Ngāti Hine in the monitoring and review of resource consents. This should include development of agreed protocols governing any activity allowed by consent or permit that can affect wāhi tapu or other heritage matters;

...⁴

The Ahipara Takiwā Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with Council in 2023, after notification of the PDP in July 2022. In respect of the Sites and Areas of Significance to Māori, the Environmental Management Plan provides direction in relation to the following:

3.5 Wāhi Tapu / Sacred and Historic Sites

3.5.3 Ngā Take Wāhi Tapu / Issues relating to Wāhi Tapu

- WT11. Some significant sites remain unidentified and the narrative relating to others has not yet been fully documented.*
- WT12. Developments including subdivision do not consider cultural values and can put wāhi tapu at risk.*
- WT13: Few wāhi tapu within the takiwā have management plans or are adequately protected from future development.*
- WT14: As kaumatua pass on, the kōrero relating to these sites becomes lost.*
- WT15: Under the terms of Te Korowai, Ngā Kaitiaki o Te Rarawa Iwi have full management of wāhi tapu sites located within co-managed whenua (former public conservation land) including the ability to protect their sanctity and cultural values. The Department of Conservation is required to enter into formal management agreements in relation to these wāhi tapu.*

³ Ngāti Hine Environmental Plan p 54

⁴ Ngāti Hine Environmental Plan p 56



- *WTI6: Some wāhi tapu are located in close proximity to homes and well used recreation sites where motorbiking, tramping, fishing and surfing occur. These have the potential to damage the nearby wāhi tapu.*
- *WTI7. Infrastructure such as fencing and access ways on and off the beach are required to protect wāhi tapu in the future.*
- *WTI8. Near Māpere there is increasing inappropriate development of the culturally important dune system, including replacing the dunes with kikuyu lawn.*

3.5.4 Whakamaoritia / Objectives relating to Wāhi Tapu

- *WTO1: To develop a work programme to locate and map all culturally significant sites within the takiwā.*
- *WTO2: To assess and prioritise the management needs of all wāhi tapu.*
- *WTO3: Wāhi Tapu are protected from future development and managed in a culturally appropriate way.*
- *WTO4: The kōrero and tikanga relating to wāhi tapu is recorded, stored and shared appropriately.*

3.5.5 Kaupapa Here / Policies relating to Wāhi Tapu

- *WTP1. To require an accidental discovery protocol for any earthworks or other disturbance of the whenua to provide for discovery of previously unknown wāhi tapu.*
- *WTP2. To oppose activities which may adversely affect known wāhi tapu.*
- *WTP3. To require that mana whenua access to wāhi tapu is established, maintained and protected.*
- *WTP4. To identify wāhi tapu areas and maintain an inventory of sites.*
- *WTP5. To discourage the erection of structures, both temporary and permanent, near wāhi tapu.*
- *WTP6. To encourage and promote the importance and relevance of wāhi tapu.*

3.5.6 Wāhi Tapu in the future

- *All wāhi tapu are mapped, gps located and identified, including the kōrero associated with them. This information is stored securely and passed on as appropriate. There is a consistent process for including other wāhi tapu in this plan and for assessing the management needs and priorities for all sites. All wāhi tapu have a management plan in place and wāhi tapu are protected from future developments. Our connection between the landscape and our tūpuna whenua is recognised and celebrated.*



4.3 Section 32AA evaluation

34. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
35. The s32AA further evaluation for each key issue considers:
 - a) Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - b) The reasonably practicable options for achieving those objectives.
 - c) The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - d) The efficiency and effectiveness of the provisions for achieving the objectives.
 - e) The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
36. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.4 Procedural matters

37. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.
38. No pre-hearing meetings or Clause 8AA meetings on the submissions relating to Sites and Areas of Significance to Māori were held prior to the finalisation of this s42A report.

5 Consideration of submissions received

5.1 Overview of submissions received.

39. A total of 73 original submissions and 1820 further submissions were received on the Sites and Areas of Significance to Māori chapter.
40. The main submissions on the Sites and Areas of Significance to Māori came from:
 - a) Iwi Authorities, Post Settlement Governance Entities (PSGE) such as Te Rūnanga o Whaingaroa (S486), Te Rūnanga Ā Iwi O Ngāpuhi (S498), Te Rūnanga o NgaiTakato Trust (S390), Te Hiku Iwi Development Trust (S399).
 - b) Hapū and marae such as Te Rūnanga o Ngāti Rēhia (S559), Roma Marae (S578), Haititaimarangai Marae Kaitiaki Trust (S394) and Ahipara Takiwā (S576 & S579).



- c) Whānau and individual submitters such as Michelle Patricia Nilsson-Webby Family Trust (S5), Kuia, Kaumātua and whānau of Moringai Whānau (S575), Moringai Whānau (S577) Merata Kawharu Taituha, Renata Tane, Albie Apiata, Billie Taituha and Hirini Tane (S389), Jon-Peter Nilsson Trust and Anne-Marie Linder Nilsson (S1) and Nicole Butler (S305).
 - d) Key interest groups such as Opononi Area School (S452 & S388), Northland Federated Farmers of New Zealand (S421), Summit Forests New Zealand Limited (S148), Horticulture NZ (S159), Northland Planning and Development 2020 Limited (S502), Creative Northland (S300), Waitangi Limited (S503), PF Olsen Limited (S91), Waiaua Bay Farm Limited (S463), Arawai Limited (S581) and J L Hayes and Sons Ltd (S557).
 - e) Government agencies such as Waka Kotahi NZ Transport Agency (S356), Ministry of Education Te Tāhuhu o Te Mātauranga (S331), Northland Regional Council (S359) and Heritage New Zealand Pouhere Taonga (S409).
 - f) Infrastructure providers such as Top Energy Limited (S483) Transpower New Zealand Ltd (S454) and Telco Companies (S282).
41. The key issues identified in this report are set out below:
- a) Key Issue 1: Overview
 - b) Key Issue 2: Objectives
 - c) Key Issue 3: Policies
 - d) Key Issue 4: Rules
 - e) Key Issue 5: Definitions
 - f) Key Issue 6: General / Plan Content / Miscellaneous
 - g) Key Issue 7: Schedule 3 and Planning Maps
 - h) Key Issue 8: Infrastructure
42. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.

5.2 Officer Recommendations

43. A copy of the recommended plan provisions for the Sites and Areas of Significance to Māori chapter is provided in **Appendix 1A – Recommended Amendments** and **Appendix 1B Schedule 3 – Schedule of Sites and Areas of Significance to Māori**, to this report.



44. A full list of submissions and further submissions on the Sites and Areas of Significance to Māori chapter is contained in **Appendix 2 – Recommended Decisions on Submissions**, to this report.
45. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council (fndc.govt.nz) the associated Section 32 report on this chapter section-32-overview.pdf (fndc.govt.nz) the overlays and maps on the ePlan Map - Far North Proposed District Plan (isoplan.co.nz).

5.2.1 Key Issue 1: Overview

Overview

Provision(s)	Officer Recommendation(s)
Overview	<ul style="list-style-type: none">• Retain Overview as notified

Analysis of Submissions on Key Issue 1

Matter raised in submissions

46. Submission S421.132 from Federated Farmers, supports in part the Overview, and requests amendments to include appropriate wording to recognise the role that landowners of private property play in the identification and protection of sites and areas of significance to Māori. The council will play a major role in facilitating a partnership and promoting effective engagement between tangata whenua and landowners.
47. There are two further submissions in support of S421.132 (FS354.106 & FS285.9) and four further submissions which oppose (FS570.1364, FS346.366, FS566.1378 & FS569.1400).

Analysis

48. It is considered that the request is already provided for as the Overview as notified, refers in paragraph 5 to landowners as follows:
*The identification of sites and areas of significance to Māori enables developers and landowners to plan and undertake development activities in a way that minimises or avoids disturbance.*⁵
49. In addition, policy SASM-P6 promotes the provision or development of access for tangata whenua to sites and areas of significance to Māori through informal arrangements or understandings between landowners and tangata whenua. In addition, no specific amendments to the provisions have been requested, no amendments have been recommended.

⁵ SASM Overview para. 5



Recommendation

50. For the reason outlined in paragraphs 48 and 49 above, I recommend the following:
 - a) Submission S421.132 to be accepted in part, insofar as the request is provided for in the Overview and Policy SASM-P6.

Matter raised in submissions

51. Submission S300.002 from Creative Northland, supports the Overview but requests an amendment to have specific sites identified with an action and upkeep maintenance strategy. The submitters state they can help form action outcomes with Council as part of the strategy.
52. There is one further submission which supports in part submission S300.002 (FS51.129).

Analysis

53. It is considered that the request is partially provided for by Policy SASM-P5, the intention of which is to support both landowners and tangata whenua to manage, maintain and preserve sites and areas of significance to Māori. However, as no specific amendments to the provisions have been requested, no amendments have been recommended.

Recommendation

54. For the reasons outlined above in paragraph 53 I recommend the following:
 - b) Submission S300.002 to be accepted in part, insofar as the request is provided for in Policy SASM-P5.

Matter raised in submissions

55. Submission S388.001 from Opononi Area School, supports the Overview. The submitter seeks that Council provide support and resourcing in the PDP to preserve the cultural heritage and taonga, that is Ro Iho Urupā. In addition to requesting support and resourcing to Māori people of the area, by developing a Māori cemetery in their local area.
56. There is one further submission which supports in part S388.001 (FS51.130).

Analysis

57. It is considered that the submitters request is partially provided for, as Ro Iho Urupā is identified in Schedule 3 - Schedule of Sites and Areas of Significance to Māori as MA-11-10 and therefore the cultural heritage and taonga that is Ro Iho Urupā is preserved by the Schedule.
58. In addition to this policy, SASM-P9 below, provides for the following methods as requested:

Policy SASM-P9 Encourage protection, maintenance and restoration of scheduled sites and areas of significance to Māori, including consideration of the following additional measures:



- a. reducing or waiving consent applications costs;*
- b. providing funding, grants and other incentives; and*
- c. obtaining, recording and sharing information about sites and areas of significance to Māori.*

59. However, it should be noted that funding and grants are provided for outside of the District Planning process and through the Long-Term Plan process.
60. Finally, the request to support and resource the Māori people of the area by developing a Māori cemetery, is beyond the scope of the District Plan. A Māori cemetery or urupā is generally provided for on whenua Māori for whānau who whakapapa to the area and therefore is private. However, if a public cemetery is required that would be better addressed through Council's District Facilities Department.

Recommendation

61. For the reasons outlined in paragraphs 57 to 60 above, I recommend the following:
- a) Submission S388.001 to be accepted in part, insofar as the request is provided for in Policy SASM-P9.

Section 32AA evaluation

62. No change to the Overview is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.2 Key Issue 2: Objectives

Overview

Provision(s)	Officer Recommendation(s)
SASM-O1	<ul style="list-style-type: none"> Amend objective
SASM-O2	<ul style="list-style-type: none"> Amend objective
SASM-O3	<ul style="list-style-type: none"> Retain objective
SASM-O4	<ul style="list-style-type: none"> Amend objective
SASM-O5	<ul style="list-style-type: none"> Retain objective

Analysis of Submissions on Key Issue 2

Matter raised in submissions

63. Submission S409.011 from HNZPT supports the objectives and requests to retain them.
64. There are three further submissions which support S409.011 (FS570.1186, FS566.1200 & FS569.1222) and one further submission which opposes (FS400.041).



