

SUBMISSION – FAR NORTH PROPOSED DISTRICT PLAN

Overview:

1. This submission is made by Te Rūnanga-Ā-Iwi O Ngāpuhi.
2. Te Rūnanga-Ā-Iwi O Ngāpuhi is the mandated iwi organisation representing some 160,000 people who identify as Ngāpuhi. Ngāpuhi is the largest Iwi in New Zealand. Consistent with *He Whakaputanga*, wherein it is affirmed, “Ko mātou ko ngā tino rangatira o ngā iwi o Nu Tīreni i raro mai o Hauraki”, Te Whare o Puhi is the geographical footprint “Mai i ngā pūriri o Te Ramarama ki te Rerenga Wairua.
3. As affirmed in Te Tiriti O Waitangi, Ngāpuhi is the guardian of the natural resources which includes land, coastal areas, sea, waterways and other resources within our tribal region. This includes the foreshores and seabeds extending out from the coast and harbours of Te Whare Tapu O Ngāpuhi and the subject of the current debate over ownership and management of such.
4. Ngā Hapū O Ngāpuhi actively exercise their customary rights and responsibilities of kaitiakitanga throughout our district. Traditional cultural practices closely tie Ngāpuhi to our forests, coastal shores, waters and whenua.
5. Te Rūnanga-Ā-Iwi O Ngāpuhi welcomes the opportunity to comment on the Far North Proposed District Plan.



Sam Napia
Chief Executive
Te Rūnanga-Ā-Iwi O Ngāpuhi

Date: 21 October 2022

Introduction:

1. Te Rūnanga-Ā-Iwi O Ngāpuhi acknowledges that Council is required under the Resource Management Act 1991 (RMA) to review its District Plan every 10 years.
2. We also acknowledge that Council has statutory requirements to tāngata whenua and iwi authorities under the RMA. Specifically, the iwi consultation obligation under Schedule 1, clause 3(d) of the RMA in Council's preparation of the Proposed District Plan.
3. The Far North District Plan is a RMA regulatory tool that contains a range of objectives, policies, rules and standards that sets out the types of landuse activities that are permitted and other activities that require a resource consent from Council.
4. In responding to the District's significant resource management issues, the Proposed District Plan is also supported by the Far North 2100 Strategy with its intent to help guide the direction for landuse, infrastructure and service planning over the next 80 years. Technically, both should be supported by Council's Long-Term Plan and infrastructure plans.

Implementation Methods:

5. The Proposed District Plan (PDP) references Far North 2100 which includes a range of tāngata whenua based outcomes, however whilst the PDP is heavy on rules it is relatively silent on other ways and methods of achieving outcomes outside of the consenting environment. From Te Rūnanga-Ā-Iwi O Ngāpuhi's perspective both strategic documents are not consistent nor are they effectively aligned, which facilitates a "Business as Usual" position for Council. Te Rūnanga-Ā-Iwi O Ngāpuhi is wanting to change that position by developing a strategic and functional relationship with local government.
6. In order to be strategic and functional, Te Rūnanga-Ā-Iwi O Ngāpuhi has identified a range of issues that impacts on our ability to be effective in promoting the sustainable management of natural and physical resources within our rohe and whilst there are triggers within the PDP a number of matters require non-regulatory support to facilitate effective decision-making. These non-regulatory opportunities need to be adequately supported and resourced otherwise we run the risk of "Business as Usual" which maintains the status quo constraining the role of tāngata whenua and their economic, social, cultural and spiritual wellbeing in wider resource management matters.
7. Below is a synopsis of implementation matters that need to be addressed:

Implementation Methods:

Provision of plan	Support/ Oppose	Decision sought	Reasons	
All PDP	Oppose	Amend the plan to strengthen and clarify opportunities for tāngata whenua involvement in resource management processes, including through funding.	<p>Various plan provisions (e.g. TW-O2 and TW-P2) mention tāngata whenua involvement in resource management processes. These plan provisions have limited scope and the PDP needs to be amended throughout to provide for tāngata whenua to be involved directly in decision-making, for example representation on:</p> <ul style="list-style-type: none"> • Councils resource management forum (where applicable); and • Hearing panels <p>The PDP should also provide (as a non-regulatory method) for Council to help build the capacity of iwi and hapū to participate, for example by funding individuals to complete the “Making Good Decisions” training for hearings commissioners.</p>	S498.001 S498.002
All PDP	Oppose	Amend the plan to clarify the triggers for tāngata whenua engagement and involvement in decision-making.	Plan provisions mention tāngata whenua engagement through various means. The triggers for engagement are unclear and a consistent approach throughout the plan would be valuable.	S498.003
All PDP	Oppose	Amend PDP provisions to harmonise with district plans of neighbouring authorities, in relation to land parcels that straddle Council boundaries, by creating special zones or precincts across boundaries, or delegation of powers by Councils.	There are examples of Māori land that straddle territorial authority boundaries. There are opportunities to provide special plan provisions to avoid undue costs and delays in deciding applications. Co-ordinated approaches between Councils are necessary so that plan provisions are harmonized. This may include creating special zones or precincts across the boundaries, or delegation of powers by one Council to the other. Consenting processes should be streamlined in these cases.	S498.004
Purpose: FN2100	Support in part	Council to develop an effective functional relationship with Te Rūnanga-Ā-Iwi O Ngāpuhi in order to facilitate its Te Tiriti o Waitangi / Treaty of Waitangi partnership obligations within the PDP and FN2100	As a Treaty partner, Te Rūnanga-Ā-Iwi O Ngāpuhi is a strategic partner and should be considered as a priority within Council’s strategic relationship matrix.	S498.005
Purpose: FN2100	Oppose	Amend the PDP to implement FN2100 by indicating support for kaitiaki through non-regulatory methods, including financial support and involving tāngata whenua in decision-making around protection of flora and fauna.	<p>FN2100 refers to “building high trust collaborative relationship with iwi and hapū who have aspirations to protect indigenous flora and fauna. This aims to support tāngata whenua as kaitiaki and their right to protect flora and fauna.”</p> <p>The Purpose section states that the PDP helps Council achieve the outcomes of FN2100, but the PDP makes no other reference to supporting tāngata whenua as kaitiaki to</p>	S498.006

