

Section 32 Report

Part 2

# Sites and Areas of Significance to Māori

Prepared for the  
Proposed Kaipara District Plan

Prior to Notification

**28 April 2025**

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**ATTACHMENTS (TO THIS DOCUMENT)**

- 1 Consultation with Iwi
- 2 National Policy Statements
- 3 Northland Regional Policy Statement
- 4 Northland Regional Plan
- 5 Other Legislation
- 6 Iwi Management Plans

**ABBREVIATIONS USED IN THIS REPORT**

Kaipara District Council Operative District Plan	KDP
Kaipara District Spatial Plan	KDSP
New Zealand Coastal Policy Statement	NZCPS
Northland Regional Policy Statement	NRPS
Proposed Kaipara District Plan	PDP
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Iwi-hapu environmental management plan	IHEMP
New Zealand Historic Places Trust	NZHPT

## **1. INTRODUCTION**

### **1.1 Overview**

1. This report details the pre-notification evaluation undertaken by Kaipara District Council (**KDC**) in relation to Sites and Areas of Significance to Māori (**SASM**) for the Proposed Kaipara District Plan (**PDP**). The report has been prepared in accordance with the requirements of section 32 of the RMA (**s32**).

### **1.2 Topic Description**

2. The purpose of the SASM chapter is to identify and protect sites and areas of significance to Tangata Whenua/Mana Whenua. Different land use activities will have different impacts on these sites and areas and inappropriate subdivision, development, re-development, and land uses can compromise the cultural and historic heritage value of land, water, sites, areas, wāhi tapu and taonga. These are all an integral part of Māori culture, history, and tradition, taking many forms such as, marae, roto, awa, maunga, matakūrae, moana, rākau, ngahere and pre-1900's archaeological sites, which all contribute to the rich cultural identity of the district.
3. 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 Mokeno 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.
4. Identifying these significant sites and areas, and providing a framework to manage activities on the sites, will ensure the effects of these activities can be assessed and that developers and landowners can undertake development in a way that minimises or avoids disturbance, and adverse effects.
5. The values associated with some sites may be obvious, such as archaeological sites, and place names, while others are less apparent, and can relate to the values derived from an association of an ancestor to a particular area, or traditional mahinga locations. It is important that the effects of activities are managed so the Tangata Whenua/Mana Whenua cultural heritage of the district is maintained, and where possible enhanced and celebrated.

6. It is acknowledged that there will be further sites and areas that are significant to Māori, additional to those identified in this plan. Such sites and areas need to be assessed and determined with the guidance and direction of Māori on a continuing basis.
7. To protect the cultural relationship that Tangata Whenua/Mana Whenua have with their sites and areas of significance, this chapter manages any activity where values of an identified site or area may be impacted. Council encourages early engagement with Tangata Whenua/Mana Whenua when planning development around these sites or within the areas of significance to Māori. It should be recognised that information could be withheld from the public on culturally sensitive sites under section 42 of the Resource Management Act 1991 (RMA) and in agreement with Tangata Whenua/Mana Whenua.

### 1.3 Scale and Significance of the Effects

8. The s32 evaluation must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. In order to determine the scale and significance, the following criteria have been used:

<b>TABLE 1: ASSESSMENT OF SCALE AND SIGNIFICANCE OF EFFECTS</b>		
<b>Criteria</b>	<b>Summary of effects</b>	<b>Evaluation</b> (1 is low and 5 is high)
Reason for change	<ul style="list-style-type: none"> <li>10-year review</li> <li>Giving effect to higher level RMA document</li> <li>Ministerial direction/requirement for plan to not be inconsistent with National Planning Standards</li> <li>Current provisions in the ODP are not effective enough to protect the SASMs</li> <li>improve planning tools to enable tangata whenua to use land in accordance with their beliefs and customs.</li> </ul>	5
Degree of shift from status quo	<ul style="list-style-type: none"> <li>The proposals represent a high degree of change from the status quo in terms of intent, quality of information and input from mana whenua.</li> </ul>	3