Analysis

65. Submission S409.011 is acknowledged and the recommendation made that the submission be accepted in part due to the amendment recommended below in paragraph 71.

Recommendation

66. For the reasons outlined in the paragraph above, I recommend the following:
- a) Submission S409.011 to be accepted.

Objective SASM-O1

Matter raised in submissions

67. Submission S394.019 from HMK Trust, supports in part objective SASM-O1 and requests amendments as, in accordance with tikanga, it may not be culturally appropriate to identify sites of significance in some instances. Protection of culturally significant areas is important for past, current and future generations. The amendments sought are as follows:

Sites and areas of significance to Māori are identified where culturally appropriate, recognised and managed, to ensure their long-term protection for future generations.

68. There are 147 further submissions in support of S394.019 and two further submissions which support in part. Refer to Appendix 2 for further submission points.

Analysis

69. Submission S394.019 requests an amendment as outlined above in paragraph 67. It is accepted that sites and areas of significance to Māori will be identified only where culturally appropriate. However, I do not consider it is necessary to amend the objective to specify this, as assessing, identifying and recording sites will be done in collaboration with tāngata whenua. Therefore, the cultural appropriateness will be determined by tāngata whenua during this process. Therefore, I do not accept the insertion requested.
70. I consider the point made that the protection of culturally significant areas is important for past, current **and** future generations, is appropriate and therefore accept the deletions requested. As such I recommend that the submission be accepted in part.

Recommendation

71. For the reasons outlined in the paragraph above, I recommend the following:
- a) Submission S394.019 be accepted in part and objective SASM-O1 be amended as follows:

SASM-O1	Sites and areas of significance to Māori are identified, recognised and managed, to ensure
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	their long-term protection for future generations.
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Matter raised in submissions

72. Submission S356.056 from NZTA supports objective SASM-O1 and requests the objective be retained as notified.
73. There is one further submission in support of S356.056 (FS51.180).

Analysis

74. Submission S356.056 is acknowledged and it is recommended that it be accepted in part due to the amendment recommended above in paragraph 71.

Recommendation

75. For the reasons outlined in the paragraph above, I recommend the following:
 - a) Submission S356.056 to be accepted in part.

Objective SASM-O2

Matter raised in submissions

76. Submission S356.057, from NZTA supports SASM-O2 and requests the objective be retained as notified.
77. There is one further submission that supports S356.057 (FS51.181).
78. Submission S394.020 from HMK Trust, supports in part SASM-O2 and seeks amendments to ensure that the culture and traditions that tangata whenua have with sites must also be recognised and provided for under s6(e) RMA. In addition, while future generations are important and are a principal consideration, tangata whenua culture, traditions and relationships warrant recognition, provision and protection in and of themselves. The amendments sought are as follows:

'The culture, traditions and relationships of tangata whenua with sites and areas of significance to Māori are recognised and provided for, to ensure its protection for future generations.'

79. There are 148 further submissions in support of S394.020, while one further submission supports the submission in part.

Analysis

80. Submission S356.057 is acknowledged and I recommend that it be accepted in part due to the amendments recommended below in paragraph 82.
81. Submission S394.020 requests an amendment as outlined above in paragraph 78, to ensure that the objective is consistent with the matter of national importance, s6(e) of the RMA. I accept the request to insert the words 'culture' and 'traditions', in the objective as it maintains the consistency with policy TW-P3 in the Tangata Whenua chapter. However,



I consider that the word “Māori” be retained to maintain consistency with the chapter. Finally, I concur that the deletion of the final clause in the objective is appropriate for consistency with objective SASM-O1. As such I recommend that the submission be accepted in part.

Recommendation

82. For the reasons outlined in the paragraph above, I recommend the following:
- a) Submission S394.020 to be accepted in part.
 - b) Submission S394.020 to be accepted in part and objective SASM-02 to be amended as follows:

SASM-02	The <u>culture, traditions and</u> relationships of tangata whenua with sites and areas of significance to Māori is recognised and provided for. to ensure its protection for future generations.
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Objective SASM-04

Matter raised in submissions

83. Submissions S486.077, S498.064 & S390.063, from TROW, TRAION, and TRON Trust oppose SASM-O4 and request the following amendment:
- 'Sites and areas of significance to Māori are known to, appreciated by, and acknowledged as important to, the wider community, where this is considered appropriate by tāngata whenua.*
84. There is one further submission that supports S486.077 (FS34.018) and one further submission that supports the submission in part (FS51.277).
85. There are three further submissions that support S498.064 (FS151.109 & FS151.110 & FS23.232) and one further submission that supports the submission in part (FS51.280).
86. There is one further submission which supports S390.063 (FS339.022).
87. Submission S394.021, from HMK Trust, supports in part SASM-O4 and requests to amend the objective as follows:
- 'Where appropriate, sites and areas of significance to Māori are known to, appreciated by, and acknowledged as important to, the wider community.*
88. There are 147 further submissions that support S394.021.

Analysis

89. Submissions S486.077, S498.064 & S390.063 oppose objective SASM-O4 and seek an amendment as outlined in paragraph 83.
90. Submission S394.021 supports in part objective SASM-O4 and seeks an amendment to the objective as outlined in paragraph 87.
91. I consider that the amendments sought by the above submissions are similar in intent and it is accepted that sites and areas of significance to



Māori will be identified only where tāngata whenua consider it to be culturally appropriate. Therefore, I recommend the submissions be accepted in part.

Recommendation

92. For the reasons outlined in the paragraph above, I recommend the following:

- a) Submissions S486.077, S498.064, S390.063 and S394.021 be accepted in part and objective SASM-O4 be amended as follows:

SASM-O4	Sites and areas of significance to Māori are known to, appreciated by, and acknowledged as important to, the wider community, <u>where it is considered appropriate by tāngata whenua.</u>
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Section 32AA evaluation

93. I consider that the amendments to the objectives that I have recommended are more appropriate way to achieve the purpose of the RMA than the notified objectives, because they better promote sustainable management by improving the way in which the objectives recognise and provide for section 6(e) and take into account section 8 of the RMA. Specifically, the reworded objectives provide further clarity that the intention of the objective is to ensure the protection of and the on-going relationship of tangata whenua with sites and areas of significance to Māori.

5.2.3 Key Issue 3: Policies

Overview

Provision(s)	Officer Recommendation(s)
SASM-P1	<ul style="list-style-type: none"> Retain as notified
SASM-P2	<ul style="list-style-type: none"> Amend policy
SASM-P3	<ul style="list-style-type: none"> Retain policy
SASM-P4	<ul style="list-style-type: none"> Amend policy
SASM-P5	<ul style="list-style-type: none"> Retain as notified
SASM-P6	<ul style="list-style-type: none"> Retain as notified
SASM-P7	<ul style="list-style-type: none"> Retain as notified
SASM-P8	<ul style="list-style-type: none"> Retain as notified
SASM-P9	<ul style="list-style-type: none"> Amend policy

Analysis of Submissions on Key Issue 3

Matters raised in submissions

All Policies

94. Submission S409.012 from HNZPT supports the policies in the chapter and requests they be retained.



95. There are three further submissions in support of S409.012 (FS570.1187, FS566.1201 & FS569.1223) and one further submission which opposes (FS400.042).

Analysis

96. Submission S409.012 is acknowledged and I recommend it be accepted.

Recommendation

97. For the reasons outlined in the paragraph above, I recommend the following:
- a) Submission S409.012 to be accepted.

New Policies

98. Submission S399.056 from Te Hiku Iwi Development Trust does not state a position. However, it requests the insertion a new policy as follows:

'Protect and preserve the culturally significant landscapes identified in iwi/hapū management plans held by Council from inappropriate land use, subdivision and development by:

- a) Identifying the area of interest for iwi/hapū management plans on planning maps;
- b) Recognising and providing for the spiritual, cultural and historical relationship of iwi/hapū with the area identified in the plan(s);
- c) Requiring that resource consent applications within or adjacent to the sites identified as significant within the relevant iwi/hapū management plan demonstrate that they have had regard to that Management Plan;
- d) Provide an assessment of consistency with the vision, objectives and desired outcomes outlined in the Management Plan;
- e) Provide an assessment of effects on values identified in the plan and provide, where relevant, evidence of outcomes of consultation with and/or cultural advice provided by tangata whenua;

Considering the relevant iwi authority or hapū as an affected person for any activity within the area where the adverse effects are considered minor or more than minor.'

99. There are seven further submissions which oppose S399.056 (FS67.27, FS143.70, FS68.30, FS69.29, FS85.6, FS66.28 & FS354.107).

Analysis

100. Submission S399.056 requests the insertion of a new policy as outlined in paragraph 98 above. I consider the amendment sought goes beyond the requirements of the RMA provided for by Part 2 and s74(2A), and the intention of the objectives in the chapter.
101. The new policy includes reference to culturally significant landscapes identified in Iwi/Hapū management plans. These culturally significant



landscapes could be extensive, have not been consulted on with potentially affected parties and have not been considered by a s32 analysis in terms of their relative costs and benefits. Potentially this could be considered in a future plan change subject to consultation and engagement with affected parties and a full s32 assessment.

102. Additionally, Iwi/Hapū management plans are documents lodged with Council outside of the district planning process and sometimes include matters that aren't necessarily RMA purposes. Currently, there are 'areas of interests' for the six Iwi in the Far North District who have treaty claim settlement acts enacted, included as a non-statutory information layer in the PDP.
103. In addition to the Schedule of Sites and Areas of Significance to Māori, there are Statutory Acknowledgment Areas identified as part of the settlement legislation as well Te Oneroa a Tōhe Beach Management Plan, which have notification requirements.
104. While it is acknowledged that there is extensive and valuable information in Iwi/Hapū management plans, this amendment could result in overreach and therefore I recommend it be rejected.

Recommendation

105. For the reasons outlined in the paragraph above, I recommend the following:
 - a) Submission S399.056 to be rejected.

Policy SASM-P1

106. Submission S356.058 from NZTA supports SASM-P1 and requests it be retained as notified.
107. There is one further submission which supports S356.058 (FS51.182).
108. Submission S389.011 from Taituha, Tane & Apiata supports in part SASM-P1 and seeks the following amendment:

Together with tangata whenua, assist and resource them to identify sites and areas of significance and. Assess their significance and cultural values according to their tikanga and using the criteria in policy 4.5.3 of the Northland Regional Policy Statement 2016.
109. Submission S394.022, from HMK Trust, opposes policy SASM-P1. The submitters request the removal of this policy from the chapter, stating that policy 4.5.3 of the Northland Regional Policy Statement 2016 relates to historic heritage, not cultural heritage and therefore, it is not appropriate to apply a western assessment to determine the degree of cultural significance. The submitters believe this approach is out of step with s6(e) RMA and Tangata whenua are best placed to identify the scale of cultural significance of any site.
110. There are 147 further submissions in support of S394.022.



