



SECTION 42A REPORT TANGATA WHENUA

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1 List of Abbreviations

Submitters

Submitter Number	Abbreviation	Full Name of Submitter
S512	FENZ	Fire and Emergency New Zealand
S561	Kāinga Ora	Kāinga Ora Homes and Communities
S389	Taituha, Tane & Apiata	Merata Kawharu Taituha, Renata Tane, Albie Apiata, Billie Taituha and Hirini Tane

Others

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

2 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Tangata Whenua chapter is located in the Part 1 – Introduction and General Provisions section of the PDP.
2. 23 original submitters (with 201 individual submission points) and 168 further submitters (with 1,609 individual submission points) were received on the Tangata Whenua topic. 79 original submission points indicated general support for the provisions to be retained as notified, 39 submission points indicated support in part, with changes requested, whilst 62 submission points opposed the provisions and 21 submission points record 'not stated' in response to support/oppose position.
3. 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 assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, to provide submitters with an opportunity to see how their submissions have been evaluated, and to explain the recommendations made by officers prior to the hearing.

The key changes recommended in this report relate to the following:



- The inclusion of an-additional paragraph in the Overview of the chapter to read as follows:

The Council also acknowledges that for Māori, whenua is a key part of their identity and the health of the land and natural environment is strongly connected to the health and overall wellbeing of tangata whenua.

- The inclusion of a new objective and amendments to notified objectives to read as follows:

TW-O6 The principles of Te Tiriti o Waitangi / The Treaty of Waitangi are taken into account in all resource management processes.

- The amendments to notified policies to read as follows:

TW-P1 Work proactively with Iwi and Hapū to identify, and ~~where agreed to~~, implement:

- Mana Whakahono a Rohe / Iwi participation arrangements;*
- joint management agreements under section 36B of the RMA; and*
- 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:

- recognition of the holistic nature of the Māori worldview;*
- the exercise of kaitiakitanga;*
- the acknowledgement of matauranga Māori;*
- regard to Iwi/Hapū environmental management plans; and*
- Mana Whakahono ā Rohe arrangements;*
- The transfer of powers to iwi, hapū and whānau; and*
- any other agreements.*

- The replacement of words in the text of SSRI Issue 1 to read as follows:

***Issue 1 - Partnerships with tangata whenua** -Historically it has been difficult to build strong ~~partnerships~~ relationships between Council and tangata whenua due to lack of resources, awareness and capacity within both parties. Through the legislative process (RMA), there is limited use of tikanga, matauranga māori, and māori values to express kaitiakitanga in the management of resources. Development of Māori freehold and Treaty Settlement land can be complex because of multiple ownership, no governance structure, financing and involvement of multiple government agencies. The District Plan is focussed on improving planning tools (zoning, overlays etc.) to enable tangata whenua to use land in a manner which exercises their kāwanatanga and rangatiratanga.*

- The changes to the definition of Papakāinga to read as follows:



Papakāinga – means an activity undertaken to support traditional Māori cultural living for tangata whenua residing in the Far North District on:

- 1. Māori land;*
- 2. Treaty Settlement Land;*
- 3. Land which is the subject of proceedings before the Māori land court to convert the land to Māori land; or*
- 4. General land owned by Māori where it can be demonstrated that there is an ancestral link identified.*

Papakāinga may include (but is not limited to) residential, social, Māori cultural, economic commercial, conservation and recreation activities, marae, wāhi and urupā.

3 Introduction

3.1 Author and qualifications

4. My full name is Theresa Annetta Burkhardt, and I am a Senior Policy Planner in the District Planning Team at Far North District Council.
5. I hold the qualification of Master of Planning Practice from the University of Auckland. I am a full member of the New Zealand Planning Institute.
6. 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.

3.2 Code of Conduct

7. 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.
8. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

3.3 Expert Advice

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

4 Scope/Purpose of Report

10. This report has been prepared in accordance with Section 42A of the Resource Management Act to:



- assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
 - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
11. This report responds to submissions on the Tangata Whenua chapter.
12. Wherever possible, I have provided a recommendation to assist the Hearings Panel.

5 Statutory Requirements

5.1 Statutory documents

13. I note that the Tangata Whenua Section 32 report provides a detailed record of the relevant statutory considerations applicable to the Tāngata Whenua chapter.
14. I also note that the s42A report for Hearing 1 (Strategic Direction), sets out the relationship between the sections of the RMA and “higher order documents” i.e. relevant iwi management plans, other relevant plans and strategies.
15. 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.
16. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan. These changes are set out in section 4.1.2.1 of this report.

5.1.1 Resource Management Act

17. The Government, elected in October 2023, has repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on the 22nd of December 2023 and has reinstated the Resource Management Act 1991 as Aotearoa/New Zealand’s primary resource management policy and plan making legislation. The Government has indicated that the Resource Management Act 1991 will ultimately be replaced, with work on replacement legislation to begin in 2024. The Government has also indicated that this replacement legislation will be introduced to parliament in mid-2025. However, at the time of writing, details of the new legislation and exact timing are unknown. The Resource Management Act 1991 (RMA) continues to be in effect until new replacement legislation is passed.



5.1.2 National Policy Statements

5.1.2.1 National Policy Statements Gazetted since Notification of the PDP

18. 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 the Tāngata Whenua Chapter that have been gazetted since notification of the PDP. As District Plans must be “prepared in accordance with”¹ and “give effect to”² a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
19. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023, after the PDP was notified for public submissions (27 July 2022). 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. Part 3 of the NPS-IB sets out what must be done to give effect to the objective and policies.
20. 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.

5.1.2.2 National Policy Statements – Announced Future Changes

21. 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 (summarised in **Table 1** below).

Table 1 Summary of announced future changes to National Policy Direction (as indicated by current Government, as at March 2024)

National Policy Statement	Announced changes	Indicative timing
National Policy Statement for Freshwater Management (NPS-FM)	<ul style="list-style-type: none"> Changes to hierarchy of obligations in Te Mana o Te Wai provisions 	End of 2024

¹ Section 74(1)(a) of the Resource Management Act 1991

² Section 75(3)(a) of the Resource Management Act 1991



	<ul style="list-style-type: none"> • Amendments to NPS-FM, which will include a robust and full consultation process with all stakeholders including iwi and the public 	2024 - 2026
National Policy Statement on Indigenous Biodiversity (NPS-IB)	<ul style="list-style-type: none"> • Amendments to the NPS-IB • Work to stop/cease implementation of new Significant Natural Areas 	2025 - 2026
National Policy Statement for Urban Development (NPS-UD)	<ul style="list-style-type: none"> • Amendments to NPS-UD, including requirement to 'live zone' enough land for 30 years of housing growth, and making it easier for mixed use zoning around transport nodes 	By end of 2024
National Policy Statement for Renewable Electricity Generation (NPS-REG)	<ul style="list-style-type: none"> • Amendments to NPS-REG, to allow renewable energy production to be doubled 	By end of 2024
National Policy Statement for Electricity Transmission (NPS-ET)	<ul style="list-style-type: none"> • Amendments to NPS-ET, but at this stage direction and amendments are unclear. 	By end of 2024
National Policy Statement for Highly Productive Land (NPS-HPL)	<ul style="list-style-type: none"> • Amendments to the NPS-HPL in light of needing to enable housing growth and remove consenting barriers. Possible amendments to the definition of 'Highly Productive Land' to enable more flexibility 	2024 - 2025
Proposed National Policy Statement for Natural Hazards (NPS-NH)	<ul style="list-style-type: none"> • No update on progress has been provided by current government. 	Unknown

5.2 Council's Response to Current Statutory Context

22. 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.
23. 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).

24. 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.
25. 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.

5.2.1 National Planning Standards

26. The National Planning Standards (2019) 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 Tāngata Whenua provisions proposed and recommended in this report follow the National Planning Standards.

5.2.2 Treaty Settlements

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

5.2.3 Iwi Management Plans – Update

28. The Ngāti Hine Environmental Management Plan, 'Ngā Tikanga mo te Taiao o Ngāti Hine', 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 Tāngata Whenua chapter, the Ngāti Hine Environmental Management Plan provides the following direction:

Chapter 4.1 Nga Hononga – Relationships

Section 3. Relationships with Agencies

Policies

Ngāti Hine will promote and enhance relationships between Ngāti Hine, central government and its agencies, regional and district councils (or any agency with delegated authority deriving from any reform of current legislation). The relationships with Ngāti Hine need to be cognisant of our status as tangata whenua, kaitiaki and Treaty partner.

- *Ngāti Hine will actively participate in the decision-making processes of all agencies where those decisions affect Ngāti Hine, our values or*



taonga. Ngāti Hine will consider requests to participate in such processes in a collective forum of other tangata whenua on a case-by-case basis.