	<ul style="list-style-type: none"> <li>• The proposals provide greater clarity of the current approach to implementation including to evidence mana whenua consultation.</li> <li>• Clearer policy direction which gives effect to higher order statutory documents</li> <li>• Discrete set of provisions</li> </ul>	
Who and how many will be affected, geographic scale of effects	<ul style="list-style-type: none"> <li>• A limited number of property owners subject to SASM provisions</li> <li>• Majority of properties are located in General Rural Zone or Māori Purpose Zone</li> <li>• Sites are a mix of public land and private land and the majority of the sites are on public land and land owned by Māori.</li> <li>• Amendments will address tangata whenua concerns on protection of significant sites from inappropriate development.</li> <li>• Minor degree of impact on private property</li> <li>• Sites are spread throughout the district but many are within the coastal area</li> </ul>	3
Degree of impact on or interest from Māori	<ul style="list-style-type: none"> <li>• Feedback and interest from mana whenua on this topic has been significant with over four years of dedicated and regular engagement.</li> <li>• Provisions provide opportunity for the history and culture of mana whenua partners to be increased in prominence.</li> <li>• The provisions will ensure protection of significant sites for future generations.</li> <li>• High degree of positive impact on iwi/hapū</li> </ul>	5

	<ul style="list-style-type: none"> <li>Consistent with Te Roroa Environmental Management Plan, Te Uri O Hau Environmental Management Plan, Kawerau A Maki Trust Management Statement and Patuharakeke Hapu Environmental Management Plan.</li> </ul>	
Timing and duration of effects	<ul style="list-style-type: none"> <li>The impact of the proposal will be immediate from notification of the Proposed District Plan as rules have immediate legal effect</li> <li>The effect of the chapter is to protect and maintain sites and areas of significance to Māori in way that acknowledges the past and builds a cultural narrative and prominence of these sites into future.</li> <li>Engagement with mana whenua could see the process take longer as there could be high demand for their time to engage with affected landowners.</li> <li>This is expected to continue during the lifespan of the PDP due to new sites being discovered as the District develops.</li> </ul>	3
Type of effect:	<ul style="list-style-type: none"> <li>The proposal is centered around the protection and maintenance of sites and engagement with mana whenua</li> <li>Positive degree of impact on Part 2 Matters</li> <li>Effects restricted to the management of sites and areas significant to Māori</li> <li>Positive impact on social and cultural wellbeing for Māori</li> <li>High probability of Iwi losing significant sites if provisions are not enacted.</li> </ul>	3
Degree of risk or uncertainty:	<ul style="list-style-type: none"> <li>Provisions provide opportunity for the history and culture of mana whenua partners to be increased in prominence.</li> </ul>	3

	<ul style="list-style-type: none"> <li>• The effect of the chapter is to protect and maintain sites and areas of significance to Māori in way that acknowledges the past and builds a cultural narrative and prominence of these sites into future</li> <li>• Possible negative reaction from private landowners with these sites on their property.</li> <li>• Private landowners would be aware of these sites through engagement when the settlement acts were enacted.</li> <li>• Approach is consistent with other district councils.</li> <li>• No uncertainty in information</li> </ul>	
<b>Total (out of 35):</b>		<b>25</b>

9. The level of detail in this evaluation report is appropriate for the level of effects anticipated.

## **2. SUMMARY OF ADVICE RECEIVED FROM IWI**

10. S32 requires evaluation reports to summarise all advice concerning the proposal received from iwi authorities under Clauses 3(1)(d) and 4A of Schedule 1 of the RMA. The s32 evaluation reports must summarise the response to the advice received, including any provisions of the proposal that are intended to give effect to the advice.
11. During 2023 and 2024, council staff invited iwi authority representatives to meet and discuss district plan development. Meetings did not eventuate for various reasons. Both Iwi Authorities that Council has engaged with during the District Plan review process, have been helpful in terms of providing information to Council about which sites and areas are of most importance to Council. Information has been collected for several sites, however many of the sites assessed are yet to meet the criteria required for protection (set out by the Regional Policy Statement and guided through caselaw). Both Te Roroa and Te Uri o Hau recognise that further work needs to be carried out. The pre-notification draft plan was made available to Iwi. Iwi have advised they do not intend to provide feedback under clause 4A. Rather, they will provide it via their submission under Sch 1. A meeting has been scheduled with iwi authorities on 21 February to discuss and cover the Clause 4A requirements.
12. The table below summarises the consultation undertaken and advice received from iwi authorities in relation to Sites and areas of Significance to Māori.



