

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER THE

Resource Management Act 1991
(**"RMA"**)

IN THE MATTER OF

The Proposed Kaipara District Plan
(**"PDP"**): Hearing Topic 10 – Māori
Purpose Zone, and Hearing Topic 11
Sites and Areas of Significance to
Māori

**STATEMENT OF EVIDENCE OF FIONA KEMP,
ON BEHALF OF
TE URI O HAU ENVIRONMENTAL HOLDINGS LTD.**

14 April 2026

Introduction

1. My full name is Fiona Kemp. I am the Partnerships Manager for Te Uri o Hau Settlement Trust, and I have lived in the Kaipara District for 26 years as of 2026.
2. I hold a Bachelor of Arts in Anthropology from the University of Auckland, with a minor in Archaeology and Māori Studies.
3. I have extensive experience working at the interface of local government and tangata whenua in statutory planning processes. My background includes district plan engagement, co-design of planning frameworks affecting Te Uri o Hau redress properties and Māori land, and the implementation of Treaty settlement outcomes within council policy and regulatory settings.
4. I am the former Manager of Environs Holdings Limited, the environmental subsidiary of Te Uri o Hau Settlement Trust, with responsibilities focused on Resource Management Act processes, including review of Assessment of Environmental Effects (AEE) material, preparing cultural impact assessments, development of iwi and territorial authority policy positions, and direct engagement with councils on plan development, consents, and statutory obligations affecting Māori land.
5. I am also a former Policy Analyst for Kaipara District Council (2000) and served as an RMA Coordinator for Te Uri o Hau (2002 and 2019), giving me direct experience working within local authority planning systems and regulatory processes.
6. In addition, I worked for the Māori Land Court for a number of years, providing me with a practical understanding of Māori land tenure, tikanga-based decision-making, and statutory processes affecting Māori landowners, including how papakāinga development, Māori land succession, governance structures, and development pathways intersect with planning instruments such as Māori Purpose Zones.

2. Scope of Evidence

7. My evidence is factual and procedural in nature. It does not provide expert planning opinion or cultural assessment.
8. This statement addresses:
 - The history and chronology of engagement between Te Uri o Hau and the Council in relation to the District Plan Review, including early co-design and the subsequent breakdown of engagement;
 - The institutional approach taken by the Council to tangata whenua engagement during the later stages of the District Plan Review;
 - The role and relevance of Te Uri o Hau's Iwi and Hapū Environmental Management Plan (IHEMP) as part of the existing policy and statutory context for district plan preparation, including its anticipation of early tangata whenua involvement;
 - Sites of Significance evidence and response to the section 42 decision and our Further Submission with silent files and the processes used in that.

3. Early Engagement and Co-Design (2021–2022)

9. **During 2021 and 2022:** Te Uri o Hau was actively engaged in the early stages of the Draft Exposure Plan.
10. **8 September 2021:** Te Uri o Hau attended a Draft Exposure Plan (Plan) Review briefing with elected members, the Council executive team, and other iwi, where Tangata Whenua matters, Sites and Areas of Māori Significance (SAMS), and the Māori Purpose Zone (MPZ) were explicitly discussed, and I was invited to speak, provide kōrero, and actively contribute to the discussion.
11. **13 October 2021:** I met with Council officers to step through the SAMS process, with feedback and contribution actively requested.

12. **November–December 2021:** Council officers confirmed responsibility for Tangata Whenua, SAMS, and MPZ provisions, and Te Uri o Hau participated in surveys and workshops, including the MPZ survey released on 15 December 2021.
13. **December 2021:** Council agreed to contract Te Uri o Hau to support aspects of the Plan. Te Uri o Hau contributed under this arrangement in good faith, with the understanding that engagement and co-design would continue.
14. **December 2021–January 2022:** As part of this work, Te Uri o Hau commissioned Jess Hollis, former RMA Planning Manager for Council, to assist with drafting and reviewing key provisions. This work was resourced fully by Council.
15. **January 2022:** The scope of work included collaborating with Council officers and appointed consultants to review and provide drafting feedback on the Strategic Direction (Tangata Whenua objectives), Tangata Whenua chapter, MPZ (including papakāinga), and SASM, with a feedback report due by mid-January 2022 and hui with Council officers held in late January 2022.
16. **During 2022:** Council undertook a structured programme of engagement with Te Uri o Hau as part of the Plan. This engagement included access to draft planning materials, opportunities to provide written feedback on discussion documents, and scheduled hui with Council officers, consistent with a non-statutory, early engagement and co-design phase.
17. **February–March 2022:** Council officers provided Te Uri o Hau with access to the Māori Resource Planning folder. This material included draft chapters relating to Tangata Whenua matters and SASM. Council officers also confirmed during this period that structural amendments suggested by Te Uri o Hau were being actively incorporated into evolving drafts of the Plan.
18. **March–April 2022:** Following receipt of these materials, Te Uri o Hau prepared and submitted written feedback on the Plan discussion documents during the non-statutory consultation phase. This feedback was provided in accordance

with Council's stated engagement process and timetable and reflected a good-faith expectation that tangata whenua input would inform subsequent drafting prior to notification.

4. Breakdown and Absence of Engagement (2023-2024)

19. **May 2023:** Council appointed a new working party for the Plan made up of four councillors and an external RMA expert to oversee the project. The Maori Ward councillor was not included on the panel despite that person having a law degree and practice in Māori and RMA matters. Te Uri o Hau was not consulted prior to these appointments and were not advised that the group was being formed.

20. We understand that the Exposure Plan, which Te Uri o Hau had been collaborating on with the Council, was subsequently redrafted and renamed the Proposed District Plan (PDP). This included the removal of some chapters, overlays, objectives, policies, and rules on which Te Uri o Hau had previously provided feedback. The extent of these changes was not apparent to Te Uri o Hau until the rewritten version was provided on 6 March 2025

21. Engagement with Te Uri o Hau during 2023 then occurred only on a limited and episodic basis, through Council-led, time-bounded District Plan meetings of approximately one hour held on **29 June 2023, 13 October 2023, and 6 November 2023**. These sessions took place within narrow feedback windows and were not supported by background papers, any draft versions of the entire plan or any chapters of the PDP, or opportunities for iterative discussion. Much of the discussion was taken up by Council updating TUoH on how far along and at what stage the council were at and providing a high-level view of the new direction being taken.

22. **13 July 2023:** Te Uri o Hau attended a Mana Whenua Quarterly Hui. The agenda for this hui did not include PDP matters or any update from the District Plan working party.

23. My calendar records for 2023 confirm that no further Council-led engagement occurred beyond these isolated sessions, and that there was no comprehensive or integrated consultation process, including engagement initiated by senior planning or policy officers responsible for the PDP.

24. As a result, Te Uri o Hau had no meaningful opportunity to inform or influence the structure, content, or implications of the PDP prior to notification, representing a material departure from earlier co-design commitments and leaving Te Uri o Hau excluded from substantive drafting stages.

25. Early drafting phase of the Plan, I was directly engaged over a period of approximately three months to assist Council officers with feedback on, and co-drafting of, materials that informed the Plan. This work involved iterative review, technical input, and discussion on the structure and content of Tangata Whenua provisions, MPZ provisions, and related plan framework components, undertaken on the expectation that this collaborative input would inform subsequent plan development prior to notification. Some of the feedback we provided through this process is attached as appendices to this statement. Feedback included track changes into proposed chapters and a 38 page overview document.

26. I have reviewed the s32 reports which summaries this input as:

Engagement with Tangata Whenua in 2021 on the content of new district plan brought these responses:

- Align objectives, policies, and methods with the respective Iwi Management Plans and the Te Ao Māori/Māori world view.
- Update provisions for Papakainga Development to support and encourage whanau to return to their whenua.
- Support the development of Maori landholdings to ensure economically sustainable and resilient outcomes for landowners.
- Include mechanisms to ensure consultation and/or a cultural assessment is undertaken with Tangata Whenua to protect sites and areas of significance to Maori.

27. Our engagement was in depth and included many points not captured by this summary nor which have been addressed in the proposed district plan.

5. Institutional Approach to Māori Engagement (2023–2024)

28. **15 April 2024:** the Council formally terminated its Memorandum of Understanding (MoU) with Te Uri o Hau (attached) without consultation, removing an agreed framework for engagement that we had in place since 2001. Although Council reporting indicated engagement would continue, no replacement mechanism or clear process has been established.
29. **4 September 2024:** Council meeting at which Audit and Risk Committee matters were reported to Council, including Mark Farnsworth's independent review of resource consenting processes, which was tabled, and the implications of that review for Council practice and risk management. Recommendation 8 of the Mark Farnsworth resource consenting review proposed recalibrating iwi and hapū consultation on the basis that existing practice may exceed minimum RMA requirements. Te Uri o Hau and other tangata whenua were not engaged in developing that recommendation, despite its direct implications for Māori involvement in consenting.
30. **In 2024:** Council disestablished the Māori Ward. Its removal reduced formal Māori representation within Council's governance arrangements at the same time as District Plan Review decisions affecting Māori land and sites of significance were being progressed by a working group from which the Māori Ward representative was not included.
31. **March-July 2025:** Council relied on legal advice prepared by Franks Ogilvie (Commercial & Public Law Limited) concerning local government obligations to Māori in relation to the identification, scheduling, and protection of Sites and Areas of Significance to Māori. That advice stated that Council's obligations are limited to following the procedures set out in legislation when preparing district plans and schedules, and do not require agreement with, or particular outcomes for, affected parties beyond the statutory process.
32. Taken together, these matters indicate an institutional reluctance during this period to engage in good-faith partnership with Te Uri o Hau, notwithstanding

that Te Uri o Hau's Environmental Management Plan expressly anticipates early involvement of tangata whenua in district plan preparation. In practice, engagement opportunities during this period were constrained to compressed timeframes of less than three weeks, falling short of the expectations set by the IHEMP and undermining meaningful participation in the development of Māori Purpose Zone provisions, Sites of Significance scheduling, and related plan framework decisions.

6. Late Notification and Compressed Timeframes

33. 5 November 2024: Te Uri o Hau first became aware that PDP directions and papers were imminent when Council staff contacted us. These materials differed significantly from the Plan previously engaged on, and Te Uri o Hau had no prior notice of, or access to, any intervening drafts or iterations before being advised that the PDP papers were imminent. During the period leading up to February 2025, no draft material or other documentation was provided to Te Uri o Hau. **13 November 2024,** was the Council workshop meeting. Te Uri o Hau did not receive the final direction papers nor a copy of the PDP. Only one meeting was provided to provide feedback on 5 November, leaving a very short timeframe for Te Uri o Hau to review the spatial information, understand the implications, or engage with affected whānau and landowners.

34. 21 February 2025: The Council met with Te Uri o Hau to discuss the Schedule 4 process in relation to the revised version of the plan. At that meeting, Te Uri o Hau was informed that the draft e-Plan had been presented to the Council on 12 February 2025. Te Uri o Hau was further advised that the Council intended to seek elected member sign off by end of March and notify the PDP as early as April, and that there would be limited opportunity for substantive engagement but there would be time for feedback prior to notification. Instead, Te Uri o Hau was encouraged to advance any detailed feedback through the submissions process which would allow more time. Our response was that we needed time to go through the new version of the PDP.

35. **27 February 2025:** Council provided Te Uri o Hau with access to the PDP via the private e-Plan (note however that the link was not operation until 6 March 2025).

36. The letter attached to the notice invited feedback from Te Uri o Hau, set out that any advice received prior to notification would be documented in the section 32 evaluations and raised with Council, and that the draft plan was expected to be notified at the end of April . The letter then went on to state:

From our earlier discussions on this point, it was my understanding that rather than expend time and resources providing formal advice pursuant to clause 4A prior to notification, Te Uri o Hau would instead wait for the draft plan to be notified and lodge a formal submission on the proposed plan. The submission will then be considered and determined by the Independent Hearing Commissioners through the Schedule 1 process. This will also enable Te Uri o Hau more time to consider the proposed plan and the requested changes. However, based on the discussion held last Friday, I understand that Te Uri o Hau may need some time to read over the plan before providing any direction as to whether advice is provided on the plan prior to notification or whether the focus for Te Uri o Hau will instead be on the formal submission. We therefore suggest meeting the week starting 10th march to discuss any questions or concerns you may have at this point.

Either approach is acceptable to Council staff, noting the draft plan will need to be approved by the elected members at the end of March to meet the April notification date. However to enable Council to meet its obligations under clause 4A and move to prepare the draft plan for public notification, I would be grateful if you could please provide written confirmation that Te Uri o Hau would be open to a further meeting to follow up on this letter, so that we can discuss a pathway forward.

37. Although access to the ePlan was formally issued, subsequent emails on **6 March 2025** confirm that access was not initially functional and required further troubleshooting and administrative activation by Council staff before it could be used.

38. There were 4 working days between 6 March, when we were provided with a draft version of the PDP, and 10 March 2025, when Council sought to meet with us, followed by a further 11 working days before elected members were scheduled to approve the PDP at the end of March. Te Uri o Hau did not have the capacity to provide any substantive feedback within that timeframe.
39. Nor were we provided with any comparison or tracked changes between the PDP and the Plan, or any analysis of the feedback we submitted in 2021.
40. **29 June 2025:** Te Uri o Hau's primary submission on the PDP was formally lodged by our planner, Puawai Kake, prior to the close of submissions on 30 June 2025. The submission was lodged through the Council's online submission system, and a complete digital copy was also provided directly to Katherine Overwater on behalf of Kaipara District Council.
41. During this period, Te Uri o Hau was not in a position to revisit the Plan or the work previously undertaken with Council in order to complete a detailed comparison. We simply did not have the resources required for that undertaking nor did we consider that such an approach was available to us. Accordingly, we prepared and submitted what we could within the available timeframe. A key submission point raised by us in our primary submission was identifying for Council the failings in engagement under Schedule 1.
42. **29 June 2025:** Council, via the District Plan Review team, acknowledged receipt of Te Uri o Hau's primary submission (submission #84), confirming it had been received prior to the close of submissions.
43. **30 June 2025:** Katherine Overwater confirmed by email to Puāwai Kake that Te Uri o Hau's submission on the PDP had been received and that Fiona Kemp would be recorded as the primary point of contact.

6B. Failure to Properly Summarise and Notify Te Uri o Hau Submission (February 2026)

44. **5 February 2026:** Council was formally advised by our planner, Puawai Kake, that Te Uri o Hau’s primary submission had not been properly summarised or notified in the Summary of Decisions Requested.
45. As a result, Te Uri o Hau was unable to participate in earlier hearing phases, despite having lodged a valid and receipted primary submission. I have reviewed my email box and find no other notice of hearings prior to March 2025 when we were notified of Māori Purpose Zone.
46. **13 March 2026:** Council confirmed that it had relied on an incorrect version of Te Uri o Hau’s submission when preparing and notifying the Summary of Decisions Requested on 1 December 2025. Council advised that it had identified further errors in the re-notification of Te Uri o Hau’s submission, specifically affecting submission points #70 and #72, and confirmed that these errors necessitated additional re-notification to remedy procedural fairness concerns.
47. Council further accepted that its subsequent re-notification under Clause 7 was defective, as a result of software errors that mis-allocated relief sought and reasons, leading to submission points — including points 70 and 72 — being incorrectly summarised.
48. Te Uri o Hau submissions was correctly notified on 24 February 2026.