Analysis

111. Submission S356.058 is acknowledged and I recommend that it be accepted.
112. Submission S389.011 supports in part policy SASM-P1 and requests an amendment as outlined above in paragraph 108. I consider that the criteria in the NRPS policy 4.5.3 for assessing, identifying and recording historic heritage, provides for the request insofar as one of the criteria and criteria (i) takes into account the resource place or feature is important to tangata whenua for traditional, spiritual, cultural or historic reasons. In addition to this, additional guidance in 4.5.4 Method – Statutory plans and strategies, provides for a collaborative approach with tangata whenua. However, while the resourcing of tangata whenua to identify sites and areas of significance to Māori is recognised as being important, it is outside the scope of the district plan to provide for resourcing. Accordingly, as the request is provided for to some degree, I recommend the submission be accepted in part.
113. Submission S394.022 opposes policy SASM-P1 for the reasons outlined above in paragraph 109. However, for the reasons outlined below, I do not concur with the reasons provided to delete the policy from the chapter.
114. Firstly, the definition of *historic heritage* in the PDP includes sites of significance to Māori, including wāhi tapu. Therefore, I consider the definition to include Māori cultural heritage.
115. Secondly, the NRPS policy 4.5.3 for assessing, identifying and recording historic heritage, includes as a criterion, criteria (i), which takes into account that a resource place or feature is important to tangata whenua for traditional, spiritual, cultural or historic reasons. In addition to this, additional guidance in 4.5.4 Method – Statutory plans and strategies provides for a collaborative approach with tangata whenua in assessing, identifying and recording sites and areas of significance to Māori. Therefore, I consider to be consistent with s6(e) of the RMA.
116. Accordingly, I recommend the submission be rejected.

Recommendation

117. For the reasons outlined in the paragraph above, I recommend the following:
 - a) Submission S356.058 to be accepted.
 - b) Submission S389.011 to be accepted in part.
 - c) Submission S394.022 to be rejected.

Policy SASM-P2

118. Submission S356.059 from NZTA supports in part policy SASM-P2, stating their concern that requiring a Cultural Impact Assessment is not always necessary and engaging with Manawhenua is key. The submitters request the following amendment:



Protect sites and areas of significance to Māori by:

- a. Ensuring that tangata whenua can actively participate in resource management processes which involve sites and areas of significance to Māori including those identified in Schedule 3 – Sites and Areas of Significance to Māori;*
 - b. Requiring cultural impact assessments for activities likely to result in adverse effects on scheduled sites and areas of significance to Māori, where Manawhenua consider this appropriate...*
119. There are two further submissions which support S356.059 (FS111.072 & FS534.019) and one further submission which supports in part (FS51.183).
120. Submission S389.012 from Taituha, Tane & Apiata, supports in part policy SASM-P2 and requests the following amendment:

Protect sites and areas of significance to Māori by:

- a. Ensuring that tangata whenua can actively participate in resource management processes which involves sites and areas of significance to Māori including those identified in schedule 3 – Sites and Areas of significance to Māori;*
 - b. Requiring tangata whenua impact assessments for activities likely to result in adverse effects on scheduled sites and areas of significance to Māori;*
 - c. Recognition of the holistic nature of the Māori worldview and the exercise of kaitiakitanga;*
 - d. Acknowledging, protecting and integrating matauranga into practical outcomes having regard to iwi/hapū environmental management plans...*
 - e. Having regard to iwi/hapu environmental management plans*
 - f. Restricting activities that compromise important spiritual, cultural or other values held by tangata whenua and/or the wider community.*
121. Submission S394.023 from HMK Trust supports in part SASM-P2, stating the provision fails to give substance to s6(e) RMA. The submitter requests an amendment as follows:

Protects sites and areas of significance to Māori by...

... c. recognition and provision of the holistic nature of the Māori worldview and the exercise of kaitiakitanga;

d. recognising and provision of matauranga Māori...

... f. avoiding significant adverse effects on cultural values and restricting activities that compromise important spiritual and cultural values held by tangata whenua and/or the wider community...

122. There are two further submissions which support in part S394.023 and 147 further submissions which support.



Analysis

123. Submission S356.059 supports in part policy SASM-P2 and requests an amendment as outlined in paragraph 118 above.
124. Regarding the amendment sought to clause (b) to insert an additional clause to address the concern that a cultural impact assessment may not always necessary. I consider this to be unnecessary as the policy only refers to the requirement for cultural impact assessments for activities 'likely to result' in adverse effects on a site and area of significance to Māori, so not in every case will a cultural impact assessment be necessary. Accordingly, I recommend this submission be rejected.
125. Submission S389.012 supports in part policy SASM-P2 and requests an amendment as outlined in paragraph 120 above.
126. Firstly, regarding the amendment sought to clause (b) and to amend the term *cultural impact assessment* to *tangata whenua impact assessment*, I consider this will result in inconsistencies with the rest of the plan. The term cultural impact assessment is common and well understood terminology and is used in several places in the plan. The term tangata whenua impact assessment may be less well understood terminology and broaden the meaning beyond the intention of the policy.
127. Secondly, I consider the amendments sought to clause (d) to insert additional clauses to result in repetition. The insertion of the word *protecting* into the clause is unnecessary as the policy is a 'protect' policy and therefore would be repeating the intention of the policy. It is unclear what the intention of the words "into practical outcomes" is for. And having regard to Iwi/Hapū management plans is a repetition of clause (e) and is therefore unnecessary.
128. Accordingly, I recommend that submission S389.012 be rejected.
129. Submission S394.023 supports in part policy SASM-P2 and requests an amendment as outlined in paragraph 121 above.
130. Firstly, I consider the amendment sought to clause (c) to insert the words *and provision* after the word *recognition* to be unnecessary as the word *recognition* already provides strong direction for the policy. Also, I do not consider the words *and provision* add value to the policy. In addition to this the amendment proposed would be inconsistent with policy TW-P2 in the Tangata Whenua chapter.
131. Secondly, I consider the amendment sought to clause (d) to delete the word *acknowledging* and insert the words *recognition and provision of* to be partially appropriate. The word *recognition* strengthens the clause, however, as with the analysis above I do not consider the words *and provision* to add value to the policy. As a consequential amendment and for consistency I recommend that policy TW-P2 clause (c) be amended to replace the words *the acknowledgment* with *recognition*.
132. Finally, I consider the amendment sought to clause (e) to insert the words *avoiding significant adverse effects on cultural values and* to be



inconsistent with the intention of the policy. The word avoid is a strong verb which takes the policy beyond what is intended by a 'consider' policy. In addition, the word 'significant' relates to a high level of adverse effect, which may not be the intent of the submitter.

133. Having considered all the aspects above I recommend the submission be accepted in part.

Recommendation

134. For the reasons outlined in the paragraph above, I recommend the following:
- a) Submission S356.059 to be rejected.
 - b) Submission S389.012 to be rejected.
 - c) Submission S394.023 to be accepted in part and amendments made as follows:

SASM-P2	<p>Protect sites and areas of significance to Māori by:</p> <ul style="list-style-type: none"> a. ensuring that tangata whenua can actively participate in resource management processes which involve sites and areas of significance to Māori including those identified in Schedule 3 - Sites and areas of significance to Māori; b. requiring cultural impact assessments for activities likely to result in adverse effects on scheduled sites and areas of significance to Māori; c. recognition of the holistic nature of the Māori worldview and the exercise of kaitiakitanga; d. <u>acknowledging recognition of</u> matauranga Māori; e. having regard to Iwi/Hapū environmental management plans; and f. restricting activities that compromise important spiritual and cultural values
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	held by tangata whenua and/or the wider community.
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TW-P2	<p>Ensure that tangata whenua are provided with opportunities to actively participate in resource management processes which involve ancestral lands, water, sites, wāhi tapu and other taonga, including through:</p> <ul style="list-style-type: none"> a. recognition of the holistic nature of the Māori worldview; b. the exercise of kaitiakitanga; c. the acknowledgement <u>recognition</u> of matauranga Māori; d. regard to Iwi/Hapū environmental management plans; and e. Mana Whakahono ā Rohe arrangements; f. The transfer of powers to iwi, hapū and whānau; and g. any other agreements.
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Policy SASM-P3

135. Submission S394.024 from HMK Trust, supports in part policy SASM-P3, stating, in accordance with tikanga, it may not be appropriate to identify sites of cultural significance, and requests the following amendment:

'Recognise and provide for the relationship that tangata whenua have with their lands, waters and other taonga, including sites and areas of cultural significance whether or not identified in the sites and areas of significance to Māori.

136. There are 146 further submissions that support S394.024.

Analysis

137. Submission S394.024 supports in part policy SASM-P3 and seeks amendments as outlined in paragraph 135 above.



138. Firstly, I consider that insertion of the words *and provide for* to be unnecessary as policy SASM-P3 is a 'recognise' policy which already provides for the intent of s6(e) of the RMA.
139. Secondly, I consider the insertion of the words *their lands, waters and other taonga, including,* to be too broad and general. The focus and subject of the chapter is identified sites and areas of significance to Māori and therefore the policy refers only to this.
140. Finally, while it is acknowledged that the not all sites and areas of significance to Māori are identified in Schedule 3, I consider that the focus of the chapter is focussed on those sites which have been identified and scheduled. It should be noted that the New Zealand Heritage Pouhere Taonga Act 2014 provides legal protection for all sites. In addition, policy TW-P6 in the Tangata Whenua chapter provides for the consideration of sites identified through the resource consent process or cultural impact assessments but not included in the schedule. As such, I consider the insertion of the words *whether or not identified in the sites and areas of significance to Māori* to be unnecessary as the chapter provisions are focussed on identified and scheduled sites and areas. However, I consider that the words *when identified in Schedule 3- Schedule of Sites and Areas of Significance to Māori*, to be a more clear expression of the intent of the policy.
141. Accordingly, I recommend the submission be accepted in part.

Recommendation

142. For the reasons outlined in the paragraph above, I recommend the following:
- a) Submission S394.024 to be accepted part.
 - b) Policy SASM-P3 to read as follows:

SASM-P3	Recognise the relationship that tangata whenua have with sites and areas of significance to Māori, as the party that requested scheduling <u>when identified in Schedule 3 – Schedule of Sites and Areas of Significance to Māori.</u>
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Policy SASM-P4

143. Submission S389.013 from Taituha, Tane & Apiata, supports in part policy SASM-P4 and requests the following amendments:
- ~~Apply~~ Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship with tangata whenua with sites and areas of significance to Māori: ...*
- b. whether a ~~cultural~~ tangata whenua impact assessment has been undertaken by a suitably qualified person who is ~~acknowledged~~/endorsed by the iwi, hapu or relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes...*



144. Submission S394.025 from HMK Trust, supports in part policy SASM-P4 and requests the following amendment:

Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with sites and areas of significance to Māori:

- a. *The extent of engagement outcomes of consultation undertaken with iwi, hapū or marae that has as association to the site or area;*
- b. *Whether a cultural impact assessment has been undertaken by a suitably qualified person who is acknowledged/endorsed by the ~~iwi~~/hapū or relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes...*
- c. *...*
- d. *That tangata whenua are specialists in the tikanga of their hapū or iwi, including when preparing or undertaking a cultural impact assessment; ~~and~~*
- e. *Any protection, preservation or enhancement proposed; and*
- f. *The scale of effects on any cultural values.*

145. There are 148 further submissions in support of S394.025.

Analysis

146. Submission S389.013 supports in part policy SASM-P4 and requests amendments as outlined in paragraph 143 above.
147. Firstly, I consider the amendment sought to the introduction paragraph to delete the word *Consider* and insert the word *Apply* to be inappropriate as policy SASM-P4 is a 'Consider' policy. This is an approach which is consistent across the plan. The amendment would result in ambiguity when attempting to read the subsections under the policy.
148. Secondly, I consider the amendment sought to clause (b) to amend the term *cultural impact assessment* to *tangata whenua impact assessment*, will result in inconsistencies with the rest of the plan. The term cultural impact assessment is common and well understood terminology and is used in several places in the plan. The term tangata whenua impact assessment may be less well understood terminology and broaden the meaning beyond the intention of the policy.
149. Finally, I consider that the amendment sought to clause (b) to delete the word *acknowledged* from the clause has merit. The inclusion of the word is unnecessary, and *endorsement* is a better term.
150. Accordingly, I recommend that the submission be accepted in part.
151. Submission S394.025 supports in part policy SASM-P4 and requests amendments as outlined in paragraph 144 above.
152. Firstly, I consider the amendment sought to clause (a) to insert the words *extent of engagement* to have merit as engagement with the relevant



whānau, marae, hapū and iwi groups can be complex. A minor amendment for syntax is also recommended.

