

Submission on the Proposed District Plan for Kaipara District Council

To: Katherine Overwater, Planning Manager, Kaipara District Council

From: Puawai Kake (Principal Planner, Kohu Strategy and Planning), Fiona Kemp (Manager Environs, Te Uri o Hau), Rebecca Fletcher (Environs Te Uri o Hau),

Re: Submission on the Proposed District Plan for Kaipara District Council

Date: 23 June 2025

Contact: Fiona Kemp fkemp@uriohau.co.nz

Introduction

1. This submission is made by Te Uri o Hau Settlement Trust (**Trust**) a Post Settlement Governance Entity (**PSG**) submitting on the Proposed District Plan for Kaipara (**PDP**). The Trust has an Iwi Authority provision pursuant to Te Uri o Hau Claims Settlement Act 2002.
2. Te Uri o Hau (**TUoH**) is a proud hapū of Ngāti Whātua. The Trust is the mandated PSG that represents the interests of over 7,000 Te Uri o Hau beneficiaries and 14 marae within the Kaipara Council district, who are the tangata whenua and kaitiaki of natural resources within the statutory area of Te Uri o Hau.
3. Haumoewaarangi and Waihekeao are the recognised eponymous ancestors of Te Uri o Hau. Te Uri o Hau hapū groups include: Ngāi Tahu; Ngāti Tahinga; Ngāti Rangī; Ngāti Mauku; Ngāti Kauae; Ngāti Kaiwhare; and Ngāti Kura whose uri affiliate to ngā marae tūturu: Ōtamatea, Waikāretu, Ōruawharo, Waihaua.
4. The Te Uri o Hau rohe as defined by the Te Uri o Hau Settlement Act 2002 covers land and the marine and coastal area located in the Northern Kaipara region (see **Figure 1**). It embraces locale north of Wellsford in the south, to Te Arai Point taking in the Mangawhai Heads in the east, to Pikawahine in the north, across to Mahuta Gap on the West Coast and down, including Pouto. The Mangawhai and Kaipara Harbours are inclusive of Te Uri o Hau estates and territory: statutory area of interest extending to the outer limit of the Exclusive Economic Zone (as defined in the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977).

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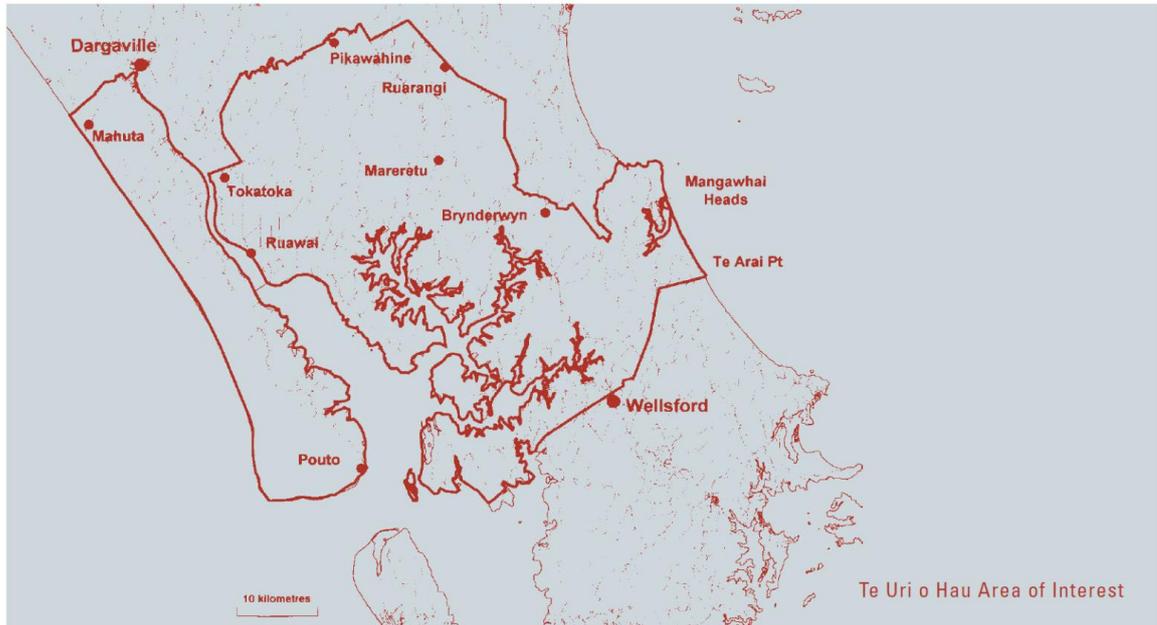


Figure 1 Te Uri o Hāu Area of Interest. Source: Deed of Settlement 2000¹

5. Environs Holdings Ltd (**Environs**) is mandated to act on behalf of the Trust on matters that affect the environment to advocate, protect, maintain and preserve the kaitiakitanga status and rights of TuOH. Environs provide advice to the trustees of the Trust on conservation, resource management and cultural matters. Environs welcome the opportunity to submit on the PDP but raise a number of issues and concerns in relation to the Proposed District Plan for Kaipara District.
6. We submit this feedback on the PDP as mana whenua on behalf of TUoH with responsibilities as kaitiaki. This submission reflects our ongoing commitment to the sustainable management of natural resources and the protection of taonga tuku iho within our rohe.

Summary of Position

7. TUoH could not gain advantage in trade competition through this submission. Environs welcome the opportunity to submit on the Proposed District Plan (PDP) for Kaipara. Although we disagree with the method of engagement and consultation the Council took to develop the PDP.

¹ <https://tkm.govt.nz/rohe/AOI-TeUrioHau.jpg>

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8. In any event, TUoH is directly affected by effects of the activities proposed in the Proposed District Plan for Kaipara District,
9. TUoH opposes and supports in part certain provisions in the PDP in its current form, as set out in **Appendix 1**. We believe certain provisions fail to adequately recognise and provide for:
 - Te Tiriti o Waitangi obligations
 - Our rights as tangata whenua
 - Our relationship with ancestral lands, water, sites, wāhi tapu, and other taonga including Schedules in the Te Uri o Hau Deed of Settlement 2000
 - The principles of kaitiakitanga and rangatiratanga
 - The integration of mātauranga Māori and tikanga Māori in planning processes and decisions.
 - Limited recognition of Te Uri o Hau economic development and aspirations
 - Barriers for Māori land development and papakāinga housing
 - Lack of ongoing involvement in resource consent process; Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003
10. The topics of interest in this submission include, but are not limited to:
 - Strategic Direction
 - Māori Purpose Zone: Māori and Treaty settlement land development
 - Rural and coastal land use
 - Coastal environment
 - General Rural and Rural Lifestyle Zones
 - Ecosystems and Indigenous Biodiversity chapter
 - Earthworks
 - Natural hazards
 - Sites and Areas of Significance to Māori
 - Estuary estates
 - Subdivision
11. There is also very little recognition in the PDP of the resource consent issues for TUoH in the PDP discussed further below.
12. We also disagree and oppose the establishment of the new Estuary Estates (Mangawhai Central) Special Purpose Zone (EEPZ). In particular where provisions in the EEPZ override provisions in other parts of the PDP. TUoH have not been

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consulted or engaged on the development of this new Zone at all and request further consultation on the intent and proposed development in this area.