- Ngāti Hine will actively participate in the management of our taonga - our involvement should be sought at the commencement of all management, planning and monitoring processes.*
- Agencies and other parties should be cognisant of the lack of capacity and resources for Ngāti Hine to participate in modern planning and policy processes. All agencies should collaborate with other central government entities to ensure that capacity building initiatives are coordinated in a manner that avoids duplication. Where consultation or participation in agency processes involves a cost to Ngāti Hine, these should be borne by the relevant agency. Where consultation is undertaken by consultants or contractors on behalf of agencies, the contract for service should specify the need for the contractor to consult directly with Ngāti Hine on a professional basis.³*

29. The Ahipara Takiwā Environment Management Plan was updated, in 2023, after notification of the PDP in July 2022. In respect of the Tangata Whenua chapter the environmental management plan provides the following direction:

This plan has been developed primarily to:

- Ensure Ngā Marae o Ahipara can engage and participate in planning and decision making processes of councils and other agencies relating to developments in our rohe.*
- Ensure our opinion can no longer be ignored or superficially considered bringing to an end developments which are insensitive to our cultural values and tikanga.*
- Assert our tino rangatiratanga and exercise mana over our ancestral taonga.*
- Clearly advocate the environmental issues and concerns of Ngā Marae o Ahipara so that they can be effectively addressed.*
- Provide cultural advice and guidance for developments in the takiwā, including a direction for environmental restoration.*
- Advocate the values of Ngā Marae o Ahipara and provide guidance for territorial authorities with respect to hapū environmental aspirations.⁴*

5.3 Section 32AA evaluation

30. 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.

³ p.53 NgāTikanga mo te Taiao o Ngāti Hine – Ngāti Hine Environmental Management Plan - 2022

⁴ p. 13 Ahipara Takiwā Environment Management Plan 2023



31. The s32AA further evaluation for each key issue considers:
- Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - The reasonably practicable options for achieving those objectives.
 - The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - The efficiency and effectiveness of the provisions for achieving the objectives.
 - The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
32. 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.

5.4 Procedural matters

33. 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.
34. No pre-hearing meetings or Clause 8AA meetings on the submissions relating to the Tangata Whenua chapter were held prior to the finalisation of this s42A report.
35. No further consultation with any parties regarding the Tangata Whenua chapter has been undertaken since notification of the provisions.

6 Consideration of submissions received

6.1 Overview of submissions received.

36. A total of 22 original submitters with 196 individual submission points and 168 further submitters with 1,609 individual submission points, were received on the Tangata Whenua chapter.
37. The main submissions on the Tangata Whenua chapter came from the following groups and individuals:
- **Iwi Authorities, Post Settlement Governance Entities (PSGE), Trusts, and Māori Land Trusts:**
 - Te Rūnanga Ā Iwi O Ngāpuhi (498) – 29 submission points



- Te Rūnanga o NgaiTakoto Trust (390) – 30 submission point
- Te Rūnanga o Whaingaroa (486) – 37 submission points
- Kahukuraariki Trust (379) - 1 submission point
- Te Hiku Iwi Development Trust (399)– 5 submission and further submission points
- Ngāi Tukairangi No.2 Trust (151) – 45 further submission points
- **Iwi Authority and PSGE Commercial Entities**
 - Te Aupōuri Commercial Development Ltd (339) – 11 submission points
 - Te Waka Pupuri Putea Trust (477) - 2 submission points
- **Hapū:**
 - Ngāti Rangi ki Ngawha (515) – 6 submission points
 - Te Rūnanga o Ngāti Rēhia (559) – 2 submission points
- **Marae**
 - Haititaimarangai Marae Kaitiaki Trust (339) – 21 submission points
- **Whānau and individuals**
 - Tracy and Kenneth Dalton (479), Wakaiti Dalton (355), Taituha, Tane & Apiata (389), Liz Rowena Maki Hetaraka (363), Shawnee Cook Lawrence (159), Keringawai Evans (106), Alec Brian Cox (348), Des and Lorraine Morrison (23), Jeff Kemp (32), Alistair and Cheryl Baxter (285), Nicole Butler (305), – 86 submission and further submission points.
- **Central Government Agencies, State Owned Enterprises Local Government Agencies.**
Fire and Emergency New Zealand (FENZ) (512), Heritage New Zealand Pouhere Taonga (NZHPT) (51), Northland Regional Council (NRC) (359), Transpower New Zealand Ltd (454), Kāinga Ora (KO) (243), Far North Holdings Ltd (FNH Ltd) (114) – 17 submission and further submission points
- **Community Groups and Non-Governmental Organisations:**



Kapiro Residents Association (429), Kapiro Conservation Trust (566), Mataka Residents Association Inc (143), Vision Kerikeri 2 (569), Vision Kerikeri 3 (570); Royal Forest and Bird Protection Society of New Zealand (346), Our Kerikeri Community Charitable Trust (47), Horticulture New Zealand (354) – 27 submissions and further submissions.

- **Businesses and Commercial entities:**

The Shooting Box Ltd (67), P.S Yates Family Trust (68), Setar Thirty-Six Ltd (69), Bentzen Farm Ltd (66), Summit Forests New Zealand Ltd (148) – 42 submissions and further submissions.

38. The key issues identified in this report are set out below:

- Key Issue 1: Overview
- Key Issue 2: Objectives
- Key Issue 3: Policies
- Key Issue 4: Iwi Authorities / Iwi and Hapū Planning Documents / Treaty Settlements / Relationship Agreements
- Key Issue 5: General including General / Process, General / Plan Content / Miscellaneous, Purpose, Significant Resource Management Issue 1 (SRMI), Definitions and Glossary.

39. Some decisions requested by submitters are outside of the scope of the proposed district plan because they seek decisions on matters that do not relate to the contents of a district plan (under section 75 of the RMA), or do not relate to the functions of the Council (under section 31 of the RMA). Section 5.3 does not address these matters. However, where a decision requested by a submitter is considered to be out of scope, this is recorded in the table in **Appendix 2**.

40. Section 5.3 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 commonality of issues, as noted above, it is not efficient or necessary 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 approach provides a concise response to, and recommended decisions on, submission points.

6.2 Officer Recommendations

41. A copy of the recommended plan provisions for the Tangata Whenua chapter is provided in **Appendix 1 – Recommended provisions** to this report.



42. A full list of submissions and further submissions on the Tangata Whenua chapter is contained in **Appendix 2 – Recommended Decisions on Submissions** to this report.
43. Additional information can also be obtained from the [Summary of Submissions](#) (by Chapter or by Submitter), the associated [Section 32 report](#) on this chapter.

6.2.1 Key Issue 1: Overview of Tangata Whenua Chapter

Overview

Provision(s)	Officer Recommendation(s)
Overview	Retain first sentence of the Overview as notified. Retain Overview as notified. Insert a new paragraph to include reference to the significance of whenua Māori, to Māori in the district.

Analysis of Submissions on Key Issue 1

Matters raised in submissions.

44. Three submissions from Iwi (S486.055, S390.042, S498.43) made the same or similar submissions in respect of the first sentence of the 'Overview' section, that the first sentence should be retained. The further submissions (FS151.86, FS51.279, FS23.211) were in support of these submissions.
45. Two submissions from Iwi (399.008, 571.006) requested an additional paragraph in the Overview section as follows:

The Council acknowledges that for Māori, whenua is a key part of their identity, and the health of the land and natural environment is strongly connected to the mental health and overall wellbeing of tangata whenua.

46. Fire and Emergency NZ's (FENZ) submission (S512.008) also supports the retention of the Overview as notified.

Analysis

47. The submissions and further submissions in support of the retention of the first sentence of the Overview section are acknowledged.
48. I consider that the requests to insert an additional paragraph to the Overview section are appropriate as it provides a relevant framework in the Far North context, for the following reasons:
- there is a significant amount of whenua Māori in the district which is referred to in the Overview;



- further reference to the significance of whenua Māori, for Māori, provides useful context for plan users to assist them to understand the rationale for the Tangata Whenua objectives and policies.

Recommendations

49. For the reasons outlined above I recommend that:

- Submissions S486.055, S390.042 and S498.43 are accepted, and the first sentence of the Overview retained as notified.
- Submissions S399.008 and S571.006 be accepted in part with minor changes in wording for clarity and consistency, as follows:

The Council also acknowledges that for Māori, whenua is a key part of their identity, and the health of the land and natural environment is strongly connected to the mental health and overall wellbeing of tangata whenua.

Submission S512.008 be accepted in part as broad support of the Overview.

