

Appendix 1 – Officers Recommended Amendments to Tāngata Whenua Chapter

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

Overview

The Far North District is socially and culturally unique. As one of the earliest areas of settlement for both Māori and Pakeha, the Far North landscape is rich in locations with ancestral connection. Such locations include (but are not limited to) Hokianga-whakapau-karakia in the west, recognised as, the landing place of Kupe, a celebrated tūpuna attributed with the discovery of Aotearoa, New Zealand. In the north, Te Ara Wairua (the spirits pathway) and Te Rerenga Wairua (the leaping off place of spirits) are located, where according to Māori tradition, spirits travel after death and depart to the spiritual homeland of Hawaiiki-a-nui. In the east sits Waitangi, considered to be the "Birthplace of the Nation" where Te Tiriti o Waitangi / Treaty of Waitangi was first signed in 1840. Ruapekapeka Pā, in the south, is home to the site of the last battle of the Northern Wars. It is also acknowledged that the 1835 He Whakaputunga o Te Rangātīratanga o Niu Tirenī (Declaration of Independence) is an important foundational document for the Hapū of the Far North.

Māori make up more than 40% of the District's population with 17% of the land within Māori land tenure. A number of Iwi and Hapū have lodged Iwi/Hapū Environmental Management Plans with Council. Some Iwi in our District have had their Te Tiriti o Waitangi / Treaty of Waitangi claims settled. Other Iwi and numerous Hapū have entered into a Treaty of Waitangi Tribunal process and are engaged in the settlement process.

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 Council has responsibilities under Te Tiriti / The Treaty, RMA and the Regional Policy Statement to recognise the complex and important role tangata whenua play as partners, kaitiaki, landowners and developers. One way in which tangata whenua participation in resource management decisions is provided for is via the regard given to Iwi/Hapū environmental management plans when making resource management decisions.

Objectives	
TW-01	Tangata whenua and Council have a strong, high trust and enduring partnership <u>partnership and-relationship</u> based on the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.
TW-02	Tangata whenua are provided with opportunities to actively participate as kaitiaki in resource management processes.
TW-03	Historic heritage, which includes sites and areas of significance to Māori and cultural resources, is <u>well</u> managed to ensure its long-term protection for future generations.
TW-04	Tangata whenua maintain mana whenua in their rohe through strong and enduring relationships with their culture and traditions, ancestral lands, water, sites, wāhi tapu, and other taonga.
TW-05	The economic, social and cultural well-being of tangata 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.
TW-06	<u>The principles of Te Tiriti o Waitangi / The Treaty of Waitangi are taken into account in all resource management processes.</u>

Policies	
TW-P1	Work proactively with Iwi and Hapū to identify, and where agreed to , implement: <ol style="list-style-type: none"> Mana Whakahono a Rohe / Iwi participation arrangements; joint management agreements under section 36B of the RMA; and other arrangements as agreed.

TW-P2	<p>Ensure that tangata whenua are provided with opportunities to actively participate in resource management processes which involve ancestral lands, water, sites, wāhi tapu and other taonga, including through:</p> <ol style="list-style-type: none"> 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 <u>Mana Whakahono ā Rohe arrangements;</u> <u>The transfer of powers to iwi, hapū and whānau; and</u> any other agreements.
TW-P3	<p>Protect the values of Māori historic heritage, cultural resources, wāhi tapu and other taonga by:</p> <ol style="list-style-type: none"> collaborating with Iwi and Hapū to identify significant sites and cultural resources <u>where appropriate;</u> scheduling significant sites and areas of significance to Māori <u>where appropriate;</u> and recognising that sites and areas of significance to Māori are often associated with a wider cultural landscape which holds significance to tangata whenua.
TW-P4	<p>Enable economic, social and cultural well-being of tangata whenua through the use and development land administered under Te Ture Whenua Māori Act 1993 and returned under treaty settlement, while managing adverse effects on the environment.</p>
TW-P5	<p>Recognise tangata whenua as specialists in the tikanga of their Iwi or Hapū, including when preparing or undertaking a cultural impact assessment.</p>
TW-P6	<p>Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga:</p> <ol style="list-style-type: none"> any consultation undertaken with Iwi, Hapū or marae with an association to the site or area; any Iwi/Hapū environmental management plans lodged with Council; any identified sites and areas of significance to Māori; 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; any protection, preservation or enhancement proposed; any relevant treaty settlement legislation; any relevant statutory acknowledgement area identified in APP2- Statutory acknowledgement areas; Te Rautaki o Te Oneroa-a-Tōhe/ Te Oneroa-a-Tōhe (Ninety Mile Beach) Management Plan; and any relevant relationship agreements or arrangement between Council and any Iwi Authority or Hapū.

Iwi Authorities

The following list identifies the 11 Iwi that are recognised as Iwi Authorities for the purposes of the RMA, in the Far North District.