153. Secondly, I consider the amendment sought to clause (b) to delete the word ~~iwi~~ to be inappropriate as not in all cases are hapū identified to engage with.
154. Thirdly, I consider the amendment sought to insert an additional clause (f) to be unnecessary as this is implicit in any assessment for resource consent. Accordingly, I recommend that the submission be accepted in part.

Recommendation

155. For the reason outlined in the paragraph above, I recommend the following:
 - a) Submission S389.013 to be accepted in part.
 - b) Submission S394.025 to be accepted in part.
 - c) Policy SASM P4 to be amended as follows:

SASM-P4	<p>Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with sites and areas of significance to Māori:</p> <ol style="list-style-type: none"> a. the <u>extent of engagement and</u> outcomes of consultation undertaken with iwi, hapū or marae that has an association to the site or area; b. whether a cultural impact assessment has been undertaken by a suitably qualified person who is acknowledged/endorsed by the iwi, hapū or relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes; c. any iwi/hapū environmental management plans lodged with Council; d. that tangata whenua are specialists in the tikanga of their hapū or iwi, including when preparing or undertaking a cultural impact assessment; and e. any protection, preservation or enhancement proposed.
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Policy SASM-P8

156. Submission S331.041 from MOE, supports policy SASM-P8 and requests to retain the policy as notified.
157. There is one further submission which supports S331.041 (FS51.42).



Analysis

158. Submission S331.041 supports the retention of policy SASM-P8. This is acknowledged and accepted.

Recommendation

159. For the reason outlined in the paragraph above, I recommend the following:
- a) Submission S331.041 to be accepted.

Policy SASM-P9

160. Submission S389.014 from Taituha, Tane & Apiata, supports in part policy SASM-P9 and requests that the policy is clarified to promote a closer and more meaningful relationship between tangata whenua and Council. The submitters seek the following amendment:

Encourage protection, maintenance and restoration of schedule sites and areas of significance to Māori, including ~~consideration of~~ applying the following additional measures:

- a. ~~Reducing or~~ waiving consent applications costs;*
- b. Providing funding, grants and other incentive opportunities; and*
- c. ~~Obtaining, recording and sharing~~ share Council held information about sites and areas of significance to Māori.*

Analysis

161. Submission S389.014 supports in part policy SASM-P9 and seeks amendments as outlined above in paragraph 160.
162. Firstly, I consider the amendment sought to the introduction paragraph to delete the words ~~consideration of~~ and replace it with the word applying to have merit as it provides stronger direction to the policy. Therefore, I recommend this amendment be accepted.
163. Secondly, I consider the deletion of the words ~~Reducing or~~ from clause (a) to be inappropriate as Council may be subject to budgetary constraints and the option to reduce or waiver should be retained. Therefore, I recommend this amendment be rejected.
164. Thirdly, I consider that it is unclear what is meant by and what additional value the insertion of the word *opportunities* provides in clause (b). Therefore, I recommend this amendment be rejected.
165. Finally, I consider the deletion of the words ~~Obtaining, recording and sharing~~ and the insertion of the words share Council held in clause (c) to be inconsistent with the intent of the clause, which is to ensure information sharing to be across parties and with the outcome of protection, maintenance and restoration of sites and areas of significance to Māori. It is considered that the amendment narrows that intent. Therefore, I recommend this amendment be rejected.
166. Overall, I recommend the submission be accepted in part.



Recommendation

167. For the reason outlined in the paragraph above, I recommend the following:

- a) Submission S389.014 to be accepted in part and policy SASM-P9 read as follows:

SASM-P9	<p>Encourage protection, maintenance and restoration of scheduled sites and areas of significance to Māori, including consideration of <u>applying</u> the following additional measures:</p> <ul style="list-style-type: none"> a. reducing or waiving consent applications costs; b. providing funding, grants and other incentives; and c. obtaining, recording and sharing information about sites and areas of significance to Māori.
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Section 32AA evaluation

168. I consider that the amendments to the policies that I have recommended are more appropriate way to achieve the purpose of the RMA than the notified policies, because they better promote sustainable management by improving the way in which the objectives recognise and provide for section 6(e) and take into section 8 of the RMA.

5.2.4 Key Issue 4: Rules

Overview

Provision(s)	Officer Recommendation(s)
SASM-R1	<ul style="list-style-type: none"> • Amend rule
SASM-R2	<ul style="list-style-type: none"> • Retain as notified
SASM-R3	<ul style="list-style-type: none"> • Delete rule
SASM-R4	<ul style="list-style-type: none"> • Retain as notified
SASM-R5	<ul style="list-style-type: none"> • Retain as notified
SASM-R6	<ul style="list-style-type: none"> • Retain as notified

Analysis of Submissions on Key Issue 4

Matters raised in submissions

Rules - General

169. Submission, S148.013 from Summit Forests New Zealand Limited, seeks to amend the Rules under Sites and Areas of Significance to Māori. The submitter requests the Rules provide for the removal of plantation forest trees from the scheduled Site and Areas of Significance to Māori, under an authority issue by Heritage New Zealand Pouhere Taonga as a permitted activity.
170. There are two further submissions which support submission S148.013 (FS85.7 & FS108.13) and three further submissions which oppose (FS51.133, FS346.519 & FS566.125).



171. Submission S409.013 from Heritage New Zealand Pouhere Taonga, supports the Rules and seeks to retain them within the Sites and Areas of Significance to Māori chapter.
172. There are three further submissions which support S409.013 (FS570.1188, FS566.1202 & FS569.1224) and one further submission which opposes (FS400.043).

Analysis

173. Submission, S148.013 requests the Rules provide for the removal of plantation forest trees as a permitted activity under an authority to modify issued by HNZPT. However, I consider that providing for this is not appropriate as it has the potential to generate adverse effects on sites and areas of significance to Māori. HNPT has a narrower function than the Sites and Areas of Significance to Māori which can be cultural occupation or association with a site or area irrespective of archaeological features. Therefore, I recommend the submission be rejected.
174. Submission S409.013 is acknowledged and I recommend it be accepted.

Recommendation

175. For the reasons outlined in the paragraph above, I recommend the following:
 - a) Submission S148.013 to be rejected.
 - b) Submission S409.013 to be accepted.

Rule SASM-R1

176. Submission S331.042 from MOE, supports SASM-R1 and seeks to retain the rule as notified.
177. There is one further submission which supports in part S331.042 (FS51.43).
178. Submission S502.079 from Northland Planning and Development 2020 Limited, supports in part SASM-R1 and requests the following amendment:

New building or structure, extensions to an existing building or structure, earthworks or indigenous vegetation clearance

Activity status: Permitted

Where:

PER-1

The activity is undertaken by the requesting party listed in Schedule 3 or by another party where written approval has been received from the requesting party for the works...

179. There is one further submission which supports in part S502.079 (FS51.5).
180. Submission S503.025 Waitangi Limited does not state a position on SASM-R1, however request an amendment to the rule as follows:



New building or structure, extensions to an existing building or structure, earthworks or indigenous vegetation clearance

Activity status: Permitted

PER-1

The activity is undertaken by the requesting party listed in Schedule 3 or by another party where written approval has been received from the requesting party for the works.

181. Waitangi Limited also states, that in the event this relief is not accepted, given the wider implications of this change, they request this change be applied to the Waitangi Estate specifically.
182. There is one further submission which supports in part S503.025 (FS51.10).
183. Submission S394.026 from HMK Trust, supports in part SASM-R1, stating that iwi authority does not necessarily represent all hapū and the RMA does not mandate iwi authority to speak on behalf of hapū. The submitter requests to amend point a. of the matters of discretion relating to SASM-R1, as follows:

Matters of discretion are restricted to:

184. *whether the requesting party listed in Schedule 3, the relevant ~~iwi~~ authority hapū or Heritage New Zealand Pouhere Taonga, have been consulted, the extent and outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation...*

185. There are 146 further submissions that support S394.026.

Analysis

186. Submission S331.042 is acknowledged and I recommend it be accepted.
187. Submissions S502.079 and S503.025 support in part rule SASM-R1 and request amendments as outlined above in paragraphs 178 and 180 above. I consider that including a third party written approval as a permitted activity to go beyond the intention of the rule. It could also add complexity to the rule e.g. if there is more than one requesting party (shared interest), and challenges identifying who has authority. In addition to this it is accepted good practise to avoid writing permitted activities in such a way that their status is dependent on the decision of a third party. Accordingly, I recommend these submissions be rejected.
188. Submission S394.026 supports in part rule SASM-R1 and requests an amendment as outlined above in paragraph 183. I concur with the point that is made by the submission in that in some cases it is appropriate that hapū speak for themselves. However, I do not concur that it is appropriate to delete *iwi authority*, as in not all cases is haputanga prevalent. Therefore, I recommend the submission be accepted in part and amendments made as per below in paragraph 189.



Recommendation

189. For the reasons outlined in the paragraph above, I recommend the following:

- a) Submission S331.042 to be accepted.
- b) Submissions S502.079 and S503.025 to be rejected.
- c) Submissions and S394.026 be accepted in part and rule SASM-R1 be amended as follows:

SASM-R1	New building or structure, extensions to an existing building or structure, earthworks or indigenous vegetation clearance	
Scheduled sites and areas of significance to Māori	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER 1: The activity is undertaken by the requesting party listed in Schedule 3.</p> <p>PER 2: Any indigenous vegetation clearance is for customary purposes.</p>	<p>Activity status where compliance not achieved with PER 1 or PER 2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. whether the requesting party listed in Schedule 3, the relevant iwi authority <u>and</u> / or hapū, or Heritage New Zealand Pouhere Taonga, have been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; ...

Rule SASM-R3

190. Submission S483.191 from Top Energy Ltd, supports SASM-R3, however considers that there is a lack of clarity throughout the PDP in terms of



how the chapters interact with each other. The submitters request to amend all relevant overlay chapters as necessary to insert rules for "*Activities not always listed in this chapter*", consistent with zone chapters.

191. There are two further submissions that support S483.191 (FS78.037 & FS345.242).
192. Submission S159.049 from Horticulture NZ states that Rule SASM-R3 has activities not otherwise listed in this chapter as discretionary activities and rural production activities are not listed as a specific activity. Horticulture NZ request that rural production activities are provided for as a permitted activity and seeks to insert a new rule as follows:

Rural Production

Activity status: Permitted

All zones and heritage overlays

193. There are two further submissions which support submission S159.049 (FS151.213 & FS548.049) and four further submissions which oppose (FS51.174, FS570.211, FS566.225 & FS569.247).