			protect flora and fauna. Instead, it takes a purely regulatory approach, to the exclusion of non-regulatory methods. The PDP should be amended as indicated.	
TW-P1	Oppose, unless	That appropriate resourcing is made available and tagged within District Planning and LTP processes.	Implementing Mana Whakahono ā Rohe, JMAs and other arrangements without appropriate resourcing (human and financial) will not tempt Te Rūnanga-Ā-Iwi O Ngāpuhi to consider participating.	S498.007
TW-P2	Support, provided that	Add objectives and policies to recognise and provide for Te Ao Māori concepts including, but not limited to, maramataka and tiro tiro a ta rongo, to enable kaitiaki to be more effective and to apply these systems to resource management decision-making.	The wider consideration and application of maramataka is enabling kaitiaki to be more effective in resource management decision-making.	S498.008
TW-P3	Oppose, unless	Protecting, collaborating, scheduling and recognising Sites of Cultural Significance (SoCS) will require appropriate support and resourcing.	A lack of funding to support the identification, mapping and scheduling of SoCS has impacted on Te Rūnanga-Ā-Iwi O Ngāpuhi’s ability to protect waahi tapu and taonga.	S498.009
TW-P6	Support, provided that	Develop better functional relationships between tāngata whenua and resource consent planners, by adopting the methods indicated in iwi/hapū environmental management Plans lodged with Council.	Iwi and hapū develop environmental management plans as a way of identifying what their relationship with Te Taiao means to them and these plans need to be adequately resourced. Relationship and engagement opportunities are lost when resource consent planners are unable to make appropriate assessments because some iwi/hapū environmental management plans might not necessarily be drafted from a technical RMA planning perspective and hence opportunities are lost in “translation”. In order to develop a relationship and understanding between Council planners and iwi/hapū environmental practitioners, resources, including wānanga and workshops need to be provided to better implement sustainable outcomes.	S498.010
Treaty Settlement Land Overlay	Support, in part	Te Rūnanga-Ā-Iwi O Ngāpuhi supports the development of a Treaty Settlement Land Overlay to give effect to the aspirations and provisions within Settlement Acts. However, Te Rūnanga-Ā-Iwi O Ngāpuhi opposes policies that are not enabling thereby limiting or constraining their development opportunities.	Treaty Settlements acknowledge that the Crown did not act in good faith and that they have breached the principles of Te Tiriti o Waitangi. In doing so this has restricted the claimants ability to act as kaitiaki over their taonga, wāhi tapu and whenua, and has undermined their traditional tikanga and rangatiratanga including being marginalised on their ancestral lands, and a loss of tribal authority, social cohesion, traditional knowledge, and ability to develop their well-beings. Even returned assets may have underlying caveats that continue to restrict opportunities for claimants and therefore the overlay should be considered on a site by site basis.	S498.011

Māori Purpose Zone	Support, in part	Retain the Māori Purpose Zone. Te Rūnanga-Ā-Iwi O Ngāpuhi supports the development of a Māori Purpose Zone to give effect to the development aspirations of tāngata whenua.	Te Rūnanga-Ā-Iwi O Ngāpuhi is mindful that the Māori Purpose Zone seeks to provide for the use and development of Māori land which can support the social, cultural and economic aspirations of tāngata whenua and enable a range of activities to be undertaken. Similar to the Treaty Settlement Land Overlay, Te Rūnanga-Ā-Iwi O Ngāpuhi does not support rules that restrict the ability or opportunity for tāngata whenua to develop bearing in mind that prior to having this development potential the surrounding landscapes and landuse has already predetermined what is permitted and what is non-complying.	S498.012 S498.013
--------------------	------------------	---	--	----------------------

All of the Proposed District Plan:

