

Appendix 1.1 – Officers Recommended Amendments to Sites and Areas of Significance to Māori

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made through the Reporting Officer's right of reply are shown in red underline for new text and ~~red strikethrough~~ for deleted text.

Overview

The Far North District is richly endowed with heritage resources scattered throughout the district which illustrate lengthy and continuous settlement by Māori. There are few places in New Zealand which maintain such strong continuous social and cultural links to the past. Archaeological evidence points to settlement by Māori as far back as 1,000 years ago.

Sites that have been recorded so far include a range of sites and areas of significance to Māori. These are places that are of historical, cultural and/or spiritual significance and are often associated with a wider cultural landscape which is a taonga and holds significance to tangata whenua. Several Iwi and Hapū Environmental Management Plans identify and explain the values associated with cultural landscapes of significance.

Te Oneroa-a-Tōhe is a culturally significant landscape, as recognised in Te Rautaki o Te Oneroa-a-Tōhe (Beach Management Plan), which must be recognised and provided for in the District Plan. Council's jurisdiction over the Te Oneroa-a-Tōhe management area is restricted to the landward side of mean high water springs, including the four scenic reserves vested in the four settled Iwi of Te Hiku o Te Ika.

Sites and areas of significance to Māori may include urupā, historic pā, wāhi tapu, wāhi tūpuna, maunga, ngā awa, ngā roto, ngā repo, ngā tauranga waka, marae and whare karakia. Sites and areas of significance to Māori carry deep levels of meaning and association for tangata whenua. They provide connection to whenua and significant historical events.

Sites and areas of significance to Māori are listed in the schedule in Schedule 3 - Schedule of sites and areas of significance to Māori. 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.

Notwithstanding this, there are many sites and areas of significance to Māori that are yet to be identified in the plan, some of which may be identified by Māori during resource management processes.

Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) it is unlawful to destroy, damage or modify an archaeological site, without approval from Heritage New Zealand Pouhere Taonga, regardless of whether it is recorded or unrecorded.

Objectives	
SASM-O1	Sites and areas of significance to Māori are identified, recognised and managed, to ensure their long-term protection for future generations ¹ .

¹ S394.019 – Haitataimarangai Marae Kaitiaki Trust

SASM-O2	The <u>culture, traditions and relationships</u> of tangata whenua with sites and areas of significance to Māori is recognised and provided for, to ensure its protection for future generations. ²
SASM-O3	Sites and areas of significance to Māori are protected from inappropriate subdivision, use and development.
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> ³
SASM-O5	Te Oneroa-a-Tōhe is recognised as a culturally significant landscape and protected from inappropriate use and development for present and future generations.
SASM-O6	<u>The safe and efficient use, operation, maintenance, repair and upgrading of existing infrastructure within scheduled sites and areas of significance to Māori, is provided for.</u>
Policies	
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.
SASM-P2	Protect sites and areas of significance to Māori by: <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. acknowledging <u>recognition</u> of matauranga Māori;⁴ e. having regard to Iwi/Hapū environmental management plans; and f. restricting activities that compromise important spiritual and cultural values held by tangata whenua and/or the wider community.
SASM-P3	Recognise the relationship that tangata whenua have with sites and areas of significance to Māori, as the party that requested scheduling <u>if identified in Schedule 3 – Schedule of Sites and Areas of Significance to Māori.</u> ⁵
SASM-P4	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: <ul 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.⁶

² S394.020 – Haitataimarangai Marae Kaitiaki Trust

³ S486.077, S498.064, S390.063 & S394.021 - TROW, TRAION, TRON Trust and HMK Trust