7. Māori Purpose Zone – Process Concerns

49. Te Uri o Hau was not able to provide any feedback nor properly consulted with on detailed drafting of Māori Purpose Zone provisions prior to notification.
50. As a result, unresolved issues include:
- How the MPZ differs in effect from rural production zones;
 - Whether rural provisions may override or undermine Māori aspirations;

- How Māori land and Treaty settlement land are intended to be treated distinctly.

51. Neighbouring councils have adopted separate chapters for Māori land and Treaty settlement land. That approach was not explored with Te Uri o Hau during drafting.

52. These matters are not objections to the concept of a Māori Purpose Zone, but concerns about how it has been developed and how it will operate in practice.

53. For the substantive planning matters, I ask that the Panel have regard to the planning evidence of **Te Puawaitanga Beryl Kake** filed on behalf of Te Uri o Hau.

54. The operative district plan includes a much more detailed and accurate record of Te Uri o Hau legislation, its commercial and cultural aspirations, which have been further developed through the Plan but have not been tracked across to the PDP.

8. Sites of Significance – Procedural Issues

55. Te Uri o Hau IHEMP 2011, references short-term objectives to identify and map sites of significance with Council.

56. However, the current scheduling approach was undertaken without:

- Site-by-site confirmation with whānau or tangata whenua;
- Discussion of buffers, activity triggers, or consenting implications; or
- Agreement on how sensitive information would be managed.

57. The Section 32 material acknowledges confidentiality options, including silent files or confidential scheduling. These options were not worked through collaboratively prior to notification.

58. During the 2021–2022 period, Council developed and used a suite of documents and templates to support the identification and assessment of Sites and Areas of Significance to Tangata Whenua, including:

- the SSTW Assessment Process;
- the SSTW DPT and MRT Work Programme, Deliverables and Dates;
- Form A – Sites and Areas of Significance to Māori;
- the SSTW Template A – Assessment;
- the SSTW Template B – Report (Section 32 support); and
- the SSTW Marae Communications Package (Print Version).

59. These documents were Council-created tools that collectively formed the procedural basis for early site identification, cultural and values assessment, marae-level engagement, and scheduling decisions during the 2021–2022 phase of the District Plan Review, and are appended to this statement as supporting material.

60. The risk is that blanket scheduling, without this work, may constrain Māori landowners or create unintended barriers to customary or future development.

61. Following the establishment of the new district plan team in 2023, the work on identifying the sites of significance using these tools and working collaboratively with Te Uri o Hau was not progressed any further.

9. Further Submissions - Sites of Significance

62. Te Uri o Hau Further Submission after the renotification PDP review as it relates directly to provisions affecting the identification, scheduling, protection, and management of Sites and Areas of Significance to Māori, including SASM objectives, policies, rules, schedules, and associated assessment processes.

63. The matters raised respond to provisions already under submission, including but not limited to SASM-O1, SASM-O2, SASM-P1, SASM-P2, SASM-P4, SASM-P7, and the associated site schedules and mapping. The relief sought does not introduce new subject matter, but rather provides further cultural, historical, and landscape-based evidence relevant to those provisions.

64. Te Uri o Hau notes that at the 13 November 2025 meeting with Council, we were advised by Council officers that further submissions relating to additional sites and cultural landscapes should be deferred. This advice was given in the context of an internal District Plan working party process, where there was a stated view that broader Māori site identification issues should not be progressed at that time. As a result, Te Uri o Hau did not advance these matters earlier, despite having ongoing concerns regarding the adequacy of site recognition and scheduling.
65. Our Further Submission identifies 17 Sites and Areas of Significance, many forming part of wider cultural landscapes rather than isolated point sites, which have been known to Council since 2022 and encompass interconnected pā, urupā, mahinga kai, waterways, battle sites, occupation areas, and associated wāhi tapu.
66. Te Uri o Hau acknowledged that there were information gaps; however, opportunities for Council to work collaboratively with Te Uri o Hau to address those gaps were not progressed as part of the PDP process.
67. Evidence on the identified sites and cultural landscapes will be provided by Grace Le Gros, Reno Skipper, and Herby Skipper, who will speak to the cultural, historical, and whakapapa connections underpinning them.

11. Conclusion

68. Te Uri o Hau supports the appropriate identification, protection, and management of Sites and Areas of Significance to Māori, and enabling provisions that support the sustainable use and development of Māori land and Treaty settlement land.
69. This statement demonstrates that the issues before the Panel arise not from opposition to protection outcomes, but from a cumulative pattern of procedural deficiencies, late engagement, and missed opportunities to work collaboratively with tangata whenua at critical stages of the PDP Review.

70. The evidence shows that Te Uri o Hau engaged early on the Draft Exposure Plan and in good faith, that a number of sites and cultural landscapes were known to Council from 2022, and that subsequent processes failed to provide fair, timely, and effective opportunities for involvement prior to notification and hearing progression.

71. In my view, the failure to properly engage with Te Uri o Hau on the proposed plan has meant that the current version does not adequately address tangata whenua concerns, effects and aspirations.

72. Having said that, Te Uri o Hau is pragmatic about how to address these failings in order that we can continue to move forward, improve plan integrity, reduce future risk, and support durable outcomes that better reflect statutory obligations to Māori under the Resource Management Act.

73. For these reasons, I respectfully submit that the Panel has both the discretion and a sound evidential basis to direct further engagement, resequencing, or other procedural steps necessary to restore fairness, complete verification work, and ensure that provisions affecting Māori land and cultural heritage are robust, workable, and just.

Signed: Fiona Kemp

Role: Partnerships Manager, Te Uri o Hau Settlement Trust

Location: Whangārei, Northland

Date: 12 April 2026

Appendices:

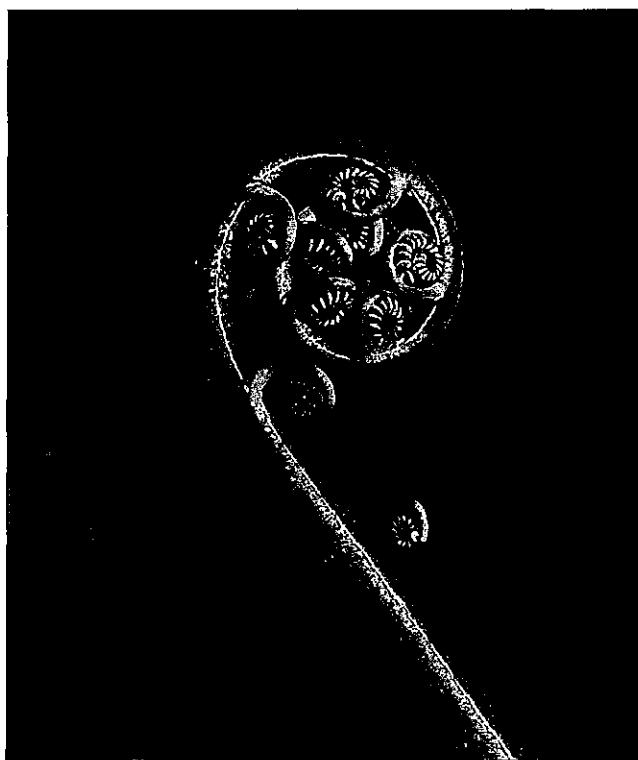
1. Memorandum of Understanding between KDC and TUoH
2. MW Table of engagement pre public notification on exposure plan
3. Track changes to Sites of Significance chapter (exposure draft) and Maori Purpose Zone (exposure draft)
4. Detailed TUoH and Te Roroa feedback to Exposure Draft
5. TUoH further submission identifying sites to be included in the sites of significance chapter (not attached), but added by reference.

**Memorandum of
Understanding**

between

Te Uri o Hau Settlement Trust

and



Kaipara District Council



TE URI O HAU
SETTLEMENT TRUST



KAIPARA
DISTRICT

Memorandum of Understanding

Between Kaipara District Council

And Te Uri o Hau Settlement Trust

1 Te Putake – The Purpose

- 1.1 The purpose of this Memorandum of Understanding (MoU) is to maintain and strengthen a relationship of honour and mutual respect between Kaipara District Council, Te Uri o Hau Settlement Trust and Environs Holdings Limited.
- 1.2 The MoU establishes and provides for a clear understanding of the basis and ongoing obligations of the relationship between the Council and Te Uri o Hau in the context of Te Tiriti o Waitangi 1840 (Treaty of Waitangi 1840) for which local governments' responsibilities are defined in the Resource Management Act 1991, the Local Government Act 2002, the Te Uri o Hau Claims Settlement Act 2002, Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003 and other relevant legislation.

2 Te Timatanga Whakamuri - Introduction and Background

- 2.1 Recognising that on 13 August 2001 Kaipara District Council agreed to enter into a MoU with Te Uri o Hau; and
- 2.2 Recognising that this agreement is not intended to be a legally binding document, however rather a document that encourages and supports a long term relationship between Kaipara District Council and Te Uri o Hau; and
- 2.3 Recognising that Te Uri o Hau has a defined geographical area of interest within the Kaipara region; and
- 2.4 Recognising that the parties have many common social, economic, cultural and environmental goals; and
- 2.5 Recognising that it is only through the process of co-operation based on honesty and trust that a relationship can be developed.

3 Te Moemoea - The Vision

The parties seek to formalise a commitment to each other to co-operate in the pursuit of the following:

- 3.1 The recognition of and provision for Te Tiriti o Waitangi 1840 (Treaty of Waitangi 1840) rights and responsibilities of both parties as recognised primarily in the Resource Management Act 1991, the Local Government Act 2002, Te Uri o Hau (Resource Consent Notification) Regulations 2003 and other relevant legislation; and
- 3.2 The sustainable management of natural and physical resources within the geographical statutory area of interest; and

- (b) *consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and*
 - (c) *provide relevant information to Māori for the purposes of paragraphs (a) and (b).*
- (2) *A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to:*
- (a) *the role of the local authority, as set out in section 11; and*
 - (b) *such other matters as the local authority considers on reasonable grounds to be relevant to those judgments."*

6 Whanaungatanga - The Partnership

6.1 Te Uri o Hau Settlement Trust

Te Uri o Hau is a hapū of Ngāti Whātua Te Iwi. Haumoewaarangi is the recognised eponymous ancestor of Ngāti Whātua. The various hapū, marae and whānau versed within Ngāti Whātua traditional oratory ensure that whakapapa (extended family relationship) is sustained for the benefit of past and future generations.

Te Uri o Hau Settlement Trust is the governance entity with the mandated responsibility and empowered by the Te Uri o Hau Claims Settlement Act 2002 to advocate and promote the social, economic and cultural interests of Te Uri o Hau beneficiaries.

The four ancestral marae: Otamatea, Waikaretu, Oruawharo and Waihaua-Arapaoa, from the 14 marae within the Te Uri o Hau statutory area of interest, are the eminent Te Uri o Hau extended family linkages of Ngāti Whātua.

The Te Uri o Hau Settlement Trust's Vision:

"Te Uri o Hau having self-reliance within the rohe and parity within New Zealand for the next generation – 25 years".

The Mission:

"Te Uri o Hau Hapu having a strong cultural presence and self-determination through tikanga, commercial activity, people development and environmental leadership within the rohe".

6.2 Environs Holdings Trust and Environs Holdings Limited

Environs Holdings Trust, the environmental arm of Te Uri o Hau Settlement Trust will manage the working relationship with Kaipara District Council.

Environs Holdings Limited is the corporate Trustee of Environs Holdings Trust, the environmental arm authorised by Te Uri o Hau Settlement Trust to advocate, protect, maintain and preserve the kaitiakitanga and rangatiratanga rights and interests. The guiding aim of Environs Holdings Limited is to:

"To advocate and support Kaitiakitanga throughout the rohe as well as in the education and empowerment of whanau to be proactive in their role as Kaitiaki for Te Uri o Hau".

8.1.1 Statutory acknowledgement areas

Pursuant to s60 of the Te Uri o Hau Claims Settlement Act 2002 the Kaipara District Council must have regard to the statutory acknowledgement relating to a statutory area when forming an opinion as to whether Te Uri o Hau governance entity is an entity that may be adversely affected by the granting of resource consents for activities within, adjacent to, or impacting directly on the statutory area.

8.1.2 Resource consent applications

Pursuant to s64 of the Te Uri o Hau Claims Settlement Act 2002 and Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003, the Kaipara District Council is required to provide the Te Uri o Hau Settlement Trust with a summary of every application for resource consent for activities that are within, adjacent to, or impact directly on statutory areas. The Act also provides the discretion for the Te Uri o Hau Settlement Trust to waive this requirement should it so desire. Under the Te Uri o Hau (Resource Consent Notification) Regulations 2003, Te Uri o Hau and Kaipara District Council will develop a transparent process for the purpose of resource consenting.

8.1.3 Council's statutory plan changes

Pursuant to s63 of the Te Uri o Hau Claims Settlement Act 2002 the Kaipara District Council is required to attach information on s63 to all its statutory plans and policy statements. A process design will be developed between the parties that will comply with this section of the Act.

8.2 Early involvement in policy development

Direct consultation, Kanohi ki te Kanohi will occur when either of the parties is preparing policies or plan changes that may affect the other party.

8.3 Local government

The Local Government Act 2002 outlines the requirements for producing a comprehensive Long Term Plan to cover a 10 year period with a three year review. This document establishes the long term direction and allocation of resources for their implementation.

Kaipara District Council will provide Te Uri o Hau Settlement Trust with involvement in the decision-making process from the beginning for the development of Long Term Plans and annual Plans.

8.4 Transfer of functions

Section 33 of the Resource Management Act 1991(RMA) provides Council with the discretion to transfer functions, power or duties to an iwi authority.

The Settlement Trust will formally approach the Council with the intention of developing a proposal for the transfer of any functions, powers or duties.

9 Kaipara Harbour

Te Uri o Hau area of interest includes the northern half of the Kaipara Harbour, which falls within the Kaipara District Council region. The Council's region extends from the North Auckland Peninsula south of Maungaturoto in the southeast to the Waipoua Forest in the northwest, extending from there down the west coast to the Kaipara Harbour and the east coast to the Mangawhai Harbour. The region is bisected by the Wairoa River and its tributaries, which flow into the northern end of the Kaipara Harbour.

Te Uri o Hau, along with Nga Maunga Whakahii o Kaipara, has been a strong advocate for the restoration and protection of the mauri of the Kaipara Harbour. Te Uri o Hau was integral in the establishment of the Integrated Kaipara Harbour Management Group that has a vision of '*a healthy and productive Kaipara Harbour*'.

It is the desire of the parties to formulate a relationship with those organisations with jurisdiction in regards to the management of the harbour as a whole. The work of the Integrated Kaipara Harbour Management Group (IKHMG) and an integrated management approach for the harbour will form the basis of such discussions.

Ngati Whatua and the Crown are currently negotiating a Treaty Settlement over the Kaipara Harbour.