Section 32AA evaluation

50. I consider that the amendments I have recommended are more appropriate than the notified provisions because they provide improved support for achieving the proposed objectives and provide for greater clarity and consistency of district plan interpretation.

6.2.2 Key Issue 2: Objectives in the Tangata Whenua Chapter

Overview

Provision(s)	Officer Recommendation(s)
Objectives	Replace 'partnership' with 'relationship' in objective TW-O1. Insert word 'well' in objective TW-O3 Insert new objective TW-O6

Analysis of Submissions on Key Issue 2: Objectives in the Tangata Whenua Chapter

Matters raised in submissions.

- Four submissions, S479.003, S454.023, S561.010, S148.010, support and request the retention of all objectives as notified.
- Four submissions, S486.011, S486.056, S390.043, S498.044, support the objectives and request the insertion of new objectives and policies that provide for Te Ao Māori (Māori worldview) concepts including, but not limited to, maramataka.



53. One submission, S394.002, requests the insertion of a new objective as follows:

The principles of Te Tiriti o Waitangi are recognised and accounted for in all resource management processes.

54. There are 145 further submissions in support of this submission.

55. Three submissions, S355.004, S339.005, S486.059 support and request the retention of objective TW-O1.

56. One submission, S389.001, supports in part objective TW-O1 and requests the following amendment:

Tangata whenua and Council have a strong, high trust and enduring partnership based on the principles of Te Tiriti o Waitangi / The Treaty of Waitangi, and give effect to Te Tiriti o Waitangi / The Treaty of Waitangi, in particular protecting and enhancing rangatiratanga in relation to kāinga whenua and taonga.

57. Two submissions, S390.044, S498.045, oppose objective TW-O1 and request an amendment to ensure that hapū rangatiratanga is sought and that the word 'partnership' be changed to 'relationships'.

58. Two submissions, S390.045, S498.046, support objective TW-O1 but requests amendment to clarify how Council intends to fulfil this through the PDP.

59. Two submissions, S355.005, S339.006, support the intention of objective TW-O2 and request the retention of this objective.

60. Five submissions, S486.060, S390.046, S498.001, S498.047, S390.001, oppose objective TW-O2 and request amendments to strengthen and clarify the opportunities for tangata whenua involvement in resource management, including through funding.

61. Four submissions, S389.002, S399.009, S394.003, support in part objective TW-O2:

- a. S389.002 requests the following amendments:

In recognition of Tangata Whenua as kaitiaki the Council will support them to implement their goals and aspirations are provided with opportunities to actively participate as kaitiaki in resource management processes.

- b. S399.009 requests the following amendments:

- c. *Tangata whenua are provided with opportunities and enabled to actively participate as kaitiaki in resource management processes.*



d. S394.003 requests the following amendments:

Tangata whenua tikanga and ancestral relationships are recognised and provided for, and they are provided with opportunities to actively participate as kaitiaki in resource management processes.

62. There are 146 further submissions in support of submission S394.003.

63. Two submissions, S355.006, S339.007, support the intention of objective TW-O3 and request its retention.

64. One submission, S389.003, supports in part objective TW-O3 and requests amendment as follows:

Historic heritage, which includes sites and areas of significance to Māori and cultural resources, is are well managed alongside tāngata whenua to ensure its long-term protection for future generations.

65. Three submissions, S486.061, S498.048, S390.047, oppose TW-O3 and request amendments as follows:

Historic heritage, which includes sites and areas of significance to Māori and cultural resources, is managed to ensure its long-term protection for future generations, and where appropriate, celebrated and accessible to tāngata whenua.

66. Three submissions, S355.007, 389.004, S339.008, support the intention of objective TW-O4 and request its retention.

67. Three submissions, S355.008, 339.009, S148.008, support the intention of objective TW-O5 and request its retention.

68. One submission, S389.005, supports in part objective TW-O5 and requests the following amendments:

The economic, social and cultural well-being (oranga) of tāngata whenua and of whenua is enhanced through the development of Māori land administered under Te Ture Whenua Māori Act 1993 and land returned in the Treaty settlement process. by careful administration, protection and innovation, in accordance with laws and policies, and cognisant of the challenges of climate change.

69. Two submissions, S498.003 and S390.003 oppose the objectives and request amendments to clarify the triggers for tangata whenua engagement and involvement in decision making. No specific amendments are requested.

Analysis

70. Submissions S479.003, S454.023, S561.010 and S148.010 in support of the retention of all the objectives are acknowledged.



71. Submissions S486.011, S486.056, S390.043, S498.044 from Te Rūnanga o Whaingaroa, Te Rūnanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngāpuhi, support the objectives in the PDP. The submitters request insertion of a new objective that provides for Te Ao Māori (Māori worldview) and concepts including, but not limited to, maramataka. However, no specific wording is provided. Objective TW-O4 already provides for tangata whenua relationships with their culture and traditions. I consider that this is appropriate to address the matters raised in the submissions. I consider that the PDP is in accordance with s6(e) and s8 of the RMA. Therefore no changes are recommended in response to these submissions.
72. Submission S394.002 from Haititaimarangai Marae Kaitiaki Trust, requests the insertion of a new objective (see para 61a). Section 8 of the RMA requires all persons exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I accept in principle the intent of the requested new objective but support alternative wording which is more in keeping with s8 of the RMA. The new objective could read:
- The principles of Te Tiriti o Waitangi are taken into account in all resource management processes.*
73. Submissions, S355.004, S339.005 and S486.059 in support of the retention of objective TW-O1 are acknowledged.
74. Submission S389.001 from Taituha, Tane & Apiata supports in part objective TW-O1 and requests specific amendments (see para 56). As noted above, s8 of the RMA requires the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be taken into account. I consider the request to amend objective TW-O1 to include the words 'give effect to' Te Tiriti o Waitangi, to be more directive than s8 and therefore not in accordance with part 2 of the RMA. I also consider that the terms 'protecting and enhancing rangatiratanga' are insufficiently certain to be included in the objective. For these reasons I do not recommend any changes in response to this submission.
75. Submissions S390.044 and S498.045 by Te Runanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngāpuhi oppose objective TW-O1 and request amendments. I consider the requests to have merit in part. The reasons provided by the submitters are that partnerships are based on strong and principled relationships. This does not substantially change the intent of the objective. However, the request to 'ensure hapū rangatiratanga is sought', with no wording provided, is not clear and specific. I accepted the amendment in part, and it could be amended to read as follows:



Tangata whenua and Council have a strong, high trust and enduring partnership relationship based on the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.

76. Submissions S390.045 and S498.046 from Te Runanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngapuhi in support of objective TW-O1, requesting amendments to clarify how Council intends to fulfil this objective. An objective is a statement of what is to be achieved through the resolution of a particular issue. Policies are the course of action to achieve or implement the objective. How the Council intends to fulfil the objective is therefore appropriately a matter for the policies rather than the objective. However, I consider the request to already be provided for in policy TW-P1. For this reason, I do not recommend any changes in response to these submissions.
77. Submissions S355.005 and S339.006, in support of the retention of the objective TW-O2 are acknowledged.
78. Submissions S486.060, S390.046, S498.001, S498.047 and S390.001, from Te Rūnanga o Whaingaroa, Te Runanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngapuhi, are in opposition to objective TW-O2. The submitters request amendments to strengthen and clarify the opportunities for tangata whenua involvement in resource management, including through funding. I consider these requests to be a matter for the Long Term Plan and beyond the scope of the PDP. therefore no changes are recommended in response to these submissions.
79. Submissions S389.002, S399.009, S390.007 and S394.003, by Taituha, Tane & Apiata, Te Hiku Iwi Development Trust, Te Runanga o Ngai Takoto Trust, and Haititaimarangai Marae Kaitiaki Trust, indicate support or support in part for objective TW-O2 and request amendments. Three specific amendments are proposed and request clarification of the types of opportunities referred to in the objective. I acknowledge the considerable number of further submissions in support of S394.003. I consider that the amendments requested are more appropriately provided through policies rather than within the objective. It is considered that TW-P1 and TW-P2 provide for such opportunities. I therefore do not recommend any changes but I am open to exploring these matters further through the hearing process.
80. Submissions S355.006 and S339.007, in support of the retention of objective TW-O3 are acknowledged.
81. Submission S389.003 from Taituha, Tane & Apiata supports in part objective TW-O3 and requests an amendment (see para 64). I consider that some of the changes requested by the submitters have merit as the addition of the words 'are well' provides clarity. However, I consider the addition of the words 'alongside tāngata



whenua' to be unnecessary as tangata whenua involvement is already consistently provided for in the objectives and policies, including TW-O1, TW-O2, TW-O4, TW-P1, TW-P2, TW-P3, TW-P5, and TW-P6. Therefore, I recommend that the submission is accepted in part by amending the objective as follows:

Historic heritage, which includes sites and areas of significance to Māori and cultural resources, is well managed to ensure its long-term protection for future generations.