13. We are not opposed to new active transport opportunities, or sustainable developments where it meets the needs of community. But as noted in **Appendix 1** and previous reports provided to the Council and Mangwhai Central, the area is of high spiritual and cultural significance and is recognised as such under our Treaty Settlement legislation and Deed of Settlement. Any future development in this area must be assessed against the effects of our cultural values. This includes protection and avoidance of development in riparian margins across all coastal areas in TUoH rohe and Kaipara district.

Lack of consultation and engagement

14. The PDP has been drafted by the Council without active involvement of TUoH which has resulted in TUoH having little involvement in drafting of provisions. This is contrary to the direction under the RMA.²
15. In particular, TUoH are concerned with the lack of time and opportunity to consult on the PDP. We believe this is contrary to Schedule 1, clause 4A where it states [emphasis added]:

(1) Before notifying a proposed policy statement or plan, a local authority must—

(a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and

(b) have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

In particular, clause 4A(2) requires:

*(2) When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with subclause (1), it **must allow adequate time and opportunity** for the iwi authorities to consider the draft and provide advice on it.*

² See RMA, Schedule 1, clause 1B, clause 3(d), clause 3B, clause 4A.

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16. TUoH do not believe ‘adequate time and opportunity’ has been provided to consider the PDP and provide input on it. This is further reflected in **Appendix 1** where relief is sought to particular topics and provisions under the PDP.
17. A number of issues and matters in the Te Uri o Hau Kaitiakitanga o Te Taiao (Hapū Environmental Management Plan/HEMP) are not addressed or included in the PDP.³ An example is provided in **Appendix 2** and further discussed below in this submission.

Regulatory Framework

18. The Te Uri o Settlement Act 2002 (**the Settlement Act**) is the legislation that acknowledges the Crown’s apology to Te Uri o Hau for breaches against Te Tiriti o Waitangi.⁴ The Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003⁵ were developed as part of the Settlement Act in order to provide TUoH with resource consent applications that are in the Rohe. The Regulations enable TUoH to practice and uphold their mana and rangatiratanga in the rohe and exercise kaitiakitanga over taonga.
19. The Regulations are not included in the PDP under Part 1 – Introduction and general provisions – Tangata Whenua - Participation of Tangata Whenua in RMA processes. TUoH believe this is a breach of the Settlement Act, in particular section 64 distribution of applications to Te Uri o Hau governance entity.⁶
20. The chapter also implies that there are limited circumstances and requirement for applicants and council officers to engage with mana whenua. It is not clear to plan users to undertake sufficient notification assessment under sections 95A and 95B of the RMA and consider effects on TUoH cultural values. This is confusing and contradictory under the Settlement Act and the RMA.

³ See page 86 of HEMP.

⁴ <https://legislation.govt.nz/act/public/2002/0036/1.0/DLM154883.html#DLM156406>

⁵ <https://www.legislation.govt.nz/regulation/public/2003/0083/10.0/whole.html>

⁶ See Te Uri o Hau Claims Settlement Act 2002, section 64(1) – (3).

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21. There are a large number of guidance documents drafted by local authorities that can assist with notification assessments and taking into account iwi and hapū planning documents.⁷ It is recommended that Kaipara District Council engage with TUoH to draft an appropriate guidance document and practice notes on how to effectively engage with TUoH on resource consent application processes.⁸ Recommendations are provided in Appendix 1 on how to address this.

National Direction

22. Currently the coalition government is undertaking consultation on reforms to the RMA, including existing and new national direction.⁹ It is not clear what the new national direction will be. Therefore, TUoH reserves its right to amend its position once further detail on national direction has been released.
23. Fundamentally, this PDP has been notified under the existing version of the RMA, with existing national instruments directing how provisions should be drafted. As such, the current version of the national instruments must be considered and given effect to as described in the PDP.

Te Uri o Hau Kaitiakitanga o Te Taiao (Hapū Environmental Management Plan – HEMP)

24. The Te Uri o Hau Kaitiakitanga o Te Taiao is the Hapū Environmental Management Plan (HEMP) developed by TUoH.¹⁰ The purpose of the HEMP is to:

“provide a comprehensive plan to support Te Uri o Hau kaitiakitanga (guardianship) and rangatiratanga (authority) responsibilities in natural resource management within the statutory area of Te Uri o Hau. ... It has set objectives, policies and methods in response to identified natural resource issues.”¹¹

⁷ See for example: Environment Bay of Plenty <https://www.boprc.govt.nz/media/796590/taking-account-of-iwi-planning-documents.pdf> and Auckland Council: <https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/engaging-with-manawhenua.aspx>

⁸ This should extend to monitoring of consent conditions and plan effectiveness.

⁹ [Package 1: Infrastructure and development – Discussion document | Ministry for the Environment](#)

¹⁰ Available online at:

https://www.uriohau.com/_files/ugd/653f56_51b8acf24dc14074909d975c9f6bfa59.pdf

¹¹ Ibid, p.1.

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25. Under section 74 'Matters to be considered by territorial authority', clause (2A) states:

*A territorial authority, when preparing or changing a district plan, **must** take into account any relevant planning document recognized by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.¹²*

26. A number of matters in the HEMP provide clear direction to the Kaipara District Council on the issues of significance to TUoH and provisions on how to address these issues. Including, whakapapa and Area of Interest, cultural values, short term and long-term objectives relationship principles, and expectations around consultation and engagement.¹³

27. There are a number of topics in the HEMP that are relevant to the PDP that have not been addressed. These natural resource management matters are relevant to the delegated authority council has to uphold the RMA in the District, including but not limited to:

- Freshwater management
- Takutai moana, coastal area and harbours
- Whenua: land
- Growth and development
- Wāhi tapu and wāhi taonga: sacred areas and treasures
- Minerals
- Cultural Landscapes

28. Each of the matters listed above, and other matters not listed, have a number of issues, objectives, policies and methods that identify concerns of TUoH. For example, **Appendix 2** is attached to show how the topic Growth and Development can be managed to minimise or avoid the effects on cultural values of TUoH through subsequent Objectives, Policies and Methods. These Issues are identified below for easy reference:

Issues

¹² RMA, Part 5, Section 74, clause 2A.

¹³ Ibid, pages 11-13.

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- *Inappropriate development and uncontrolled growth is having adverse effects on Te Uri o Hau environment, taonga and relationships.*
- *The mitigation and remediation of adverse effects to natural resources within the statutory area of Te Uri o Hau in the development of subdivisions and the associated infrastructure.*

Population growth is an inevitable factor in Aotearoa New Zealand. However, ensuring sustainable growth through the development of subdivisions is pivotal in the development of any lands within the statutory area of Te Uri o Hau. There are many ways in which mitigation or remediation might be undertaken. The challenge for Te Uri o Hau, resource consent applicants, developers and land-holders, will be finding practical solutions for creating sustainable development. There are many ways in which Te Uri o Hau, resource consent applicants, developers and land holders can work together to find such practical solutions.

The need for papakāinga housing and employment opportunities is essential for Te Uri o Hau. Climate change considerations also need to be recognised in development proposals e.g. energy efficiency strategies, renewable energy, self-sufficiency, and the protection of productive soils for food production.¹⁴

Proposed District Plan Structure and Content

29. National Planning Standards set the structure for regional and district plans. The PDP has followed the structure in the National Planning Standards but is lacking further detailed provisions relating to the issues, objectives, and subsequent topics as identified in the TUoH Hapū Environmental Management Plan.
30. TUoH believe this is a breach of the National Planning Standards and the RMA.¹⁵ In particular the National Planning Standards state:

Local authorities must add sections and subsections within chapters where appropriate to organise related provisions.¹⁶

¹⁴ See HEMP, pages 55-57.