13. Refer to the Overview s32 Report for additional information on consultation and Attachment 1.

<b>TABLE 2: SUMMARY OF ADVICE RECEIVED FROM IWI</b>		
<b>Details of the consultation process</b>	<b>Summary of advice concerning the proposal received from iwi authorities</b>	<b>Summary of the response to the advice received</b>
A number of hui have been undertaken with authorised representatives of Te Roroa.	Mana Whenua took the position that if a site or area met the significance criteria of Council, then there was no need for Mana Whenua to determine levels or categories of significance.	<p>Staff acknowledged their point of view. For Māori all sites or areas are taonga.</p> <p>Council has not applied a significance criterion to the sites as per their request. Rather, council has simply included the 3 categories of sites - SA areas, NA and CR areas as per the individual settlement acts.</p> <p>Council notes that not all sites Iwi consider significant are included in the schedule at this time, due to a lack of robust information. Further work will be undertaken at a later time.</p>
Exposure Draft Feedback	<p>A joint submission from Te Uri o Hau and Te Roroa was submitted.</p> <p>They asked that this chapter recognise the significant waters as per Te Mana o Te Wai along with the ecosystems.</p> <p>Some word changes to make sure that engagement would happen and to strengthen Mana whenua</p>	<p>Objectives were clarified along with the policies that they had indicated.</p> <p>The ecosystems are better suited to be addressed in the chapters that deal with climate change and biodiversity</p> <p>Amendments have been made to reflect the feedback.</p>

	ability to perform their kaitiaki duties and cultural monitoring.	
Authorised Iwi Authority (IA) Representatives	The IAs from Auckland and Far North were concerned about the gap in regulations between the PDP and Heritage New Zealand Pouhere Taonga regulatory framework that did not consider nor provide for the mitigation of intangible effects for accidental discoveries.	It was discussed that the HNZPT would be the better framework to address through using the Accidental Discovery Protocols as it already has its processes in place.

### 3. EVALUATION OF OBJECTIVES

#### 3.1 Appropriateness in Terms of Purpose of RMA

14. Council must evaluate in accordance with s32 of the RMA the extent to which each objective proposed in the PDP is the most appropriate way to achieve the purpose of the RMA.
15. The following objectives are proposed for Sites and Areas of Significance to Māori, the reasons for which are detailed in Table 1:

**TABLE 3: S32 ASSESSMENT OF PROPOSED SITES AND AREAS OF SIGNIFICANCE TO MĀORI OBJECTIVES**

**Proposed SASM Objectives**

**SASM-O1 Identify and protect sites and areas of significance to Māori**

**SASM-O2 Relationship to scheduled sites**

16. Part 2 of the RMA outlines the purpose and principles of the RMA, and Table 2 identifies the relevant sections of Part 2 of the RMA for each of the objectives in Sites and Areas of Significance to Māori.

**TABLE 4: RELEVANCE OF PROPOSED SITES AND AREAS OF SIGNIFICANCE TO MĀORI OBJECTIVES WITH PART 2 OF THE RMA**

**Proposed Sites and Areas of Significance to Māori Objectives**

		<u><b>SASM-O1</b></u>	<u><b>SASM-O2</b></u>
<b>RMA Part 2 Sections</b>	5(2)	✓	✓
	6(e)	✓	✓
	6(f)	✓	
	7(a)		✓

### **Section 5 RMA**

17. The objectives achieve the purpose of the RMA as they support the promotion of sustainable management of the finite natural and physical resources identified in Schedule 3. The objectives enable people and communities to provide for their social, economic and cultural well-being while sustaining these sites and areas to meet the reasonably foreseeable needs of future generations.
18. Protecting the sites and areas will have the effect of safeguarding the life-supporting capacity of air, water, soil, and ecosystems especially in mahinga kai areas. SASM-O2 directly responds to the RMA purpose to avoid, remedy, or mitigate any adverse effects of activities on the environment by adding the matauranga of kaitiaki. Sites and areas of significance to Māori contribute to the well-being of iwi and the district's residents.