82. Submissions S486.061, S498.048 and S390.047 from Te Rūnanga o Whaingaroa, Te Rūnanga Ā Iwi O Ngāpuhi and Te Runanga o Ngai Takoto Trust oppose objective TW-O3 and request amendments (see para 65) However, I consider the intent of the amendment to already be provided for by policy TW-P3, therefore I do not recommend any changes in response to these submissions.
83. Submissions S355.007, 389.004, and S339.008, in support of the retention of the objective TW-O4 are acknowledged.
84. The submissions in support of the retention of objective TW-O5 are acknowledged.
85. Submission S389.005 from Taituha, Tane & Apiata, supports in part objective TW-O5 and requests amendments (see para 68). The proposed amendments remove the principal purpose of the objective which is to provide for the development of Māori land administered under the Te Ture Whenua Māori Act 1993 and land returned in the Treaty settlement process. I consider that retaining this direction in the notified version will better achieve Part 2 of the RMA. The submitter also proposes amendments that seek to be "cognisant of the challenges of climate change". Section 7(i) of the RMA requires decision-makers to have particular regard to the effects of climate change. However, I consider that the effects of climate change are appropriately managed under the Natural Hazards Chapter. This Chapter includes objectives, policies and rules which require the effects of climate change to be taken into account. I therefore consider that changes to the Tangatqa Whenua Chapter are not necessary or appropriate.
86. Submissions S498.003 and S390.003 from Te Rūnanga Ā Iwi O Ngāpuhi request amendments to clarify triggers for engagement and involvement in decision making. An objective is a statement of what is to be achieved through the resolution of a particular issue. Policies are the course of action to achieve or implement the objective. How the Council intends to fulfil the objective is therefore appropriately a matter for the policies rather than the objective. However, I consider the request to already be provided for in all policies in the Tangata Whenua Chapter. For this reason, I do not recommend any changes in response to these submissions.



Recommendations

87. For the reasons outlined above I recommend that:

- a. Submissions S479.003, S454.023, S561.010 and S148.010, in support of all the objectives, be accepted.
- b. The following submissions in support of the retention of objectives TW-O1, TW-O2, TW-O3, TW-O4 and TW-O5, be accepted, subject to the changes I recommend below: S355.004, S339.005, S355.005, S339.006, S355.006, S339.007, S355.007, 389.004, S339.008, S355.008, S339.009 and S148.008.
- c. Submissions S390.044 and S498.045 are accepted in part by amending objective TW-O1 as set out at in paragraph 75.
- d. Submission S389.003 is accepted in part by amending objective TW-O3 as set out at paragraph 81.
- e. Submission S394.002 is accepted in part by adding a new objective as set out at paragraph 72.
- f. Submissions both supporting in part and opposing objectives TW-O1, TW-O2, TW-O3, TW-O4 and TW-O5 be rejected: S390.045, S498.046, S486.060, S390.046, S498.001, S498.047, S390.001, S486.061, S389.001, S389.005, S390.047, S486.011, S486.056, S390.043, S498.044, S498.048, S399.011, S389.002, S399.009, S390.007, S498.003, S390.003 and S394.003.

Section 32AA evaluation

88. I consider that the amendments to the objectives that I have recommended are a 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 section 8 of the RMA.

6.2.3 Key Issue 3: Policies in the Tangata Whenua Chapter

Overview

Provision(s)	Officer Recommendation(s)
Policies	Delete words 'where agreed to' from policy TW-P1. Insert two new clauses in policy TW-P2. Insert words 'where appropriate' in policy TW-P3 clauses a. and b.



Analysis of Submissions on Key Issue 3: Policies in the Tangata Whenua Chapter

Matters raised in submissions.

89. Two submissions, S561.011, S148.011, support and request the retention of all policies as notified.
90. Four submissions, S355.009, S479.004, S454.024, S339.010, support and request the retention of TW-P1 as notified.
91. One submission, S454.025 supports and requests the retention of TW-P2, as notified.
92. Four submissions, S355.011, S479.006, S454.026, S339.012, support and request the retention of TW-P3, as notified.
93. Four submissions, S355.012, S479.007, S454.027, S339.013, S148.009 support and request the retention of TW-P4, as notified.
94. Six submissions, S355.013, S479.008, S454.028, S486.070, S498.057, S390.056, support and request the retention of TW-P5 as notified.
95. Seven submissions, S486.012, S486.057, S486.062, S390.059, S498.049, S498.060, S390.048, generally support the policies as notified but request the insertion of additional policies relating to climate change, Te Ao Māori concepts, requiring cultural impact assessments and embedding cultural competence and Te Reo in Council staff.
96. Submission S389.006 requests a minor amendment of policy TW-P1 but provides no supporting reason.
97. Nine submissions, S390.006, S486.009, S486.063, S486.064, S390.050, S498.007, S498.050, S498.051, S390.049 oppose policy TW-P1 and request an amendment to the policy to include appropriate resourcing through the Long-term Plan process.
98. Fourteen submissions, S355.010, S389.007, S479.005, S486.010, S486.065, S486.066, S486.067, S339.011, S390.051, S390.053, S394.004, S498.008, S498.052, S498.053, S498.054, S390.052 support or support in part policy TW-P2 and request various amendments. It is noted that there are 148 further submissions in support of S394.004.
99. Two submissions, S498.002, S390.002 oppose policy TW-P2 and request amendments to the policy to include funding to build the capacity of Iwi and Hapū.



100. Six submissions, S486.069, S390.055, S498.056, S394.005, S399.011, S399.012 support, support in part or the position is not stated for policy TW-P3 and request amendments to the policy. It is noted that there are a considerable number of further submissions in support of S394.005.
101. Six submissions, S486.013, S486.068, S390.008, S390.054, S498.009, S498.055 oppose policy TW-P3 and request amendments to the policy relating to resourcing.
102. One submission, S394.006, supports in part policy TW-P4 and requests amendments to the policy. It is noted that there are 146 further submissions to S394.006.
103. Two submissions, S389.008, S394.007, support in part policy TW-P5. It is noted that there are 35 further submissions to S394.007.
104. Three submissions, S355.014, S479.009 and S339.015, support policy TW-P6 and request retention as notified.
105. Six submissions, S389.009, S454.029, S486.014, S390.009, S394.008 and S498.010, either do not state a position on, or support in part, policy TW-P6 and request amendments to the policy. It is noted that there are 146 further submissions to S394.008.
106. Eight submissions, S486.071, S486.072, S390.058, S390.060, S498.058, S498.059, S498.061 and S390.057, oppose policy TW-P6 and request amendments to the policy.

Analysis

107. Submissions S561.011, S148.011, in support of the retention of all the policies, are acknowledged.
108. Submissions S355.009, S479.004, S454.024, S339.010, in support of the retention of policy TW-P1, are acknowledged.
109. Submission S454.025, in support of the retention of policy TW-P2, is acknowledged.
110. Submissions S355.011, S479.006, S454.026, S339.012 in support of the retention of policy TW-P3, are acknowledged.
111. Submissions S355.012, S479.007, S454.027, S339.013, in support of the retention of policy TW-P4, are acknowledged.
112. Submissions S355.013, S479.008, S454.028, S486.070, S498.057, S390.056, in support of the retention of policy TW-P5, are acknowledged.



113. Submissions S S355.014, S479.009, S339.015 in support of the retention of policy TW-P6, are acknowledged.

114. Submissions, S486.012, S486.057, S486.062, S390.059, S498.049, S498.060, S390.048, from Te Rūnanga o Whaingaroa, Te Runanga o Ngai Takoto Trust, and Te Rūnanga Ā Iwi O Ngapuhi, support or support in part all the tangata whenua policies but request additional policies that recognize and provide for Te Ao Māori concepts including but not limited to maramataka. With respect to these submissions, I note that:

- a. No specific amendments to provisions have been sought by submitters S486.012 and S486.057.
- b. S486.062, S498.049 and S390.048 seek to insert a new policy TW-P7 as follows:

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.

- c. S390.059 and S498.060 seek to insert a new section after policies as follows:

Methods of implementation.

Council will embed cultural competence and te reo in its staff through professional development, recruitment and performance management processes.

115. With respect to the new policy requested by the submitters, I do not consider that there is sufficient information on the potential costs, benefits, efficiency, and effectiveness of requiring cultural impact assessments for what could be a broad range of land-use and subdivision proposals, and on this basis, I do not consider the policy to be sufficiently justified. With respect to the method requested by the submitters, I consider that the method extends beyond what can be reasonably achieved through the PDP and that these matters are more appropriately managed through other Council policies. I therefore do not recommend any changes in response to these submissions.