¹⁵ RMA, Schedule 1, Part 1, 3B(e)

¹⁶ See National Planning Standards, District Plan Structure Standard, 'Mandatory directions: Directions for all parts' at paragraph 5, page 14.

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31. TUoH also believe the PDP structure and content is inconsistent with the RMA. In particular under Schedule 1, Part 1, clause 3(1)(d):

Consultation

(1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult –

(d) the tangata whenua of the area who may be so affected, through iwi authorities;

and Schedule 1, Part 1, clause 3B(d) – (e) where it states:

For the purposes of [clause 3\(1\)\(d\)](#), a local authority is to be treated as having consulted with iwi authorities in relation to those whose details are entered in the record kept under [section 35A](#), if the local authority—

(d) enables those iwi authorities to identify resource management issues of concern to them, and

(e) indicates how those issues have been or are to be addressed.¹⁷

Lack of recognition of issues of significance to mana whenua

32. The Strategic Direction sets out the Council’s aspirations for development in the Kaipara district and states ‘the chapter identifies the strategic and significant resource management issues that are most relevant for the Kaipara District. But there is no detail around issues of significance to mana whenua.
33. There is only one Objective under the Strategic Direction which implies that there are no issues, other than ‘recognising and providing for’ tangata whenua relationship with lands, water, sites wāhi tapu, and other taonga. We agree with this Objective, but request that amendments are made in the PDP to include more objectives, policies and methods that support the aspirations of mana whenua in the area.
34. Furthermore, the Overview of the Chapter is confusing where it states:

‘The strategic objective and polices provide guidance on what the objectives and policies in other chapters of the plan are seeking to achieve. All relevant

¹⁷ RMA, Schedule 1, Part 1, 3B(d) and (e)

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objectives and policies in the District Plan (including the Strategic Direction objectives and policies) are to be read as a whole and considered together. No hierarchy exists between them.'

35. This is inconsistent with lower order provisions where policies and rules in additional chapters seek to give effect to higher order objectives.
36. As a result of only including one Objective (SD-TW-01) in the Strategic Direction chapter, there are no subsequent policies or methods in the chapter relating to the aspirations of TUoH for natural resource management in the rohe.
37. Therefore, further objectives, policies and methods are required in the PDP that address the issues of TUoH. See recommendations provided in **Appendix 1**.
38. In addition to providing more directives under the Strategic Direction chapter, the contents of the PDP:

(2) may state -

- (a) the significant resource management issues for the district; and*
- (b) the methods, other than rules, for implementing the policies for the district;....¹⁸*

39. Further, the PDP 'must give effect to a regional policy statement'¹⁹ and 'A district plan must not be inconsistent with a regional plan for any matter specified in [section 30\(1\)](#).

Lacking protection of mana whenua freshwater bodies

40. The PDP is almost completely silent on protecting freshwater bodies, including the receiving environment, from development and growth. This is inconsistent with the National Policy Statement on Freshwater Management (NPSFM). More provisions are required in the PDP to be consistent with this national direction. In particular Objective 2.1 and Policies 2, 3, and 4.

Natural hazards and resilience

¹⁸ RMA, Section 75(2)(a)-(b).

¹⁹ RMA, Section 75(3)(c)

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41. The impacts of climate change and natural hazards is a strategic priority for TUoH. As such, Environs is working closely with agencies to understand the level of risk and impact natural hazards will have on whānau and marae. TUoH have not had the opportunity to discuss this in detail with Kaipara District Council. TUoH have a Climate Adaptation Strategy that sets out the key issues and priorities in the rohe. This should be considered and given effect to in any future planning decisions on climate change and natural hazards in the District.
42. TUoH agree in principle with the chapter on Natural Hazards, however more stringent wording needs to be provided to minimize and avoid development and subdivisions in areas prone to severe natural hazards and risks. In particular, this should be made more clear in Objective SD-NH-01.
43. A number of TUoH Māori and Treaty settlement land is located in rural and coastal areas. As such the potential development of Māori and Treaty settlement land should not be precluded from natural hazard overlays. This is provided for under the draft Proposed National Policy Statement for Natural Hazard Decision-making 2023 where it states:
- Policy 7:** Māori and, in particular, tangata whenua values, interests, and aspirations are recognised and provided for, including through early engagement, when making decisions on new development on specified Māori land where there is a high or moderate natural hazard risk.*
44. As mentioned above, TUoH is finalising its Climate Adaptation Strategy where specific actions and priorities are identified. It is recommended that Council engage with TUoH to understand what the priorities are and how the PDP needs to respond to it. Including additional funding and technical support to upgrade and maintain critical infrastructure around TUoH whenua Māori, Treaty settlement land and additional cultural infrastructure and assets.

Regional Policy Statement for Northland

45. There are a number of issues, objectives, policies and methods under the Regional Policy for Northland (RPS) that are not addressed in the PDP. For

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example, **Issue 2.6: Issues of significance to tangata whenua – natural and physical resources** of the RPS states:

The following issues have been identified by iwi authorities as regionally significant as they relate to the state of, and pressures on, natural and physical resources:

(a) The decline of the mauri of natural resources (in particular water and land). (See also Issue 2.1 – Fresh and coastal water);

(b) The decline of mahinga kai, particularly kai moana harvesting sites, is impacting on the ability of tangata whenua to feed their whanau and manaaki manuhiri. (See also Issue 2.1 – Fresh and coastal water);

(c) Some tangata whenua in rural areas are drinking untreated water from streams and rivers. (See also Issue 2.1 – Fresh and coastal water);

(d) Land use and development can lead to damage, destruction and loss of access to wāhi tapu, sites of customary value and other ancestral sites and taonga which Māori have a special relationship with. (See also Issue 2.8 – Significant natural areas, features / landscapes and historic heritage);

(e) The loss of indigenous biodiversity, particularly where it negatively impacts on the ability of tangata whenua to carry out cultural and traditional activities. (See also Issue 2.2 – Indigenous ecosystems and biodiversity);

(f) The impacts of climate change. (See also Issue 2.7 – Natural hazards); and (g) The use of genetic engineering and the release of genetically modified organisms to the environment.²⁰

46. It is unclear how some of the issues of significance to mana whenua in the RPS and the Issues identified by TUoH in the HEMP are going to be addressed in the PDP. Additional provisions need to be included to avoid and minimise and further effects on the cultural values of mana whenua, while still providing for appropriate development on Māori Land and Treaty settlement land.

²⁰<https://www.nrc.govt.nz/media/clxj0ndy/regionalpolicystatementfornorthlandmay2016updatedmay2018.pdf>

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Next steps

47. TUoH welcome the opportunity to work closely with the Council through future iterations of the PDP. We are happy to meet with other submitters who have similar submission points. If this is to occur by pre-hearing meetings or conferencing, we are open to these discussions.
48. For further information or any discussions regarding this submission, please do not hesitate to contact us.