### **Section 6 RMA**

19. Both objectives will clearly achieve s6(e) by enabling Māori to retain and strengthen their relationship with their ancestral lands, water, sites, wahi tapu, and other taonga. SASM-O1 requires these areas to be firstly identified, and SASM-O2 requires the relationship between Tangata Whenua and SASM sites to be protected.
20. SASM-O1 aims to retain and protect the sites and areas in Schedule 3 from 'inappropriate use, subdivision, and development' which will achieve s6(f) of the RMA.
21. Consultation throughout the process has provided Council's iwi partners with opportunities to identify their taonga and on the decision of how they should be protected (s6(e)). The sites and areas of significance to Māori provide a tangible connection to whenua and significant historical events and are an important element of historic heritage that contributes to the District's sense of place. As Māori heritage and SASMs are part of the natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures they are included in the definition of historic heritage as defined by the Heritage New Zealand Pouhere Taonga Act 2014 and the RMA.

### **Section 7 RMA**

22. Objective SASM-O2 gives regard to the applicable matters under section 7 RMA. Supported by policies and rules this objective is clear in relation to how the district plan manages the use, development, and protection of the SASMs in Schedule 3. The policies as notified, provide for iwi to practice kaitiakitanga over their sites and areas of significance as provided for under s7(a) with policies that are clear how Iwi involvement is to be included into any process.

#### **Section 8 RMA**

23. Objectives SASM-O1 and SASM-O2 are informed after consultation with mana whenua, undertaken under Clause 3B (Schedule 1) to understand their aspirations, resulting in Iwi working with council to co-develop the Tangata Whenua and the SASM chapter.
24. Council staff utilised the formal agreements that Council have with both Te Uri o Hau and Te Roroa as well as the principles of the Treaty of Waitangi to navigate and direct both collective aspirations for the protection of the sites and areas of significance to Māori.
25. Feedback provided by iwi has been utilised and woven throughout the PDP. In regard to the SASM chapter there are strong provisions guiding use and development on SASMs. It is considered that the process undertaken between Council and Iwi and the provisions as drafted take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
26. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they are the most appropriate way to achieve the purpose of the RMA.

#### **4. EVALUATION OF PROVISIONS**

27. S32 assessments must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives. In this instance, Sites and Areas of Significance to Māori proposes two objectives and this s32 assessment must assess whether the proposed provisions are the most appropriate to achieve those proposed objectives. This must include the identification of alternatives, and cost benefit analysis of the economic, social, environmental and cultural effects of the provisions including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered.
28. The Sites and Areas of Significance to Māori chapter proposes a number of new provisions, including policies, rules with conditions. Sites and Areas of Significance to Māori are identified on the planning maps, and SCHED3 contains the details of each site. The Chapter is supported by the Tangata Whenua Chapter for advice on engagement and identifying the correct Mana Whenua to consult with and Schedule (SCHED 3) which identifies protected sites and areas. The following sections of this report will identify the range of options available and assess the efficiency and effectiveness of the preferred provisions.

29. The following broad options have been identified and assessed with regard to Sites and Areas of Significance to Māori:

**Option 1 – Status Quo:** Retain the provisions of the ODP, Chapter 17- Historic Heritage. The status quo provisions are not robust enough for the current environment nor for the challenges facing protection of Māori heritage. Appendix 17.2: Nohoanga Areas and Areas of Significance to Māori, lists 13 sites which include Nohoanga sites, Statutory acknowledgement areas, Deeds of Recognition, an Overlay Classification or Te Tarehu and a Special Areas or Kirihipi. Pressures such as farming activities can lead to the destruction of these significant sites. Current protection for sites and areas is included with built heritage provisions in Chapter 17 Historic Heritage. The objectives of this chapter are very broad in general in regard to historic heritage and includes one objective (17.4.2) specifically applicable to Māori heritage in regard to protecting these from inappropriate subdivision, use and development, the supporting objectives are more focused on built heritage resources. The current approach is not always effective as landowners may not be aware of the existence of sites and areas of significance and may inadvertently destroy them. There is also a lack of certainty in information and limited opportunities for tangata whenua involvement in resource consent processes. Existing provisions do not recognise tinorangatiranga nor provide for kaitiakitanga nor give effect to the IHEMPs. There is a limited number of Nohoanga Areas and Areas of Significance to Māori scheduled. A review of the Schedule is required to ensure that all sites and areas of significance to Māori are included. This chapter as currently drafted is not in line with the expectations of the National Planning Standards where a specific chapter for SASM is expected to be included.

**Option 2 – Do nothing:** This option would mean no schedule of protected items or any rules. The protection of Sites and areas significant to Māori would be reliant on private landowners to voluntarily protect these important sites. It would not enable iwi to exercise kaitiakitanga or allow them to carry out cultural practices on the sites in accordance with tikanga Māori. This is not an appropriate response given the importance of providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as directed in s6(e).

**Option 3 – Updated provisions:** This option includes creating a new chapter as Sites and Areas of Significance to Māori. This new chapter is complying with the National Planning Standards. It will introduce a new framework of objectives, policies, rules and updated schedule that recognises the national importance of protecting these significant sites and areas. This new direction aligns with all higher order documents, is supported by the Tangata whenua chapter, and has strong objectives and policies that provide for kaitiakitanga. The provisions are in line with the four IHEMPs as shown below:

- a. Te Uri o Hau Kaitiakitanga o te Taiao<sup>1</sup> (Te Uri o Hau)

<sup>1</sup> <https://www.nrc.govt.nz/media/z5iipbv/te-uri-o-hau-environmental-management-plan-2011.pdf>

- b. Nga Ture Mo Te Taiao O Te Roroa<sup>2</sup> (Te Roroa)
  - c. Te Kawerau ā Maki Iwi Management Plan<sup>3</sup> (Te Kawerau ā Maki Iwi Tribal Authority)
  - d. Patuharakeke Hapū Environmental Management Plan 2014<sup>4</sup> (Patuharakeke)
30. In order to identify other reasonably practicable options, the Council has undertaken the following:
- a. Reviewed other relevant district plan provisions and gained the insight of Iwi Authorities whose rohe span more than one Territorial Authority boundary;
  - b. Targeted consultation with Tangata Whenua and Mana Whenua and incorporated feedback;
  - c. Considered feedback from elected members;
  - d. Considered feedback from consultation;
  - e. Consulted with Council Resource consenting and compliance teams.
  - f. Considered feedback from New Zealand Historic Places Trust.
31. The preferred option is Option 3 because this:
- a. Is consistent with the purpose and principles of Part 2 of the RMA (mainly s6(e)) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga and s6(f).:
  - b. Will provide Iwi with kaitiakitanga over these significant sites and areas and protecting the finite resource;
  - c. Will enable Iwi to undertake cultural rituals, practices and tikanga Māori;
  - d. Will give effect to the NRPS and other legislation;
  - e. Will provide clear direction for activities on land use with a specific set of objectives, policies and rules;
  - f. Will not impose unjustifiably high costs on the community or landowners;
  - g. Will assist with the ongoing protection and avoid destruction of these significant sites from inappropriate subdivision, land use and development, and

<sup>2</sup> <https://www.nrc.govt.nz/media/0z4cnvfv/2019-reviewed-version-te-ro-roa-iwi-environmental-policy-document-emp-2021-ratified.pdf>

<sup>3</sup> <https://gkz.f9f.myftpupload.com/wp-content/uploads/te-kawerau-a-maki-1995.pdf>

<sup>4</sup> <https://patuharakeke.s3.ap-southeast-2.amazonaws.com/public/website-downloads/Patuharakeke-Hapu-Environmental-Management-Plan-December-2014.pdf?vid=3>

- h. Is supported by an updated schedule along with the Tangata Whenua chapter which provides additional advice to assist with the implementation of the provisions.