10 Mangawhai Harbour

Te Uri o Hau has an important spiritual relationship with Mangawhai Harbour due to the many wāhi tapu sites in the area. Traditionally, prior to the battle of Te Ika a Ranganui, Te Uri o Hau gathered kaimoana from the harbour. Te Uri o Hau also gathered materials for making tools for tattooing and cutting hair, flax fibres for use in certain types of weaving, and coastal grass species for tukutuku panels (woven panels) from the harbour and surrounding area.

There are many Te Uri o Hau traditional nohoanga within the Mangawhai area, where Te Uri o Hau would camp to enable them to gather what was required. Te Uri o Hau would then travel back to their kainga (villages) beside the Kaipara Harbour. The Mangawhai Harbour is on the eastern rim within the statutory area of Te Uri o Hau and played a role as a major resource kete (food basket).

In 1825 the battle known as Te Ika Ranganui began in this area. A large proportion of Te Uri o Hau died during this battle. As a result of this battle, Te Uri o Hau consider that the area from and including the Mangawhai Harbour to Kaiwaka and beyond is tapu.

It is the desire of the parties to formulate a relationship with those organisations with jurisdiction in regards to the management of the Mangawhai Harbour as a whole.

11 Resourcing

Unless otherwise agreed, each party shall provide its own resources for its participation in activities under this MoU.

Unless otherwise agreed in writing, any party's termination of this MoU shall not affect the validity or duration of activities undertaken pursuant to the MoU that have been initiated prior to, however not completed, at the time of such termination.

In witness whereof, the undersigned have signed this Memorandum of Understanding.

Completed this day of 2016.

For Kaipara District Council

~~Commissioner John Robertson~~ (Chair)

~~Graham Sibery~~ (Chief Executive)

For Te Uri O Hau Settlement Trust

~~Russell Kemp~~ (Chair)

Georgina Connelly

~~Deborah Harding~~ (Chief Executive Officer)

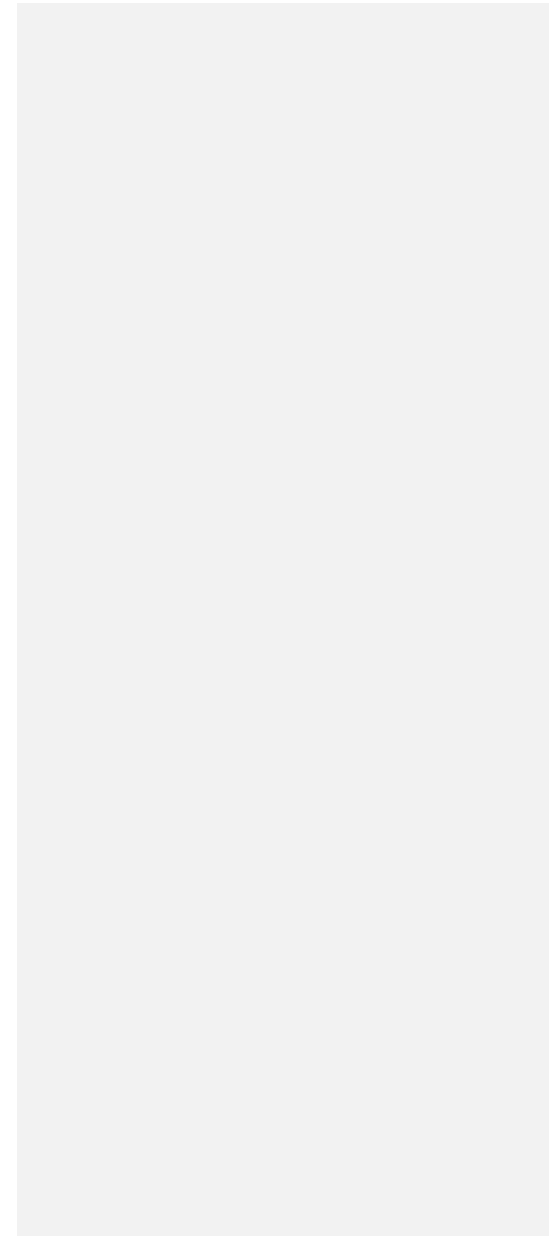
Jonathan Richworth

Mana Whenua Tasks	Estimated Timeframes	Estimated Hours	Council Tasks	Estimated Timeframes	
1. Output Pre-draft collaboration with KDC on strategic areas/key DP topics for mana whenua <ul style="list-style-type: none"> ▪ Strategic Direction objectives ▪ Tangata Whenua Chapter ▪ Maori Purpose Zone Chapter ▪ Sites and Areas of Significance Chapter ▪ Ecosystems and indigenous biodiversity ▪ Papakāinga ▪ Māori Purpose Zone 	22 Nov - 7 Feb 2022	20-40hrs (including workshop on 2 Dec) \$160per hour \$6,400	Output Written feedback on the following draft/in development elements of the future District Plan: <ul style="list-style-type: none"> • Strategic Direction (Tangata Whenua Objectives) • Tangata Whenua Chapter • Māori Purpose Zone Chapter • Significant Sites and Areas to Māori How Report provided by planning consultant with TR & TUoH approval.	By Monday 17 Jan 2022	
1.1 <i>(Need to check topic areas with Katherine and what else mana whenua want to provide feedback/direction on before 7 Feb Councillor workshop)</i>	[Councillor briefing on 7 Feb 2022]		Output Hui to discuss written feedback for clarity and questions How Hui with MW representatives & planning consultant	Week of 24 Jan 2022	
2. Collaboration on DP topics in advance of public consultation – <ul style="list-style-type: none"> - Historic Heritage - Ecological Areas (SEA) - Overlays – Kaipara Harbour/West Coast and Mangawhai etc - Natural Character - Natural Features and Landscapes - Three Waters - Infrastructure - Transport <i>(Need to confirm topic areas with Katherine and what else mana whenua want to provide feedback/direction on before release of draft plan in May 2022. May be a broad review of everything, but likely to need to be targeted)</i>	7 Feb 2022 – 1 May 2022 Focus on key topic areas + any other areas identified [Councillor briefing on 13 April 2022 – full draft plan review, decision to	80hrs <i>(could include assisting with workshop/s with whanau at this stage or could wait until Stage 4 – Review of draft plan)</i> \$12,800	Output Written feedback on the draft District Plan, including the following specific matters as priority: <ul style="list-style-type: none"> • Strategic Direction (Objectives) • Tangata Whenua Chapter • Māori Purpose Zone Chapter • Significant Sites and Areas to Māori • Ecosystems and Indigenous Biodiversity (subject to NPS-IB being released by Central Government) Subject to costs, timeframes and availability the scope of the above topics could be expanded to also include other topics and chapters of the draft DP.		

Commented [FK1]: Just wondering why we will need to go back to these chapters

		consult in late April 2022]		<p>How Report provided by planning consultant with TR & TUoH approval.</p> <p>Note: KDC staff can be available for meetings during this time with the contracted services to aid in the development of the report as required.</p>	By 31 June 2022 (subject to confirmation of overall project plan dates)	
2.1.	1 day hui with KDC to discuss the draft plan just prior to release	Start of May 2022	10hrs \$1,600			
4.	<p>Review the draft plan (6-week consultation period)</p> <p>- Would like some support for engagement with our own whanau – socializing the review and the likely benefits.</p> <p>Work with both iwi authorities to understand their views/comments on the draft plan and capture</p>	16 May – 24 June 2022	70hrs <i>(as above, could include assisting with workshop/s with whanau at this stage)</i>			
5.	Prepare two separate feedback responses to the draft plan from each iwi authority	By 24 June 2022	30hrs	<p>Output Hui to discuss written feedback for clarity and questions (it is anticipated this would be a full day hui)</p> <p>How Hui with MW representatives & contracted services, attended by full DP review team</p>	By 15 July 2022 (subject to confirmation of overall project plan dates)	

6.	1 day hui with KDC to discuss feedback	Start of July 2022	10hrs			
7.	KDC target for drafting completion	26 August 2022				
8.	KDC target for Council agreement to notify proposed plan	28 Sept 2022				



Appendix B — Officer’s Recommended Amendments to Sites and Areas of Significance to Māori

This Appendix shows all recommended amendments to the notified Sites and Areas of Significance to Māori chapter provisions. Red underlined text = recommended insertion. ~~Red strikethrough text~~ = recommended deletion. Provisions shown without red text are recommended to be retained as notified.

Overview¹

~~The purpose of this chapter is to identify and protect sites and areas of significance to Māori. The District Plan lists scheduled sites and areas of significance to Māori in SCHED3 — Sites and areas of significance to Māori. The scheduled sites and areas comprise all Statutory Acknowledgement Areas, Nohoanga Sites and Cultural Redress Areas recognised in settlement legislation to give effect to the Deeds of Settlement entered into between the Crown and Te Uri o Hau and Te Roroa respectively, to achieve a final settlement of their historical claims against the Crown. Statutory Acknowledgements give recognition by the Crown of each iwi authorities’ particular cultural, spiritual, historical and traditional associations with specified statutory areas. Statutory Acknowledgements are given over both Crown and privately owned land. Nohoanga sites in the district are specific areas of Crown owned land adjacent to Lake Whakaneke, Lake Mōkeno and the Kaipara Harbour and are around 1 hectare or less. Each Nohoanga site permits members of Te Uri o Hau to temporarily occupy land close to the waterway and to have access to the waterway for lawful fishing and lawful gathering of other natural resources in the vicinity of the site. The cultural redress areas are specified in the settlement legislation. The scheduled significant sites and areas to Māori include ancestral lands, water, sites, wāhi tapu and other taonga. It is important that the relationship of Māori and their culture and traditions with these significant sites is protected from activities that will compromise their values as the sites are a critical part of tangata whenua’s cultural identity. It is acknowledged that there may be further sites and areas that are significant to Māori beyond those identified in SCHED3. Such sites and areas need to be assessed and determined with the guidance and direction of Māori. The provisions in this chapter apply only to the sites and areas listed in SCHED3. The chapter enables land use and development, to the extent consistent with maintaining the cultural, spiritual and historical values and relationships of the sites and areas to Māori. Under the Heritage New Zealand Pouhere Taonga Act 2014, it is unlawful to destroy, damage or modify an archaeological site (regardless of whether the site is scheduled in this plan) without obtaining an archaeological authority from Heritage New Zealand Pouhere Taonga.~~

Sites and Areas of Significance to Māori – Ngā Wāhi Nui ki te Māori

Tikanga foundation - Te Ao Māori (Māori worldview)

Te Ao Māori is the Māori worldview in which people, land, water, the sky, and all living things are interconnected through whakapapa. Whakapapa describes the relationships between all elements of the natural and cultural environment, and underpins the associations of tangata whenua with places, including sites, waterways, and maunga, and the names and histories of those places.

He Taonga Tuku Iho -Taonga Passed Down - The purpose of this chapter is to identify and protect sites and areas of significance to Māori. The District Plan lists scheduled sites and areas of significance to Māori in SCHEDULE3.

The scheduled significant sites and areas include ancestral lands, water, sites, wāhi tapu and other taonga. Their protection is not merely a matter of heritage management, it is a matter of recognising the living spiritual, cultural and whakapapa relationship between tangata whenua and their tūrangawaewae. However, Schedule

¹ [S122], [S136.41], [S136.42], [FS93.23], [S270.38], [FS41.15], [FS54.6], [FS72.9], [S141.6], [S367.2], [S367.26], [S367.22], [S367.24],[367.77], [FS110], [S270.38], [S136.42]

3 is not comprehensive. Many places of deep wāhi tapu significance to mana whenua are not yet scheduled. Their absence from Schedule 3 does not diminish their tapu or their cultural significance to the people who hold kaitiakitanga over them.

The addition of new sites to Schedule 3 must be led by tangata whenua and must follow the Schedule 1 plan change process. Heritage protection orders under the Heritage New Zealand Pouhere Taonga Act 2014 are available as an interim protective mechanism for sites with established cultural significance.

The provisions of this chapter apply to the sites and areas listed in SCHEDULE 3. The chapter enables land use and development only to the extent consistent with maintaining the cultural, spiritual and historical values and the living relationships of tangata whenua with their tūrangawaewae.

The scheduled sites and areas include all Statutory Acknowledgement Areas, Nohoanga Sites and Cultural Redress Areas recognised in settlement legislation giving effect to the Deeds of Settlement between the Crown and Te Uri o Hau and Te Roroa respectively. These settlements represent a formal Crown acknowledgement of the cultural, spiritual, historical and traditional associations of Te Uri o Hau and Te Roroa with their ancestral landscapes, associations that have existed since long before 1840 and that continue today through the living practice of kaitiakitanga.

Unscheduled Sites - They Are Still Tapu - The fact that a site is not listed in Schedule 3 does not mean it is not wāhi tapu, or that it carries no spiritual or cultural significance. Tangata whenua may hold knowledge of sites whose locations and nature are not publicly recorded. Where an unscheduled site is encountered in the context of any activity, the accidental discovery conditions in SASM-R3 and SASM-R4 provide a district plan-level backstop. KDC encourages early engagement with tangata whenua kaitiaki before any ground-disturbing activity near areas known or suspected to hold cultural significance.

Under the Heritage New Zealand Pouhere Taonga Act 2014, it is unlawful to destroy, damage or modify an archaeological site (regardless of whether the site is scheduled in this plan) without obtaining an archaeological authority from Heritage New Zealand Pouhere Taonga.

Proposals in regard to infrastructure or renewable electricity generation activities

These rules will apply where infrastructure or renewable electricity generation activities are proposed within the site of a scheduled site and significance to Māori, or where it will impact on the scheduled site.

Objectives

SASM-O1 and SASM-O2 objectives are recommended to be retained as notified.

SASM-O1	Identify and protect sites and areas of significance to Māori
Sites and areas of significance to Māori are identified for their cultural significance and cultural values.	

SASM-O2	Relationship to-scheduled sites <u>of significance to Tangata Whenua</u>
The relationship of tangata whenua with sites and areas of significance to Māori is recognised and protected.	

SASM-O3	Freshwater related Sites and Areas of Significance to Māori
Protect and recognise Sites and Areas of Significance to Māori associated with freshwater bodies through maintaining the health, mauri, and cultural relationships of tangata whenua with water and its margins, including wāhi tapu, wāhi taonga, mahinga kai, and other culturally significant freshwater values..	

Policies

SASM-P1	Identification and protection of sites and areas of significance to Māori
Identify and schedule sites and areas of significance to Māori in consultation and ² -collaboration with Tangata Whenua/Mana Whenua.	

SASM-P2	Kaitiakitanga
<p>Mana whenua are enabled to exercise kaitiakitanga in relation to sites and areas of significance by:</p> <ol style="list-style-type: none"> 1. Acknowledging the iwi authorities identified for each scheduled site; 2. Providing for mana whenua to carry out cultural practices on the scheduled sites in accordance with tikanga Māori; and 3. Promoting 3. Providing for³ active participation by mana whenua in resource management processes relating to scheduled sites. 	