116. Submission S389.006 from Taituha, Tane & Apiata supports in part policy TW-P1 and requests amendment as follows:

Work proactively with Iwi and Hapu to identify, and ~~where agreed to,~~ implement:

- 1. Mana Whakahono a Rohe / Iwi participation arrangements;*
- 2. joint management agreements under section 36B of the RMA; and*
- 3. other arrangements as agreed.*



117.I consider that the amendment removes superfluous words, provides clarity, and does not alter the intent of the policy. I therefore, recommend that the amendment requested by the submitters is accepted.

118. Submissions S390.006, S486.009, S486.063, S486.064, S390.050, S498.007, S498.050, S498.051, S390.049, from Te Runanga o Ngai Takoto Trust, Te Rūnanga o Whaingaroa, Te Runanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngapuhi, oppose policy TW-P1. Amendments are requested seeking appropriate resourcing through the Long-term Plan process and contents of Mana Whakahono ā Rohe / Iwi participation arrangements. With respect to resourcing through the Long-term Plan, I consider that this is most appropriately addressed through the Long-term Plan process rather than the PDP. With respect to the process and contents of Mana Whakahono ā Rohe/Iwi participation, I consider that these matters are most appropriately addressed through the provisions of the RMA that relate to the development of Mana Whakahono ā Rohe or, where relevant, Iwi participation legislation. I therefore do not recommend any changes to the PDP in response to these submissions.

119. Submissions S355.010, S389.007, S479.005, S486.010, S486.065, S486.066, S486.067, S339.011, S390.051, S390.053, S498.008, S498.052, S498.053, S498.054, S390.052 and S394.004 from Wakaiti Dalton, Taituha, Tane & Apiata, Tracy and Kenneth Dalton, Te Rūnanga o Whaingaroa, Te Aupōuri Commercial Development Ltd, Te Runanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngapuhi, support or support in part policy TW-P2 and request various amendments:

a. Submissions S355.010, S479.005 and S339.011 seek the following amendments:

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:

- a. recognition of the holistic nature of the Māori worldview;*
- b. the exercise of kaitiakitanga;*
- c. the acknowledgement 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.*

b. Submission S389.007 seeks the following amendments:



In recognition of tangata whenua as kaitiaki, the Council will support them to implement their goals and aspirations are provided with opportunities to actively participate in resource management processes which involve ancestral lands, water, sites, wahi tapu and other taonga, including through:

- 1. Ensuring tangata whenua have an active role in resource management*
- 2. recognizing ~~the~~ of the holistic nature of the Māori worldview;*
- 3. their exercise of kaitiakitanga, including customary practices, new practices, and mātauranga;*
- 4. the acknowledgement of matauranga Māori; 5. regard to Iwi/Hapu actioning their environmental management plans; and*
- 6. any other agreements.*

c. Submissions S486.065, S486.066, S486.067, S390.051, S390.053, S498.052, S498.053, S498.054, S390.052 seek that the following additional paragraphs are added to the policy:

(f) the implementation of Te Ao Māori concepts including but not limited to maramataka.

(g) appointing tāngata whenua to council planning committees and hearings panels.

(h) any impact on customary food gathering and the recognition of protected customary rights.

c. Submission S394.004 seeks the following amendments:

Ensure that tangata whenua values are recognised and provided for and 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:

a. Recognition and provision for ~~of~~ the holistic nature of the Māori worldview;

...

b. recognition and provision ~~the acknowledgement~~ of matauranga Māori.

120. I consider that the amendments requested by submissions S355.010, S479.005 and S339.011 strengthens the policy with the inclusion of specific arrangements and RMA provisions, without altering the intent of the policy. I therefore recommend that the amendment requested by the submitters is accepted.

121. I consider that the amendments requested by submission S389.007 are already sufficiently provided for by the policy, taking into account my recommendation to add clauses e, f, and g in response to



submissions S355.010, S479.005 and S339.011. The role of tangata whenua as kaitiaki is recognised through clause b, the acknowledgement of mātauranga Māori is provided for through clause c, and the implementation of goals and aspirations by tangata whenua can be supported through the measures set out in clauses d, e, f, and g. I therefore do not recommend any changes to the policy in response to these submissions.

122. I consider that amendments requested by submissions S486.065, S486.066, S486.067, S390.051, S390.053, S498.052, S498.053, S498.054, S390.052 are already provided for through the policies of the chapter and other methods therefore, no changes are recommended in response to these submissions. The request to provide for appointment of tāngata whenua to council planning committees and hearings panels is already addressed in s34A of the RMA which requires the Council to consult tangata whenua through relevant iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū.

123. Submissions S498.002 and S390.002 from Te Rūnanga Ā Iwi O Ngapuhi and Te Rūnanga o Ngai Takoto Trust oppose policy TW-P2 and request amendments that provide for tangata whenua representation on Councils hearing panels and funding 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. As noted above, s34A of the RMA applies to the appointment of hearing commissioners. I consider that the matters raised in the submission are beyond the scope of the district plan and there are other RMA and Local Government Act 2002 ('LGA') processes that provide for them. I therefore do not recommend any changes in response to these submissions.

124. Submissions S486.069, S390.055, S498.056, S394.005, S399.011 and S399.012 from Te Rūnanga o Whaingaroa, Te Rūnanga o Ngai Takoto Trust, Te Rūnanga Ā Iwi O Ngapuhi, Haititaimarangai Marae Kaitiaki Trust and Te Hiku Iwi Development Trust, support, support in part, or the position is not stated for policy TW-P3. The following amendments are requested:

a. Submissions S486.069, S390.055, S498.056 seek that the following clause is added to the policy:

(d) empowering tāngata whenua to have access to and manage their historic sites.

b. Submission S394.005 seeks the following amendment:

Protect the values of Māori historic heritage, cultural resources, wāhi tapu and other taonga by:



1. *collaborating with Iwi and Hapū to identify significant sites and cultural resources where appropriate;*
2. *scheduling significant sites and areas of significance to Māori where appropriate; and*
3. ...

c. Submission S399.011 and S399.012 seek the following amendment:

c. recognising that sites and areas of significance to Māori are ~~often~~ associated with a wider cultural landscape which not only holds significance to tangata whenua, but also contributes to their sense of identity and sustaining their wellbeing.

125. Submissions S486.069, S390.055, and S498.056 set out the reasoning for the proposed addition to the policy encouraging a more active management approach. However, I do not consider that there is sufficient information about the potential costs, benefits, efficiency, or effectiveness of such a policy to conclude that it would be appropriate. It is also unclear whether a policy in the PDP is an appropriate means of empowering access to and management of historic sites. I therefore do not recommend any changes in response to these submissions.

126. I consider that submission S394.005 which requests the inclusion of the word 'appropriate' adds clarity to the policy and I therefore recommend that the amendment is accepted.

127. With respect to submission S399.011 and S399.012, I consider that the phrase "contributes to their sense of identity and sustaining their wellbeing" is encapsulated by the phrase "holds significance to tangata whenua". On this basis, I do not consider that it is necessary to amend the policy, as these matters will be recognised by the policy in any case. I therefore do not recommend any changes in response to this submission.

128. Submissions S486.013, S486.068, S390.008, S390.054, S498.009, S498.055 from Te Rūnanga o Whaingaroa, Te Runanga o Ngāi Takoto Trust and Te Rūnanga Ā Iwi O Ngāpuhi oppose policy TW-P3 and request amendments relating to scheduling, resourcing and support. I note that no specific amendments to provisions are requested by the submitters, and I therefore do not recommend any changes in response to these submissions.

129. Submission S394.006 from Haititaimarangai Marae Kaitiaki Trust supports in part policy TW-P4 and requests the following amendment:

Enable economic, social and cultural well-being of tangata whenua initiated 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.

130. I consider that the inclusion of the word 'initiated' detracts from the clarity of the policy, and that the reasons for including the word are unclear. I therefore do not recommend any changes in response to the submission.

131. Submission S389.008 and S394.007 from Taituha, Tane & Apiata and Haititaimarangai Marae Kaitiaki Trust support in part policy TW-P5 and request the following amendments:

a. Submission S389.008:

Recognise tangata whenua as specialists in the tikanga of their Iwi or Hapu, including when preparing or undertaking a cultural impact tangata whenua assessment.

b. Submission S394.007:

Recognise tangata whenua as specialists in the tikanga of their Iwi or Hapū,

132. I consider that the amendment requested by submission S389.008 does not support the intent of the policy because the policy already provides that an assessment would recognise tangata whenua. Further, the concept of a cultural impact assessment is well understood in resource management practice, whereas the concept of a tangata whenua assessment is less well understood. I therefore do not recommend any changes in response to this submission.