Analysis

194. Submission S483.191 supports Rule SASM-R3 Activities not otherwise listed in this chapter but seeks clarity in regard to this catchall rule. This matter is addressed in Plan Variation 1 – Minor Corrections and Other Matters. The Section 32 report identifies amendment 1-8 which relates to a rule in the Heritage Area Overlay, Rule HA-R11 Activities not otherwise listed in this chapter. The issue identified is that this catchall rule for heritage areas creates unintended consequences including resource consent requirements for activities not intended to be regulated. I consider that this same reasoning can be applied to Rule SASM-R3 which results in the unintended consequence of some activities such as I consider that the matter can be addressed by deleting Rule SASM-R3 from the chapter. Accordingly, to provide clarity and consistency with other overlays in the PDP I recommend that the submission be accepted in part and SASM-R3 be deleted.
195. Submission S159.049 seeks a new rule providing for Rural Production as permitted activity within scheduled sites and areas of significance to Māori. This request arises because of Rule SASM-R3 Activities not otherwise listed in this chapter. The consequence being that 'rural production', since it is not an activity listed in the chapter, requires a discretionary activity resource consent. To remove the requirement for a permitted activity rule to provide for rural production activities and to be consistent with the recommendation above, I consider it appropriate to recommend the submission be accepted in part and Rule SASM-R3 be deleted.



Recommendation

196. For the reasons outlined in the paragraphs above, I recommend the following:

- a) Submissions S483.191 and S159.049 to be accepted in part and Rule SASM-R3 to be deleted as follows:

SASM-R3	Activities not otherwise listed within this chapter	
Scheduled sites and areas of significance to Māori	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

Rule SASM-R5

197. Submission, S91.004, from PF Olsen Limited, opposes SASM-R5, expressing there are well established procedures in place and a significant depth of knowledge in the plantation forest industry with regards to Sites and Areas of Significance to Māori. The submitters request to amend the activity status to 'Controlled' for plantation forestry activities and 'Permitted' if an authority has been granted by Heritage NZ.
198. There are two further submissions which oppose S91.004 (FS51.131 & FS566.093).

Analysis

199. Submission, S91.004 opposes the non-complying activity status of Rule SASM-R5 and requests the Rules provide for plantation forestry as a controlled or permitted activity if an authority to modify issued by HNZPT has been provided. However, I consider that the non-complying activity status is appropriate as plantation forestry within a scheduled site of significance to Māori has the potential to generate adverse effects. In addition, while an authority to modify may address archaeological values, it does not address the cultural values associated with the site. Therefore, I recommend the submission be rejected.

Recommendation

200. For the reasons outlined in the paragraph above, I recommend the following:
- a) Submission S91.004 to be rejected.

Section 32AA evaluation

201. I consider that the amendments and deletions to the rules that I have recommended are more appropriate way to achieve the purpose of the RMA than the notified rules, because they better promote sustainable management by improving the way in which the objectives recognise and provide for section 6(e) and take into section 8 of the RMA.



5.2.5 Key Issue 5: Definitions

Overview

Provision(s)	Officer Recommendation(s)
Definitions	<ul style="list-style-type: none"> Retain as notified

Analysis of Submissions on Key Issue 5

Matters raised in submissions

202. Submissions S486.024, S486.025 & S486.023, from Te Rūnanga o Whaingaroa oppose the definitions. The submitter requests to amend the plan to ensure that the definition of historic heritage, heritage management, cultural landscapes, which includes sites of significance to Māori (including wāhi tapu), does not give rise to conflicts and inconsistencies between the definitions.
203. Submission S282.002, from Telco Companies supports in part the general nature of the definitions, however, requests an amendment to refer to identified areas on planning maps.
204. One submission, S394.058, from HMK Trust requests an amendment to the definition of Sites and Areas of Significance to Māori. According to tikanga, it may not be appropriate to identify areas or sites of cultural significance in some instances. The submitters request the following amendment:

means a site or place that tangata whenua has, or at any time has had an interesting in; and the site holds cultural or spiritual significance to Māori, including wāhi tapu and sites or areas that are not identified in this plan.'

Analysis

205. Submissions S486.024, S486.025 & S486.023 seek amendments to the definitions to ensure that conflicts and inconsistencies between definitions do not arise.
206. The first term referred to in the submission is *historic heritage*, which is defined in the Definitions section of the PDP as follows:
- Historic heritage - has the same meaning as in section 2 of the RMA(as set out below)*
- a. means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*
- i. archaeological:*
 - ii. architectural:*
 - iii. cultural:*
 - iv. historic:*
 - v. scientific:*

- vi. *technological; and*
 - b. *includes—*
 - i. *historic sites, structures, places, and areas; and*
 - ii. *archaeological sites; and*
 - iii. *sites of significance to Māori, including wāhi tapu; and*
 - iv. *surroundings associated with the natural and physical resources.*
207. The second term referred to in the submissions is *heritage management*. The term is used in the PDP in Part 1 – Introduction and General Provisions, in the section on Significant Resource Management Issues (SRMI) where heritage management is identified as a SRMI. The term is not defined in the PDP.
208. The third term referred to in the submissions is *cultural landscape/s* is used in Part 2- District Wide Matters / Historical and Cultural Values / Heritage area overlays chapter, in the Overview, and Sites and areas of significance to Māori chapter, also in the Overview. The term cultural landscape(s) is not defined in the PDP.
209. In the absence of a definition for the terms *heritage management* and *cultural landscape(s)*, a literal or dictionary meaning for the terms can be used. I consider that as only one of the terms is defined in the PDP and the other two terms can be considered in their context and their literal meaning or dictionary definition can be relied upon, there are no conflicts and inconsistencies, and no amendments are required. Therefore, I recommend the submissions be rejected.
210. Submission S282.002 seeks amendments to definitions. However, the submission does not specify which definitions and nor does it provide wording for the amendments. Therefore, I recommend the submission be rejected.
211. Submission S394.058 requests an amendment to the definition of Site and Area of Significance to Māori as outlined in paragraph 204 above. I consider that the definition is intended to apply to those sites that are identified in Schedule 3 – Schedule of Sites and Areas of Significance to Māori and that the provisions in the Sites and Areas of Significance chapter apply to those scheduled sites. Applying the rules to unidentified sites does not provide sufficient certainty and would not provide workability in the application of the PDP. It is considered that there are provisions in the Tangata Whenua chapter such as policy TW-P1 which provide for the consideration of effects on sites and areas of significance to Māori that have been identified through a resource consent process or through a cultural impact assessment and would include values that are not identified in the schedule. Accordingly, I recommend that this submission be rejected.



Recommendation

212. For the reasons outlined in the paragraph above, I recommend the following:

- a) Submissions S486.024, S486.025 & S486.023 to be rejected.
- b) Submission S394.058 to be rejected.

Section 32AA evaluation

213. No change to the Definitions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.6 Key Issue 6: General / Plan Content / Miscellaneous

Overview

Provision(s)	Officer Recommendation(s)
General / Plan Content / Miscellaneous	<ul style="list-style-type: none"> • Retain as notified

Analysis of Submissions on Key Issue 6

Matter raised in submissions

214. Submission S359.035 from Northland Regional Council supports in part the chapter and proposes that the Sites and Areas of Significance to Māori chapter be strengthened to more accurately reflect the status of Māori as a Treaty partner. The submitter requests that the chapter be amended to better acknowledge this status.
215. There are five further submissions in support of S359.035 (FS23.106, FS570.1071, FS346.496, FS566.1085 & FS569.1107).

Analysis

216. In response to this submission, it is considered that the Tangata Whenua chapter of the PDP provides for matters at a strategic level, such as that requested in this submission. For example:

Objective TW-01 - Tangata whenua and Council have a strong, high trust and enduring partnership base on the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.

Recommendation

217. For the reason outlined in the paragraph above I recommend the following:

- a) Submission S359.035 is accepted in part, insofar as the request is provided for in objective TW-01.

Matter raised in submissions

218. Submission S452.01 from Opononi Area School, supports the chapter but seeks to incorporate mechanisms in the plan to provide support and resources for preserving the cultural heritage and taonga that is Ro Iho



Urupā. The submitter emphasises that the cemetery receives no public funding and is being threatened by rising sea levels.

219. There is one further submission which supports in part submission S452.001 (FS51.47).

Analysis

220. Ro Iho Urupā is identified in Schedule 3 - Schedule of Sites and Areas of Significance to Māori as MA-11-10 and therefore the cultural heritage and taonga that is Ro Iho Urupā is preserved by Schedule 3. In addition to this policy SASM-P9 below, provides for the following methods as requested:

Policy SASM-P9 Encourage protection, maintenance and restoration of scheduled sites and areas of significance to Māori, including consideration of the following additional measures:

- d. reducing or waiving consent applications costs;*
- e. providing funding, grants and other incentives; and*
- f. obtaining, recording and sharing information about sites and areas of significance to Māori.*

221. However, it should be noted that funding and grants are provided for outside of the District Planning process and through the Long Term Plan process.

Recommendation

222. For the reasons outlined in the paragraph above I recommend the following:
- a) Submission S452.01 is accepted in part, insofar as the request is already provided for in Schedule 3 and policy SASM-P9, however the LTP not the DP provides the mechanisms for funding and grants.

Section 32AA evaluation

223. No changes to General / Plan Content / Miscellaneous are recommended because of submissions in this section. On this basis, no evaluation under Section 32AA is required.

5.2.7 Key Issue 7: Schedule 3 and Planning Maps

Overview

Provision(s)	Officer Recommendation(s)
SCHED3 - Schedule of Sites and Areas of Significance to Māori	<ul style="list-style-type: none"> • Insert sites into the Schedule • Retain sites already listed within Schedule

Analysis of Submissions on Key Issue 7

224. When assessing, identifying and recording historic heritage the PDP provides for the following in policy SASM-P1:
- Identify sites and areas of significance to Māori in collaboration with tangata whenua, and assess their significance using the criteria in policy 4.5.3 of the Northland Regional Policy Statement 2016.*
225. The Northland RPS provides for the following in policy 4.5.3 Assessing, identifying and recording historic heritage:
- Historic heritage resources (areas, places, sites, buildings, or structures either individually or as a group) are identified taking into account one or more of the following criteria:*
- (a) Archaeological and / or scientific importance: the resource contributes significantly to our understanding of human history or archaeological research;*
 - (b) Architecture and technology: the structure or building is significant due to design, form, scale, materials, style, period, craftsmanship, construction technique or other unique element / characteristic;*
 - (c) Rarity: the resource or site is unique, uncommon or rare at a district, regional or national level;*
 - (d) Representativeness: the resource is an excellent example of its class in terms of design, type, use, technology, time period or other characteristic;*
 - (e) Integrity: the resource retains a high proportion of its original characteristics and integrity compared with other examples in the district or region;*
 - (f) Context: the resource forms part of an association of heritage sites or buildings which, when considered as a whole, become important at a district, regional or national scale;*
 - (g) People and events: the resource is directly associated with the life or works of a well-known or important individual, group or organisation and / or is associated with locally, regionally or nationally significant historic events;*
 - (h) Identity: the resource provides a sense of place, community identity or cultural or historical continuity;*
 - (i) Tangata whenua: the resource place or feature is important to tangata whenua for traditional, spiritual, cultural or historic reasons; and*
 - (j) Statutory: the resource or feature is recognised nationally or internationally, including: a World Heritage Site under the World Heritage Convention 1972; is registered under the Historic Places Act 1993; or is recognised as having significant heritage value under a statutory acknowledgement or other legislation.*



226. In addition to the above policy the Northland RPS provides for the additional guidance in 4.5.4 Method – Statutory plans and strategies as follows:

(3) As soon as practicable after this Regional Policy Statement becoming operative the regional and district councils (in collaboration with the Department of Conservation, tangata whenua, and New Zealand Historic Places Trust, and in consultation with affected landowners (and where relevant, local communities) will identify historic heritage accordance with the criteria in Policy 4.5.3. Once identified, the historic heritage that meets the criteria in Policy 4.5.3 will be included within the relevant regional and district plan by way of maps and / or schedules or alert layers where appropriate. Where a heritage area, site, building or other feature spans a council jurisdictional boundary (for example, the coastal marine area) it will be recorded in the schedules and / or maps of both relevant plans.