Provision of plan	Support/ Oppose	Decision sought	Reasons	
All PDP	Oppose	Amend plan provisions requiring specific consideration of adverse effects, either by deleting the word “adverse” by adding equal references to positive and cumulative effects.	The RMA defines effect to include positive, adverse, cumulative and other effects, all of equal importance. While the PDP has adopted this definition, many of its provisions single out adverse effects only for consideration, without reference to positive effects. This has the potential to constrain the development of Māori land, because the positive effects of development are to be given only secondary consideration.	S498.014
All PDP	Oppose	Amend the plan to strengthen and clarify opportunities for tāngata whenua involvement in resource management processes.	Various plan provisions (e.g., TW-O2 and TW-P2) mention tāngata whenua involvement in resource management processes. These plan provisions have limited scope and the plan needs to be amended throughout to provide for tāngata whenua to be involved directly in decision-making in Council forums and hearings panels. The plan should also provide (as a non-regulatory method) for Council to help build the capacity of iwi and hapū to participate, for example by funding individuals to complete the “Making Good Decisions” training for hearings commissioners.	S498.015
All PDP	Oppose	Amend the plan to clarify the triggers for tāngata whenua engagement and involvement in decision-making.	Plan provisions mention tāngata whenua engagement through various means, including cultural impact assessments. The triggers for engagement are unclear and a consistent approach throughout the plan would be valuable.	S498.016

All PDP	Oppose	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	Council proposes to undertake the identification of more sites and areas in partnership with tāngata whenua 2 years post Council decisions, subject to funding, RMA and LGA reforms. In the interim, unscheduled SoCS will be unprotected and at a minimum TW-P6 will need to be applied.	S498.017
Purpose	Oppose	Amend the PDP to implement Far North 2100 by indicating support for kaitiaki through non-regulatory methods, including financial support and involving tāngata whenua in decision-making around protection of flora and fauna.	Far North 2100 refers to “building high trust collaborative relationship with iwi and hapū who have aspirations to protect indigenous flora and fauna. This aims to support tāngata whenua as kaitiaki and their right to protect flora and fauna.” The Purpose section of the plan states that the district plan helps council achieve the outcomes of Far North 2100, but the plan makes no other reference to supporting tāngata whenua as kaitiaki to protect flora and fauna. Instead, it takes a purely regulatory approach, to the exclusion of non-regulatory methods. The plan should be amended as indicated.	S498.018

Part 1 - Introduction and General Provisions

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
Definitions	Support	Amend Customary Activity to “... means the <u>recognition of customary use as well as places</u> , land or buildings for Māori cultural activities <u>within Te Ao Māori</u> which includes <u>but is not limited to</u> marae activities ...”	The amended definition expands the recognition of customary use without being just restricted to the use of land or buildings for Māori cultural activities (i.e.) places of customary importance would include customary food gathering areas and the recognition of customary rights.	S498.019
	Support	Amend Educational Facility to include Kura Kaupapa and Whare Wānanga	Within this definition child care services includes kōhanga reo. Subsequently the addition of Kura Kaupapa and Whare Wānanga provides further clarity for Māori schools and tertiary providers.	S498.020
	Support	Amend Freshwater to include Te Mana o Te Wai	Te Mana o te Wai refers to the vital importance of water. When managing freshwater, it ensures the health and well-being of the water is protected and human health needs are provided for before enabling other uses of water. (See NPS-FW)	S498.021

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
	Support	Amend Papakāinga to include Social Housing and Emergency Housing	Te Rūnanga-Ā-Iwi O Ngāpuhi works with the housing sector and stakeholders to co-ordinate better housing resources to address whānau and hapū housing needs. Wider consideration of Social and Emergency Housing needs to be included within the definition of Papakāinga.	S498.022
	Support	Amend Residential Activity to include Social Housing and Emergency Housing	Te Rūnanga-Ā-Iwi O Ngāpuhi works with the housing sector and stakeholders to co-ordinate better housing resources to address whānau and hapū housing needs. Wider consideration of Social and Emergency Housing needs to be included within the definition of Residential Activity for accommodation that resides outside of Papakāinga.	S498.023
	Support	Add a definition of “sustainable carrying capacity” used in objectives TSL-O4 and MPZ-O3	The term “sustainable carrying capacity” is not defined and its meaning will be uncertain and contestable. It is not obvious in objectives TSL-O4 and MPZ-O3 whether it is intended to constrain or enable development. The definition should reference the developable area of a site, nature of the locality (urban, rural, coastal or in an overlay) and infrastructure and services available.	S498.024
Glossary	Support	Kura Kaupapa	Means a primary school operating under Māori custom and using Māori as the medium of instruction.	S498.025
	Support	Mahinga Kai	Means a garden, cultivation or food gathering place.	S498.026
	Support	Maramataka	Means the Māori lunar calendar.	S498.027
	Support	Mātauranga Māori	Means Māori customary knowledge, traditional knowledge or intergenerational knowledge.	S498.028
	Support	Te Mana o Te Wai	Te Mana o te Wai refers to the vital importance of water. When managing freshwater, it ensures the health and well-being of the water is protected and human health needs are provided for before enabling other uses of water (See NPS-FW).	S498.029
	Support	Te Ao Māori	Means the Māori worldview.	S498.030
	Support	Te Hauora o Te Koiora	Means the health of indigenous biodiversity (See NPS-IB).	S498.031