⁴ S394.023 HMK Trust

⁵ S394.024 HMK Trust

⁶ S389.013, S394.025 – Taituha, Tane & Apiata and HMK Trust

SASM-P5	<p>Support land owners to manage, maintain and preserve sites and areas of significance to Māori by:</p> <ul style="list-style-type: none"> a. increasing awareness, understanding and appreciation within the community of the presence and importance of sites and areas of significance to Māori; b. encouraging land owners to engage with marae, whanau, hapū and iwi to develop positive working relationships in regard to the on-going management and/or protection of sites and areas of significance to Māori; c. providing assistance to land owners to preserve, maintain and enhance sites and areas of significance to Māori; and d. promoting the use of matauranga Māori, tikanga and kaitiakitanga, in collaboration with tangata whenua, to manage, maintain and preserve sites and areas of significance to Māori.
SASM-P6	<p>Promote the provision or development of access for tangata whenua to sites and areas of significance to Māori through:</p> <ul style="list-style-type: none"> a. formal arrangements, such as co-management, joint management or relationship agreement, easements and land covenants, and access arrangements; and b. informal arrangements or understandings between land owners and tangata whenua.
SASM-P7	<p>Protect and preserve the culturally significant landscape of Te Oneroa-a-Tōhe/Ninety Mile Beach, from inappropriate land use, subdivision and development by:</p> <ul style="list-style-type: none"> a. identifying the Te Oneroa-a-Tōhe Beach Management Area on planning maps; b. recognising and providing for the spiritual, cultural and historical relationship of Te Hiku o Te Ika Iwi/Hapū with the beach; c. requiring that resource consent applications within or adjacent to the Te Oneroa-a-Tōhe Beach Management Area: <ul style="list-style-type: none"> i. demonstrate that they have had regard to Te Rautaki o Te Oneroa-a-Tōhe/ Te Oneroa-a-Tōhe Beach Management Plan; ii. provide an assessment of consistency with the vision, objectives and desired outcomes outlined in the Beach Management Plan; iii. provide an assessment of effects on Te Oneroa-a-Tōhe; and iv. provide, where relevant, evidence of outcomes of consultation with and/or cultural advice provided by tangata whenua, including Te Hiku o Te Ika Iwi/Hapū or Te Oneroa-a-Tōhe Board. d. considering the Te Oneroa-a-Tōhe Board as an affected person for any activity where the adverse effects on Te Oneroa-a-Tōhe are considered minor or more than minor.
SASM-P8	<p>Manage land use and subdivision involving sites and areas of significance to Māori to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. the particular cultural, spiritual and/or historical values, interests or associations of importance to tangata whenua that are associated with the site which may be affected; b. the extent to which the activity may compromise the relationship tangata whenua have with their ancestral lands, water, sites, wāhi tapu and other taonga, and/or the ability to protect, maintain or enhance sites and areas of significance to tangata whenua; c. the responsibility of tangata whenua as kaitiaki; d. opportunities for the relationship of tangata whenua with the site or area to be maintained or strengthened on an ongoing or long term basis, including practical mechanisms to access, use and maintain the identified site; e. the outcomes of any consultation with and/or cultural advice provided by tangata whenua, in particular with respect to mitigation measures and/or the incorporation of mātauranga Māori principles into the design, development and/or operation of activities that may affect the site; and f. where the site is also an archaeological site, the relevant objectives and policies in the Historic Heritage chapter.

SASM-P9	Encourage protection, maintenance and restoration of scheduled sites and areas of significance to Māori, including consideration of <u>applying</u> ⁷ the following additional measures: <ol style="list-style-type: none"> reducing or waiving consent applications⁸ costs; providing funding, grants and other incentives; and obtaining, recording and sharing information about sites and areas of significance to Māori.
SASM-P10	<u>Provide for the use, operation, maintenance, repair and upgrading of existing infrastructure within scheduled sites and areas of significance to Māori in a manner that avoids, remedies or mitigates adverse effects on the cultural values of these sites and areas.</u>
Rules	

Notes:

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. The Historic Heritage chapter applies to scheduled heritage resources, and the Heritage Area Overlay chapter applies to the Heritage Area Overlays.
3. The Earthworks chapter rules apply 'in addition' to the earthworks rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.