133. I consider submission S394.007, while addressing the issue of hapūtanga, does not address the issue that not all hapū / marae are resourced to prepare or undertake a cultural impact assessment and may require Iwi support. I therefore do not recommend any changes in response to this submission.

134. Submission S389.009 from Taituha, Tane & Apiata supports in part policy TW-P6 and seeks the following amendments:

Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with their ancestral lands, water, sites, wahi tapu and other taonga:

***a. How to protect and enhance rangatiratanga in relation to kāinga, whenua and taonga** ~~any consultation undertaken with Iwi, Hapu or marae with an association to the site or area;~~*

b. any Refer to Iwi/Hapu hapu and iwi environmental management plans lodged with Council;



c. Refer to other tangata whenua plans not yet lodged with Council

d. any identified sites and areas of significance to Māori;

e. 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;

f. any protection, preservation or enhancement proposed;

g. any relevant treaty settlement legislation;

h. any relevant statutory acknowledgement area identified in APP2-Statutory acknowledgement areas;

i. Te Rautaki o Te Oneroa-a-Tōhe/Te Oneroa-a-Tohe (Ninety Mile Beach) Management Plan; and

j. any relevant relationship agreements or arrangement between Council and any Iwi Authority or Hapu.

k. where there are concerns held by tangata whenua, begin as soon as possible, discussions in good faith with a view to resolving issues practicably.

135. I consider submission S389.009, while seeking to emphasise the importance of Article 2 of Te Tiriti regarding rangatiratanga, the requested amendments go beyond the intention of the policy as an assessment criterion by:

- a. Introducing the concepts of 'protection' and 'enhancement';
- b. Introducing the concept of tangata whenua assessment when the concept of a cultural impact assessment is well understood in resource management practice, whereas the concept of a tangata whenua assessment is less well understood;
- c. Referring to tangata whenua plans not yet lodged with Council, which may make assessment less practicable;
- d. Adding a new clause to promote good dialogues and working relationships with tangata whenua, which while desirable, is not an assessment criteria.

I therefore do not recommend any changes in response to this submission.

136. Submission S454.029 from Transpower NZ Ltd supports the intent of policy TW-P6 and seeks the following amendments:

Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga:

a. any consultation undertaken with Iwi, Hapū or marae with an association to the site or area;



- b. any Iwi/Hapū environmental management plans lodged with Council;*
- c. any identified sites and areas of significance to Māori;*
- d. 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;*
- e. any protection, preservation or enhancement proposed;*
- f. any relevant treaty settlement legislation;*
- g. any relevant statutory acknowledgement area identified in APP2-Statutory acknowledgement areas;*
- h. Te Rautaki o Te Oneroa-a-Tōhe/ Te Oneroa-a-Tōhe (Ninety Mile Beach) Management Plan;*
- i. **The functional or operational needs of infrastructure;** and*
- j. any relevant relationship agreements or arrangement between Council and any Iwi Authority or Hapū.*

137. I consider that this matter is appropriately addressed in the Infrastructure Chapter and in particular policy I-P14. I therefore do not recommend any changes in response to this submission.

138. Submissions S486.014, 390.009 and S498.010 from Te Rūnanga o Whaingaroa, Te Rūnanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngāpuhi support or support in part policy TW-06 and request amendments to include methods in Iwi/Hapū environmental management plans lodged with Council in order to develop better functional relationships between tāngata whenua and resource consent planners. No specific amendments to provisions are requested by the submitters. I consider that this issue is best addressed outside of the proposed district plan and potentially through the Iwi/Hapū environmental management plan lodgement and implementation process. I therefore do not recommend any changes in response to these submissions.

139. Submission S394.008 from Haititaimarangai Marae Kaitiaki Trust supports in part policy TW-P6 and seeks the following amendments:

Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga:

- a. any consultation undertaken with ~~Iwi~~, Hapū or marae with an association to the site or area;*
- b. ...;*
- c. any identified sites and areas of significance to Māori;*
- d. whether a cultural impact assessment has been undertaken by a suitably qualified person who is acknowledged/endorsed by the ~~Iwi~~, relevant Hapū or*



relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes ...

140. I consider that while submission S394.008, highlights the issue of hapūtanga, which is acknowledged, on a district wide basis not all hapū and marae have capacity to respond and therefore may require Iwi support. In addition, the removal of the word 'identified' from sub-clause 'c' would be inconsistent with Part 2 of the PDP – District-Wide Matters/Historical and Cultural Values/ Sites and areas of significance to Māori, objective SASM-O1 and policy SASM-P1. I therefore do not recommend any changes in response to this submission.

141. Submissions S486.071 S498.058 and S390.057, from Te Rūnanga o Whaingaroa, Te Runanga Ā Iwi O Ngāpuhi and Te Rūnanga o NgaiTakoto Trust, oppose policy TW-O6 and request the following amendment:

*(b) any Iwi/Hapū environmental management plans lodged with council **must be taken into account.***

142. I consider that the policy as it is written requires consideration of Iwi/Hapū environmental management plans in any assessment of adverse effects for applications for landuse and subdivision. In addition to this s104(1)(c) of the RMA requires that applications 'have regard to' any other matter, in this case Iwi/Hapū environmental management plans, which is stronger than 'take into account. As such I consider that the submitters concerns can be addressed by existing mechanisms. I therefore do not recommend any changes from these submissions.

143. Submissions S486.072, S390.058, and S498.059 from Te Rūnanga o Whaingaroa, Te Rūnanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngapuhi oppose policy TW-O6 and request amendments to include practical methods to build capacity and capability when engaging with tangata whenua and Iwi/Hapū environmental management plans. I note that no specific amendments to provisions are requested by the submitters. While the issue of the capacity and capability when engaging with tangata whenua is acknowledged I consider that these matters may be more appropriately addressed through the provisions of the RMA that relate to the development of Mana Whakahono ā Rohe or, where relevant, Iwi participation legislation rather than the district plan. I therefore do not recommend any changes from these submissions.

144. Submissions S390.060 and S498.061 from Te Rūnanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngapuhi oppose policy TW-O6 and request the insertion of a new section after policies to read as follows:



Information to be included with an application for a resource consent affecting tangata 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.

145. I consider that as policy TW-P6 is integrated across the PDP and all the matters in the policy are required to be addressed in applications for resource consents then this new section is considered to be unnecessary. I therefore do not recommend any changes from these submissions.

Recommendations

146. For the reasons outlined above I recommend that:

- a. Submissions S561.011 and S148.011, in support of all policies, be accepted, subject to the changes I recommend to the policies.
- b. Submission(s) in support of policies TW-P1 (S355.009, S479.004, S454.024, S339.010), TW-P2 (S454.025), TW-P3 (S355.011, S479.006, S454.026, S339.012), TW-P4 (S355.012, S479.007, S454.027, S339.013), TW-P5 (S355.013, S479.008, S454.028, S486.070, S498.057, S390.056), be accepted subject to the changes I recommend to these policies.
- c. Submission S389.006 be accepted by amending policy TW-P1 in the manner set out in paragraph 116.
- d. Submissions S355.010, S479.005 and S339.011 be accepted by amending policy TW-P2 in the manner set out in paragraph 119a.
- e. Submission S394.005 be accepted by amending policy TW-P3 in the manner set out in paragraph 124b.
- f. Submissions supporting in part or opposing policies TW-P1, TW-P2, TW-P3, TW-P4 TW-P5 and TW-P6 and requesting amendments: S390.006, S486.009, S486.063, S486.064, S390.050, S498.007, S498.050, S498.051, S390.049, S355.010, S389.007, S479.005, S486.010, S486.065, S486.066, S486.067, S339.011, S390.051, S390.053, S498.008, S498.052, S498.053, S498.054, S390.052, S394.004, S498.002, S390.002, S486.013, S486.068, S390.008, S390.054, S498.009, S498.055, S389.008, S394.006, S394.007, S389.009, S454.029, S486.014, 390.009 and S498.010, S394.008, S486.069, S390.055, S498.056 S486.071, S498.058, S390.057, S486.072, S390.058, S399.011 and S498.059, be rejected.



- g. Submissions requesting new policies and sections, S486.012, S486.057, S486.062, S390.059, S498.049, S498.060, S390.048, S390.060 and S498.061, are rejected.

Section 32AA evaluation

147.I consider that the amendments I have recommended are more appropriate than the notified provisions because they provide improved support for achieving the proposed objectives and provide for greater clarity and consistency of district plan interpretation.