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
	Support	Te Hauora o Te Taonga	Means the health of species and ecosystems that are taonga (See NPS-IB).	S498.032
	Support	Te Hauora o Te Taiao	Means the health of the wider environment (See NPS-IB).	S498.033
	Support	Te Hauora o Te Tāngata	Means the health of the people (See NPS-IB).	S498.034
	Support	Tirotiro a ta Rongo	An environmental curriculum being developed at Kura Kaupapa.	S498.035
	Support	Whare Wānanga	Means a university or place of higher learning - traditionally, it was where tohunga taught their people's knowledge of history, genealogy, environmental and religious practices.	S498.036
Purpose - Far North 2100	Support in part	Amend to enable the formal development and maintenance of relationships with iwi and hapū	To assist Council in fulfilling its Te Tiriti o Waitangi obligations and tāngata whenua-based outcomes within the Proposed District Plan (PDP) and identified in the Far North 2100 plan, Te Rūnanga-Ā-Iwi O Ngāpuhi would support Council to develop and maintain formal effective and enduring relationships with iwi and hapū.	S498.037
Purpose - Far North 2100	Oppose	Amend to implement non-regulatory methods that support iwi and hapū as kaitiaki that includes but not limited to, financial resourcing and decision-making ability.	Te Rūnanga-Ā-Iwi O Ngāpuhi supports “building high trust collaborative relationships with iwi and hapū who have aspirations to protect indigenous flora and fauna. This aims to support tāngata whenua as kaitiaki and their inherent right as mana whenua to protect flora and fauna.” However, there is no other reference, implementation or method to support tāngata whenua as kaitiaki to protect their natural resources that include flora and fauna. Instead, it takes a purely regulatory approach, to the exclusion of non-regulatory methods.	S498.038
Purpose	Oppose	Remove the Māori name ‘He Whenua Rangatira’	Te Rūnanga-Ā-Iwi O Ngāpuhi would like the name ‘He Whenua Rangatira’ removed. We seek clarity as to the reasoning behind Council's choice to use a Māori name for its 80 year long plan yet demonstrates little regard to rangatiratanga o ngā iwi me ngā hapū o tēnei whenua.	S498.039
All planning provisions	Oppose	Amend to clarify tools and mechanisms for tāngata whenua engagement and involvement in decision-making	Plan provisions mention tāngata whenua engagement through various means. Te Rūnanga-Ā-Iwi O Ngāpuhi seeks clarity as to tools, mechanisms and methods Council proposes.	S498.040

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
SRMI-Issue 1	Oppose	Amend and replace Partnerships with the word Relationships	Partnerships is not a resource management issue identified by Te Rūnanga-Ā-Iwi O Ngāpuhi.	S498.041
SRMI-Issue 1	Oppose	Amend to identify issues Council has, forming relationships with iwi and hapū	Te Rūnanga-Ā-Iwi O Ngāpuhi objects that Council has focused on legislation, Māori land tenure and Māori land development issues as to the reason why Council has had difficulty in building strong relationships with iwi and hapū. Instead, we believe political unwillingness and the lack of understanding, recognition and the application given to Te Tiriti o Waitangi and He Whakaputanga are the major concerns.	S498.042
Tāngata Whenua	Support	Retain the first sentence of the Tāngata Whenua Overview.	Te Rūnanga-Ā-Iwi O Ngāpuhi recognise and agrees with Council, that Te Tai Tokerau is a culturally unique district and as such, needs to be reflected throughout the District Plan, planning instruments, processes and frameworks.	S498.043
TW-New	Support	Add objectives and policies to recognise and provide for the concepts of Te Ao Māori (or the Māori worldview) and maramataka to apply to resource management decision-making.	In order to sustainably manage our natural and physical resources we need to be more open to other perspectives and knowledge systems. Working with iwi and hapū utilising mātauranga Māori (which includes maramataka) will help make informed decisions.	S498.044
TW-O1	Oppose	Amend TW-O1 to make clear that hapū rangatiratanga is sought and change the word 'partnerships' to relationships.	In recognition of Te Tiriti o Waitangi and He Whakaputanga, Te Rūnanga-Ā-Iwi O Ngāpuhi maintains to uphold hapū rangatiratanga and will support the establishment of relationship agreements as a means to building effective, high trust and enduring relationships the priority. As noted in SRMI 1, issues prove that there is difficulty in establishing partnerships if you do not have a strong and principled relationship.	S498.045
TW-O1	Support	Retain TW-O1 to clarify how Council intends to fulfil this through the PDP to meet the expectations of resource management and oversight for Te Rūnanga-Ā-Iwi O Ngāpuhi.	Te Rūnanga-Ā-Iwi O Ngāpuhi notes that establishing enduring agreements is one of the objectives that Council proposes in order to meet its statutory obligations. However, within a plan that sets rules and regulations, it may be somewhat problematic. We seek clarity on how the Council intends to deliver on this objective.	S498.046
TW-O2	Oppose	Amend TW-O2 to clarify the types of opportunities available to tāngata whenua to actively participate in resource management processes.	Te Rūnanga-Ā-Iwi O Ngāpuhi would like clarity on the types of opportunities available to tāngata whenua to actively participate in resource management processes. Provisions are limited in scope and it is well known that tāngata whenua consistently struggle to have their cultural values, mātauranga and worldview validated and recognised through the resource management processes.	S498.047