SASM-P3	Activities enabled on scheduled sites
<p>Enable the following activities to occur on scheduled sites and areas of significance to Māori where the associated cultural, spiritual and historical values and relationships will be protected:</p> <ol style="list-style-type: none"> 1. Land disturbance; 2. Animal grazing, pasture management and pest management; 3. Cultivation and small-scale earthworks; 4. Maintenance, repair, alteration, demolition, or removal of existing buildings and structures; 5. Maintenance, operation, <u>upgrading within the existing footprint</u>,⁴ and repair of existing infrastructure; 6. Cultural practices carried out in accordance with tikanga Māori. 	

² Te Uri o Hau [S367.23]

³ Te Uri o Hau [S367.24]

⁴ Northpower Limited and Northpower Fibre Limited [S283.144]

SASM-P4	Managing effects on scheduled sites
<p>Ensure development does not compromise the cultural, spiritual and historical values and relationships associated with the scheduled sites and areas of significance to Māori by:</p> <ol style="list-style-type: none"> 1. Avoiding locating activities within <u>or immediately adjacent to</u>⁵ the scheduled sites unless there is a functional or operational need and no practicable alternative location; 2. Avoiding any damage or disturbance to wāhi tapu sites except for works associated with the protection of such sites or for interments in such sites; 3. Avoiding significant adverse effects on the scheduled site or area's cultural, spiritual and historical values; and 4. For all other effects, avoid significant adverse effects and where they cannot be avoided, minimise the effects. 	

SASM-P5	Destruction or demolition of a site or area of significance to Māori
<p>Avoid the destruction or demolition of a site or area of significance to Māori unless:</p> <ol style="list-style-type: none"> 1. It is necessary to prevent serious threat to people, property or infrastructure; or 2. It is required to enable mana whenua to provide for their cultural, spiritual, historical or economic well-being; or 3. It is required for a significant public benefit that could not be located in an alternative location, and the significant public benefit outweighs retaining the scheduled site or area, in whole or in part. 	

SASM-P6	Activities within a scheduled site
<p>Avoid the following activities within a site or area of significance to Māori:</p> <ol style="list-style-type: none"> 1. Mining and quarrying, except farm quarries⁶; 2. New earthworks within a wāhi tapu or māhinga kai site; 3. Landfills and waste disposal facilities, hazardous facilities and offensive industries; 4. Intensive indoor primary production; and 5. New cemeteries and crematoria. 	

SASM-P7	Considerations of effects on scheduled sites or areas of significance to Māori and Tangata Whenua
<p>When considering an activity within <u>or immediately adjacent to</u>⁷ a scheduled site or area of significance to Māori <u>and Tangata Whenua</u>, have regard to the following matters:</p> <ol style="list-style-type: none"> 1. The effects on the particular cultural, spiritual and historical values and the relationships to tangata whenua that are associated with the site or area and how these can be protected, maintained or enhanced. 2. Tangata whenua's role and responsibilities as kaitiaki and mana whenua; 3. The outcome of any consultation with tangata whenua and, <u>if-where</u> any cultural advice is received, <u>have regard to</u>⁸ the proposal's consistency with the recommendations identified; 4. Opportunities for tangata whenua's relationship with the site to be maintained or strengthened on an ongoing basis, including any practical mechanisms for mana whenua to access and use the site. 	

⁵ Te Uri o Hau [S367.25]

⁶ Heritage New Zealand Pouhere Taonga [S270.46]

⁷ Heritage New Zealand Pouhere Taonga [S270.47]

⁸ Te Uri o Hau [S367.26]

SASM-P8	<u>Activities affecting freshwater related Sites and Areas of Significance to Māori</u>
<p><u>Ensure that activities, and development within, adjacent to, or affecting freshwater bodies avoids, remedies, or mitigates adverse effects on Sites and Areas of Significance to Māori, having particular regard to:</u></p> <ul style="list-style-type: none"> a) <u>The relationship of tangata whenua with ancestral freshwater bodies, including spiritual, cultural, and customary associations; Te Mana o te Wai, including protection of the health and mauri of the freshwater body as a matter of priority;</u> b) <u>Māhinga kai values, including effects on water quality, quantity, flow, habitat, and access;</u> c) <u>Whether the activity may affect wāhi tapu or wāhi taonga associated with freshwater, regardless of whether those sites are publicly identified or mapped;</u> d) <u>The extent to which early and meaningful engagement with affected iwi and hapū has informed the activity, including design and location.</u> 	

Rules

All rules in this chapter have immediate legal effect

SASM-R1	Maintenance, alteration, demolition, or removal of existing buildings and structures within scheduled sites	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Alterations do not increase the floor area or footprint of a building or structure. 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The effects on cultural, spiritual and historical values; and b. The outcome of any consultation with tangata whenua.

SASM-R2	Animal grazing, pasture management and pest management within scheduled sites	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Animal grazing, pasture management or pest management is not undertaken within a wāhi tapu or māhinga kai site or area a site or area listed in SCHED3 that is identified as a wāhi tapu or māhinga kai site.⁹ 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The physical effects on the site or area of significance to Māori; b. The effects on cultural, spiritual and historical values; and c. The outcome of any consultation with tangata whenua.

⁹ Northland Regional Council [S332.42]

SASM-R3	Land disturbance (excluding earthworks) and cultivation within scheduled sites	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The activity is for the purposes of: <ul style="list-style-type: none"> i. Installation of fence posts; ii. Repair and maintenance of existing farm <u>and commercial forestry</u>¹⁰ infrastructure, including tracks and drains, provided the area and volume of land disturbed is limited to what is necessary to maintain the existing infrastructure along its existing alignment; iii. Structures for māhinga kai activities or customary harvesting; iv. Burials at urūpā; or v. Archaeological investigations authorised by Heritage New Zealand Pouhere Taonga. <p><u>Accidental discovery condition: If any archaeological material, human remains, or artefacts are discovered during the course of the activity, work in the vicinity of the discovery should immediately cease. Heritage New Zealand Pouhere Taonga and the relevant iwi authority/mana whenua identified in Schedule 3 for the site must be notified. Work should not resume in the affected area until Heritage New Zealand Pouhere Taonga has provided written approval and the relevant mana whenua have been consulted.</u>¹¹</p>	<p>2. Activity status when compliance not achieved:</p> <p>Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The location and scale of the activity; and b. The effects on cultural, spiritual and historical values.

¹⁰ PF Olsen [S73.10], Manulife Forest Management NZ Ltd [S158.1]

¹¹ Northland Regional Council [S332.43]

SASM-R4	Earthworks within scheduled sites and areas	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The earthworks are not located within a wāhi tapu or māhinga kai site a site or area listed in SCHED3 that is identified as a wāhi tapu or māhinga kai site.¹²</p> <p><u>Accidental discovery condition: If any archaeological material, human remains, or artefacts are discovered during the course of the activity, work in the vicinity of the discovery must immediately cease. Heritage New Zealand Pouhere Taonga and the relevant iwi authority/mana whenua identified in Schedule 3 for the site should be notified. Works should not resume in the affected area until Heritage New Zealand Pouhere Taonga has provided written approval and the relevant mana whenua have been consulted.</u>¹³</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <p>a. The location and scale of earthworks;</p> <p>b. The extent of effects on cultural and historical values; and</p> <p>c. The effects on amenity and landscape, including visual effects on the site or area of significance.</p>

SASM-R5	New buildings or structures, and extensions to existing buildings or structures, within sites and areas of significance to Māori listed in SCHED3	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The building or structure is not located within a wāhi tapu or māhinga kai site a site or area listed in SCHED3 that is identified as a wāhi tapu or māhinga kai site¹⁴.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <p>a. The building or structure's proposed purpose, location and scale;</p> <p>b. The extent of effects on cultural and historical values;</p> <p>c. The effects on amenity and landscape, including visual effects on the site or area of significance;</p> <p>d. Site access, wastewater and stormwater disposal, and related earthworks; and</p> <p>e. Temporary effects during construction and need for remediation.</p>

SASM-R6	Indigenous vegetation clearance within scheduled sites or areas	
All zones	<p><u>1. Activity status: Permitted</u></p> <p><u>Where the activity is:</u></p> <p><u>a. Removal of hazardous trees posing immediate safety risks; or</u></p>	<p><u>1a. Activity status when condition not met: Restricted Discretionary</u></p> <p>Matters over which discretion is restricted:</p>

¹² Northland Regional Council [S332.44]

¹³ Northland Regional Council [S332.44]

¹⁴ Northland Regional Council [S332.45]

SASM-R6	Indigenous vegetation clearance within scheduled sites or areas	
	<p><u>b. Vegetation clearance associated with the exercise of tikanga Māori and cultural practices carried out in accordance with tikanga Māori; or</u></p> <p><u>c. Maintenance of existing structures within the scheduled site.</u>¹⁵</p> <p>2. Activity status: Restricted Discretionary Matters over which discretion is restricted:</p>	<p>a. The effects on amenity and landscape, including visual effects on the site or area of significance;</p> <p>b. The extent of effects on cultural and historical values;</p> <p>c. Extent, timing and nature of any replanting; and</p> <p>d. Erosion and sedimentation risks.</p>
SASM-R7	Landfills, waste disposal facilities, significant hazardous facilities and offensive industries	
All zones	1. Activity status: Non-Complying	2. Activity status when compliance not achieved: Not Applicable
SASM-R8	Destruction or demolition of a site or area of significance to Māori	
All zones	1. Activity status: Non-Complying	2. Activity status when compliance not achieved: Not Applicable
SASM-R9	Quarrying or mining activities	
All zones	1. Activity status: Non-Complying	2. Activity status when compliance not achieved: Not Applicable
SASM-R10	Intensive indoor primary production	
All zones	1. Activity status: Non-Complying	2. Activity status when compliance not achieved: Not Applicable
SASM-R11	New cemeteries and crematoria	
All zones	1. Activity status: Non-Complying	2. Activity status when compliance not achieved: Not Applicable
SASM-R12	<u>Setback from wāhi tapu</u>	
All zones	<p>1. Activity status: <u>Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. The building or structure is to be erected on land adjacent to or abutting a site listed in Schedule</u></p>	<p>2. Matters over which discretion is restricted:</p> <p><u>a. The effects of the building or structure on the cultural, spiritual, and historical values of the scheduled wāhi tapu, including its visual prominence and proximity;</u></p>

¹⁵ Northland Regional Council [S332.46]

<u>SASM-R12</u>	<u>Setback from wāhi tapu</u>	
	<p><u>3 that is identified as a wāhi tapu; and</u></p> <p><u>b. Any part of the building or structure is to be located within 10 metres of the boundary of that scheduled wāhi tapu.</u></p>	<p><u>b. The outcome of consultation with the relevant mana whenua kaitiaki identified in Schedule 3 for the site, and the consistency of the proposal with any recommendations received;</u></p> <p><u>c. The extent to which the design, materials, scale, and orientation of the building or structure minimise adverse effects on the cultural values of the scheduled site; and</u></p> <p><u>d. The provisions of any relevant iwi and hapū management plan.¹⁶</u></p>

<u>SASM-R13</u>	<u>Freshwater related Sites and Areas of Significance to Māori</u>	
<u>All zones</u>	<p><u>1. Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>Any activity, use, or development that otherwise complies with the underlying zone rules but is within 10 metres of a freshwater body, or that may adversely affect Māori cultural values associated with a freshwater body, is a Restricted Discretionary Activity.</u></p> <p><u>Discretion is restricted to:</u></p> <p><u>a) the matters set out in SASM P8 and</u></p> <p><u>b) the freshwater SASM assessment matters.</u></p>	<p><u>2. Matters over which discretion is restricted:</u></p> <p>A. <u>Whether the site or receiving environment is associated with any freshwater related Sites and Areas of Significance to Māori, including wāhi tapu, wāhi taonga, mahinga kai, or broader cultural landscapes.</u></p> <p>B. <u>Effects on Māori relationships with freshwater:</u></p> <p>C. <u>The extent to which the proposal may adversely affect the relationship of tangata whenua with ancestral freshwater bodies, including rivers, wetlands, springs, river margins, and river mouths.</u></p> <p>D. <u>Te Mana o te Wai:</u></p>

Schedule 3 — Sites and Areas of Significance to Māori

¹⁶ Te Uri o Hau [S367.82], Te Roroa Whatu Ora Trust & Te Roroa Manawhenua Trust [S141.9]

Site	Description	Site Type ¹⁷
<u>Wairoa awa¹⁸</u>	<u>The awa from the junction of Pukehuia Road and Girls High School Road to the confluence of the Wairoa, Wairua, and Mangakāhia awa. Associated iwi authority: Te Uri o Hau Settlement Trust / Tangiterōria Marae.</u>	<u>Awa of significance to tangata whenua</u>

Site	Description	Site Type
<u>Kaharau¹⁹</u>	<u>Wāhi tapu at Waimamaku. Sixth Schedule wāhi tapu under the Te Roroa Manawhenua Trust Deed (executed 15 August 2006). Note: KDC acknowledges that the rohe of Te Roroa does not recognise district administrative boundaries; Kaharau is included in recognition of its Treaty settlement status and the indivisible nature of the Whenua Tūpuna cultural landscape. Associated iwi authority: Te Roroa Whatu Ora Trust / Te Roroa Manawhenua Trust.</u>	<u>Wāhi tapu</u>

Definitions Chapter

New definition	Place of significance to tāngata whenua
	<p><u>For the purposes of this Plan, a place of significance to tāngata whenua:</u></p> <p><u>1) is in the coastal marine area, or in a water body, where the values which may be impacted are related to any of the following:</u></p> <p><u>a) soil conservation, or</u></p> <p><u>b) quality and quantity of water, or</u></p> <p><u>c) aquatic ecosystems and indigenous biodiversity, and</u></p> <p><u>2) is:</u></p> <p><u>a) a Historic Heritage resource, or</u></p> <p><u>b) ancestral land, water, site, wāhi tapu, or other taonga, and</u></p> <p><u>3) is either:</u></p> <p><u>a) a Site or Area of Significance to Tāngata Whenua, which is a single resource or set of resources identified, described and contained in a mapped location, or</u></p> <p><u>b) a landscape of significance to tāngata whenua, which is a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified, and</u></p> <p><u>4) has one or more of the following attributes:</u></p> <p><u>a) historic associations, which include but are not limited to:</u></p> <p><u>i. stories of initial migration, arrival and settlement, or</u></p> <p><u>ii. patterns of occupation, including permanent, temporary or seasonal occupation, or</u></p> <p><u>iii. the sites of conflicts and the subsequent peace-making and rebuilding of iwi or hapū, or</u></p> <p><u>iv. kinship and alliances built between areas and iwi or hapū, often in terms of significant events, or</u></p> <p><u>v. alliances to defend against external threats, or</u></p> <p><u>vi. recognition of notable tupuna, and sites associated with them, or</u></p> <p><u>b) traditional associations, which include but are not limited to:</u></p>

¹⁷ Federated Farmers of New Zealand (Inc) - Northland Province [S136.41], Northland Regional Council [S332.42–45]

¹⁸ James Barrett [S70.1]

¹⁹ Te Roroa Whatu Ora Trust and Te Roroa Manawhenua Trust [S141.2]