SASM-R1	<u>New buildings or structures, relocated buildings or extensions or alterations to an⁹ existing buildings or structures, earthworks or indigenous vegetation clearance</u>	
Scheduled sites and areas of significance to Māori	Activity status: Permitted Where: PER 1: The activity is undertaken by the requesting party listed in Schedule 3. PER 2: Any indigenous vegetation clearance is for customary purposes. PER 3: <u>The activity is undertaken by a network utility provider for the operation, maintenance, repair or upgrading of existing above ground infrastructure where this is:</u> (i) <u>no greater than the height of the existing structure;</u>	Activity status where compliance not achieved with PER 1 or PER 2: Restricted Discretionary Matters of discretion are restricted to: a. whether the requesting party listed in Schedule 3, the relevant iwi authority, 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; b. whether a cultural impact assessment has been undertaken and the extent to which the proposal responds to or

⁷ S389.014 – Taituha, Tane & Apiata⁸ Clause 16 amendment⁹ Clause 16 amendment and consequential changes

	<p>(ii) <u>no greater than 20% of the GFA of the existing lawfully established building or structure; and</u></p> <p>(iii) <u>not replacing a pole with a pole.</u></p>	<p>incorporates the recommendations in that assessment;</p> <p>c. the extent to which the activity may adversely affect cultural and spiritual values;</p> <p>d. whether the activity will have an adverse effect on the site and area of significance to Māori; and</p> <p>e. the means by which any adverse effects on cultural, spiritual and heritage values can be avoided, remedied or mitigated.</p>
SASM-R2	New building or structure, extensions to an existing building or structure, earthworks or indigenous vegetation clearance	
Te Oneroa-a-Tōhe Beach Management Area	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1: The activity is undertaken by or with the written approval of the Te Oneroa-a-Tōhe Board or Te Hiku o Te Ika Iwi/Hapū.</p>	<p>Activity status where compliance not achieved with PER-1: Discretionary</p> <p>Note: If a resource consent application is made under this rule, the Te Oneroa-a-Tōhe Board will likely be considered an affected person for any activity where the adverse effects are considered minor or more than minor.</p>
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 applicable¹⁰
SASM-R4	Commercial activity	
Te Oneroa-a-Tōhe Beach Management Area	<p>Activity status: Discretionary</p> <p>Note: If a resource consent application is made under this rule, the Te Oneroa-a-Tōhe Board will likely be considered an affected person for any activity where the adverse effects are considered minor or more than minor.</p>	Activity status where compliance not achieved: Not applicable
SASM-R5	Plantation forestry and plantation forestry activity	
Scheduled sites and area of	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

¹⁰ S483.191 and S159.049 - Top Energy Ltd and Hort NZ

significance to Māori		
SASM-R6	Mineral extraction activity	
Scheduled sites and area of significance to Māori	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
SASM-R7	Destruction or demolition of a scheduled site and area of significance to Māori	
Scheduled sites and areas of significance to Māori	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Officers Recommended Consequential Amendment to Tāngata Whenua Chapter

Policies	
TW-P1	Work proactively with Iwi and Hapū to identify, and where agreed to , implement: <ul style="list-style-type: none"> a. Mana Whakahono a Rohe / Iwi participation arrangements; b. joint management agreements under section 36B of the RMA; and c. other arrangements as agreed.
TW-P2	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: <ul style="list-style-type: none"> a. recognition of the holistic nature of the Māori worldview; b. the exercise of kaitiakitanga; c. the acknowledgement recognition¹¹ 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.
TW-P3	Protect the values of Māori historic heritage, cultural resources, wāhi tapu and other taonga by: <ul style="list-style-type: none"> a. collaborating with Iwi and Hapū to identify significant sites and cultural resources <u>where appropriate</u>; b. scheduling significant sites and areas of significance to Māori <u>where appropriate</u>; and c. recognising that sites and areas of significance to Māori are often associated with a wider cultural landscape which holds significance to tangata whenua.
TW-P4	Enable economic, social and cultural well-being of tangata whenua through the use and development land administered under Te Ture Whenua Māori Act 1993 and returned under treaty settlement, while managing adverse effects on the environment.
TW-P5	Recognise tangata whenua as specialists in the tikanga of their Iwi or Hapū, including when preparing or undertaking a cultural impact assessment.

¹¹ S389.013, S394.025 – Taituha, Tane & Apiata and HMK Trust