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
TW-O3	Oppose	Amend TW-O3 by adding the words as follows: <u>"... future generations, and where appropriate, celebrated and accessible to tāngata whenua"</u> .	Heritage does not just need protection, but in some cases should be celebrated and accessible to tāngata whenua. Access is a common difficulty when the heritage item is on private land. This could be addressed by creating a right of way, when such land is subdivided. (Supporting policy submitted under HH-P15 historic heritage.)	S498.048
TW-Policies - new		Add a new policy to read: <u>"TW-P7 Require cultural impact assessment of land use and subdivision proposals that have the potential for positive or adverse effects on the relationship of tāngata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga."</u>	Te Rūnanga-Ā-Iwi O Ngāpuhi would like to see a stronger objective and policy and urge Council to clarify when a cultural impact assessment is required, similar to any other technical report.	S498.049
TW-P1	Oppose	Amend TW-P1 to make clear that Mana Whakahono ā Rohe / Iwi participation arrangements can extend to all natural and built environments and RMA issues and processes, and not limited to only ancestral lands and other taonga.	It is promising that the Council considers Mana Whakahono ā Rohe agreements as a means for iwi and hapū to actively participate in resource management processes. This should not be limited to only ancestral lands and other taonga, but to the extent of all natural and built environments. Te Rūnanga-Ā-Iwi O Ngāpuhi looks forward to an ideal, future visionary model for iwi authorities and hapū within Te Tai Tokerau that enables the full extent of RMA tools and provisions.	S498.050
TW-P1	Oppose	Amend TW-P1 to include appropriate resourcing and referenced to and tagged within the Long-Term Plan	Te Rūnanga-Ā-Iwi O Ngāpuhi understands that there is an expectation for Council to provide appropriate resourcing towards the development, maintenance and implementation of Mana Whakahono ā Rohe agreements and other similar arrangements with iwi and hapū.	S498.051
TW-P2	Support	Amend TW-P2 by adding a new paragraph: <u>"(f) the implementation of Te Ao Māori concepts including but not limited to maramataka."</u>	To provide for effective resource management decision-making and to enable kaitiaki to exercise the implementation of mātauranga Māori, Te Rūnanga-Ā-Iwi O Ngāpuhi believes that the PDP needs to provide for the wider application of Te Ao Māori concepts, processes, practices and procedures.	S498.052

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
TW-P2	Support	Amend TW-P2 by adding a new paragraph: <u>“(g) appointing tāngata whenua to council planning committees and hearings panels.”</u>	TW-P2 gives examples of how tāngata whenua can be involved in resource management processes. This is supported in principle, but the policy provides only one clear opportunity for tāngata whenua input, through iwi and hapū environmental plans. Reference to “any other agreements” is likely to provide uneven opportunities between iwi at best. This is not an adequate substitute for direct involvement in decision-making.	S498.053
TW-P2	Support	Amend TW-P2 by adding a new paragraph: <u>“(h) any impact on customary food gathering and the recognition of protected customary rights.”</u>	In order for kaitiaki to be effective and to actively participate in resource management decision-making, the amendment to TW-P2 seeks to specifically provide clarity around the protection mechanisms. For Te Rūnanga-Ā-Iwi O Ngāpuhi this is increasingly becoming evident when the cumulative effects are impacting on mahinga kai and customary food gathering activities.	S498.054
TW-P3	Oppose	Amend to include Scheduling information, resourcing and support	Te Rūnanga-Ā-Iwi O Ngāpuhi highlights that historically there has been a lack of resourcing to support the identification, mapping and scheduling of Sites of Cultural Significance. This has impacted on the ability of iwi and hapū to protect waahi tapu and taonga.	S498.055
TW-P3	Support	Amend TW-P3 by adding a new paragraph: <u>“(d) empowering tāngata whenua to have access to and manage their historic sites.”</u>	Te Rūnanga-Ā-Iwi O Ngāpuhi would like to see mechanisms that enable tāngata whenua to have access and manage their historic sites rather than a blanket protection method. We believe a more active management approach will enable appropriate approaches and site specific management that recognises significant sites and cultural landscapes.	S498.056
TW-P5	Support	Retain TW-P5.	Recognition of tāngata whenua as specialists in relation to tikanga and preparation of cultural impact assessments is supported.	S498.057
TW-P6	Oppose	Amend TW-P6(b) to read: “(b) any Iwi/Hapū environmental management plans lodged with council <u>must be taken into account.</u> ”	We also note that there is still a disconnection between the aspirations and outcomes of iwi/hapū environmental management plans with the PDP and the integration of what tāngata whenua as kaitiaki pursue.	S498.058