- Ngāti Kurī
- Te Aupōuri
- NgaiTakoto
- Te Rarawa
- Ngāti Kahu
- NgātiKahu ki Whangaroa
- Ngāpuhi ki Whaingaroa
- Ngāti Hine
- Ngāti Wai
- Ngāpuhi
- Te Roroa

Iwi and Hapū planning documents.

The following Iwi and Hapū in the Far North District have lodged environmental management plans with the Council. These plans outline the cultural, spiritual, historical and traditional associations with each of their rohe and the broad issues for the Iwi and Hapū.

- Ngāti Kurī Environmental Management Plan
- NgaiTakoto Environmental Plan
- Ahipara Takiwā Management Plan
- Haititaimarangai Marae Hapū Development Plan
- Te Rūnanga o Whaingaroa Environmental Management Plan
- Ngāti Rēhia Hapū Environmental Management Plan
- Ngāti Torehina Hapū Environmental Management Plan
- Kororāreka Marae Society Hapū Environmental Management Plan
- Ngāti Kuta ki Te Rawhiti Environmental Management Plan
- Ngāti Hine Iwi Environmental Management Plan
- Ngātiwai Iwi Environmental Policy Document
- Ngāti Rangī Hapū Management Plan
- Ngā Hapū o Te Wahapū o Te Hokianga nui a Kupe Hapū Environmental Management Plan
- Te Roroa Iwi Environmental Policy Document

Treaty Settlements

A treaty settlement is an agreement between the Crown and an Iwi to give effect to a deed of settlement for all the historical claims by an Iwi against the Crown over land and any other resources taken in breach of Te Tiriti o Waitangi /Treaty of Waitangi. A Claims Settlement Act formally records an agreed historical account, statutory acknowledgments and an apology from the Crown as well as any cultural, financial and commercial redress. The following six claims settlements have been enacted in the Far North District:

- Te Roroa Claims Settlement Act 2008
- Ngāti Kurī Claims Settlement Act 2015
- Te Aupōuri Claims Settlement Act 2015
- NgaiTakoto Claims Settlement Act 2015
- Te Rarawa Claims Settlement Act 2015
- Ngāti Kahu Ki Whangaroa Claims Settlement Act 2017

In addition, the Te Oneroa-a-Tōhe Beach Board, a statutory governance partnership, was created by each of the 2015 Te Hiku Treaty Settlement Acts. The four settled Te Hiku Iwi, Ngāti Kurī, Te Aupōuri, NgaiTakoto and Te Rarawa are represented on the Board, along with two representatives from Council and the Northland Regional Council. The primary function of the Board is to work collectively and collaboratively to provide governance and direction for all people using the beach. The purpose of the Board is to protect and enhance the environmental, economic, social, cultural and spiritual wellbeing of Te Oneroa-a-Tōhe /Ninety Mile Beach, the area identified as Te Oneroa-a-Tōhe Management Area. The Board has prepared Te Rautaki o Te Oneroa-a-Tōhe (The Beach Management Plan) and the plan was approved in January 2021. The plan outlines the aspirations for Te Oneroa-a-Tōhe /Ninety Mile Beach and includes desired outcomes, objectives and actions for the Board to achieve these aspirations. The Council must recognise and provide for the vision, objectives and desired outcomes of Te Rautaki o Te Oneroa-a-Tōhe (The Beach Management Plan), in the Far North District Plan. In addition, when Council is determining an application for a resource consent that relates to the Te Oneroa-a-Tōhe beach management plan area, it must have regard to the plan.

Statutory Acknowledgments

A statutory acknowledgment is a formal recognition by the Crown of the particular cultural, spiritual, historic and traditional associations that an Iwi has with a statutory area. Statutory acknowledgement may only apply to Crown land and may consist of land, rivers, lakes, wetlands, a landscape feature or a particular part of the coastal marine area. Council is legally obliged to have regard to statutory acknowledgments and to record them in the District Plan.

Statutory acknowledgement areas are identified on the planning maps (non-District Plan map layers) and details, including statements of association, are found in APP2 - Statutory acknowledgement areas

Relationship Agreements

Council has formal relationship agreements with Iwi and Hapū, as follows:

- Te Runanga o Te Rarawa (2015)
- Te Runanga o Ngāti Hine (2016)
- Te Whiu Hapū (2017)
- Whanaungatanga ki Taurangi - Relationship Agreement between Northland Mayoral Forum and Te Kahu o Taonui (Tai Tokerau Iwi Chairs Forum) [2019]

The following recommended amendments have also been made in Part 1 – Introduction and General Provisions / Introduction / Description of the District

Significant Resource Management Issues

Ten significant resource management issues were identified for the district through consultation with tangata whenua, communities, stakeholders and consideration of higher order statutory documents. These key resource management issues have helped inform and shape the direction of the District Plan. These significant resource management issues are:

Issue 1 – ~~Partnerships~~ Partnerships and 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.