Nā,



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Appendix 1 – Submission points and relief sought

The relief sought will show new wording proposed underlined, deletions ~~striketrough~~

| Submission point | Topic | Provision | Support/Oppose/Amend | Rationale | Relief sought |
|---|------------------------------|--|--|---|---|
| Part One – Introduction and general provisions | | | | | |
| 1. | Tangata Whenua / Mana Whenua | Participation of Tangata Whenua in RMA processes | Support in part | Engagement with tangata whenua is a requirement under the RMA. The Tangata Whenua chapter is vague and confusing as to why applicants and council officers need to engage and consult on resource consent applications. The Tangata Whenua section describes the iwi and hapū who have mana whenua over the land and moana in Kaipara district More guidance and background information should be included to provide direction on how to do this. | Included further guidance on how and why engagement with tangata whenua is required. Include extracts from TUoH HEMP on Relationship Principles (p,11) and Consultation (page 13). Develop non-regulatory methods for engagement with mana whenua on RMA matters (including designations, RC, and plan changes). |
| 2. | Definitions and Terms | Historic heritage | Amendment to definition of Historic heritage . This should not include sites of significance to Māori | Historic heritage sites are regulated under Te Pouhere Taonga (Heritage) Act. There are separate rules, regulations and tikanga that direct the way in which sites of significance are managed by mana whenua. Not all sites of significance are | Include separate definition of sites of significance to Māori . Or include a separate definition for wahi tapu . See also definition under the Proposed Regional Plan for Northland |

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| | | | | the same, and management of sites will differ depending on the nature of the site. | |
| | | Māori purpose activities and papakāinga | Seek amendment to Māori purpose activities definition and papakāinga definition. | This is limiting to what mana whenua practice as ‘cultural activities’ on Māori and TSL. Being too prescriptive removes the ability to adapt tikanga Māori and cultural practices. The definition also when read alongside provisions of the MPZ limits a number of activities on Māori and Treaty settlement land to the activities listed under this definition. | <p>Delete or amend term ‘Māori purpose activities’.</p> <p>Include objectives, policies and methods in TUoH HEMP in relation to papakāinga development.²¹</p> <p>Amend definition of papakāinga to include:²²</p> <p><i>An activity undertaken to support traditional and contemporary Māori cultural living for tangata whenua to use and develop on:</i></p> <ol style="list-style-type: none"> <i>Māori land;</i> <i>Treaty Settlement Land;</i> <i>Land which is the subject of proceedings before the Māori land court to</i> |

²¹ See page 84-86.

²² See Far North District Council Proposed Plan for reference to similar provisions.

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| | | | | | <p><i>convert the <u>land</u> to Māori <u>land</u>; or</i></p> <p><i>d. <u>General land</u> owned by Māori where it can be demonstrated that there is an <u>ancestral link</u> identified.</i></p> <p><i><u>Papakāinga</u> may include (but not limited to) residential, social, cultural, economic, conservation and recreation activities, marae, wāhi tapu and urupā.</i></p> |
| | | Treaty Settlement Land | Amend Treaty Settlement Land to include Right of First Refusal (RFR) Land. | RFR Land is protected and identified under Treaty settlement legislation and should be included in the definition so it is easily identified and included in planning provisions. | See for example new wording provided for under the Auckland Unitary Plan: <u>acquired by a claimant group from the Crown pursuant to a right of first refusal process provided that the properties were specifically identified by reference to site or title in Treaty settlement legislation enacted prior to the date on which the Unitary Plan became operative as Right of First Refusal land for that claimant group.</u> |

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| | | Sensitive activities | Delete/amend definition of papakāinga | It is not clear why papakāinga have been included as part of this definition, and is confusing with the above definitions and terms. | Delete the term papakāinga from sensitive activities, in particular where is in relation to Natural Hazards. |
| Part 2: District Wide Matters | | | | | |
| 3. | Strategic direction – Tangata Whenua | SD-TW-01 | Support in part/Amend with new provisions | <p>There is no detail on issues of significance to mana whenua. There is only one Objective under the Strategic Direction which implies that there are no issues, other than ‘recognising and providing for’ tangata whenua relationship with lands, water, sites wāhi tapu, and other taonga. We agree with this Objective, but request that amendments are made in the PDP to include more objectives, policies and methods that support the aspirations of TUoH.</p> <p>For instance, the issues, objectives and policies set out in the HEMP for TUoH describe a number of activities that are of concern. This includes land use activities around sites of significance, the impact of residential development on TUoH cultural values and the impact on climate change and development in areas prone to natural hazards.</p> | <p>Include issues and objectives from Hapū Environmental Management Plan (HEMP). Provide further policies and rules that seek to address the issues of TUoH.</p> <p>See for example on p.55 of the HEMP that set out issues around growth and development (in Appendix 2).</p> <p>Add new policies and rules in this chapter for how this objective will be achieved and provided for instance:</p> <p>New policy on <i>Enabling mana whenua to exercise Rangatiratanga and Kaitiakitanga</i></p> <p><i>Also: to ensure that in the use, development and protection of natural and physical resources.</i></p> |

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| | | | | | <p><i>the views and interests of the tangata whenua are fully represented at every stage of the process, including the preparation and implementation of the District Plan.</i>²³</p> <p>Add a new policy that protects water bodies and mana whenua values</p> <p><i>Protect mana whenua values and interests around significant water bodies including wetlands, estuaries, lakes, rivers and streams.</i></p> <p>Add new policy to protect mana whenua interests and values around natural hazards and resilience planning: <i>Protect and enable mana whenua to practice kaitiakitanga and rangatiratanga in natural hazards planning by identifying risks and hazards that will have a</i></p> |

²³ See Whangarei District Plan Policy TWP-P1

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| | | | | | <i>significant adverse effect on their cultural values and cultural infrastructure (such as marae, urupa, wāhi tapu, papakāinga, mahinga kai and associated features).</i> |
| 4. | Strategic Direction - Natural Environment and Natural Environment Values | SD-NE01 | Support in part / amend with new additions | It is unclear what the Natural Environment objectives are seeking to achieve. Or why the Natural Environment Values are separated out from this part of the chapter. There is also no objective for support in rural character or environment, and no mention of protecting and preserving mana whenua values in these areas. There is also no mention of protecting mana whenua values in the natural environment, in particular freshwater bodies including the receiving environment. This is inconsistent with the NPSFM, the Hierarchy of Obligations and in particular Objective 2.1(1) and Policies 2, 3, and 4. | <p>Include 'protection of taonga species identified by mana whenua' in the Indigenous biodiversity objective SD-NE01.</p> <p>Include new objectives and policies around <u>Integrated Management</u> and avoiding adverse effects of development on freshwater bodies. Include provision of avoiding development and minimizing effects on freshwater bodies identified as significant by mana whenua in Deed of Settlement and other iwi and hapū planning documents.</p> <p>Add new objective under Ecosystem and Indigenous Biodiversity as:</p> |

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| | | | | | <p><i>The mauri and life force of freshwater bodies is protected and maintained from effects of inappropriate development and subdivision.</i></p> <p>Add additional policies and rules under the General-District Wide-Matters chapter to give effect to objectives in the NPSFM, in particular Integrated Management (Policy 3).</p> <p>Include new Objective to: <i>Protect and preserve the cultural values of mana whenua associated with the natural environment, taonga species and indigenous biodiversity.</i></p> <p>Amend Policy ECO-P1 to <i>Avoid adverse effects of subdivision, land use and development on:</i> <i>d) sites of significance to mana whenua, and on mana whenua cultural values.</i></p> |