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
TW-P6	Oppose	Amend to include practical methods to build Council capacity and capability when engaging with tāngata whenua and iwi/hapū environmental management plans	Iwi and hapū environmental management plans identify their inherent relationship with their natural environment, Te Taiao. Many also identify establishing relationships with other iwi, hapū, agencies and local authorities. However, historically the Council has failed to deliver on meaningful relationships with iwi and hapū. To assist Council to develop enduring relationships Te Rūnanga-Ā-Iwi O Ngāpuhi urges Council planners (including RC planners) and iwi/hapū environmental practitioners to engage through wānanga and workshops that provide deeper understandings to better implement sustainable long-term outcomes.	S498.059
TW - Method - New	Support	Add a new section to the Tāngata Whenua chapter after policies to read: <u>“Methods of implementation. Council will embed cultural competence and te reo in its staff through professional development, recruitment, and performance management processes.”</u>	To support Council staff, Te Rūnanga-Ā-Iwi O Ngāpuhi urges Council to embed cultural competence and te reo in staff professional development, recruitment, and performance management processes. Training around hapū environmental management plans should be led by hapū. This method would be consistent with the objectives and RMA sections 6(e) and 7.	S498.060
TW- Information – new	Oppose	Add a new section after policies to read: <u>“Information to be included with an application for a resource consent affecting tāngata whenua. Every resource consent application within the scope of policy TW-P6 must be accompanied by information addressing all the matters to be considered under TW-P6.”</u>	It is not clear how Council will ensure that TW-P6 will be addressed. Te Rūnanga-Ā-Iwi O Ngāpuhi would recommend that all applicants are required to undertake TW-P6 prior to lodgement of applications.	S498.061

Part 2 - District Wide Matters

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
SD-CP-O4	Oppose	Amend SD-CP-O4 by adding:	Te Rūnanga-Ā-Iwi O Ngāpuhi believes that located within the northernmost district, Te Tai Tokerau will be exposed to extreme and tropical weather events including invasive pests and diseases. Efforts to mitigate climate change are failing and are based on a	S498.062

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
		<u>"...climate change, including by engaging with tāngata whenua and the utilisation of maramataka will lead to a broader and more effective array of solutions."</u>	Western scientific lens. Genuine engagement with tāngata whenua and the utilisation of maramataka and other ecological tiroiro will only be beneficial for our communities.	
HH-P15	Oppose	Amend HH-P15 by adding a new paragraph: <u>"(g). opportunities to create access (by rights of way or other methods) for tāngata whenua to their sites of significance, to enable them to maintain and carry out their cultural processes and procedures for current and future generations."</u>	Te Rūnanga-Ā-Iwi O Ngāpuhi considers loss and degradation of heritage resources includes the loss of access to these resources. We seek clarity on how Council proposes to provide access/legal right/physical access for tāngata whenua to their heritage, sites of significance and the like to maintain and carry out their cultural processes and procedures for current and future generations.	\$498.063
SASM-O4	Oppose	Amend SASM-O4 to read: "Sites and areas of significance to Māori are known to, appreciated by, and acknowledged as important to, the wider community, <u>where this is considered appropriate by tāngata whenua."</u>	In terms of Sites and Areas of Significance to Māori, we believe SASM-O4 needs to be qualified in terms of having such areas 'acknowledged by the wider community'.	\$498.064
NT-P5	Support	Retain NT-P5 but implement stronger Council approaches to monitoring and enforcement.	Te Rūnanga-Ā-Iwi O Ngāpuhi would further seek a stronger policy direction and compliance measures when dealing with Notable Tree matters. This is in response to both historic and recent cases where significant trees have been destroyed or tampered with, without any recourse.	\$498.065
TSL Overlay	Support	Retain the Treaty Settlement Land Overlay and related plan provisions, subject to amendments submitted.	Te Rūnanga-Ā-Iwi O Ngāpuhi supports the Treaty Settlement Land Overlay in principle. It is agreed, as stated in the Tāngata Whenua s32 Report, that the TSL Overlay, "Assists to remove some of the constraints and barriers associated with developing Māori land or Treaty Settlement Land."	\$498.066
TSL Overlay	Oppose	Policies that are not enabling or that constrain development opportunities for iwi and hapū.	Treaty Settlements acknowledge the Crown had breached their agreement to the Te Tiriti o Waitangi. Some returned assets have underlying caveats that continue to restrict opportunities and should be considered on a site-by-site basis.	\$498.067
TSL-O2	Support	Amend to include and enable environmental development.	Te Rūnanga-Ā-Iwi O Ngāpuhi seeks to include environmental development as part of the objective to TSL-O2.	\$498.068