New definition	Place of significance to tāngata whenua
	<p><u><i>i. resource use, including trading and trading routes between groups (for instance – with minerals such as matā/obsidian), or</i></u> <u><i>ii. traditional travel and communication linkages, both on land and sea, or</i></u> <u><i>iii. areas of mana moana for fisheries and other rights, or</i></u> <u><i>iv. use of landmarks for navigation and location of fisheries grounds, or</i></u> <u><i>v. implementation of traditional management measures, such as rāhui or tohatoha (distribution), or</i></u></p> <p><u><i>c) cultural associations, which include but are not limited to:</i></u> <u><i>i. the web of whanaungatanga connecting across locations and generations, or</i></u> <u><i>ii. the implementation of concepts such as kaitiakitanga and manākitanga, with specific details for each whanau, hapū and iwi, or</i></u></p> <p><u><i>d) spiritual associations which pervade all environmental and social realities, and include but are not limited to:</i></u> <u><i>i. the role of the atua Ranginui and Papatūānuku, and their offspring such as Tangaroa and Tāne, or</i></u> <u><i>ii. the recognition of places with connection to the wairua of those with us and those who have passed away, or</i></u> <u><i>iii. the need to maintain the mauri of all living things and their environment, and must:</i></u> <u><i>a) be based on traditions and tikanga, and</i></u> <u><i>b) be endorsed for evidential purposes by the relevant tāngata whenua community, and</i></u> <u><i>c) record the values of the place for which protection is required, and</i></u> <u><i>d) record the relationship between the individual sites or resources (landscapes only), and</i></u> <u><i>e) record the tāngata whenua groups determining and endorsing the assessment, and</i></u> <u><i>f) geographically define the areas where values can be adversely affected.</i></u>²⁰</p>

New definition	Wāhi tapu
	<p><u>Wāhi tapu means a sacred site or area that is of special significance to Māori. The particular attributes and boundaries of any wāhi tapu are defined by the hapū and iwi who are kaitiaki for the wāhi tapu.</u>²¹</p>

New definition	Tangata Whenua
	<p><u>Tangata whenua means, in relation to a particular area, the iwi or hapū that holds mana whenua over that area. Tangata whenua is held collectively by whānau, hapū, and iwi, not by individuals acting alone.</u>²²</p>

Amended definition	Tikanga
<p>Current glossary entry (to be amended): Customary values and practices that have developed over time.</p> <p>Recommended amended wording: <u>Māori customary values and practices (Te Roroa Claims Settlement Act 2008, s10; RMA s2).</u>²³</p>	

²⁰ Te Uri o Hau [S367.2], Te Roroa Whatu Ora Trust and Te Roroa Manawhenua Trust [S141.6]

²¹ Te Roroa Whatu Ora Trust and Te Roroa Manawhenua Trust [S141.6], Te Uri o Hau [S367.2]

²² Te Roroa Whatu Ora Trust and Te Roroa Manawhenua Trust [S141.6]

²³ Te Roroa Whatu Ora Trust and Te Roroa Manawhenua Trust [S141.6]

Appendix B – Officer’s Recommended Amendments to Māori Purpose Zone

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 red underline used for new text and ~~red strikethrough~~ used for deleted text).

MPZ — Māori purpose zone

Overview

The Māori purpose zone comprises Māori land in Kaipara District. The Māori purpose zone seeks to recognise and provide for the relationship of Māori with their ancestral land, by enabling Māori purpose activities, which includes marae, papakāinga housing, and kohanga reo, along with land-based primary production, residential activities, small-scale commercial activities and rural industry.

Treaty Settlement Land held in general title is identified on the Planning Maps with the Treaty Settlement Overlay and referred to in provisions of the underlying zone chapters.

The Māori purpose zone gives effect to responsibilities under section 6(e) of the RMA to recognise and provide for the relationship of Māori with their ancestral land, while also recognising and providing for other matters of national importance under section 6 (such as those managed by the Natural Environment Values chapters in Part 2 of this Plan).

Objectives

MPZ-O1	Relationship of Tangata Whenua/Mana Whenua to Māori land
Tangata Whenua/Mana Whenua are enabled to occupy, develop and use Māori Land and Treaty Settlement land for Māori purpose activities whilst also exercising their role as kaitiaki.	
MPZ-O2	Enable a range of activities
The Māori purpose zone enables a range of social, cultural and economic development opportunities that support the use, development and ongoing relationship of Māori with their ancestral land.	

Policies

MPZ-P1¹	Enable a range of activities
Enable a range of activities, including Māori purpose activities, land-based primary production, residential activities, small-scale commercial activities, and rural industry <u>and the activities listed in section 338(1) of Te Ture Whenua Act 1993</u> , while ensuring that land use and development:	
<ol style="list-style-type: none"> 1. Is consistent with mātauranga Māori, tikanga Māori and kaitiakitanga and consistent with whānau, hapū or iwi development plans; 2. Can be serviced by adequate onsite infrastructure or reticulated infrastructure where available; 3. Is at a scale and intensity that is appropriate for the physical characteristics of the land and the locality; and 4. Avoids, remedies or mitigates adverse effects on the environment. 	

¹ Te Uri o Hau [367.69]

MPZ-P2	Provide for use and development of Māori land within coastal and natural environment overlays
<p>Enable the use and development of land within the Māori purpose zone that is in a Coastal Environment, Outstanding Natural Character Area, High Natural Character Area, Outstanding Natural Landscape or Outstanding Natural Feature overlay, by having particular regard to:</p> <ol style="list-style-type: none"> 1. The role and responsibilities of Tangata Whenua/Mana Whenua as kaitiaki; 2. The need to enable use and development of Māori land in accordance with mātauranga and tikanga Māori to support the social, cultural and economic wellbeing of Tangata Whenua/Mana Whenua; 3. Alternative approaches to, or locations for, use and development that avoids adverse effects on the characteristics, qualities and values of the relevant overlay; 4. The lack of, or limitations on, alternative locations for Tangata Whenua/Mana Whenua to use and develop their land; and 5. Any adverse effects on the characteristics, qualities and values of the relevant overlay can be avoided, remedied or mitigated. 	

Rules

Notes:

1. *In addition to the rules in this chapter, resource consent may be required by rules in other chapters in the District Plan. See Part 1 - General Approach Chapter.*
2. *The Māori purpose zone rules do not apply to commercial forestry activities that are regulated under the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF).*

MPZ-R1	Buildings and structures	
<p>1. Activity status: Permitted Where:</p> <ol style="list-style-type: none"> a. The construction of new buildings and structures or the alteration or additions to existing buildings and structures complies with: <ol style="list-style-type: none"> i. MPZ-S2 Maximum height; ii. MPZ-S3 Height in relation to boundary; iii. MPZ-S4 Setbacks from boundary; iv. MPZ-S5 Setbacks from a coastal marine area; v. MPZ- S6 Setbacks for reverse sensitivity; and vi. MPZ- S7 Maximum building coverage and impervious surfaces. 	<p>2. Activity status when compliance not achieved: Refer to relevant standard</p>	

<u>MPZ-RX²</u>	<u>Demolition of a building</u>	
<p><u>1. Activity status:</u> Permitted</p>	<p><u>2. Activity status when compliance not achieved:</u> Not Applicable</p>	

² Kaipara District Council [222.15]

MPZ-R2 ³	Māori purpose activity
<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. Papakāinga housing does not exceed 10 residential units per site; and b. The activity complies with MPZ-S1 whānau, hapū or iwi development plan, <u>except if the activity is papakainga housing, then a development plan is not required if the number of residential units is 3 or less.</u> 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Impacts on the transport network and the safe design of site entry and exit b. Measures to manage adverse effects on the amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight; c. Any adverse effects on cultural values or rural character and any proposed mitigation; and d. Scale, design and location of buildings within the site to mitigate potential reverse sensitivity effects.

MPZ-R3 ⁴	Residential unit (excluding papakāinga housing and minor residential units)
<p>1. Activity status: Permitted</p> <p>The establishment of a new, or alteration, or expansion of an existing residential unit.</p> <p>Where:</p> <ul style="list-style-type: none"> a. The number of residential <u>units</u> does not exceed <u>one residential unit per 4ha of net site area.</u> : <p>2.—One residential unit per site where site is less than 24ha;</p> <p>3.—Two residential units per site where the site is at least 24ha and is less than 36ha;</p> <p>or</p> <p>4.—Three dwellings per site where the site is at least 36ha.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Impacts on the transport network and the safe design of site entry and exit b. Measures to manage adverse effects on the amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight; c. Any adverse effects on cultural values or rural character and any proposed mitigation; and d. Scale, design and location of buildings within the site to mitigate potential reverse sensitivity effects.

³ Te Uri o Hau [367.66]

⁴ Eruera Nathan [307.1]

MPZ-R4⁵	Minor residential unit <u>not permitted by the National Environmental Standards for Detached Minor Residential Units (NES DMRU)</u>	
	<p>1. Activity status: Permitted</p> <p>The establishment of a new, or alteration to, or addition to an existing minor residential unit.</p> <p>Where:</p> <ul style="list-style-type: none"> a. There is no more than one minor residential unit per site; <u>and</u> b. The minor residential unit shares vehicle access with the principal residential unit; c. The separation distance between the minor residential unit and the principal residential unit is no greater than 50m; and d. The minor residential unit has a maximum GFA of 90m²; excluding decks and any garage or carport. 	<p>2. Activity status when compliance not achieved with MPZ-R4.1.a or MPZ-R4.1.d: Discretionary Non-Complying</p> <p>3. Activity status when compliance not achieved with MPZ-R4.1.b or MPZ-R4.1.c: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Impacts on the transport network and the safe design of site entry and exit; b. Measures to manage adverse effects on the amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight; and c. Scale, design and location of buildings within the site to mitigate potential reverse sensitivity effects.

MPZ-RX⁶	Relocation of buildings	
	<p>1. <u>Activity status:</u> Permitted</p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>The building complies with standards MPZ-S2 to MPZ-S7 inclusive;</u> b. <u>A building inspection report shall accompany the Building Consent application, identifying reinstatement work required to the building's exterior; and</u> c. <u>All work required to reinstate the exterior of the building, including the siting on permanent foundations, shall be completed within 12 months of the building being delivered to the site.</u> 	<p>2. <u>Activity status when compliance not achieved:</u> Restricted Discretionary</p> <p>3. <u>Matters over which discretion is restricted:</u></p> <ul style="list-style-type: none"> a. <u>Reinstatement work needed, timetable for reinstatement and placement on permanent foundations, and bond to secure this work;</u> b. <u>Management of reinstatement work, including site maintenance and screening of the building during reinstatement; and</u> c. <u>The matters of discretion of any infringed standard MPZ-S2 to MPZ-S7 inclusive.</u>

MPZ-R5	Visitor accommodation	
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⁵ Kaipara District Council [222.32]

⁶ Kaipara District Council [222.28]

<p>1. Activity status: Permitted</p> <p>The establishment of a new, or alteration or expansion of an existing, visitor accommodation activity.</p> <p>Where:</p> <p>a. No more than 10 visitors per night are accommodated per site.</p>	<p>2. Activity status when compliance not achieved: Discretionary</p>
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MPZ-R6	Agricultural, pastoral or horticultural activities or forestry activities not regulated by the National Environmental Standards for Commercial Forestry (NES-CF) (excluding intensive indoor primary production)	
<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity does not include any offensive trade.</p>	<p>2. Activity status when compliance not achieved: Non-Complying</p>	

MPZ-R7	Commercial activity	
<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity does not include any offensive trade.</p>	<p>2. Activity status when compliance not achieved: Non-Complying</p>	

MPZ-R8	Rural industry	
<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity area has a maximum GFA of 500m²; per site;</p> <p>b. There is no more than one rural industry per site; and</p> <p>c. The activity does not include any offensive trade.</p>	<p>2. Activity status when compliance not achieved with MPZ-R8.1.a or MPZ-R8-1.b: Discretionary</p> <p>3. Activity status when compliance not achieved with MPZ-R8.1.c: Non-Complying</p>	

MPZ-R9	Conservation activity	
<p>1. Activity status: Permitted</p>	<p>2. Activity status when compliance not achieved: Not Applicable</p>	

MPZ-R10	Any activities not provided for as a permitted, restricted discretionary, or non-complying activity	
<p>1. Activity status: Discretionary</p>	<p>2. Activity status when compliance not achieved: Not Applicable</p>	

MPZ-R11	Quarrying and mining	
<p>1. Activity status: Non-Complying</p>	<p>2. Activity status when compliance not achieved: Not Applicable</p>	

Standards

MPZ-S1	Whānau, hapū or iwi development plan
<p>1. Whānau, hapū or iwi development plan is provided that includes the following details:</p> <ol style="list-style-type: none"> a. A site or master plan showing location, size, height of all buildings; b. The location and areas of any activities either within buildings or outside of buildings; c. The location of access, including internal accessways; d. The provision of onsite infrastructure and servicing ; e. Any guiding mātauranga Māori, tikanga Māori that is relevant to the site; and f. The whānau, hapū or iwi vision for the ongoing development of the land. 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> a. The justification for why a whānau, hapū or iwi development plan is not being provided; b. The size and shape of the site; c. The siting, design and scale of buildings; d. The ability to provide onsite infrastructure and servicing; e. The adequacy of roading infrastructure to service the development; f. Alternative approaches to or locations for development to manage effects on the environment; and g. Land use incompatibility and reverse sensitivity effects.

MPZ-S2	Height - buildings and structures
<p>1. The height of buildings and structures must not exceed 10m above ground level, except for:</p> <ol style="list-style-type: none"> a. Frost fans where: <ol style="list-style-type: none"> i. The height of the support structure must not exceed 10.5m above ground level; and ii. Blades must not rotate higher than 13.5m above ground level. b. Crop protection structures where the height must not exceed 15m above ground level. <p>2. This standard does not apply to:</p> <ol style="list-style-type: none"> a. Flag poles provided that they do not exceed the height limit by more than 1m; b. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; and c. Architectural features (e.g. koruru, finials, spires) that do not exceed 1m in height. 	<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> a. Effect on the character of the Māori purpose zone and surrounding rural character, including the intensity and scale of the built form; b. Effects on amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight; and c. Landscaping to mitigate impacts on visual amenity values.

MPZ-S3	Height in relation to boundary
<p>1. The building does not exceed 45 degree recession plane measured from 2.5m above existing ground level at the internal boundaries of the site.</p> <p>2. This standard does not apply to:</p> <ul style="list-style-type: none"> a. Site boundaries that adjoin a legally established entrance strip, private way, access lot, or access way serving a rear site. b. Solar panels and water heating plants; c. Chimneys, poles, masts, and roof plants where each of these structures does not exceed 1m in length parallel to the boundary. 	<p>3. Activity status where compliance not achieved: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Loss of privacy to adjoining sites, including potential loss in relation to vacant site; and b. Shading and loss of solar access to adjoining sites, including buildings and outdoor areas.