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| | | | | | <p>Amend Policy ECO-P2 to: Outside the coastal environment, <i>Avoid significant adverse effects on sites of significance to mana whenua, taonga species, and mana whenua cultural values.</i></p> <p>Amend Policy ECO-P3 to include new sub-clause: <i>Manage subdivision, land use and development to protect significant indigenous vegetation and significant habitat of indigenous fauna and maintain indigenous biodiversity in a way that: Enables mana whenua to develop on whenua Maori and Treaty settlement land, where adverse effects on biodiversity are managed and minimised.</i></p> |
| 5. | Natural Hazards and Resilience | SD-NH-01 | Support in part/amend | The provisions are too permissive and need to be more stringent to avoid development in natural hazard risk areas. | <p>Delete 'predictable' from numerical point 1.</p> <p>Amend point 2 as follows:</p> |

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| | | | | | <p><i>'The adverse effects of risks from natural hazards are taken into account avoided as far as practicable, remedied or mitigated, for all new subdivisions, use and development.'</i></p> <p>Add new numerical point 5 to Objective to give effect and uphold the cultural values of mana whenua:</p> <p><i>'The impact of natural hazard risks are minimized on mana whenua cultural values and assets, enhancing their resilience and ability to adapt to the impacts of climate change'</i></p> |
| 6. | Natural Hazards | NH-02 | Amend | <p>Priority should be given to building and designing critical infrastructure in areas vulnerable and most prone to natural hazards and risks. Including coastal and urban areas prone to flooding. Infrastructure needs to be designed to remedy and mitigate the effects of these</p> | <p>Add wording to objective NH-02:</p> <p><i>'Infrastructure is located, designed and maintained to be resilient in areas vulnerable to natural hazards, having particular regard to mana whenua cultural</i></p> |

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| | | | | hazards, in particular roading and stormwater infrastructure. At times of natural disasters it is marae and community halls that are often used as emergency shelters for groups. Therefore infrastructure should be designed to protect and maintain these assets to support the operation of them in times of emergencies. Upgrading of stormwater systems should also be prioritized to ensure urban areas can withstand flooding and high rainfall events. | <i>infrastructure and community assets'</i> |
| 7. | Natural Hazards | NH-P5 | Support/ Amend | Support in part this policy, with the addition of giving effect to adaptation plans developed by TUoH. | Amend to include and prioritise mana whenua adaptation plans: <i>'Support an adaptive planning approach to managing the risks from natural hazards, including giving effect to mana whenua adaptation plans and community adaptation plans, where consideration of viable options to progressively adapt to change.'</i> |
| 8. | Natural Hazards | NH-P3 | Amend | Delete papakāinga from the definition of 'sensitive activity'. | Delete or amend the policy to exclude papakāinga |

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| | | | | As a result of land confiscations, whenua Māori belonging to whānau of TUoH, and Treaty settlement land is located in river and coastal hazard areas. However, the PDP should not limit or preclude development on these lands as it is a breach of Te Tiriti and ability of whānau to live and utilise these lands. | developments in these areas. OR, amend with following provision: <i><u>'Where papakāinga developments are proposed in High Risk Hazard Areas, new commercial and residential buildings shall be constructed and designed to be resilient to flood hazards.'</u></i> |
| 9. | Natural Hazards | New policy and methods for overland flowpaths or flood paths. ²⁴ | | Flooding from rivers or streams can have a negative effect on community, urban marae and infrastructure. New and existing developments should be managed in a way that avoids or minimises flood paths from being compromised, for example from new impervious surfaces. There is no policy or rules that manage the effect of buildings and subdivisions on overland flow paths. This is deeply concerning where there | Add new policy to manage overland flow paths or flood paths: <i><u>'Avoid as best practicable, or minimise effects of subdivisions and developments on overland flow paths.'</u></i> |

²⁴ See definition of 'Overland flow path' under the Proposed Regional Plan for Northland:

'The path taken by surface stormwater crossing a property comprising low points in the terrain (not including rivers and identified water courses), which will accommodate flood flows in a one percent annual exceedance probability rainfall event.'

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| 10. | Natural Hazards | NH-R1 – NH-R3 | Amend. | The rules are too permissive. Change to Controlled or Restricted Discretionary Activity. | Add new <i>'Impact on mana whenua cultural values'</i> as a matter of control or matter of discretion if RDA. |
| 11. | Sites and Areas of Significance to Māori Sites and Areas of Significance to Māori | SASM-O2 | Support, delete and seek amendment | TUoH are generally supportive of this chapter. Given that the immediate legal effect of the Rules. TUoH seeks the following to be added to the Notes. Relief sought will enable the PDP to uphold the permissive rules and strengthen the objectives and policy beyond compliance-based protection to partnership-based kaitiakitanga that recognises Te Uri o Hau as active guardians rather than simply consultees in the resource management process. | Add more flexibility to the chapter enabling more sites to be added. Add to Notes <i>Where a site nomination has merit, Council may apply interim heritage protection orders or other statutory mechanisms pending plan change completion.</i> Add to Objective SASM-O2 <i>To provide a mechanism for recognising and protecting additional sites of cultural, historical, ecological, or landscape significance through district plan processes.</i> |
| | Sites and Areas of Significance to Māori | SASM-O1 | Support partially / seek amendment | The location of each site and area should be determined with the guidance and direction of mana whenua. It is a matter of national importance to provide for the relationship of Māori and their culture and | Amend to Objective SASM-O1 <i>Sites and areas of significance to Māori are identified by mana whenua/tangata whenua for their cultural significance and cultural values.</i> |

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| | | | | <p>traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.</p> <p>This enhanced approach would better reflect Te Uri o Hau's holistic worldview, support their rangatiratanga aspirations.</p> | |
| | Sites and Areas of Significance to Māori | SASM-P1 | Support partially / seek amendment | <p>TUoH preference is to be more collaborative with landowners and Council. Consultation is a method of communication with those that 'may' be interested or affected by a proposal. Collaboration with TUoH would be more efficient to achieve the stated objective with the greatest benefit and at the last cost.</p> | <p>Amend policy to include new wording: SASM-P1</p> <p><i>Identify and schedule sites and areas of significance to Māori in consultation and collaboration with Tangata Whenua/Mana Whenua.</i></p> |
| | Sites and Areas of Significance to Māori | SASM-P2(3) | Support partially / seek amendment | <p>The 'promotion' of active participation is ambiguous in terms of how 'promotion' is applied to achieve policy. Mana whenua participation should be provided for to ensure that cultural relationships, spiritual significance, traditional use patterns, and whakapapa connections are properly understood and protected. This leads to more culturally appropriate management approaches and avoids</p> | <p>Amend policy to include new wording: Promoting <i>Providing for active participation by mana whenua in resource management processes relating to scheduled sites.</i></p> <p>setback requirements from wāhi tapu is less than 1 metre on adjacent or abutting land</p> |

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| | | | | inadvertent damage to sites of significance. | |
| 1. | Sites and Areas of Significance to Māori | SASM-P4 | Support partially / seek amendment | <p>TUoH are supportive of the policy, however, seek consistency in wording in the description of the area a site of significance in this policy. This will ensure clarity for proposed activities on the extend of a site of significant and statutory acknowledgement areas.</p> <p>Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003 (SR 2003/83) is clear in it's dff</p> <p>Under section 95E of the Resource Management Act 1991, whether the is an affected person in respect of an application for a resource consent for an activity within, adjacent to, or that directly affects the statutory area The Council must provide a summary of any resource consent application for any activity that is within, adjacent to, or directly affecting a statutory area, to the trustees of the relevant Post Settlement Governance Entity</p> | <p>Amend policy to include new wording: SASM-P4 <i>Avoiding locating activities within or immediately adjacent the scheduled sites unless there is a functional or operational need and no practicable alternative location;</i></p> |