6.2.4 Key Issue 4: Iwi Authorities / Iwi and Hapū Planning Documents / Treaty Settlements / Relationship Agreements

Overview

Provision(s)	Officer Recommendation(s)
General Issues	No changes recommended

Analysis of Submissions on Key Issue 4: Iwi Authorities / Iwi and Hapū Planning Documents / Treaty Settlements / Relationship Agreements

Matters raised in submissions

Iwi Authorities

148. One submission, S394.009, supports in part the section relating to Iwi Authorities in the Tangata Whenua Chapter of the PDP and requests the following amendment:

The following list identifies the 11 Iwi that are recognised as Iwi Authorities for the purposes of the RMA, in the Far North District, noting that that Iwi Authorities do not necessarily represent all hapū.

It is noted that there are a considerable number of further submissions in support of S394.009.

Iwi and Hapū Planning Documents

149. Five submissions, S304.003, S515.003, S515.008, S304.004, S515.009, are identified as relating to the section on Iwi and hapū planning documents as it relates to the Ngati Rangī Hapu Environmental Management Plan, and variously support in part or do not state a position on the section.

150. One submission, S399.004, is identified as relating to the section on Iwi and Hapū planning documents, does not state a position on the section but requests the insertion of links to environmental management plans.



151. Two submissions, S399.005 and S571.004, are identified as relating to the section on Iwi and Hapū planning documents, do not state a position on the section but request the inclusion of definition for Iwi / Hapū environmental management plans.
152. One submission, S394.010, is identified as relating to this section and supporting the section in part but no reasons are given and no relief is sought. It is noted that there are a considerable number of further submissions in support of S394.010.

Relationship Agreements

153. One submission, S305.004, is identified as relating to the section on Relationship Agreements. The submission is in support and no specific change to the PDP is sought.

Analysis

Iwi Authorities

154. Submission S394.009, from Haititaimarangai Marae Kaitiaki Trust, requests an amendment to the introduction sentence to the Iwi Authorities section to make it clear to plan users that Iwi Authorities do not necessarily represent all hapū / traditional marae. The intent of this section is to provide information to identify Iwi Authorities for the purposes of the RMA. While I acknowledge the point made, I consider it unnecessary to include this amendment in this section. However, this matter could be explored further through the hearing process. I therefore do not recommend any changes in response to this submission.

Iwi and Hapū Planning Documents

155. Submissions S304.003, S515.003, S515.008, S304.004 and S515.009, from Ngāti Rangi ki Ngawha Hapu and Ngāti Rangi ki Ngawha, request the inclusion of an updated Ngāti Rangi Hapū Environmental plan. Ngāti Rangi currently have a Hapū Environmental Management Plan lodged with Council which is listed in this section of the PDP. Once an updated hapū environmental management plan is lodged with Council by Ngāti Rangi, it will be considered in all RMA processes. I therefore do not recommend any changes in response to these submissions.
156. Submission S399.004, from Te Hiku Iwi Development Trust, requests the insertion of links to all the Iwi / Hapū environmental management plans in this section of the PDP. There are currently links provided in the PDP to three of the plans. While this is a desirable outcome it will need to be done with the agreement of all plan holders and can be done outside of the plan review process. I therefore do not recommend any changes in response to this submission.



157. Submissions S399.005 and S571.004, from Te Hiku Iwi Development Trust and Te Rūnanga o Te Rarawa, request the insertion of a definition for Iwi / Hapū Environmental Plan and to outline the role and relevance in RMA decision making. However, no specific amendments are suggested for either request. It is considered that as no definition is provided in the National Planning Standards and the RMA provides the parameters for the role and relevance of these plans, I do not recommend any changes in response to this submission.

158. Submission S394.010, from Haititaimarangai Marae Kaitiaki Trust, states it supports this section of the Tangata Whenua chapter but does not provide reasons for the submission and is not explicit about the relief sought, therefore I am unable to evaluate and so do not recommend any changes in response to this submission.

Relationship Agreements

159. Submission S305.004, from Nicole Butler does not request any specific changes to the PDP regarding the relationship agreements identified in the section. Therefore, I do not recommend any changes in response to this submission.

Recommendations

160. For the reasons outlined above I recommend that:

- a. Submission S394.009 be rejected (see para 156).
- b. Submissions S304.003, S515.003, S515.008, S304.004 and S515.009 be rejected (see para 155).
- c. Submission S399.004 be rejected (see para 156).
- d. Submission S571.004 be rejected (see para 157).
- e. Submission S394.010 be rejected (see para 158).
- f. Submission S305.004 be rejected (see para 159).

Section 32AA evaluation

161. No change to the provisions is recommended. On this basis no evaluation under Section 32AA is required.

6.2.5 Key issue 5: General Issues related to the Tangata Whenua Chapter (General / Process, General / Plan Content / Miscellaneous, Purpose, Significant Resource Management Issue 1 (SRMI), Definitions and Glossary)



Overview

Provision(s)	Officer Recommendation(s)
General Issues	Significant Resource Management Issue 1 – Tangata Whenua: Replace 'partnership' with 'relationship'. Minor changes to definition of Papakāinga

Analysis of Submissions on Key Issue 5: General Issues related to the Tangata Whenua Chapter

Matters raised in submissions

General / Process

162. Five submissions, S477.022, S515.002, S515.001, S515.004, and S559.002, are identified as relating to General / Process matters and indicate support or support in part for the Tangata Whenua chapter. Amendments are requested to both retain and maintain a collaborative approach with an Iwi economic development arm and provide for greater engagement with individual Iwi and Hapū.

General / Plan content / Miscellaneous

163. Nine submissions, S477.003, S486.005, S486.006, S486.073, S573.004, S559.003, S559.004, S429.010, and S359.036 are identified as relating to General / Plan Content / Miscellaneous matters and indicate support or support in part for the Tangata Whenua chapter. Amendments are requested for greater emphasis on cultural values, the NPS Freshwater Management concept of Te Mana o Te Wai, providing greater direction for kaitiakitanga by Hapū, the Declaration of Independence of New Zealand, effective and functional relationships between Council and Iwi and Hapū, and insert a new section in the Tangata Whenua chapter after policies relating to staff cultural competence and Te Reo.

164. 18 submissions, S486.001, S486.002, S486.003, S486.004, S486.019, S486.020, S486.021, S486.052, S390.039, S486.074, S498.015, S498.016, S498.017, S498.018, S498.040, S390.016, S390.015, S390.014, are identified as relating to General / Plan Content / Miscellaneous matters and oppose provisions in the Tangata Whenua chapter. Amendments are requested to strengthen and clarify opportunities for tangata whenua involvement in resource management processes through funding and involvement in decision-making.

Purpose

165. Five submissions, S486.046, S486.049, S498.005, S498.037, and S390.036, are identified as relating to the Purpose section of the PDP and support in part the statement under purpose while requesting amendments to include the formal development and



maintenance of effective functional relationships between Council and Iwi and Hapū.

166. One submission, S498.006, relates to the Purpose section of the PDP, indicating that it opposes this section and requests an amendment to indicate support of tangata whenua through non-regulatory methods including financial support and involvement in decision making.

Significant Resource Management Issue (SRMI)

167. Four submissions, S390.040, S390.041, S498.041, and S498.042 are identified as relating to the Significant Resource management Issues section of the PDP. The submissions oppose Significant Resource management Issue 1 – Partnerships with tangata whenua and request amendments such as replacing the word ‘partnership’ with ‘relationship’.

Definitions and Glossary

168. Three submissions, S479.001, S479.002, and S498.031, are identified as relating to the Definitions and Glossary sections of the PDP. The submissions support or support in part existing definitions and propose a new Māori term.

Analysis

General / Process

169. Submissions S477.022, S515.002, S515.001, S515.004, and S559.002, request amendments to recognise and provide for greater engagement with Ngāti Rangī ki Ngāwaha and Ngāti Rēhia and participation in decision making. Both Ngāti Rangī and Ngāti Rēhia have Hapū Management Plans lodged with Council. Under sections 61, 66 and 74 of the RMA, local authorities are required to take iwi planning documents into account when they are preparing or altering resource management plans, such as the PDP. In addition, s104(1)(c) of the RMA means Council must have regard to hapū management plans in resource consent applications. It is considered that the hapū management plans assist with the greater engagement and participation in resource management process. There is also a consistent theme of providing for tangata whenua involvement in the Tangata Whenua Chapter. I therefore do not recommend any changes in response to these submissions.