MPZ-S4	Setbacks from boundary
<p>1. All buildings and structures must be setback at least 10m from every site boundary, except:</p> <ul style="list-style-type: none"> a. On any site with a net site area of less than 5,000m², this setback shall be 3m from any site boundary. <p>2. This standard does not apply to:</p> <ul style="list-style-type: none"> a. Fences or walls no more than 2m in height above ground level; b. Swimming pools and uncovered decks less than 1m in height above ground level; c. Letterboxes, clotheslines and outdoor furniture; d. Underground wastewater infrastructure; and e. Water tanks less than 2.7m in height above ground level. 	<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Effect on the character of the Māori purpose zone and surrounding rural character, including the intensity and scale of the built form; b. Effects on amenity values of other sites including shading, dominance, privacy and access to sunlight/daylight; and c. Landscaping to mitigate impacts on visual amenity values.

The following Standard has immediate legal effect:

MPZ-S5	Setbacks from a coastal marine area
<p>1. Buildings, accessory buildings and structures must be setback at least:</p> <ul style="list-style-type: none"> a. Buildings, accessory buildings and structures must be setback 25m from the edge of a coastal marine area. <p>2. The setbacks in MPZ-S5 do not apply to:</p> <ul style="list-style-type: none"> a. Buildings and structures that are permitted under the Natural Character chapter; b. Where there is a legally formed and maintained road; c. Fences; <u>and</u> d. Infrastructure provided by a network utility operator; <u>and</u> <p>Structures associated with vehicle or pedestrian access.</p>	<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The design and siting of the building or structure with respect to effects on the natural character, landscape, ecological, public access and cultural values of the waterbody; b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the coastal margins; c. screening, planting and landscaping on the site; and <p>Natural hazard risks.</p>

MPZ-S6	Setbacks for reverse sensitivity
<p>1. All buildings used for sensitive activities are set back at least 300m from the edge of any buildings housing animals associated with an intensive indoor primary production activity located on a site under separate ownership; and</p> <p>2. All buildings used for sensitive activities are set back 500m from the site boundary of any existing mining activities or quarrying activities.</p>	<p>3. Activity status when compliance not achieved: Discretionary</p>

MPZ-S7	Maximum building coverage and impermeable surfaces
<p>1. Maximum building coverage must be no more than 10% of the net site area or 1,000m², whichever is lesser.</p> <p>2. Maximum impervious surface must be no more than 20% of the net site area, or 2,000m², whichever is lesser.</p>	<p>3. Activity status where compliance not achieved: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The character and amenity of the surrounding area; b. Any landscaping, planting and screening to mitigate any adverse effects; c. The effectiveness of the proposed method for controlling stormwater on site; d. The availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites; f. Whether low impact design methods and use of green spaces can be used; and g. Natural hazard mitigation and site constraints.

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General comments :

1. We have provided comments on priority parts of the plan/chapters of specific concern. However, we have not had sufficient time/resourcing to address all provisions, or consult broadly, and we intend to continue to work with KDC on plan development until the plan is notified. Our comments should therefore be taken as feedback only, and we reserve the right to raise additional matters through continued engagement.
2. We recommend the plan is reviewed as a whole with the aim of simplifying the language, reducing jargon, reducing complexity, and writing in an active voice. Many of the objectives and policies in particular are written in a passive voice and are not directive enough. A number of chapters contain a high number of provisions that seem over-complicated and, in our view, are unlikely to be the most appropriate way to achieve the purpose of the RMA, or the most efficient and effective way to achieve the desired objectives.
3. We consider that further thought needs to be given to the use of the terms tangata whenua vs mana whenua and in what instances they are being referred to individually vs combined as this varies throughout the plan. The terms are defined separately in the glossary but to plan users we think this distinction is going to be difficult to understand (despite the definitions being taken from the RMA).
4. Please check references throughout the plan to “Māori Purpose Zone Activities” – there are no Māori Purpose Zone Activities – it should either be Māori Purpose Activities (as defined and in any zone), or Māori Purpose Zone referring to the zone itself.
5. We request further discussion on the three terms being used and defined – Māori purpose activity (which includes Māori cultural activity) and Māori cultural activity (which on the face of it would include some of the items listed under Māori purpose activity) and Customary activities. We consider that the three separate terms may be confusing/complicating for plan interpretation. We would like to know the reasoning being applied etc.
6. ‘Home occupation’ is included in the definition of Māori Purpose Activities but is not defined. Is this supposed to be ‘Home business’ as defined? Should reference to papakāinga be to papakāinga housing?
7. Is there an option to map locations of marae under ‘context and information’ mapping, and potentially with a buffer applied to identify proximity to marae?

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Part 1: Tangata Whenua/Mana Whenua

General comments :

- What does the '**NOTE**' that has been added actually mean in practice? It will carry no weight as it is explanatory text and the removal of the harbour overlays and no rules relating to margins of waterbodies indicates that KDC will be applying no management over land use activities that could have adverse effects on the CMA and catchment?
- We would like to understand all of the provisions (particularly rules) in the proposed plan that KDC believe provide them the tools to "*have regard to any effects of natural and physical resource use and/or activities on the whenua that impacts the Ripiro, Kaipara Moana/Harbour and Mangawhai Harbour coastal marine areas*".

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments

Exposure Draft Kaipara District Plan – Te Uri o Hau and Te Roroa Feedback – 16 October 2022

Part 2: Strategic Direction – Climate Change

General comments :

- Is KDC planning to articulate any climate change/emissions goals? E.g. achieving net carbon zero.
- Would it be beneficial to identify in the overview for this chapter what the key risk areas are for Kaipara?
- We are interested to know what data/analysis KDC has undertaken on the impacts of climate change/natural hazards on marae and whenua Māori. Typically Māori land and infrastructure is disproportionately affected by climate change and we expect this to be the case in Kaipara, therefore this may need to be a specific focus area in the objectives. We would expect this analysis to be part of any s32 report if it is not currently available.
- Would be good to see some wording around resilient communities.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
SD-O1 – SD-O4			These could potentially be combined into a single objective, it is very repetitive. Could be reworded and improved.
SD-O1			Is the intention to just take climate change “into account”, or should the objective be that planning and decision making shall have regard to the effects of climate change...
SD-O2			What does “enabling the community to adapt” look like? Very vague
SD-O3			This should be subject to a disclaimer for sensitive environments, for example – “Provide for the establishment and increased utilisation of renewable electricity generation in the district, whilst avoiding adverse effects on sensitive environments such as...sites and areas of significance to Māori”
SD-O4			Could this be some type of list covering development objectives that will assist to reduce emissions? It seems to be the start of one, and would also have energy efficient buildings, refer clearly to active modes of transport, e.g. walking and cycling (rather than just connectivity), public transport, green space etc?

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Part 2: Strategic Direction – Growth

General comments :

- 12 objectives in the Strategic Direction – Growth section, plus 6 in the UFD section seems like too many. There is repetition and confusion between objective and policies. For example, SD-O7 shouldn't be an objective – its only about providing zones?? And UFD-O4 is a similar objective?
- Suggest this chapter is reviewed alongside the urban form and development chapter to reduce complexity and repetition.
- Detailed comments are not provided as it is not efficient to do so at this stage.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments

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Part 2: Strategic Direction - Tangata Whenua/Mana Whenua

General comments :

The strategic direction intent could be improved by clearer wording, grouping into similar themes and reducing the overall number of strategic objectives. It could come up a level and then perhaps there should be consideration given to including policies in this SD chapter where there are matters that fall outside the scope of policies within the Historical Heritage and SASM chapters? See approach taken in the Exposure Draft for the Te Tai o Poutini Plan as an example of inclusion of policies within SD chapter.

There is concern that the strategic direction – tangata whenua/mana whenua objectives will be ‘overlooked’ by plan users as is the case currently with Chapter 5 of the Operative Kaipara District Plan. For example, Policy 5.6.3 of the Operative Plan is ‘recognising Iwi Management Plans in consents and decision making’, however there is rarely a resource consent application or a resource consent report/decision by Council that considers the existing iwi management plans.

Other chapters of the new District Plan need to specifically cross-reference to this chapter to direct plan users. Additionally, cultural competency and familiarity and understanding of the existing iwi management plans by Council staff needs to be improved.

As a minimum, we request that all Zone chapters should cross reference to this chapter and that this should be clearly stated near the objectives and policies of the Zone chapters.

In addition, the Infrastructure, Renewable Electricity Generation and Transport chapters should also cross reference to this chapter and this should be clearly stated near the objectives and policies of these chapters.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
SD-O24			What does prioritise mean in this context, e.g. who should prioritise, when and over what? What does this objective seek to achieve in practice?
SD-O25			What is the intent of this objective? Section 8 of the RMA requires all persons exercising functions and powers under it, 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).

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			Is ‘recognising’ the principles intended to achieve a different outcome here?
SD-O26			Could possibly be combined (engagement aspect anyway) with SD-O24. Tikanga, mātauranga and kaitiakitanga should be recognised and provided for in decision-making across the entire plan, not just with respect to Māori historic heritage and natural environment overlays.
SD-O28			The heading is open to interpretation, i.e. what is an ‘inappropriate activity’? Should also include avoid adverse effects on sites and areas of significance to Māori.
SD-O29			Is it the act of ‘decision-making’ that should align with the values, or decisions made, or the process? I’m not sure how this works in practice, what does it look like when ‘decision-making’ aligns with the values in the IMPs? Agree with need to reference IMPs but wording needs to be improved. "Resource management policies and processes, including the decision-making process, have particular regard to: (a) tangata whenua/mana whenua values identified in this plan; and (b) iwi planning documents, including iwi/hapu environmental management plans lodged with Council.
SD-O30			There is some overlap with the heading for SD-O26. Can there somehow be one combined SD referring to tikanga, mātauranga and kaitiakitanga?
SD-O31			There is some alignment here with SD-O29 re IMPs, but also the underlying theme appears to be recognition that there are a number of relevant iwi with their own tikanga, separate IMPs, etc. It seems to be a point that is being implied but not captured well.
SD-O32			This is quite generic and in reality should already have happened/be happening through this DP review process. How will this be implemented in practice?
SD-O33			Needs wording improvement
SD-O34			Suggest “Provide for the cultural, economic, social and environmental wellbeing of Tangata Whenua/ Mana Whenua, including by enabling the

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			development of Māori land”. That way the objective is broader whilst maintaining the specific reference to Māori land.
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Part 2: Strategic Direction – Urban Form and Development

General comments :

- See previous comments on Strategic Direction – Growth chapter. Limited comment is provided here as these two chapters should be reviewed together.
- Note – if all other SD objectives are going to be labelled as “SD” then these should also be as it is located in the SD chapter.
- It is unclear what the intention of policies UFD-P3 – UFD-P6 are? Are they intended to be a zone description for considering future rezoning (UFD-P3) , or a description of appropriate activities in each zone (UFD-P4 – P6), or something else altogether?
- Detailed comments are not provided as it is not efficient to do so at this stage.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments

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Part 2: Energy, Infrastructure and Transport

General comments :

- This chapter should be reviewed to ensure that Sites and Areas of Significance to Māori are afforded equal weight with ONFs and ONLs (both addressed under s6 of the RMA). For example, the wording of INF-P13 relating to ONL and ONF is stronger and more directive than the wording of INF-P11 relating to SASM, despite them both being s6 matters of national importance.
- We would like to see the fundamental concept of Te Mana o te Wai recognised in this chapter (and potentially others), which is particularly relevant for stormwater and drainage.
- A full review of this chapter has not been undertaken due to time constraints.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments

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Part 2: Hazards and Risks – Natural Hazards

General comments :

- As per previous comments in relation to the climate change chapter, we are interested to know what data/analysis KDC has undertaken on the impacts of climate change/natural hazards on marae and whenua Māori. Typically Māori land and infrastructure is disproportionately affected by climate change and we expect this to be the case in Kaipara, therefore this may need to be a specific focus in the overview and provisions. We would expect this analysis to be part of any s32 report if it is not currently available.
- A full review of this chapter has not been undertaken due to time constraints.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
NH-P3			Marae are included in the definition of 'vulnerable activities'. What is a 'High Risk Hazard Area'? This is not defined or labelled in planning maps, is it just any mapped area?
NH-P6			<p>What is a 'High Risk Flood Hazard area' – not defined or labelled in planning maps?</p> <p>1(b) – is this will not be subject to inundation in a current day 1 in 100 year flood event, or taking account climate change? E.g. with SLR accounted for?</p> <p>2(b) – is this a current day 1 in 100 year flood event or taking into account climate change?</p> <p>2(c) – is this a current day 1 in 100 year flood event or taking into account climate change?</p> <p>2(d) – is this a current day 1 in 100 year flood event or taking into account climate change?</p> <p>As detailed above, we need to understand the extent of whenua Māori affected by these provisions in order to provide more feedback.</p>

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Part 2: Historical and Cultural Values – Historical Heritage

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
Overview			There is no cross reference to the SASM chapter. Should be clearer in the text (and not just hidden in the definition) that historic heritage includes both SASM as mapped <u>AND</u> also any other sites of significance to Māori that are yet to be mapped. So all references to historic heritage in the obs and pols include sites of cultural significance as determined by mana whenua, not just <u>mapped sites</u> .
HH-O1			Should include specific reference to tangata whenua/mana whenua
Add new policy			Add a new policy relating to tangata whenua/mana whenua and cultural sites more generally (to more broadly protect unmapped sites etc)
HH-P2			Should this be first in the policies? What is the method of assessing the values of historic heritage, should that be captured in the policies?
HH-R1			There is no differentiation between Category A and B items – is this intentional? Matters of discretion are not correctly worded. Potentially should/could have been: 3. Matters of discretion are restricted to: <ol style="list-style-type: none"> a. The effects on the identified heritage values of the item; b. The colour, texture, form and design to the original; c. The <u>use</u> of existing heritage fabric; and

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			<p>d. The architectural features and details that contribute to the heritage values of the item are not lost or obscured by new materials or changes.</p> <p>Query - <i>"Where the building is on the New Zealand Heritage List, the application shall be limited notified <u>only</u> to Heritage New Zealand Pouhere Taonga if its written approval has not been obtained."</i></p> <p>Does this statement preclude limited notification to other parties (including iwi)? If that is the intention this should be amended to allow for limited notification to mana whenua also.</p> <p>The same would apply for Rule HH-R2.</p>
HH-R2			<p>What is "works <u>within a setting</u> of a heritage item"? Does this mean works to the listed item, or on the same site as, or within a certain proximity to etc? Unclear.</p>
HH-R3 HH-R4 HH-R5 HH-R6			<p>Suggest an additional matter of control -</p> <p>x. Where the item is identified as having cultural significance to Māori, whether consultation has been undertaken and the outcome of that consultation.</p>

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Part 2: Historical and Cultural Values – Sites and areas of significance to Māori

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Reason
Overview	Support	Add – Te Uri o Hau hold mana whenua and a link to a map to assist the read where we hold mana whenua through our legislation.	This makes it clear that we are the recognised hapū that hold mana whenua. Refer the reader back to the Tangata Whenua Mana Whenua section of the plan. Suggest a hyperlink on our name as well.
Overview	NEW	Add – classifications of wai and cultural practices	Given the NPS-FM – it would make sense to make a classification of significance on wai – wai tapu, wai puna, te repo. This will further assist with use and access for cultural use and relationship instead of just mahinga kai. There is also tauranga waka – which is also relates to access and use. This is where highly sensitive areas (that are silent) can be better protected.
SASM-01	Oppose	Delete	The purpose of the SASM is purported in the Overview. This objective only states what the purpose of the section is but doesn't give practical function. Please look at objective around cultural use areas, access and decision making
SASM-02	Support	Add – decision making and ability to undertake cultural monitoring	This will align with SASM-P5. Kaitiakitanga is about application of a practice that protects our sites and matauranga associated with it. We need access to these sites to monitor mauri and well-being of our taonga species, and spiritual well-being. Essentially cultural monitoring is part of 'enabling exercise of kaitiakitanga'
SASM-03	Support	Amend	Uphold the cultural values and relationships associated with sites and areas of significance to Māori to ensure they are protected from inappropriate modification, subdivision, use and development.
SASM-04	NEW	Add – integration of the ecosystem	Can we acknowledge the ecosystem.