**Provisions Cascade for preferred option to be evaluated in Table 5 below:**

<b>Option 3: Updated provisions</b>	<b>Objectives:</b>  SASM-O1 - Identify and protect sites and areas of significance to Māori  SASM-O2 - Relationship to scheduled sites
	<b>Policies:</b>  SASM-P1 - Identification and protection of sites and areas of significance to Māori  SASM-P2 – Kaitiakitanga  SASM-P3 – Activities enabled on scheduled sites  SASM-P4 – Managing the effects on scheduled sites  SASM-P5 – Destruction or demolition of a site or area of significance to Māori  SASM-P6 – Activities within a scheduled site or area  SASM-P7 - Considerations of effects on scheduled sites or areas of significance to Māori
	<b>Rules:</b>  SASM-R1 - Maintenance, alteration, demolition, or removal of existing buildings and structures within scheduled sites.



	<p>SASM-R2 - Animal grazing, pasture management and pest management within scheduled sites.</p> <p>SASM-R3 - Land disturbance (excluding earthworks) and cultivation within scheduled sites</p> <p>SASM-R4 - Earthworks within scheduled sites and areas</p> <p>SASM-R5 - New buildings or structures, and extensions to existing buildings or structures within scheduled sites or areas</p> <p>SASM-R6 - Indigenous vegetation clearance within scheduled sites or areas</p> <p>SASM-R7 - Landfills, waste disposal facilities, significant hazardous facilities and offensive industries</p> <p>SASM-R8 - Destruction or demolition of a site or area of significance to Māori</p> <p>SASM-R9 - Quarrying or mining activities</p> <p>SASM-R10 - Intensive indoor primary production</p> <p>SASM-R11 - New cemeteries and crematoria</p> <p>Identification on maps</p> <p>Schedule 3: Sites and Areas of Significance to Māori</p>
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<b>TABLE 5: EVALUATION OF PROVISIONS</b>	
<b>Option(s) &amp; Package of Proposed Provisions</b>	<b>Option 3 Updated provisions</b> SASM-O1 to SASM-O2 SASM-P1 to SASM-P7 SASM-R1 to SASM-R11 SCHEDULE 3