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| | Sites and Areas of Significance to Māori | SASM-P7(3) | Support partially / seek amendment | <p>TUoH is supportive of the provision. But seek a stronger wording to enable the TUoH Deed of Settlement with the Crown which identifies areas in which they exercise kaitiakitanga. This creates a legal foundation requiring meaningful consideration of our cultural advice.</p> <p>Te Uri o Hāu Settlement Trust represents the iwi as an "iwi authority" during the resource consent process under the Resource Management Act 1991. This formal recognition establishes their legitimate standing to provide cultural advice that must be meaningfully considered.</p> | <p>Amend policy to include new wording: SASM-P7(3)</p> <p><i>The outcome of any consultation with tangata whenua and, if any cultural advice is received, <u>must be given regard in resource consenting processes with the proposal's consistency with the recommendations identified;</u></i></p> |
| | Designations | | | | |
| 12. | Natural Environment Values – Ecosystem and Indigenous Biodiversity | ECO-O1 | Support/ seek amendment | <p>TUoH are supportive of this objective and seek its retention with the inclusion of significant water bodies and taonga species identified by mana whenua to the provision.</p> | <p>Add new wording to provision:</p> <p><i>'Areas of significant indigenous vegetation and significant habitats of indigenous fauna, including significant water bodies and taonga species identified by mana whenua are protected.'</i></p> |

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| 13. | Natural Environment Values – Ecosystem and Indigenous Biodiversity | ECO-04 | Support in part / Amend | TUoH support this provision, but seek amendment to enable community, council and mana whenua to work collectively in protecting indigenous biodiversity and taonga species. | Amend policy to include new wording: <i>'Landowners, and council, act as stewards in partnership with mana whenua who act as kaitiaki in the protection maintenance and restoration of indigenous biodiversity and protection of taonga species in freshwater bodies'.</i> |
| 14. | Natural Environment Values – Ecosystem and Indigenous Biodiversity | ECO-P1 – P5 | Support in part /Amend | TUoH support the intent of these policies and seek their retention. However, additional clauses should be added to each policy that recognizes and upholds the role of mana whenua to act as kaitiaki when protecting, maintaining and enhancing ecosystem health, indigenous biodiversity and taonga species. | Add new clause to each policy: <ul style="list-style-type: none"> <i>Enable mana whenua to uphold their role as kaitiaki to protect, enhance and maintain indigenous biodiversity, ecosystem health, and taonga species and habitats.</i> |
| 15. | General District Wide Matters - Earthworks | EW-02 | Delete or Amend. | Earthworks, quarrying and mining should not occur in or around sites of significance to mana whenua. The activities should be avoided where there | Amend Overview of chapter to include <i>'minimising and avoiding effects of earthworks, quarrying, and mining on cultural values of</i> |

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| | | | | are significant effects on the cultural values of mana whenua. | <i>mana whenua</i> , not just sites of significance for mana whenua. Amend EW-02: <u>Avoid quarrying activities, earthworks and mining where there are significant effects on mana whenua cultural values.</u> |
| 16. | General District Wide Matters- Earthworks | EW-P2 | Amend | Ecological and cultural values need to be protected and recognised. These need to be provided for and a CEA completed if they are going to have a more than minor effect on cultural or ecological values. | <i>Earthworks do not occur in locations where this would result in significant adverse effects more than minor effects on cultural or ecological values;</i> |
| 17. | General District Wide Matters - Earthworks | EW-P3 | Amend | Ecological and cultural values need to be protected and recognised. These need to be provided for and a CEA completed if they are going to have a more than minor effect on cultural or ecological values. | <i>New quarrying activities and mining activities and the expansion of existing quarrying activities and mining activities are located in appropriate locations, and do not result in significant adverse effects more than minor effects on cultural or ecological values;</i> |

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| 18. | General District Wide Matters - Earthworks | EW-S7 | amend | <p>Te Uri o Hau needs to be involved in the process of an accidental discovery from notification, until determination of if the discovery is of Māori origin or not. The protection and preservation of all urupā, wāhi tapu and wāhi taonga and archaeological sites within the statutory area of Te Uri o Hau. Respect is shown for Te Uri o Hau association with urupā, wāhi tapu and wāhi taonga, and archaeological sites within the statutory area of Te Uri o Hau. Acknowledgement of the relationship and association with Te Uri o Hau and their wāhi tapu, wāhi taonga, and archaeological sites within the statutory area of Te Uri o Hau is accurately recognised and provided for.</p> <p>Please refer to section 36. Wāhi Tapu and Wāhi Taonga: Sacred areas and treasures in our IHEMP</p> | <p>c. Wait for and enable an inspection of the site</p> <ul style="list-style-type: none"> i. Wait for and enable an inspection of the site by the relevant authority or agency and mana whenua; and ii. Following site inspection and consultation with all relevant parties including mana whenua (including owner and consent holder), the Council will determine the area within which work must cease and any changes to controls on discharges of contaminants. |
| 19. | General District Wide Matters - Subdivision | SUB-P1 3. | | <p>Avoid or appropriately mitigate the risks of natural hazards; The mitigation needed needs to be outlined. You need detailed assessments</p> | |

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| | | | | of site, enforce buffer zones around the natural hazards and have planting. Any proposed development or subdivision shall avoid, remedy or mitigate adverse effects of natural hazards including erosion, flooding and inundation, landslips, rock fall, alluvion (deposition of alluvium), avulsion (erosion by streams and rivers), unconsolidated fill, soil contamination, subsidence, and fire hazards 35. Growth and development IHEMP | |
| 20. | General District Wide Matters - Subdivision | SUB-P5 5. | oppose | <p>1. The costs of acquiring and/or maintaining the required esplanade reserve or esplanade strip would outweigh the potential public benefit.</p> <p>An esplanade reserve or strip enables us to access our waterways and mahinga kai and be able to participate in our customary take. This benefit far outweighs any cost of maintaining the esplanade.</p> | |
| 21. | General District Wide Matters - Subdivision | SUB-R6 | Amend | There needs to be stronger provisions for the environmental benefit subdivision. | Perpetuity Clause: Require that all covenants protecting significant areas be registered in |

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| | | | | | <p>perpetuity, with no provision for removal or downgrading without public or expert review.</p> <p>Third-party oversight: Mandate monitoring by an independent third-party (e.g. Te Uri o Hau or DOC,) to ensure compliance with the ecological management plan. Baseline ecological condition recorded in the ecology report with a commitment to increase the native vegetation cover by 20% over 5 years.</p> <p>In the applicant's ecological plan they need to provide achievable restoration targets that they plan to reach.</p> |
| 22. | General District Wide Matters - Subdivision | SUB-S8 | Amend | <p>Esplanade Reserves</p> <p>A wider esplanade would create easier access to waterways and mahinga kai.</p> | <p>d. A 20m 30mwide esplanade reserve or esplanade strip shall be created along the mark of mean high water springs or along the margin of the lake or river.</p> |
| 23. | General District Wide Matters - Subdivision | SUB-S13 | | <p>Sites of significance to Māori need to be protected and cared for. Te Uri o Hau need consent conditions requiring a cultural heritage covenant and a no disturbance rule.</p> | <p>Add to</p> <p>Te Uri o Hau requires a cultural heritage covenant registered on the title protecting the site of significance to Māori in perpetuity.</p> |