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Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Reason
SASM-P1	Support	Amend	<p>Not clear what is asked of the reader – do they identify the site and put it into the schedule in consultation with tangata whenua/mana whenua?</p> <p>Is this policy to enable discussions around identification? Tell the reader that engagement is required:</p> <ul style="list-style-type: none"> • to understand the value and relationships tangata whenua/mana whenua have with sites. • What protection or management of the area should look like • To enable sustainability of mauri and the spiritual relationship with have with these sites <p>These are the recommendations we have been making for years with applicants.</p>
SASM-P2	Support	Add	In consultation with tangata whenua/mana whenua
SASM-P3	Oppose	Delete and Replace	<p>Opposing because this gives a tick list for an AEE. The reader is making the determination to council that they have met this policy therefore exempted from meaningful engagement with mana whenua. This is a weak policy that allows agents to determine impact. BUT it is us that need to make that determination. This is where s88 should be place, prior to applying. This is the only way an applicant will truly know the impact of their activity.</p> <p>Values are associated to the site because of the matauranga that comes with it – only we hold this. So how can the applicant recognise and protect the identified cultural values</p>
SASM-P4	Support	Retain	

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Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Reason
SASM-P5	Oppose	Amend	The following is taken into account needs to be removed. And give effect is put in place of it. All considerations 2-9 need engagement with mana whenua with approval of ACC. Similar to the feedback on SASM-P3
SASM-P6	Support	Add – taken from Tasman District Plan	<p>Protect the identified values of these areas by: avoiding adverse effects on cultural values of the following activities in, or in close proximity to, SAMS areas:</p> <ol style="list-style-type: none"> a. mining and quarrying; b. landfills and waste disposal facilities, hazardous facilities and offensive industries; c. incompatible rural industry; d. factory farming; e. cemeteries and crematoria; and f. wastewater treatment plants and disposal facilities; <p>2. providing for the following activities within SASM areas where they avoid significant adverse effects on the connections to tangata whenua to these areas and the ability of the areas to support taonga species and mahinga kai, and protect the mauri and site integrity of the areas:</p> <ol style="list-style-type: none"> a. earthworks; b. buildings and structures; c. indigenous vegetation clearance; d. subdivision; e. infrastructure; f. lighting; g. land drainage; h. stormwater management; and i. noise.
SASM-P7	Support	Retain	
SASM-R2	Support	Add	b. Occupation sites i.e. Pa.

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Part 2: Natural Environment Values – Coastal Environment and Natural Character Areas

General Comments:

TUOH and TR have not been provided with comparative mapping showing the extent of the operative Kaipara Harbour, Mangawhai Harbour and Kai Iwi Lakes Overlays vs the proposed natural environment values overlays. This is necessary to understand where the 'gaps' may be in the mapping, and what the implications are for the proposed provisions. This has been flagged with KDC since late in 2021, along with concern over the move away from the Harbour and Kai Iwi Lakes Overlays approach. An integrated catchment management approach is promoted in Objective 3.1 of the Northland Regional Policy Statement 2016 that recognises, in particular, the significance of the Kaipara Harbour catchment.

The Operative District Plan contains objectives, policies and outcomes specific to the Harbour and Kai Iwi Lakes Overlays, including (our emphasis in underline):

4 Overlays

4.4 Objectives

Kai Iwi Lakes

4.4.8 To enable land use and development in the Kai Iwi Lakes Overlay, only where it is compatible with:

- The protection of natural character and landscapes; and
- Maintaining and enhancing the water quality of the lakes; and
- Maintaining and enhancing the significant social and cultural values associated with the lakes.

Kaipara Harbour

4.4.10 To recognise and where appropriate protect cultural, heritage and amenity values, including the special rural character of the Kaipara Harbour hinterland.

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Mangawhai Harbour

4.4.12 To recognise and where appropriate protect cultural, heritage and amenity values, including the special sense of place of land within the Mangawhai Harbour Overlay.

4.5 Policies

4.5.12 By managing the scale, location, operation and design of activities, particularly with respect to built form and potential aural impacts, to enhance the natural character, landscape and social and cultural values of the Kai Iwi Lakes.

We would like to understand how the outcomes sought under the current District Plan are reflected/captured in the Exposure Draft? And/or if those outcomes are no longer sought by the proposed district plan, particularly in relation to the interests of TUOH and TR and cultural values, then what is the rationale behind that decision.

We would also like to understand the rationale of combining the coastal environment with the natural character chapter. Our understanding is that the coastal environment chapter should be located independently under ‘General District-Wide Matters’.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Reason
Overview			This chapter appears to only apply to natural character within the coastal environment. <u>Where are the provisions relating to protecting the natural character values of rivers, lakes and wetlands and their margins outside of the coastal environment?</u> We would like to understand the policy decisions that have been made to exclude these matters. It may be that the Council wishes to rely on the NES-F and the Regional Plan but this is

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			<p>unclear and without more information on this we cannot comment on whether it is appropriate.</p> <p>Policy CE-P6 refers to ‘riparian margins’ but this is only in the coastal environment.</p> <p>There are zone rules included in the exposure draft relating to building and structure setbacks from waterbodies, and earthworks matters of discretion relating to the effects of earthworks on the margins of waterbodies, yet it is unclear what objectives and policies (outside of the coastal environment) provide the policy framework for these rules.</p>
CE-04			<p>Suggested edit:</p> <p>“CE-04 - Relationship of Māori to ancestral lands, <u>water, sites, wāhi tapu, and other taonga</u> within the coastal environment</p> <p>The relationship of Māori to their ancestral lands, <u>water, sites, wāhi tapu, and other taonga</u> within the coastal environment is recognised, maintained and <u>provided for</u> and Tangata Whenua/Mana Whenua are able to exercise kaitiakitanga.”</p> <p>Further to the comments recorded in the overview section, the above should also apply within the margins of rivers, lakes and wetlands.</p>

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CE-05 and CE-06			<p>Suggest that these objectives should have qualifiers (as recognised by Policy CE-P10) that in some instances the location of this infrastructure within the coastal environment may not be appropriate.</p> <p>Also, where is ‘nationally significant infrastructure’ defined?</p>
CE-P3			<p>Another undefined term – ‘critical infrastructure’?</p> <p>Amend #9 to read:</p> <p>“Any historical, spiritual or cultural association held by tangata whenua, and the objectives contained in the Strategic Direction – <u>Tangata Whenua/Mana Whenua chapter</u>”</p>
CE-P4, CE-P6			<p>We think there are some wording issues with these policies and the intent is unclear.</p>
CE-P8			<p>Requested wording changes:</p> <p>“Provide for the use of Māori purpose zoned land by <u>Tangata Whenua/Mana Whenua to use land</u> within the coastal environment by:</p> <ol style="list-style-type: none"> 1. Enabling Tangata Whenua/Mana Whenua to exercise kaitiakitanga and mahinga kai practices in the coastal environment in accordance with tikanga principles; 2. Protecting Tangata Whenua values in mahinga kai areas and other locations of significance to Tangata Whenua/Mana Whenua; and 3. Providing for the occupation, use and development in accordance with mātauranga Māori and tikanga Māori to support the social,

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			cultural and economic wellbeing of Tangata Whenua/Mana Whenua. “
CE-P9 and CE-P10			<p>It is unclear if these are a duplication/error? Requested wording change to CE-P10:</p> <p>“To recognise and provide for major upgrades of existing and the development of new national grid electricity infrastructure in the coastal environment by managing adverse effects:</p> <p>On:</p> <ol style="list-style-type: none"> 1. The qualities and characteristics of outstanding natural character areas; 2. The qualities and characteristics of natural character, in other parts of the coastal environment (including high natural character areas); 3. The ecological values and attributes of other indigenous biodiversity in the coastal environment. 4. <u>The relationship of Tangata Whenua/Mana Whenua with ancestral sites, sites of significance, wāhi tapu, customary activities and / or taonga”</u>
CE-R1			Is this rule supposed to just be for “Maintenance and minor upgrading of infrastructure” as the definition of “minor upgrading” is attached to infrastructure only.
CE-R14			<p>This rule should be titled “Māori purpose zone activities”</p> <p>Establishment and construction of Maori purpose zone activities should be enabled more so than ‘mining and quarrying activities’, which has the</p>

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			same activity status as Discretionary. Suggest a Restricted Discretionary activity status is applied.
CE-R23			References should be to “Māori purpose zone activities”
CE-S4			Are these volumes per site? And who is going to be responsible for measuring and recording earthworks volumes on a site over a 10 year period. This is impractical over such an extended period where you could have a site change hands multiple times. This will not occur.
CE-S6			As above, impractical over a 10 year period.

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Part 2: Natural Environment Values – Natural Features and Landscapes

General comments :

This chapter seems overly-complex with a number of objectives and policies crossing over each other and partially repeating. Compared to a range of other plans that have been prepared under the National Planning Standards, and compared to the Operative District Plan, this chapter is very difficult to follow. Suggest it needs to be reconsidered – 6 objectives and 14 policies seems unnecessary.

Comments below are selective only as it is not efficient to provide comments based on the current format of this chapter.

Why is the chapter heading ONF and ONL when it should just be Natural Features and Landscapes? Obviously there is the ability for Council to include other natural features and landscapes that are not outstanding and it is confusing that the heading is ONF and ONL, yet the identifier is “NFL” as per the planning standards.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
Overview			<p>Statement – “The criteria for identifying outstanding natural landscapes and outstanding natural features have been confirmed in the Northland Regional Policy Statement 2016. This criteria can be found in Schedule 6.”</p> <p>Schedule 6 is about identifying natural character, not ONL and ONF, where is the criteria?</p> <p>The chapter should reference Schedules 4 and 5. Actually it does hidden at the end – should be up the very front.</p> <p>The ONL report is from 2010? Has there been any new technical work done in this space? The ONL report is not sufficient for the purposes of the DP review as the policy framework is outdated – NZCPS and RPS as an example. Without additional updated information it is difficult to provide useful comment.</p>

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			<ul style="list-style-type: none"> - we request updated technical reports and copies of all updated worksheets for ONLs. - we require confirmation of the criteria being applied for identifying/reviewing ONLs for this DP review - we note that like the current DP, none of the ONLs in Schedule 5 are recognised as having importance to tangata whenua/mana whenua, despite this being one of the criteria for identification and we anticipate it would have been triggered in the worksheets for some of the ONLs
NFL-O1			This is a cross-over with NFL-P1 – should make it clearer and avoid repetition. Should also be clarity around criteria – this is referenced on NFL-P1 but no criteria provided.
NFL-O3			Should this really be an objective – “to promote...”
NFL-O4			<p>Suggest rewording –</p> <p>“Recognise and provide for the relationship that Tangata Whenua/Mana Whenua have with the land as a part of the characteristics and qualities of outstanding natural landscapes and outstanding natural features.”</p>
NFL-O5			This is a statement, not an objective, delete.
NFL-O6			Don’t need 2 objectives (out of 6) relating to infrastructure. There does not need to be a recognition objective for infrastructure, including the national grid, and it can be addressed as a policy. The objectives should be focused on the NFL, not vice versa, there is a separate chapter to provide objectives for infrastructure.
NFL-P8 – NFL-P10			There seems to be a disproportionate focus on policy provisions that relate to providing for infrastructure?
NFL-P11			The list of ONLs and ONFs is not extensive – has there been an analysis of the ONLs and ONFs to determine in which instances ‘primary production’ “forms part of the values that established the landscape or feature”.

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			This may be a very low number and could be identified relatively easily rather than an assessment that needs to occur on a case by case basis.
NFL-P13			Use of the word “encourage” as a policy – what does this look like in practice? While it sounds good, does it carry any weight in practical terms, its really an ‘other’ method. How is the Council going to ‘encourage’ this? Are there rules that incentivise etc??
NFL-P14			Reference to Tangata Whenua/Mana Whenua? As a passing comment, why are the considerations of associations etc held by Tangata Whenua/Mana Whenua always so far down the list? It is a matter of national importance under 6(e) and 6(f) but always appears down the list.
Notes			<p><i>6. A site-specific evaluation assessing the effects on outstanding natural landscapes or outstanding natural features shall be submitted with all consent applications for subdivision, use or development and must be undertaken by a suitably qualified expert.</i></p> <p>What about ONLs or ONFs that have particular association with/for tangata whenua/mana whenua – who is a suitably qualified expert on those matters?</p> <p>Suggest an additional requirement is added that a cultural impact assessment (or similar wording) must also be provided with all consent applications OR if a cultural impact assessment is not provided, a statement of any reasons given by the relevant iwi authority for not providing that assessment.</p>
Rules			Suggest grouping of rules into ‘outside of the coastal environment’ and ‘within the coastal environment’ (if they are going to be in this chapter). Also suggest looking at other approaches in other plans, as the proposed approach is very complex compared to other examples. The rules and standards are very difficult to follow.
NFL-R1 and NFL-R2			We request that Māori Purpose Activities are added to R1 and R2 so that the construction of non-habitable buildings ancillary to Māori Purpose

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			Activities (irrespective of zone) is also permitted subject to compliance with standards. This would be no more offensive than non-habitable buildings associated with rural production or network utility activities.
NFL-R5 and NFL-R6			What about earthworks that are directly related to the construction of non-habitable buildings that are permitted by R1 and R2 – e.g. preparation of the building platform etc?
NFL-R9 and NFL-R10			<p>NFL-R9 should be “Māori purpose Zone activities outside the coastal environment”, likewise NFL-R10 needs to be changed.</p> <p>Both of these rules are unclear. They appear to provide as a permitted activity <u>establishment and construction</u> of the following Māori Purpose Zone Activities – Wānanga, Customary Activities and Māori cultural activities.</p> <p>The word <u>construction</u> implies that buildings associated with these activities would be permitted but the intent is unclear. Do these rules override R1-R4 or are they additional to, and what construction do they actually enable?</p>
NFL-R10			<p>Is written as, and should be, a Restricted Discretionary Activity (currently labelled as Discretionary).</p> <p>An outcome of the final drafting of this chapter should be that Māori Purpose Activities, including all associated buildings and structures, within an ONL and ONF are no more stringent than a restricted discretionary activity. This recognises that both matters (protection of ONFs and ONLS + relationship of Māori and their culture and traditions...) are afforded equal consideration under s6 of the RMA.</p>