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
TSL-O4	Oppose	Amend objective TSL-O4 to read: “use and development on Treaty Settlement Land can fully utilise reflects the sustainable carrying capacity of the land and surrounding environment’. AND Otherwise amend TSL-O4 to provide context and clarity	The term “sustainable carrying capacity” is uncertain and contestable. Interpretation could place additional constraints on development in this overlay. The amendment submitted is to make clear that the objective is to enable maximum development up to the sustainable carrying capacity of the land and surrounding environment. This is consistent with the enabling approach of related objectives. A separate submission seeks a definition for “sustainable carrying capacity.” In the absence of a definition, the objective should be further clarified, by adding references to capacity criteria including the usable or developable area of a site, nature of the locality (urban, rural, coastal or overlay), access and infrastructure, and services available.	\$498.069
TSL-P3	Oppose	Amend TSL-P3 by deleting paragraphs a), b), c), & e)	Policy TSL-P3 places unnecessary constraints on development of Treaty Settlement Land. Paragraphs a), c) and e) deal repetitively with the issue of cross-boundary effects and c) and e) are therefore redundant. Paras b) and f) appear to be somewhat paternalistic, addressing matters that are properly the preserve of the landowners, when they are choosing development options.	\$498.070
TSL-P4	Support	Retain TSL-P4 (c), requiring consideration of positive effects of land use and subdivision.	Consideration of positive effects of activities is essential to achieve the enabling objectives.	\$498.071
TSL-R4	Oppose	Amend Rule TSL-R4 to permit residential units on sites in addition to the numbers permitted in the notified rule. Quantify additional units by reference to the sustainable carrying capacity of the site, referencing the developable site area, nature of the locality (urban, rural, coastal or overlay) access and the available services.	The proposed rule permits limited numbers of houses, reflecting a cautious approach. Many sites could sustain more houses than these numbers. The option of obtaining resource consent for additional houses is largely impracticable for tāngata whenua in need of social housing. The amendment seeks permitted status for greater numbers of houses. This would better implement Objective MPZ-O3, which calls for use and development to reflect sustainable carrying capacity. The criteria to quantify carrying capacity should include the developable area of a site, nature of the locality (urban, rural, coastal or in an overlay) access and the services provided.	\$498.072
TSL-R4	Support	Retain TSL-R4 but implement a more enabling development for papakāinga.	Permitted activity of papakāinga is supported however, we believe the predetermined number of residential units and commercial activity allowable is not enabling.	\$498.073

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
TSL-R11	Oppose	Amend rule TSL-R11 by adding to the last sentence: “These standards do not apply to: Kōhanga reo, <u>Kura Kaupapa, Whare Wānanga and/or to occupational and outdoor training activities.</u> ”	Rule TSL-R11 permits kōhanga reo without restriction, which is supported. However, the rule requires resource consent for occupational and outdoor training. Training activities, like wānanga, provide an invaluable contribution to the wellbeing of tāngata whenua. Other training in outdoor occupations such as farming and forestry in rural areas is unlikely to generate adverse effects more than minor.	\$498.074
NH-P - New	Support	Add a new policy to read: “NH-P15 Adaptation to climate change. Increase the ability of the community to adapt to the effects of climate change by ensuring the potential environmental and social costs of climate change, including effects on indigenous biodiversity, historic heritage, mahinga kai, public health and safety, public access to the coast and waterway margins, and the built environment are known and addressed.”	Te Rūnanga-Ā-Iwi O Ngāpuhi would like to highlight that community adaptation to the effects of climate change, which should be part of the planning response to RMA s7(i). Possible methods of adaptation, such as managed retreat from hazard risk areas, are not addressed in the PDP. This new policy is intended to introduce those issues, and needs to be supported by methods of implementation, including an allocation of funding by council.	\$498.075

Part 3 - Area Specific Matters

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
Māori Purpose Zone	Support	Retain the Māori Purpose Zone.	Te Rūnanga-Ā-Iwi O Ngāpuhi supports the principle of a Māori Purpose Zone.	\$498.076
MPZ-O3	Oppose	Amend objective MPZ-O3 to read: “Use and development in the Māori Purpose zone <u>which fully utilises and</u> reflects the sustainable carrying capacity of the land and surrounding environment.” AND Otherwise amend MPZ-O3 to provide context and clarity.	Te Rūnanga-Ā-Iwi O Ngāpuhi believes the term “sustainable carrying capacity” is uncertain and contestable. It could be interpreted as placing an additional constraint on development in this zone. The amendment submitted is to make clear that the objective is to enable development up to the sustainable carrying capacity of the land and surrounding environment. This is consistent with the enabling approach of related objectives. A separate submission seeks a definition for “sustainable carrying capacity.” In the absence of a definition, the objective should be further clarified, by adding	\$498.077 \$498.078