227. Regarding requests for amendments to Schedule 3 – Schedule of Sites and Areas of Significance to Māori, to add heritage resources to the schedule, the above approach has been taken to the consideration of amendments. It is also considered the approach requires that there be evidence that there has been collaboration and in consultation with affected landowners. In addition, the address and legal description for the location of the site is required to be clear and specific.
228. Regarding requests for amendments to Schedule 3 – Sites and Areas of Significance to Māori, to delete historic heritage resources from the schedule, sufficient evidence of lack of historic heritage, location of the site, and evidence of consultation with the requesting party, is required.

Matters raised in submissions

General

229. Submissions S409.015, S498.084, S486.096 & S390.083, from HNZPT, TRAION, TROW & TRONT Trust support Schedule 3 and request to retain all sites and areas of significance.
230. There are three further submissions which support S409.015 (FS570.1190, FS566.1204 & FS569.1226) and one which opposes (FS400.045).
231. There are three further submissions which support S498.084 (FS151.131, FS51.281 & FS23.252).
232. There is one further submission which supports S486.096 (FS51.278).
233. There is one further submission which supports submission S390.083 (FS51.262).
234. Submission S339.057 from TACD Ltd supports Schedule 3 however expresses concern that the schedule has not been updated with new sites as part of this process, therefore request to amend the schedule to provide the flexibility to incorporate new sites.
235. There is one further submission which opposes S339.057 (FS51.268).



236. Submission S394.060 from HMK Trust, supports in part Schedule 3, however state it should be clear to plan users that this Schedule is not exhaustive and that planning provisions pertaining to sites and areas of cultural significance apply to those sites and areas that are not identified. The submitter requests the following amendment to the first paragraph of Schedule 3 – Sites and Areas of significance to Māori:

'Refer to chapter on Sites and Areas of Significance to Māori for the rules that apply to the taonga in this schedule. These rules apply to all sites and areas of significance to Māori, irrespective of whether those sites are identified in this Schedule.'

237. There are 154 further submissions that support S394.060.
238. Submission S409.018 from HNZPT supports Schedule 3 requesting to retain the spatial map layers for Sites and Areas of Significance to Māori.
239. There are three further submissions which support S409.018 (FS570.1193, FS566.1207 & FS569.1229) and which oppose (FS400.048).

Analysis

240. Submissions S409.015, S498.084, S486.096 & S390.083 support the retention of Schedule 3 – Schedule of Sites and Areas of Significance to Māori. The submissions are acknowledged and accepted.
241. Submission S339.057 supports the retention of Schedule 3 – Schedule of Sites and Areas of Significance to Māori. However, the amendment sought to is unable to be accepted as adding new sites to the schedule requires a full plan change process which does not provide for the flexibility sought in the request. Therefore, I recommend that the submission be accepted in part.
242. Submission S394.060 supports in part the retention of Schedule 3 – Schedule of Sites and Areas of Significance to Māori and requests an amendment to the preamble to Schedule 3 as outlined above in paragraph 236. While I acknowledge that not all SASM are identified in the schedule and that updates are required, adding sites requires the use of the First Schedule of the RMA.
243. Notwithstanding this, the SASM chapter applies to identified sites and areas of significance to Māori to apply the rules to sites that are as of yet not included or identified in the plan does not meet the requirements for rules under the RMA. Accordingly. I recommend the submission be rejected.

Recommendation

244. For the reasons outlined in paragraph 240 to 243 above, I recommend the following:
- a) Submissions S409.015, S498.084, S486.096 & S390.083 be accepted.
 - b) Submission S339.057 be accepted in part.
 - c) Submission S394.060 be rejected.



NZAA N02/816

245. Submission S5.002 from the Michelle Patricia Nilsson-Webby Family Trust, opposes the reference of a Pa within the Historic Sites map, stating there is no Pa and instead earthworks which consist of an earth wall which is of historical significance. The submitter requests the description be corrected on the Historic Sites maps and amending NZAA ID N02/816 reference to reflect that the earthworks are of early European origin and are not a part of a Pa site.
246. There is one further submission which opposes S5.002 (FS51.128).

Analysis

247. The submission requests that the NZAA archaeological site identified as N02/816 be amended. The summary record for N02/816 describes the site as a Headland Pā named Tiotari. However, as an NZAA site is data that is collated by the NZAA, it is beyond the scope of the District Plan to amend NZAA information. Therefore, I recommend the submission be rejected.

Recommendation

248. For the reason outlined in paragraph 247 above, I recommend the following:
- a) Submission S5.002 be rejected.

MA01-31

249. Submission S5.001 from Michelle Patricia Nilsson-Webby Family Trust, opposes MA01-31 Paua papakainga development and requests to remove the site from Schedule 3 and the Historic site maps. This includes properties:
- Part Paua Block and Part Paua No 2 Block, being 625B Paua Road
 - Te Kao and DP 14043 Paua No2 BLK111, being 605A Paua Road, Te Kao
250. The submitter disputes that these properties are of cultural significance and has no indication of Māori inhabitation.
251. There is one further submission which opposes S5.001 (FS51.127).

Analysis

252. The submission requests that Schedule 3 be amended to remove MA01-31 (see below for extract from Schedule 3):

Place #	Location	Name/Description	Requesting Party	Legal Description

MA01-31	Parengarenga Harbour	Paua papakainga development	Ngāti Kurī & Te Hāpua Iwi/Hapū	
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253. The site is located within the properties located at 625A and 625B Paua Road, Paua. However, the submission is to remove the scheduled site from 625B Paua Road, Paua only. See below for extract from PDP ePlan maps.



254. I consider that that there is insufficient evidence provided that justifies the reduction in the extent or the deletion of MA01-31 from Schedule 3. In addition to this no evidence of consultation with the requesting party has been provided. Therefore, I recommend the submission be rejected.

Recommendation

255. For the reasons outlined in paragraph 254 above, I recommend the following:
- a) Submission S5.002 be rejected.

MS01-33

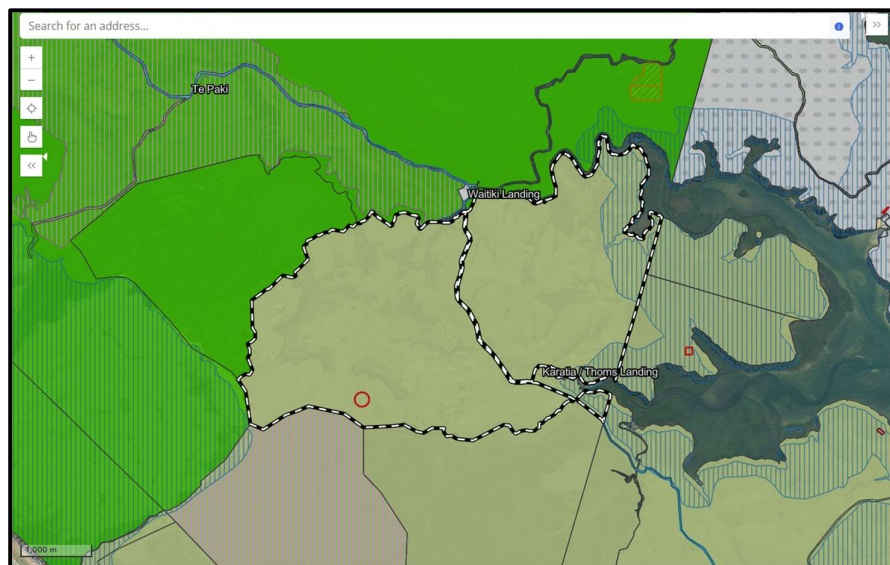
256. Submission S1.001 from John-Peter Nilsson Trust and Anne-marie Linder Nilsson, opposes MS01-33 as a part of their paddock as an area of significance to Māori. The submitters request it is removed from their property at 8779 State Highway 1, Northern Aupōuri entirely, as well as from Schedule 3 of the PDP and planning maps. They note the area has been moved to a different part of their paddock which the submitters consider to be a mistake.

Analysis

257. The submission requests that Schedule 3- Sites and Areas of Significance to Māori be amended to delete MS01-33, (see below for extract from Schedule 3):

Place #	Location	Name/Description	Requesting Party	Legal Description
MS01-33	Far North Rd	The Big Lake - sacred Awa	Ngāti Kuri & Te Hāpua Iwi/Hapū	

258. The site is identified as being within the properties located at 8779 State Highway 1, Northern Aupōuri. See below for extract from PDP ePlan maps.



259. I consider that that there is insufficient evidence that justifies a reduction in the extent, location or deletion of MS01-33 from Schedule 3. In addition to this no evidence of consultation with the requesting party has been provided. Therefore, I recommend the submission be rejected.

Recommendation

260. For the reasons outlined in paragraph 259 above, I recommend the following:
- a) Submission S1.001 be rejected.

Ngawha Geothermal Field

261. Submission S305.003 from Nicole Butler, supports in part Schedule 3 and requests to insert Ngawha geothermal field as a site of significance for Māori.



262. There is one further submission which is neutral towards submission S305.003 (FS42.007) and one which opposes (FS345.050).

Analysis

263. The submission requests that Schedule 3 – Sites and Areas of Significance to Māori be amended to add the Ngawha geothermal field to the schedule. I recognise that geothermal resources and systems are generally of significance to Māori. I note that the Ngawha geothermal field covers an area of between 25-50km². However, the submission does not specify sites and their legal descriptions. As such I consider that there is insufficient specificity in the request to meet the requirements of RPS Policy 4.5.3 for assessing, identifying and recording historic heritage and to justify the inclusion of the Ngāwha geothermal field in Schedule 3.
264. While the submission refers to a Waitangi Tribunal Report Ngawha Geothermal Resource 1993, the report is not provided as evidence. In addition to this there is no evidence of a collaborative process having been undertaken with a range of people including affected landowners. Accordingly, I recommend that the submission be rejected.

Recommendation

265. For the reasons outlined in paragraph 263 and 264 above, I recommend the following:
- a) Submission S305.003 be rejected.