<b>Benefits</b>	<p>Economic:</p> <ul style="list-style-type: none"> <li>• Recognising, protecting and maintaining sites and areas of significance to Māori can have economic benefits for tourism locally and in the wider Northland Region.</li> <li>• Potentially more whanau identifying with their heritage and returning to the district more frequently.</li> <li>• Potential to access external funding opportunities.</li> </ul> <p>Social</p> <ul style="list-style-type: none"> <li>• Recognition and protection of sites and areas of significance to Māori provides for their social wellbeing in ensuring that these important resources are retained for future generations to enjoy, learn from and identify with.</li> <li>• Retention of heritage that is culturally and spiritually valued by the Māori community and Kaipara communities.</li> <li>• Potential enhancement community identity.</li> <li>• Retaining these significant sites and areas contributes to an understanding and appreciation of the history, culture and sense of place of the Kaipara District, the Northland region and within New Zealand.</li> </ul> <p>Environmental:</p> <ul style="list-style-type: none"> <li>• Provisions ensure that the finite qualities of sites and areas of significance are not degraded.</li> <li>• Opportunities to ensure and enhance the quality of the environment with a proactive approach to management.</li> <li>• A collaborative approach between the landowner and mana whenua to protect the site.</li> </ul> <p>Cultural:</p>
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	<ul style="list-style-type: none"> <li>• The strengthened provisions ensure that the appropriate management of sites and areas of significance occurs by providing mana whenua the opportunity to be involved in the decision making process.</li> <li>• Manu Whenua are able to exercise kaitiakitanga and share their matauranga with landowners.</li> <li>• Enables iwi to have a greater role in how development of a site or area can protect those values it has for mana whenua.</li> <li>• Supports diversity of the visibility and representation of Kaipara's heritage.</li> <li>• Reflects mana whenua aspirations for increasing the visibility of sites and areas within the district.</li> <li>• Recognises and provides for protection of significant sites in accordance with the IHEMPS.</li> <li>• Clear understanding of what needs to be managed to protect cultural values.</li> <li>• Enables cultural activities to continue.</li> <li>• Increased opportunities for tangata whenua to actively participate in resource management processes meaning unidentified / unknown sites and areas of significance can be protected through resource management processes (e.g. cultural impact assessment and associated cultural monitoring).</li> </ul>
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<b>Costs</b>	<p>Economic:</p> <ul style="list-style-type: none"> <li>• Potential increased resource consenting costs as a greater range of activities will require resource consent.</li> <li>• Costs to landowners for consultation with mana whenua.</li> <li>• Administrative costs and potential constraints for processing consents and engaging experts if necessary to assess consents.</li> <li>• Potential restrictions on landowners' ability to fully utilise their land.</li> <li>• Potential uncertainty for resource consent applicants associated with increased involvement of Iwi and hapū in resource management processes which may result in economic implications.</li> <li>• Potential constraints due to lack of resources by tangata whenua through increased involvement in resource management processes.</li> </ul> <p>Social:</p> <ul style="list-style-type: none"> <li>• There may be disagreement between parts of the community with differing opinions over the values, sites and areas identified.</li> </ul> <p>Environmental:</p> <ul style="list-style-type: none"> <li>• Landowners may not be aware of the existence of sites and areas of significance and may inadvertently destroy them</li> </ul> <p>Cultural:</p>
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	<ul style="list-style-type: none"><li>• Possible loss of significant sites due to lack of knowledge in regard to the scheduled may result in adverse impacts on cultural wellbeing and identity for Māori.</li></ul>
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<b>Opportunities for economic growth</b>	<p>There are opportunities for economic growth for both individuals and communities by:</p> <ul style="list-style-type: none"> <li>• Possible increase in tourism locally and incorporated with the wider Northland Region.</li> <li>• The return of whanau to the district more frequently when they identify with their heritage.</li> <li>•</li> </ul>
<b>Opportunities for employment</b>	No opportunities for economic growth have been identified.
<b>Certainty and sufficiency of information</b>	All of the scheduled sites that are subject to the provisions are recorded in the relevant settlement legislation between iwi and the Crown.
<b>Risk of acting or not acting if there is uncertainty or insufficient information.</b>	<p>It is considered that there is sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> <li>• The provisions are informed by a background evidence and consultation with mana whenua to understand their aspirations.</li> <li>• The provisions provide mana whenua the opportunity to be involved at an early stage to protect the sites and their values.</li> <li>• By not implementing these provisions there is a risk of permanent loss of sites and areas of significance.</li> </ul>
<b>Effectiveness in achieving the objective(s)</b>	<p>The proposed provisions are the most effective method of meeting the objectives as they:</p> <ul style="list-style-type: none"> <li>• Provide increased environmental, social and cultural benefits with few costs.</li> <li>• Provide for the long-term protection of sites and areas of Significance to Māori, through clearer policy direction, requirements for cultural impact assessments, and increased tangata whenua involvement in resource management processes.</li> <li>• Enables Council to continue to undertake its duties and functions under the RMA.</li> </ul>

<b>Efficiency in achieving the objective(s)</b>	<p>The proposed provisions are the most efficient method of meeting the objectives as:</p> <ul style="list-style-type: none"> <li>• They clearly delineate the areas to which the provisions apply.</li> <li>• They promote the protection and continuing use of sites of significance to Māori.</li> <li>• Provide a high level of certainty and clarity about the activities that can occur and the involvement of mana whenua.</li> <li>• Provides clear direction for resource consents in relation to ensuring the values of the sites are not degraded.</li> <li>• They give effect to higher order documents in the protection of sites and areas of significance to Māori.</li> <li>• This option is likely to achieve the proposed objectives at the least cost, least risk and highest net benefit, when considering the existing capacity, resourcing and capability of Council and tangata whenua.</li> </ul>
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#### 4.1 Reasons for deciding on the provisions