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| | | | | | Te Uri o Hāu requires a no disturbance rule, prohibiting earthworks or construction within or adjacent (within 50m) to the site without iwi consent and a Cultural Effects Assessment |
| 24. | General District Wide Matters - Subdivision | SUB-S15 | Amend | | <ol style="list-style-type: none"> 1. Any proposed building platform must be located entirely outside of the following areas: <ol style="list-style-type: none"> a. Coastal flood hazard area; b. River flood hazard area; and c. High risk hazard area. d. Highly Erodible Land |
| 25. | General District Wide Matters – Coastal Environment | CE-03 | Support in part/ seek amendment | TUoH support the intent of this objective as it seeks to give effect to Objective 3 under the NZCPS. But amendments are sought as it is ambiguous and confusing, and further recognition of TUoH mātauranga Māori must be provided. | <p>Amend objective:</p> <p><i>‘The relationship of mana whenua as kaitiaki of the coastal environment is provided for. Enabling mana whenua to act as kaitiaki over coastal areas and resources where mātauranga Māori is recognized.</i></p> |

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| 26. | General District Wide Matters – Coastal Environment | CE-P2 | Support in part/ seek amendment | Support in part as it seeks to promote appropriate development in the coastal environment. But seek amendment to provide for development of Māori land and Treaty settlement land | Amend policy to include: |
| 27. | General District Wide Matters – Coastal Environment | CE-P4 | Support / seek amendment or clarification | Support retention of policy. But seek clarification or amendment that the policy also applies to Treaty settlement land or Māori land that is not under the Māori Purpose Zone. General title land can also be turned into Māori land (or vice versa) and fall out of the Māori Purpose Zone. Similarly to Treaty settlement land returned under RFR – this policy should also be applicable to other Māori land and Treaty settlement land that falls out of the Māori purpose zone. | Delete reference to Māori purpose zone, and include more broadly Māori land as defined under Te Ture Whenua Māori Act, and Treaty settlement land returned as part of Treaty settlement legislation, including RFR land. |
| Part 3: Area specific matters | | | | | |
| 28. | Māori Purpose Zone (MPZ) | | Support in part MPZ. Seek amendment to wording of provisions. Amend PDP to include Treaty Settlement Zone. | The issues and objectives around development of Māori and Treaty settlement land is not identified in the PDP. The MPZ describes some of the aspirations in the Overview, but it is lacking in any specific detail that TUoH | Treaty settlement zone Introduce new Treaty Settlement Land Zone in PDP to enable different activities to take place on Treaty settlement land, as |

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| | | | | <p>has identified in Kaitiakitanga o Te Taiao (the hapū environmental management plan).</p> <p><i>Treaty settlement zone</i></p> <p>The Treaty Settlement Zone was provided for under the Operative Plan in Chapter 15B. With the removal of this Zone the MPZ excludes particular activities that have previously been provided for as guaranteed under Treaty settlement legislation. This includes protection and minimization of effects of cultural redress land and statutory acknowledgement areas.</p> <p>The exclusion of a Treaty settlement zone restricts and limits a number of activities that must be provided for on Treaty Settlement Land (TSL). Including multiple commercial activities. New wording for Treaty Settlement Zone can include wording from adjoining local authorities to ensure consistency of land use. TUoH traverses four different local authorities,</p> | <p>provided under Treaty settlement legislation.</p> <p>Re-introduce provisions from the Operative KDC Plan, in particular Chapter 15B provisions.</p> <p>Include new objectives for Treaty settlement land.²⁵</p> <p><u><i>Mana Whenua have flexibility to use and develop Treaty settlement land in accordance with mātauranga and tikanga while ensuring appropriate health, safety and amenity standards are met.</i></u></p> <p><u><i>Mana Whenua use and develop land acquired as commercial redress to support their social and economic development.</i></u></p> <p><u><i>Mana Whenua can access, manage, use and develop land acquired as cultural redress.</i></u></p> |

²⁵ As an example these objectives have been taken from Chapter E21: Treaty Settlement Land under the Auckland Unitary Plan.

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| | | | | <p>to consistency around TSL land use is desired.</p> <p>New provisions in the chapeau must be included for policies, rules and standards to ensure appropriate activities are managed on TSL.</p> <p>Amendment of MPZ provisions</p> <p>The terminology and Overview of this chapter is confusing and can lead to misinterpretation when applied. The regulation over Māori Land and Treaty settlement land differs substantially and the two land types should be managed under the PDP with different Zones and provisions.</p> <p>Further, seek deletion and amendment to the Overview and purpose of the MPZ. Such as removal of ‘small scale’ from the</p> | <p><i><u>Mana Whenua use and develop Treaty settlement land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, provided that adverse effects on those values are avoided, remedied or mitigated.</u></i></p> <p><i><u>The occupation, development and use of Treaty settlement land is not adversely affected by the location of new infrastructure.</u></i></p> <p>Amend MPZ chapter as follows:²⁶</p> <p>Overview</p> |

²⁶ It is proposed through this submission that new objectives, policies and rules are developed in partnership with mana whenua.

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| | | | | <p>section as this is limiting and can cause confusion around what ‘small scale’ means in respect of commercial activities. It also limits any commercial activity that is provided for under Rural, Commercial and Residential Zones under PDP.</p> <p>Amend Overview to include description that the MPZ prevails over any underlying zone.</p> <p>The objectives and polices are restrictive and limit activities that focus on ‘Māori purpose activities’ only. This is confusing when the rest of Objective MPZ-O1 also includes ‘exercising their roles as kaitiaki’. This objective is poorly worded and can be misinterpreted.</p> <p>Introduce new definition and chapter for papakāinga developments.</p> <p>Delete MPSZ-R5. Visitor Accommodation provisions and Rule.</p> <p>This contradicts the objectives of the MPZ, in particular restricting visitor</p> | <p><i>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, small-scale commercial activities and rural industry.</i></p> <p>MPZ-R5: Visitor Accommodation Activity status: <i>Permitted</i> <i>The establishment of a new, or alteration or expansion of an existing, visitor accommodation activity.</i></p> <p>Where: <i>No more than 10 visitors per night are accommodated per site.</i></p> |

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| | | | | numbers to 10, which is inconsistent with activities undertaken at marae. | Standards Amend standard MPZ-S1 to include the Development Plan is only required when 10 or more dwellings are on one site. |
| | General Rural Zone | New policy | Insert new policy or amend existing policy so not to preclude development of Māori land in Rural Zone. | There is a large number of Māori and Treaty settlement land in the Rural Zone. More direction needs to be provided in this Chapter to enable growth and development of Māori and Treaty settlement in this Zone. | Add new policy to chapter: <i>'Recognise that the Rural Environment has a large proportion of Māori land and Treaty settlement land in the Rural Zone, and provide for the special relationship of Māori to their whenua by enabling activities associated with cultural activities. Including papakāinga and marae developments'.</i> |
| | General Rural Zone | GRUZ-R11 | Amend activity status | The activity status should be permitted to enable better use and growth of papakāinga on whenua Māori and Treaty settlement land returned to TUoH in the Rural Zone. Where there are more than 10 dwellings being proposed on the same site, the same or similar Standards under | Amend activity status from Restricted Discretionary to Permitted or Controlled. If controlled, and there are more than 10 dwellings proposed on site, then add Standards from MPZ-S1 (if retained) to apply to this activity in Rural Zone. |