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<p>Outstanding Natural Features Rules</p>			<p>From this point onwards there is a problem with rule numbering ,e.g. the rules start at NFL-R10 again so there is duplication.</p> <p>Have these rules been drafted separately to the ONL rules as they take a different approach structurally and it is very confusing to the reader as you work through the chapter.</p>
<p>NFL-R10</p>			<p>We request that Māori Purpose Activities are added to R10 so that the construction of non-habitable buildings ancillary to Māori Purpose Activities (irrespective of zone) is also permitted subject to compliance with standards. This would be no more offensive than non-habitable buildings associated with rural production or network utility activities.</p>
<p>NFL-S1</p>			<p>Duplication and drafting errors</p>
<p>NFL-S3</p>			<p>There is no reference to colour groups which is another relevant factor in determining appropriateness in a landscape setting, where is the technical supporting document that this information is drawn from?</p> <p>We request a copy of the colour groups that would comply with the standard in order to make further comment, particularly in relation to traditional colour palettes associated with Māori Purpose Activities.</p>

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Part 2: Natural Environment Values – Public Access

General comments :

- This chapter has no recognition of the need for **customary access** to and along the CMA and waterbodies. This needs to be included in the chapter.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
PA-02			<p>Is this objective saying that public access is more, or less, important in sensitive environments? It is unclear as drafted.</p> <p>Sensitive environments should include sites of significance to Māori.</p> <p>Are you trying to protect the right of public access in sensitive environments, or is it trying to recognise that in some sensitive environments public access may not be appropriate/may need restricting? And if so, in what circumstances might that apply.</p> <p>We would consider that restricting public access may be appropriate in circumstances such as to protect customary activities, sites of significance to Māori and values of significance to Tangata Whenua/Mana Whenua. There needs to be a specific policy relating to restricting public access in certain circumstances.</p>
PA-P2			<p>This could be combined very simply into PA-P1. There will be rules setting out esplanade reserve requirements etc and a separate policy is not needed as the rules are driven by PA-P1 and RMA requirements.</p>
PA-P3			<p>Again no recognition of sites of significance to Māori.</p>

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Part 2: Subdivision

General comments :

- Due to time constraints, the below are preliminary only.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
SUB-P7			Suggest open spaces should be accessible for <u>active modes of transport</u> , including walking and cycling
SUB-P9			Delete this policy. We don't consider there should be a policy direction from KDC on this matter and if KDC considers it necessary we request the opportunity to discuss what the intention is.
			We consider specific policy direction is required for subdivision in overlay areas, including importantly within SASM.
SUBS-S8			Do not agree with this subdivision standard. Any subdivision of a site containing a SASM should require consent as a minimum as a RD activity. Also suggest an additional requirement is added that a cultural impact assessment (or similar wording) must also be provided with all subdivision applications OR if a cultural impact assessment is not provided, a statement of any reasons given by the relevant iwi authority for not providing that assessment. There is again a discrepancy between the approach for ONLs and ONFs (NC activity) versus SASM, despite both being s6 RMA matters.
MPZSBU-R1			Why does KDC consider there no circumstances where subdivision within the MPZ should be provided for as less than a discretionary activity? We consider there should be opportunity for subdivision in the MPZ as a controlled or RD activity, particularly if it is in accordance with an IHEMP.

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Part 2: General district-wide matters - Earthworks:

General comments :

- Due to time constraints, the below are preliminary only.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
EW-P10			<p>Wording needs work and unsure the intent of the policy as it seems to relate to existing quarry operations. Shouldn't the focus be on managing the conflict/effects of proposed quarry activities on existing sensitive activities?</p> <p>We would like this policy to be clearer/stronger so that it addresses situations such as the establishment of new quarries in close proximity to marae and urupa etc, e.g. where the quarry is not within an area of significance to Māori but is in close proximity to a sensitive cultural activity.</p>
EW-R1			What are 'ancillary rural earthworks'?
EW-R3			<p>'Minor land disturbance activities' are not defined – is any earthworks activity considered to be a minor land disturbance activity if a and b are complied with?</p> <p>'a' is unclear – what does it even mean?</p> <p>'b' – to be 'minor', you just need to meet EW-S1. There is no setbacks required from the bank of any lake, river or edge of any wetland?</p>
EW-R5			Importation of fill that is not cleanfill should definitely have a setback from waterbodies and a setback from existing sensitive activities and Māori purpose activities.
EW-R6			'd' should include – not located within 200m of any existing Māori purpose activity.

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EW-R7 and R8			Why is it separated into 'General Rural Zone and Rural Production Zone' vs 'All Other Zones' if they are exactly the same?
EW-S1			The Māori Purpose Zone is not included? No stipulated setbacks from waterbodies? However, the matters of discretion include 'effects on the margins of water bodies'?

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Part 2: General district-wide matters - Light:

General comments :

- We would like these provisions to recognise protection of the nightsky and the impact on customary practices of maramataka. Please consider including policy wording relating to avoiding adverse effects on views of the night sky and intrinsically dark landscapes; and whether an upward light ratio should be applicable to address sky glow.

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
LIGHT-R1			Suggest added matter of discretion – “the effects on cultural practices, including visual observation of the night sky”

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Part 3: Area-specific matters – Zones – Rural Zones:

General comments :

- All MPZ land is bordered by land that is zoned either General Rural, Rural Production or Rural Lifestyle, and consideration needs to be given to the types of activities that should have a buffer to activities on MPZ land. The focus of the rural zones is on providing for the land uses in those zones, but what about when adjacent to existing sensitive activities on MPZ land?
- There are no provisions relating to the relationship of Māori to their ancestral lands etc in the Rural Lifestyle Zone – is this an intentional omission?

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
GRUZ-O5			Suggest: “The relationship of Tangata Whenua/Mana Whenua to their ancestral lands are recognised and enabled to allow occupation, development and use in, and adjoining, Rural Zones, while ensuring the health, safety and wellbeing of people and communities is maintained.”
GRUZ-P5			Suggest to include: Avoid commercial and industrial activities in the General Rural Zone unless they: <ol style="list-style-type: none"> 1. Have a functional need to locate in the General Rural Zone. 2. Support primary production activities 3. <u>Can avoid, remedy or mitigate adverse effects on existing Māori purpose activities.</u> (or an alternative term TBC)
GRUZ-P7			The heading of this policy as ‘Papakāinga’ doesn’t match the words?

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			<p>The policy is in the General Rural Zone but it is referencing Māori land and Treaty Settlement Land – isn't this land all going to be caught by the Māori Purpose Zone or will some of it be General Rural Zone? This needs to be clarified.</p> <p>If the MPZ is going to cover all Māori Land (as defined under the Plan) then wouldn't papakainga on Māori Land be addressed under the MPZ and this not be needed here? Or is this to cover land that doesn't meet the definition of Māori land at the time the plan becomes operative, however might subsequently become Māori land (but still be zoned Rural)?</p> <p>We need to understand the rationale behind this policy and its wording. Again, there is a specific requirement relating to servicing where Māori purpose activities are involved that is not applicable to other general rural activities, why is that?</p>
GRUZ-R1 and RPROZ-R1			What is 'offensive trade' – this is referenced in a number of the rules.
GRUZ-R16 and RPROZ-R14			Disagree with the inclusion of GRUZ-S5 as a standard. Who and what purpose is this standard serving? It is just added compliance cost.
GRUZ-R17			What is a 'rural commercial activity'? It is RD and there is no consideration of potential effects on existing Māori purpose activities (or alternative wording TBC).
GRUZ-R18			<p>Does 'sensitive activity' include all Māori purpose activities? If not then suggest the reference to existing Māori purpose activities is included.</p> <p>Also suggest that setback should be required as 300m from the boundary of any land within the MPZ.</p> <p>This activity should have a discretionary status, and if KDC elects to keep a RD status then the matters of discretion need to include the impacts on existing Māori purpose activities etc.</p>
GRUZ-R23			What is 'communal community housing'? Does this mean that on a single site of 10.01ha you can build 5 residential units in a cluster? What is the policy intent of this rule and what is to stop them from being subdivided off with relative ease once the land use is established?

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GRUZ-S5			Unnecessary, request delete.
RPROZ-O5			<p>Suggest:</p> <p>“The relationship of Tangata Whenua/Mana Whenua to their ancestral lands are recognised and enabled to allow occupation, development and use in, and adjoining, Rural Zones, while ensuring the health, safety and wellbeing of people and communities is maintained.”</p>
RPROZ-P8			<p>The heading of this policy seems correct compared to GRUZ-P7.</p> <p>The policy is in the Rural Production Zone but it is referencing Māori land and Treaty Settlement Land – isn't this land all going to be caught by the Māori Purpose Zone or will some of it be General Rural Zone. This needs to be clarified.</p> <p>If the MPZ is going to cover all Māori Land (as defined under the Plan) then wouldn't Māori purpose activities on Māori Land be addressed under the MPZ and this not be needed here? Or is this to cover land that doesn't meet the definition of Māori land at the time the plan becomes operative, however might subsequently become Māori land (but still be zoned Rural)?</p> <p>We need to understand the rationale behind this policy and its wording. Again, there is a specific requirement relating to servicing where Māori purpose activities are involved that is not applicable to other general rural activities?</p>
Standards			Note – a number of comments on the General Rural Zone standards are also applicable to the Rural Production Zone standards and have not been repeated here.
RPROZ-R8			Suggest requirement for a setback of 300m from the boundary of any land within the MPZ and any existing Māori purpose activities.

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Part 3: Area-specific matters – Zones – Special Purposes Zone – Māori purpose zone:

General comments :

- Reference to Māori purpose zone is inconsistent throughout – sometimes it is abbreviated, sometimes capitalised, others lower case. Needs to be proofed.
- We note that there is inconsistent wording and application of standards across the MPZ vs the rural zones. We would like to understand (perhaps it will be part of the s32 analysis) the rationale for the standards that have been applied to the MPZ vs other zones (various rural in particular). In most cases it appears the most stringent standard(s) have been applied to the MPZ.
- Need to discuss the three terms being used and defined – Māori purpose activity (which includes Māori cultural activity) and Māori cultural activity (which on the face of it would include some of the items listed under Māori purpose activity) and Customary activities. We consider that the three separate terms may be confusing/complicating for plan interpretation. We would like to know the reasoning being applied etc.
- Please also see previous feedback provided directly to KDC. We request a specific KDC run workshop on this chapter to work through specific examples of how the rules would apply in practice.
- Can consideration be given to a ‘catch-all’ rule where activities are in accordance with an IHEMP? See MPZ-R10 of the proposed Te Tai o Poutini Plan - <https://westcoast.isoplan.co.nz/eplan/#Rules/0/308/1/9741/0>

Provision number, map	Support/Oppose	Retain/Amend/Add/Delete	Comments
MPZ-O1			<p>To check terminology usage throughout.</p> <p>‘Ancestral land’ is defined and ‘Māori land’ is defined, however a number of objectives are using the term ‘ancestral Māori land’ which is not defined. Is this intended as a specific term with a specific meaning, we think this needs to be clarified as it is quite important for the intent of these objectives.</p> <p>If this objective is only applicable to the MPZ (which it is), then can it just say “Tangata Whenua/Mana Whenua (TBC) have maximum flexibility to occupy, develop and use land within the Māori Purpose Zone, exercising their role as kaitiaki by...”</p>

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MPZ-O2			<p>'Ancestral Māori land' again. Suggest reference to land within the Māori Purpose Zone as per above.</p> <p>May need to be wording tweaks to the descriptors of the overlay areas.</p>
MPZ-P1			<p>Suggest "Enable a range of activities that are compatible with the purpose of the Māori Purpose Zone role, function and predominant the character of the <u>area Māori purpose zone</u>, ..."</p> <p>As previously commented, we consider that the wording as drafted is suggesting that there is a 'predominant character' of the entire MPZ, whereas the character of land within the MPZ will vary dependent on the locality of Maori land.</p> <p>Some activities in the list are included within the definition of 'Māori Purpose Activities' so don't need to be in the list, need to check. E.g. Māori cultural activities.</p>
MPZ-P3			<p>To check – the use of the word 'overlays' – is this going to be defined (doesn't appear to be) – what is the intention to cover here.</p> <p>Should 4 just refer to "...manage and use their ancestral land"</p>
MPZ-P5			<p>Suggest rewording – perhaps "the location and extent of built development shall be determined by the physical characteristics and limitations of the land, servicing capacity and tikanga Māori."</p> <p>Or similar wording could be included as a separate point under policy MPZ-P6 instead of stand-alone.</p>
MPZ-P6			<p>Suggest this list can be reconfigured/some items combined. Eg is #9 regarding roading infrastructure about external roading, or internal, and then there is #3 which is about on-site infrastructure.</p>

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MPZ-R1			<p>Question – is every residential unit and/or minor residential unit proposed to be constructed on MPZ land going to be considered ‘papakāinga housing’? The operative DP contains a separate rule for ‘dwellings (excluding papakāinga)’ – is this a scenario that could arise in the proposed DP, and if so should it have a separate rule?</p> <p>Suggest permitted where:</p> <p>“a. the papakāinga housing comprises a maximum of 10 residential units per site...”</p>
MPZ-R3			<p>Disagree with the need to comply with MPZ-S1 for new marae. What is the need for this requirement and what/whose purpose does it serve? Any buildings or structures that require building consent will be dealt with under the Building Act and there is no need to add another requirement here.</p>
MPZ-R5			<p>See earlier comment re use of ‘Māori cultural activities’ – we consider this may be confusing.</p>
MPZ-R6			<p>See earlier comment re use of ‘Customary activity’ – we consider this may be confusing.</p>
MPZ-S2			<p>Suggest a greater height exceedance for flag pole/pou haki given the nature of the structure – perhaps 2m?</p>
MPZ-S3			<p>Is a HIRB standard necessary? It is not in any rural zones except for the settlement zone.</p> <p>There is also inconsistent wording of the standard amongst zones. If a HIRB standard is considered necessary by KDC, then it should not be applied to boundaries of land within the area being developed, e.g. for papakāinga housing, as this could be made up of multiple separate parcels.</p>
MPZ-S4			<p>There is an inconsistent approach to this standard amongst rural zones vs the MPZ. If a setback standard is going to be applied to the MPZ then</p>

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			<p>similar boundary setbacks should be applied as the settlement zone also – e.g. 1.5m from side boundaries and 3m from a road boundary, not 10m.</p> <p>The standard should not be applied to boundaries of land within the area being developed, e.g. for papakāinga housing, as this could be made up of multiple separate parcels.</p>
MPZ-S6			<p>In other zones (some), this standard appears to be a component of the setbacks standard?</p> <p>It makes it difficult to compare rules and standards across the various zones when the structure is inconsistent.</p>
MPZ-S7			<p>More strict than Rural Lifestyle Zone?</p>
MPZ-S8			<p>Why is this standard here when it isn't even in the rural lifestyle zone? Request deletion.</p>