General / Plan content / Miscellaneous

170. Submissions S477.003, S486.005, S486.006, S486.073, S573.004, S559.003, S559.004, S429.010, and S359.036 indicate general support for the Tangata Whenua chapter. No specific amendments to provisions have been sought by submitters and it is considered



that some of the matters are addressed, for example, the PDP must address the higher order documents such as the NPS Freshwater Management, and He Whakaputanga o Te Rangatira o Niu Tirenī (Declaration of Independence) is referred to in the overview of the chapter. Some of the submissions request amendments that are outside the scope of the PDP, such as staff cultural competency and Te Reo training. The requests to place greater emphasis on cultural values and the professional input of tangata whenua are considered to be provided for in TW-P5 and TW-P6. I therefore do not recommend any changes in response to these submissions.

171. Submissions S486.001, S486.002, S486.003, S486.004, S486.019, S486.020, S486.021, S486.052, S390.039, S486.074, S498.015, S498.016, S498.017, S498.018, S498.040, S390.016, S390.015, and S390.014 indicate opposition to matters relating to general / plan content / miscellaneous in the PDP. While the submitters Te Rūnanga Ā Iwi O Ngapuhi, Te Runanga o Ngai Takoto and Te Rūnanga o Whaingaroa request amendments to strengthen and clarify opportunities for tangata whenua involvement in resource management processes and other matters relating to definitions. No specific amendments to provisions have been sought and the definitions matters are either determined by the RMA, used in a general context or are not in the PDP. I therefore do not recommend any changes in response to these submissions.

Purpose

172. Submissions, S486.046, S486.049, S498.005, S498.037, and S390.036 indicate support and support in part for matters relating to purpose in the PDP. The submitters, Te Rūnanga o Whaingaroa, Te Rūnanga Ā Iwi O Ngapuhi and Te Runanga o Ngai Takoto Trust request amendments to enable the formal development and maintenance of relationships with Iwi and Hapū. It is considered that this is addressed by Part 5, subpart 2, of the RMA which provides for Mana Whakahono a Rohe: Iwi participation arrangements and policies TW-P1 and TW-P2 of the PDP. I therefore do not recommend any changes in response to these submissions.

173. Submission S498.006 by Te Rūnanga Ā Iwi O Ngapuhi, requests an amendment to implement Far North 2100 through non-regulatory methods including financial support and involvement in decision making. No specific amendment is sought, and it is considered that provision for funding is outside the scope of the PDP. I therefore do not recommend any changes in response to this submission.

Significant Resource Management Issue (SRMI)

174. Submissions S390.040, S390.041, S498.041, and S498.042 by Te Runanga o Ngai Takoto Trust and Te Rūnanga Ā Iwi O Ngapuhi oppose SRMI – Issue 1 – Partnerships with tangata whenua and



requests amending the SRMI by replacing the word 'partnership' with the word 'relationship'. I agree with the reasons provided by the submitters for this change and recommend that the word 'partnership' is replaced with 'relationship' in the text of the SRMI.

Definitions and Glossary

175. Submissions S479.001, S479.002, and S498.031 support in part the definition of Papakāinga and request amendments for clarity and to avoid use of undefined terms. I agree that the request to amend the definition of Papakāinga would improve its clarity. I do not consider that the request for the inclusion of a new definition for Māori cultural activities is necessary as it is included in the definition of customary activity. I also consider that the request for the inclusion of a new Māori term in the glossary for Te Hauora o Te Koiora is unnecessary as the Māori term is not included in the PDP. I therefore recommend that the change to the definition of Papakāinga requested by the submitters is accepted, and that the changes requested in relation to a definition of Māori cultural activities and including Te Hauora o Te Koiora in the glossary are rejected.

Recommendations

176. For the reasons outlined above I recommend that:

- a. Submissions S477.022, S515.002, S515.001, S515.004, and S559.002, be rejected (see para 169).
- b. Submissions S477.003, S486.005, S486.006, S486.073, S573.004, S559.003, S559.004, S429.010, and S359.036, be rejected (see para 170).
- c. Submissions S486.001, S486.002, S486.003, S486.004, S486.019, S486.020, S486.021, S486.052, S390.039, S486.074, S498.015, S498.016, S498.017, S498.018, S498.040, S390.016, S390.015, and S390.014 be rejected (see para 171).
- d. Submissions S486.046, S486.049, S498.005, S498.037, and S390.036 be rejected (see para 172).
- e. Submission S498.006 be rejected (see para 173).
- f. Submissions S390.040, S390.041, S498.041, and S498.042 are accepted by amending the text of SSRI Issue 1 as follows (see para 174):

Issue 1 - ~~Partnerships~~ Relationships with tangata whenua
Historically it has been difficult to build strong ~~partnerships~~ relationships between Council and tangata whenua due to lack of resources, awareness and capacity within both parties. Through the legislative process (RMA), there is limited use of tikanga, matauranga



māori, and māori values to express kaitiakitanga in the management of resources. Development of Māori freehold and Treaty Settlement land can be complex because of multiple ownership, no governance structure, financing and involvement of multiple government agencies. The District Plan is focussed on improving planning tools (zoning, overlays etc.) to enable tangata whenua to use land in a manner which exercises their kāwanatanga and rangatiratanga.

- g. Submissions S479.001, S479.002, and S498.031 are accepted in part by amending the definition of Papakāinga as follows (see para146):

Papakāinga – means an activity undertaken to support traditional Māori cultural living for tangata whenua residing in the Far North District on:

1. *Māori land;*
2. *Treaty Settlement Land;*
3. *Land which is the subject of proceedings before the Māori land court to convert the land to Māori land; or*
4. *General land owned by Māori where it can be demonstrated that there is an ancestral link identified.*

Papakāinga may include (but is not limited to) residential, social, Māori cultural, ~~economic~~ commercial, conservation and recreation activities, marae, wāhi and urupā.

Section 32AA evaluation

- 7** I consider that the amendments I have recommended are more appropriate than the notified provisions because they provide improved support for achieving the proposed objectives and provide for greater clarity and consistency of district plan interpretation.

8 Conclusion

175. This report provides an assessment of submissions received in relation to the Tangata Whenua chapter. The primary amendments that I have recommended relate to:

- The inclusion of an additional paragraph in the Overview of the chapter to read as follows:

The Council also acknowledges that for Māori, whenua is a key part of their identity and the health of the land and natural environment is strongly connected to the health and overall wellbeing of tangata whenua.

- The inclusion of a new objective and amendments to notified objectives to read as follows:



TW-O6 The principles of Te Tiriti o Waitangi / The Treaty of Waitangi are taken into account in all resource management processes.

- The amendments to notified policies to read as follows:

TW-P1 Work proactively with Iwi and Hapū to identify, and where agreed to, implement:

- d. *Mana Whakahono a Rohe / Iwi participation arrangements;*
- e. *joint management agreements under section 36B of the RMA;*

and

- f. *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:

- h. *recognition of the holistic nature of the Māori worldview;*
- i. *the exercise of kaitiakitanga;*
- j. *the acknowledgement of matauranga Māori;*
- k. *regard to Iwi/Hapū environmental management plans; and*
- l. *Mana Whakahono ā Rohe arrangements;*
- m. *The transfer of powers to iwi, hapū and whānau; and*
- *any other agreements.* The replacement of words in the text of SSRI Issue 1 to read as follows:

Issue 1 – Partnerships Relationships with tangata whenua
Historically it has been difficult to build strong ~~partnerships~~ relationships between Council and tangata whenua due to lack of resources, awareness and capacity within both parties. Through the legislative process (RMA), there is limited use of tikanga, matauranga māori, and māori values to express kaitiakitanga in the management of resources. Development of Māori freehold and Treaty Settlement land can be complex because of multiple ownership, no governance structure, financing and involvement of multiple government agencies. The District Plan is focussed on improving planning tools (zoning, overlays etc.) to enable tangata whenua to use land in a manner which exercises their kāwanatanga and rangatiratanga.

- The changes to the definition of Papakāinga to read as follows:

Papakāinga – means an activity undertaken to support traditional Māori cultural living for tangata whenua residing in the Far North District on:

- 1. Māori land;*
- 2. Treaty Settlement Land;*
- 3. Land which is the subject of proceedings before the Māori land court to convert the land to Māori land; or*
- 4. General land owned by Māori where it can be demonstrated that there is an ancestral link identified.*



Papakāinga may include (but is not limited to) residential, social, Māori cultural, economic commercial, conservation and recreation activities, marae, wāhi and urupā.

176. Section 5.3 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Tangata Whenua chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations in this report.

177. I recommend that provisions for the Tangata Whenua chapter matters be amended as set out in the Appendix 1 – Officer’s Recommended Amendments to Tangata Whenua Chapter and, below for the reasons set out in this report.

178. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

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: 29 April 2024