Piako

266. Submission S559.043 from Te Rūnanga o Ngāti Rēhia, supports in part Schedule 3 and seeks to insert Piako, Tākou Bay (List no. 9832) to the Schedule of Sites and Areas of Significance to Māori. The submitters express the area is sacred to the people of Tākou Marae and Ngāti Rēhia of Ngāpuhi, as an area which contains traditional burial caves.
267. There are six further submissions which support S559.043 (FS151.352, FS51.282, FS534.058, FS570.2233, FS566.2247 & FS569.2269) one which supports in part (FS328.001) and one which opposes (FS348.070).
268. Submission S463.121 from Waiaua Bay Farm Limited, opposes Schedule 3. However, as the submitters state that after having discussed the matter with Ngāti Rēhia, who have mana whenua, they seek the inclusion of the Piako wāhi tapu site into the Schedule to ensure the site is afforded ongoing statutory protection.
269. There is one further submission which supports S463.121 (FS51.136).

Analysis

270. Piako is identified by Heritage New Zealand Pouhere Taonga and listed on the New Zealand Heritage List as List Number 9832. In addition to this Waiaua Bay Farm Ltd, the affected landowners, support its inclusion in the schedule.

Recommendation



271. For the reasons outlined in paragraph 270 above, I recommend the following:

- a) Submissions S559.043 and S463.121 to be accepted.

Various

272. HMK Trust, S394.061, supports in part Schedule 3 and requests an amendment to the Schedule to include Waimango catchment, Karikari Moana, Puheke maunga, Puheke beach, Parakerake beach and Haititaimarangai Marae reserve as they are publicly known areas or sites of cultural significance to Haititaimarangai Marae.

273. There are 212 further submissions that support S394.061.

Analysis

274. The submission requests that Schedule 3 – Sites and Areas of Significance to Māori be amended to add Waimango catchment Karikari Moana, Puheke maunga, Puheke beach, Parakerake beach and Haititaimarangai Marae reserve, to the schedule. While I recognise that the various resources are generally of significance to Māori, the submission does not specify sites, locations and their legal descriptions and may include resources that are not within FNDC's jurisdiction. As such I consider that there is insufficient specificity in the request to meet the requirements of RPS Policy 4.5.3 for assessing, identifying and recording historic heritage and to justify the inclusion of these sites and areas in Schedule 3.

Recommendation

275. For the reasons outlined in paragraph 274 above, I recommend the following:

- a) Submission S394.061 to be rejected.

MS05-38

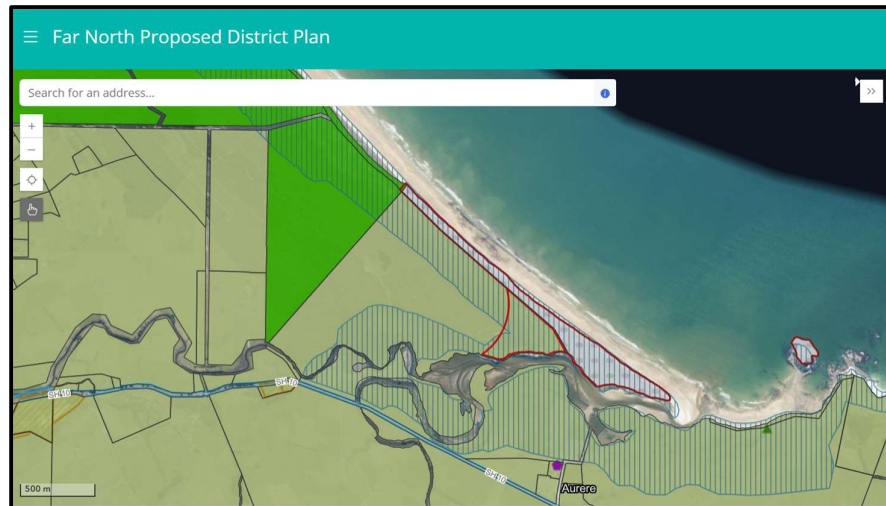
276. Submission S581.001 from Arawai Limited, requests to delete MS05-38 Site of Significance to Māori, which is located at Aurere, Tokerau Beach, as there appears to be a clear error in the Schedule.

Analysis

277. The submission requests that Schedule 3- Sites and Areas of Significance to Māori be amended to delete MS05-38, (see below for extract from Schedule 3):

Place #	Location	Name/Description	Requesting Party	Legal Description
MS05-38	Awapoko Reserve	Okokori/Kaimaua Recreation Reserve & waahi tapu	Māori Owners	Pt Okokori Blk (Awapoko Reserve)

278. The site is identified as being within two properties legally described as Okokori A and Okokori B, located at 4554 State Highway 10, Aurere. See below for extract from PDP ePlan maps.



279. I consider that there is insufficient evidence that justifies a deletion of MS05-38 from Schedule 3. In addition to this no evidence of consultation with the requesting party has been provided. Therefore, I recommend the submission be rejected.

Recommendation

280. For the reasons outlined in paragraphs 279 above, I recommend the following:
- a) Submission S581.001 to be rejected.

MS06-20

281. Submission S557.001 from J L Hayes and Sons Ltd, supports in part Schedule 3 and requests to retain the site of cultural significance to Māori, MS06-20, on 282 Totara North Road, Kaeo.

Analysis

282. The submission seeks the retention of site MS06-20 as identified in Schedule 3 (see below for extract from Schedule 3):

Place #	Location	Name/Description	Requesting Party	Legal Description
MS06-20	Totara North	Urupā/Cemetery	Descendants of JD Hayes	Pt Te Kuwaru Blk

283. The site is located within the properties located at 282 Totara North Road, Totara North. See below for extract from PDP ePlan.



284. As the submission seeks retention of the site in Schedule 3, I recommend the submission be accepted.

Recommendation

285. For the reason outlined in paragraph 284 above, I recommend the following:
- a) Submission S557.001 be accepted.

Moringai

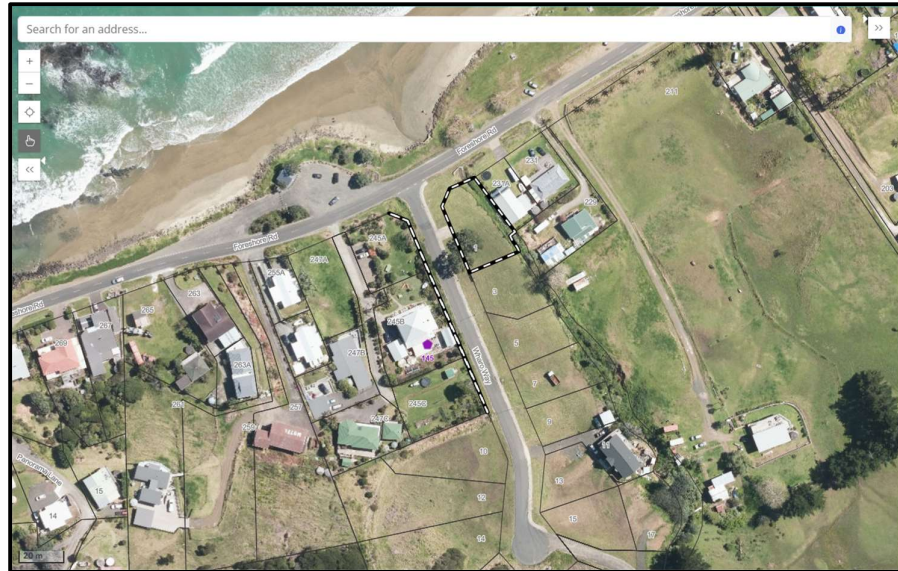
286. Two submissions, S576.002 & S579.002, from Ahipara Takiwā, support Schedule 3, however request to include Moringai at 233 Foreshore Road, Ahipara into the Schedule as it is a Pa site and terraces have been identified.
287. There is one further submission which supports in part S576.002 (FS51.252) and one which opposes (FS348.256).
288. There is one further submission which supports in part S579.002 (FS51.254) and one which opposes (FS348.262).
289. Two submissions S575.002 and S575.003, from Kuia, kaumātua and whānau of Moringai Whānau, support the ruling of Lots 23 & 24 at 1 & 3 Wharo Place as a Local Purpose (Historic) Reserve and request the status be amended.
290. There is one further submission opposes which S575.002 (FS348.254) and one which opposes S575.003 (FS348.260).
291. Submissions S576.003 & S579.003 from the Ahipara Takiwā, supports the Schedule, however requests that the scheduling of Moringai, 233 Wharo Way, Ahipara, should include the waterfall located at the top of the subdivision. The stream, which is called Moringai, should also be identified as a significant waterway on the Te Oneroa a Tōhē.



292. There is one further submission which supports in part S576.003 (FS51.253) and one which opposes (FS348.257).
293. There is one further submission which supports in part S579.003 (FS51.255) and one which opposes (FS348.263).
294. Submission S577.001 from Moringai Whānau supports Schedule 3 and requests to include the Whenua – Moringai/Moringaehe (Lot 1 DP 381292), to ensure the preservation and the return of the whenua Moringai to the hapū of Ahipara as a site of historic and cultural significance.
295. There is one further submission supports in part S577.001 (FS51.256) and one which opposes (FS348.258).
296. Submissions S578.001 and S579.004, from Roma Marae and Ahipara Takiwā, support Schedule 3, however request an amendment to include the whenua located at 1 Wharo Way, Ahipara (Lot 1 DP 381292). This is to ensure the protection of the site, including the tree to be a site of cultural significance to the uri who affiliate to Roma Marae.
297. There is one further submission which supports in part S578.001 (FS51.257) and one which opposes (FS348.026).
298. There is one further submission which opposes S579.004 (FS348.264).
299. Submissions S577.002 & S577.003 from Moringai Whānau request an amendment to the plan, holding FNDC and NRC accountable for their failure to protect hapu in the alienation of Moringai at the Environment Court in 2008, title that changed a historic reserve into freehold. The submitters state their tamariki is the reason why their whenua and rākau tupuna should be returned to the current landowner, seeking to revert Moringai back to a historic reserve.
300. There are two further submissions which oppose S577.002 & S577.003 (FS348.259 & FS348.260).

Analysis

301. The site referred to in the submissions as Moringai and/or Moringaehe is located at 1 Wharo Way, Ahipara (location also variously referred to as 233 Foreshore Road, Ahipara and 233 Wharo Way, Ahipara). The legal description of the site is Lots 1 DP 381292. See below for extract from ePlan:



302. It should be noted that the submissions received only relate to 1 Wharo Way, Ahipara. Since the notification of and submissions to the PDP, there have been a number of changes in regard to the site. From information from Council records and in the public domain these are outlined below:
303. A Council Resolution dated 3 August 2023 agreed the following:
- At a Council meeting dated 11 December 2023 the above resolution was amended as follows:

8.3 1 WHARO WAY AHIPARA & PŌHUTUKAWA TREE
 Agenda item 8.3 document number A4194047, pages 17 - 190 refers.