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| | | | | the Māori Purpose Zone (MPZ-S1) should apply. | |
| | General Rural Zone | GRUZ-S3 | Amend | <p>Te Uri o HAU wishes to do Cultural Effects Assessments (CEA) for any proposed activity within or near the 25m CMA setback zone.</p> <ul style="list-style-type: none"> o Erosion of the CMA o Exposure of koiwi, midden, <p>Te Uri o HAU would like its recommendations from their CEA's to be included in the conditions of the resource consent.</p> <p>Te Uri o HAU Kaitiakitanga o te Taiao section 31 – Takutai Moana: Marine and Coastal Areas and Harbours need to be considered for any application around the CMA</p> <p>There needs to be a setback of further than 25m in areas of cultural significance</p> | <p><i>Amend GRUZ-S3 to include mana whenua to do CEA on any proposed activity within or near the 25m CMA setback.</i></p> <p><i>That the recommendations from our CEA is included in the conditions of the resource consent.</i></p> |
| | Rural Lifestyle Zone | | | <p>RLZ-02 / RLZ-P1.3 From a Te Uri o HAU perspective, the rural lifestyle zone should not only be maintained but actively enhanced through the expression of kaitiakitanga and the restoration of the</p> | |

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| | | | | mauri of the land. Enhancement should reflect the relationship of Te Uri o Hau with the whenua, including the use of native vegetation, protection of cultural landscapes, and support for land uses that uphold mana whenua values and tikanga Māori. True amenity, in our view, is achieved when the land is thriving, the community is connected to te taiao, and the whenua supports the wellbeing of current and future generations. | |
| | Estuary Estates | EEPZ-01/ Objectives and overview | Amend. | <p>The significance to TUoH of this special purpose zone has been omitted. Mangawhai Central and the Council, has well documented cultural values assessment for TUoH in this area. Yet the Estuary Estates Design and Environmental Guideline has no provision to recognise and provide for the special relationship TUoH have to area.</p> <p>The Mangawhai Estuary is within the Area of Interest to TUoH (see Figure 1) and adjacent to statutory acknowledgement areas, including being a receiving environment to the Mangawhai Harbour.</p> | <p>Include new objectives to recognise and provide for cultural values of TUoH in the Zone.</p> <p>Include new objectives to address cultural significance of area and receiving environment to TUoH. New objectives to include:</p> <p>1) <i><u>Mana Whenua cultural, spiritual and historical values and their relationship associated with the Māori cultural landscape, including ancestral lands, water,</u></i></p> |

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| Submission point | Topic | Provision | Support/Oppose/Amend | Rationale | Relief sought |
|------------------|-------|-----------|----------------------|-----------|--|
| | | | | | <p><i>sites, waahi tapu, and other taonga, in the Estuary Estate Zone are identified, recognised, protected, and enhanced.</i></p> <p>2) <i>Subdivision, use and development is managed to maintain or enhance water quality within the freshwater catchment and receiving coastal environment, including the integration of Mana Whenua values, mauri, matauranga and tikanga associated with fresh water and coastal water resources</i></p> <p>3) <i>Subdivision and/or development within the precinct facilitates a transport network that avoids where practicable, or</i></p> |

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|------------------|-------|------------------|----------------------|---|--|
| | | | | | <i>otherwise remedies or mitigates adverse effects on the environment, including effects on mana whenua values.</i> |
| | | EESPZ – P1 – P42 | Amend | <p>TUoH have not been consulted or engaged on the development of this new Zone.</p> <p>The area is of high spiritual and cultural significance and is recognised as such under our Treaty Settlement legislation and Deed of Settlement. Any future development in this area must be assessed against the effects of our cultural values.</p> | <p>EESPZ-P1 Te Uri o Hau needs to be involved in the preservation and enhancement of the significant ecological habitat, so we are able to exercise our right of Kaitiakitanga</p> <p>EESPZ-P3, P4 As per our CVA we wish to implement Kaitiaki monitoring especially around the wetlands and waterways.</p> <p>EESPZ-P37 Stormwater needs to be treated and filtered to mitigate adverse effects on waterways and wetlands</p> <p>EESPZ-P40 wastewater infrastructure needs to be</p> |

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|------------------|-------|-----------|----------------------|-----------|---|
| | | | | | <p>improved to accommodate the influx from Mangawhai Central</p> <p>EESPZ-P42 Ensure that existing bush, streams and wetlands are covenanted and enhanced Cultural wayfinding including naming of streets as included in our CVA 2018</p> <p>EESPZ-P42 Te Uri o Hau would like first right of refusal for weed and pest management and planting</p> |

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Appendix 2: Example of Growth and Development as an issue of significance to TUoH and addressed through objectives, policies and methods

Growth and Development²⁷

Objectives

- *Sustainably manage and use natural resources while providing for adequate housing infrastructure and population growth within the statutory area of Te Uri o Hau.*
- *Support resilient, self-sufficient communities with a focus on community-wide solutions including sewage disposal, self-sufficient water supplies and renewable energy.*

Policies

- *Memoranda of Understanding or other forms of agreements with resource consent applicants, developers and land-holders to determine how a development will proceed, and which may include processes to be followed in the event of a culturally significant site and/or taonga being discovered.*
- *Memoranda of Understanding to ensure practical solutions are provided for the mitigation or remediation of adverse effects of any growth and development.*

²⁷ See pages 55 -57 of Te Uri o Hau Kaitiakitanga o Te Taiao, Hapū Environmental Management Plan (HEMP).

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- *Any proposed development or subdivision shall avoid, remedy or mitigate adverse effects of natural hazards including erosion, flooding and inundation, landslips, rock fall, alluvion (deposition of alluvium), avulsion (erosion by streams and rivers), unconsolidated fill, soil contamination, subsidence, and fire hazards.*
- *Where no reticulated water supply is available, the ability to provide individual water supply on any respective allotment within a subdivision/development.*
- *The adequacy of the supply of water to every allotment being created on the subdivision, and its suitability for the likely land use, e.g. the installation of filtration equipment if necessary, and water supplies for fire fighting purposes.*
- *The provision of allotments with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way to mitigate any adverse effects of storm-water runoff on receiving environments.*
- *Control of water-borne contaminants, litter and sediments, and the effectiveness and environmental impacts of any measures proposed for by avoiding or mitigating the effects of storm-water run-off, including low impact design principles.*
- *All plantings to be locally sourced native species.*
- *Where connection is not available for sanitary sewage disposal, all allotments in urban, rural and coastal zones shall be provided with a means of disposing of sanitary sewerage within the neat area of the allotment, except where the allotment is for a road, or for access purposes, or for a purpose of activity for which sewerage is not necessary.*
- *Locally produced renewable energy that is of an appropriate scale and technology is supported by Te Uri o Hau.*
- *Preservation of heritage resources, vegetation, fauna and landscape and land set aside for conservation purposes including notable trees, historic sites, buildings or objects, and sites of cultural significance to Te Uri o Hau. The continued preservation and enhancement of any natural resource, area or feature shall be an on going condition for approval to subdivision consents.*

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- *Te Uri o Hau access to sites and places for cultural purposes is provided through appropriate mechanisms e.g. legal agreement, condition of consent.*

Methods

- *Te Uri o Hau will establish Memoranda of Understanding with resource consent applicants, developers and land-holders to establish clear resource consent processes, consultation and assessments of subdivisions, and development within the statutory area of Te Uri o Hau.*
- *Te Uri o Hau in collaboration with the Northland Regional Council, Kaipara District Council, Auckland Council and wider community will develop strategies for the sustainable growth and development of resilient, self-sufficient communities within the statutory area of Te Uri o Hau.*