Provision of plan	Support/ Oppose?	Decision sought	Reasons	
			references to capacity criteria including the usable or developable area of a site, nature of the locality (urban, rural, coastal or overlay), access and infrastructure, and services available.	
MPZ - R-new	Support	Add rules to the Māori Purpose Zone, to permit rural produce retail, the same as rule RPROZ-R10, (rural) and RRZ-R9 (urban).	Te Rūnanga-Ā-Iwi O Ngāpuhi believes rural produce retailing should be permitted in the MPZ, as an economic development opportunity and to help alleviate food poverty within the zone. Rural produce retail is already permitted in the Rural Production Zone (RPROZ-R10, 1 per site, max 100m2) and in the Rural lifestyle and Rural residential zone (RLZ-R9, RRZ-R9, 1 per site, max 50m2.) The same opportunities should be available in the MPZ, in areas of corresponding character. This is consistent with MPZ objectives and policies	\$498.079
MPZ- R-new	Support	Add a rule to the Māori Purpose Zone (rural), to permit rural produce manufacturing, the same as rule RPROZ-R11.	Te Rūnanga-Ā-Iwi O Ngāpuhi believes rural produce manufacturing should be permitted in the MPZ rural areas, as an economic development opportunity and to help alleviate food poverty within the zone. Rural produce manufacturing is already permitted in the Rural Production Zone (RPROZ-R11, 1 per site, max 100m2.) The same opportunity should be available in the MPZ, in rural areas. This is consistent with MPZ objectives and policies.	\$498.080
MPZ-R5	Oppose	Amend Rule MPZ-R5, to permit residential units on sites in addition to the numbers permitted in the notified rule. Quantify additional units by reference to the sustainable carrying capacity of the site, referencing the developable site area, nature of the locality (urban, rural, coastal or overlay) access and the available services.	The rule as drafted permits limited numbers of houses, reflecting a cautious approach. Many sites could sustain more houses than these numbers. The option of obtaining resource consent for additional houses is largely impracticable for tāngata whenua in need of social housing. The amendment seeks permitted status for greater numbers of houses. This would better implement Objective MPZ-O3, which calls for use and development to reflect sustainable carrying capacity. The criteria to quantify carrying capacity should include the developable area of a site, nature of the locality (urban, rural, coastal or in an overlay) access and the services provided.	\$498.081
MPZ-R14	Oppose	Amend rule MPZ-R14 by adding to the last sentence: “These standards do not apply to: Kōhanga reo, or to occupational and outdoor training activities.”	Rule TSL-R11 permits kōhanga reo without restriction but requires resource consent for occupational and outdoor training. Training activities have the potential to make an important contribution to the economic wellbeing of tāngata whenua. Training in outdoor occupations such as farming and forestry in rural areas is unlikely to generate adverse effects more than minor.	\$498.082

Provision of plan	Support/ Oppose?	Decision sought	Reasons
MPZ-R15	Oppose	Amend MPZ-R15 so that commercial activities within papakāinga are more enabling	Papakāinga - limits commercial activities that enable the long-term sustainability of facilities and activities. Rule MPZ-R5 and MPZ-R15 are inconsistent and should be harmonised: MPZ-5 appears to permit commercial activity in papakāinga without restriction (economic activity being within the definition of papakāinga) only for this to be cut down by MPZ-15.

S498.083

Part 4 – Appendices and Schedules

Provision of plan	Support/ Oppose	Decision sought	Reasons
SCHED3	Support	Retain all Sites and areas of significance to Māori.	These sites are appropriate sites for protection and have the support of iwi following past engagement.

S498.084

Part 5 – Planning maps

Property address	Support/ Oppose	Decision sought	Reasons
Flood risk maps	Oppose	Improve the accuracy of all flood risk maps by surveying and ground truthing the at-risk areas before the plan becomes operative in collaboration with tāngata whenua.	All flood risk maps included in the PDP were created at a scale of 1:250,000. This means there is insufficient accuracy to identify at-risk areas of an individual land parcel. This will place heavy financial burdens on tāngata whenua to gain expert analysis of each site and case by case. It would be more efficient for the Council to undertake these assessments alongside tāngata whenua.

S498.085

Further Comments:

Te Rūnanga-Ā-Iwi O Ngāpuhi would like to speak to their submission and is open to supporting a Te Tai Tokerau Iwi/hapū collective approach to lodging both a written and oral submission.

In Conclusion:

There are a range of resource management issues that reside outside of the Proposed District Plan that impacts on Te Rūnanga-Ā-Iwi O Ngāpuhi's ability to effectively participate in resource management decision-making systems and processes. In order to effectively consider Te Rūnanga-Ā-Iwi O Ngāpuhi as a strategic partner moving forward, we require that there needs to be specific integration between fully supporting non-regulatory methods, Far North 2100 strategic priorities and the necessary funding streams targeted in the next Annual Planning rounds.

Te Rūnanga o Whangaroa is also of the opinion that the development and implementation of a Mana Whakahono ā Rohe that is adequately resourced will go part way to addressing our concerns as a strategic Treaty partner in this resource management space.