RESOLUTION 2023/88
 Moved: Cr Penetaul Kieskovic
 Seconded: Cr Hilda Hakyard-Harawira

That Council agree:

- If the late submissions relating to the protection of the pōhutukawa tree at 1 Wharo Way are rejected by the Proposed District Plan Hearing Panel, Council will determine whether a separate plan change should be undertaken to include this tree in the District Plan Notable Tree schedule, subject to the tree meeting the criteria for this protection and subject to available resources (staff and budget).
- to purchase the land 1 Wharo Way (Legal Description Lot 1 DP 381292)
- to authorise the CE or their nominee:
 - to submit conditional offer and undertake negotiations for the purchase of the above property within the approved budget of [REDACTED]
- upon purchase of the title, that a private encumbrance/covenant be registered on the title to protect the pōhutukawa tree in perpetuity
- designate 1 Wharo Way (Legal Description Lot 1 DP 381292) as a Local Purpose reserve as Council does not have the authority to do so;
- classify 3 Wharo Way (Legal Description Lot 23 DP 381292) as a Local Purpose reserve pursuant to section 18 of the Reserves Act 1977.
- lay a plaque to commemorate Moringai's historical significance to Nga Hapu o Ahipara to be placed on Council Reserve at 3 Wharo Way, Lot 23 DP 381292; and
- Te Kuaka – Te Ao Māori Committee and Nga Hapu o Ahipara engage in the co-design of the co-management plan for the local purpose reserves.
- acknowledge receipt of correspondence by Tamaki Legal 2nd December 2022.

Against: Crs Steve McNally and Mate Radich
Abstained: Cr Kelly Stratford

CARRIED

That Council confirms the information and decisions contained in the part of the meeting held with public excluded be restated in public meeting as follows:



8.4 - Uplifting and Updating the Amendment to Resolution - Refer report 1 Wharo Way & Pōhutukawa Tree (A4194047)

That Council agree to amend resolution of report 1 Wharo Way Ahipara & Pōhutukawa Tree (A4194047) made on 3 August 2023. The resolution reflects 9 parts from a) to j). The two parts that require amendment are e) and f). The resolution (as amended) at e) and f) should state:

a) classify 1 Wharo Way (Legal Description Lot 1 DP 381292) as historic reserve pursuant to section 18 of the Reserves Act 1977

b) classify 3 Wharo Way (Legal Description Lot 23 DP 381292) as historic reserve pursuant to section 18 of the Reserves Act 1977.

- 1 Wharo Way, Ahipara, legally described as Lot 1 DP 381292 was transferred to FNDC in December 2023.
 - 3 Wharo Way, Ahipara, legally described as Lot 23 DP 381292 has been owned by FNDC since 2008 and subject to the Reserves Act 1977.
 - 1 and 3 Wharo Way, Ahipara, legally described as Lots 1 and 23 DP 381292 respectively were gazetted as Historic Reserve under the Reserves Act 1977, in July 2024.
 - Clause (h) of the resolution agrees there be a co-designed co-management plan for the reserves which includes Ngā Hapū o Ahipara.
304. Submissions S576.002 and S579.002, seek an amendment to Schedule 3 to add Moringai. The location of the site is variously described as 233 Foreshore Road, Ahipara and/or 1 Wharo Way, Ahipara. The site is legally described as Lot 1 DP 381292.
305. As Council has considered through other processes that there has been sufficient evidence provided as to the historic and cultural significance of site to hapū, for the site to be purchased by Council and gazetted as historic reserve, I consider it appropriate to recommend submissions S576.002 and S579.002 be accepted.
306. However, the Council resolution also included 3 Wharo Way, Ahipara legally described as Lot 23 DP 381292. I would like to know if the submitters wish to include this site and provide additional information in relating to it.
307. Submissions S576.003 & S579.003 also seek that Moringai should include the waterfall located at the top of the subdivision and the stream, which is also called Moringai and should be identified as a significant waterway on to Te Oneroa ā Tōhe.
308. However, as the identification of the exact location of the waterfall located at the top of the subdivision has not been provided, and insufficient information has been provided to meet one or more of the criteria in the RPS Policy 4.5.3, and there is not any details regarding any consultation with the affected landowners, I recommend submissions S576.003 & S579.003 be rejected.
309. Submission S575.002 requests that the status of sites located at 1 & 3 be amended to Local Purpose (Historic) Reserve. The process to amend the



status of these sites is carried out under the Reserves Act 1977 and is therefore out of the scope of the RMA and the district planning process. However, as this process has already been carried out by Council and both 1 & 3 Wharo Way, Ahipara were gazetted as historic reserve in July 2024, I consider it appropriate to recommend submission S575.002 be accepted.

310. Submission S577.001 seeks an amendment of Schedule 3 – Sites and Areas of Significance to Māori to add Moringai/Moringaehe (Lot 1 DP 381292). As Council has considered through other processes that there has been sufficient evidence provided as to the historic and cultural significance of the site to hapū, for Council to purchase and gazette the as historic reserve, I consider it appropriate to recommend submission S577.001 be accepted. However, the submission raises issues regarding the site name. Is it Moringai or Moringaehe or both? Also, who is the requesting party? Is it all the submitters in this process? Is it hapū? If so, who are the specific hapū? I invite the submitters to provide their views on these matters.
311. Submissions S578.001 & S579.004 seek an amendment of Schedule 3 – Sites and Areas of Significance to Māori to add Moringai on Lot 1 to ensure the protection of the site, and particularly the pōhutukawa tree on the site.
312. For the same reasons as outlined above in paragraph 296 I consider it appropriate to recommend that submissions S578.001 & S579.004 be accepted.
313. It should also be noted that in the S42A Report Notable Trees, the report writer, Chloe Mackay, has recommended that Schedule 1 – Schedule of notable trees be amended to include the pohutukawa tree on Moringai. ⁶
314. Submissions S577.002 & S577.003 seek amendments as outlined above in paragraph 309.
315. Aspects of the remedy sought in is out of scope of the district planning process, for example holding FNDC and NRC accountable for the alienation of the site that is the subject of the submission. However, as the submission seeks historic reserve status for the site, which has occurred, it is recommended that the submissions be accepted in part.

Recommendation

316. For the reasons outlined in paragraph 301 to 315 above, I recommend the following:
 - a) Submissions S576.002, S579.002, S575.002, S577.00, S578.001 & S579.004 be accepted in principle with the following clarifications sought given the information provided:
 - Considering that 1 Wharo Way, Ahipara is now in the ownership of FNDC and has been gazetted as Historic Reserve under the Reserves Act 1977, is including it in

⁶ S42A Report Notable Trees – p.43



Schedule 3 still necessary or will it be adding another level of complexity to the site?

- Considering that there is to be co-management plan for 1 Wharo Way, co-designed in collaboration with Ngā Hapū o Ahipara, is including them in Schedule 3 still necessary?
- What is the name of the site? Is it Moringai/Moringahe or both?
- Who are the requesting parties? Is it all the submitters? Is it Ngā Hapū o Ahipara?

c) Submissions S577.002 & S577.003 be accepted in part.

Section 32AA evaluation

317. I consider that the amendments to Schedule 3 and the planning mapsthat I have recommended are more appropriate way to achieve the purpose of the RMA because they better promote sustainable management by improving the way in which the schedule recognise and provide for section 6(e) and take into account section 8 of the RMA. Specifically, the addition sites ensure the protection of and the on-going relationship of tangata whenua with sites and areas of significance to Māori.

5.2.8 Key Issue 8: Infrastructure

Overview

Provision(s)	Officer Recommendation(s)
Infrastructure	<ul style="list-style-type: none"> • Retain as notified

Analysis of Submissions on Key Issue 8

Matters raised in submissions

318. Submissions S483.140 and S483.141 from TE Ltd, request to insert additional objectives and policies that recognise the need for the location of new infrastructure within Sites and Areas of Significance to Māori, where there is an operational and functional need, and any adverse effects are adequately managed.
319. There is one further submission which supports S483.140 (FS345.191) and one which opposes (FS131.024).
320. There are four further submissions which oppose S483.141 (FS351.029, FS371.029, FS131.034 & FS449.028) and one which supports (FS345.192).
321. Submission S483.144 from TE Ltd requests an amendment to the Rules to allow a suitable provision for new infrastructure where there is an operational and functional need, and the ongoing operation, maintenance, repair and upgrading of infrastructure within Sites and Areas of Significance to Māori.



- 322. There is one further submission which opposes S483.144 (FS131.037) and one which supports (FS345.195).
- 323. Submissions S483.142 & S483.143 from TE Ltd request the insertion of further objectives and policies that provide for the operation, maintenance, repair and upgrading of infrastructure within the Sites and Areas of Significance to Māori chapter.
- 324. There is one further which opposes S483.142 submission (FS131.035) and one which supports (FS345.193).
- 325. There is one further submission which opposes S483.143 (FS131.036) and one which supports (FS345.194).
- 326. Submission S454.082, from Transpower NZ Ltd, requests the insertion of new policy SASM-P10 as follows:
'Recognise and provide for new and existing infrastructure that has a functional or operational need to be located within a site or area of significance to Māori'
- 327. There are two further submissions in support of S454.082 (FS111.071 & FS369.357).

Analysis

- 328. Submissions S483.140, S483.141, S483.143, S483.142 & S483.144 variously request the insertion of additional objectives, policies and rules as outlined above in paragraphs 318 to 326.
- 329. I consider that these matters are addressed in the Section 42A Report Infrastructure, by the report writer, Jerome Wyeth. The Infrastructure chapter in the PDP provides the provisions on a District Wide basis and therefore it is appropriate that the specific relief sought regarding objectives, policies and rules relating to infrastructure, be provided for in the Infrastructure chapter. Accordingly, I recommend that these submission points be rejected.
- 330. Submission S454.082 from Transpower requests the insertion of an additional policy as outlined above in paragraph 326.
- 331. Since making its submission, Transpower has contacted Council to advise that it no longer intends to pursue its submission points requesting amendments to chapters. Transpower understands that the Infrastructure chapter in the PDP provides the provisions for infrastructure on a District-Wide basis and is therefore seeking to pursue its primary relief through specific provisions for the National Grid in the Infrastructure chapter. As such, no amendments to the SASM provisions are necessary to provide for the original relief sought by Transpower and I recommend that this submission point is rejected.

Recommendation

- 332. For the reasons outlined in paragraphs 328 to 331 above, I recommend the following:



- a) Submissions S483.140, S483.141, S483.142, S483.143 & S483.144 to be rejected.
- b) Submission S454.082 to be rejected.

Section 32AA evaluation

- 333. No changes have been recommended to the chapter relating to Infrastructure. On this basis, no evaluation under Section 32AA is required.

6

Conclusion

- 334. This report has provided an assessment of submissions received in relation to the Sites and Areas of Significance to Māori chapter. The primary amendments that I have recommended relate to:
 - a) Retain Overview of Sites and Areas of Significance to Māori chapter as notified.
 - b) Amend Objectives to improve clarity and intention.
 - c) Amend Policies for consistency.
 - d) Retain Rules as notified.
 - e) Retain relevant Definitions as notified.
 - f) Amend Schedule 3 – Schedule of Sites and Areas of Significance to Māori.
 - g) Retain provisions relating to General / Plan Content / Miscellaneous as notified.
 - h) Retain non-inclusion of provisions relating to Infrastructure in the chapter, as notified.
- 335. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Sites and Areas of Significance to Māori chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in Appendix 2.
- 336. I recommend that provisions for the Sites and Areas of Significance to Māori matters be amended as set out in the Sites and Areas of Significance to Māori in Appendix 1 below for the reasons set out in this report



Recommended by: Theresa Burkhardt, Senior Policy Planner, Far North District Council.

Approved by: James R Witham – Team Leader District Plan, Far North District Council.

Date: 28th of April 2025