32. The proposed policies, rules and schedule in the Sites and areas of significance to Māori chapter are the most appropriate way to achieve the objectives. They provide for:
  - a. Identification and protection of these important sites;
  - b. Provide for a level of activity that is commensurate with the values of the site;
  - c. Provides for mana whenua involvement at an early stage;
  - d. Promoting the significant historic resources of the sites and their part in the history of the Kaipara District;
  - e. Greater guidance for decision-making, improve integration between the tangata whenua section and other sections, and improve opportunities for active involvement for iwi and hapū in resource management processes, including their role as kaitiaki.
  - f. Achieve Strategic Direction SD-TW-O1
33. The proposed provisions are considered to be the most efficient and effective means of achieving the objectives as together they will:
  - a. Provide clearer direction than the operative district plan regarding the desired outcomes of mana whenua for their sites and areas of significance;
  - b. Acknowledge how local Mana Whenua have a connection to these sites and seek active engagement;
  - c. The schedule will represent the taonga of all Kaipara's Iwi Authorities, Tāngata Whenua and Mana Whenua;
  - d. Will tangibly increase the representation of mana whenua values in the district and require consultation with mana whenua ensuring their views are incorporated into future development of the District;
  - e. Lead to long-term protection of sites and areas of significance, because knowledge and information on sites and areas of significance to Māori can be understood through active involvement of tangata whenua in resource management processes;
  - f. Aligning Council's direction with the responsibilities of upholding Te Tiriti o Waitangi as well as treaty settlements;
  - g. Enabling appropriate activities, including activities such as repair and maintenance, while managing potentially inappropriate activities

- h. Enable the Council to fulfil its statutory obligations, including section 31 of the RMA and give effect to the relevant Part 2 Matters, in particular recognising and providing for the matter of national importance namely sections 6(e), 6(f) and 6(g) along with sections 5(2), and 7(a).
- i. Give effect to the National Planning Standards;
- j. Give effect to the NRPS and other legislation as detailed in Appendix 1;
- k. Take into consideration IHEMPs;
- l. Protect sites and areas of significance to Māori;
- m. Provide for Māori and the wider community social, economic, and cultural well-being.

## **5. CONCLUSION**

- 34. Pursuant to s32 of the RMA, the proposed Sites and areas of significance to Māori objectives have been analysed against Part 2 of the RMA and are considered to be the most appropriate way to achieve the purpose of the RMA.
- 35. The proposed provisions have been compared against reasonably practicable options. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives.

## **ATTACHMENT 1: Consultation with Iwi**

### **Clause 4A consultation:**

36. Under Clause 4A of Schedule 1 of the RMA local authorities are required to:
- a. Provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
  - b. Allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
  - c. Have particular regard to any advice received before notifying the plan.
37. At the time of drafting this report, this statutory consultation has not been undertaken as the plan needs to be finalised and presented to Council in a workshop on 12 February. Following the workshop, a meeting has been scheduled with iwi authorities on 21 February to discuss and cover the Clause 4A requirements. Whilst the requirements require iwi authorities to consider the draft and to supply advice, it has been agreed with iwi that the focus will be on preparation of their submissions once the plan has been notified. Council is yet to obtain a formal acknowledgement of this agreement.

### **Clause 3A consultation:**

38. Council is required to consult with Iwi under Clause 3(b) when formulating the plan.

### *General:*

39. The District Plan Review has included significant engagement with our mana whenua partners – Te Uri o Hau and Te Roroa. This has included several meetings and engagement opportunities attended by Council officers over the last 4 years. Additionally, both iwi authorities provided robust feedback on the draft District Plan in 2022. This has provided a much greater understanding of mana whenua values and aspirations as they relate to the PDP and has enabled Council to continue to build strong relationships with both iwi authorities.
40. The PDP elevates the consideration of mana whenua values in resource management processes, including:
- a. A new Tangata Whenua chapter which provides context and clarity about:
    - i. Who mana whenua are and links to their respective Iwi/ Hapu Environmental Management Plans.
    - ii. Provides practical advice for engaging mana whenua and an example of how to apply the Treaty of Waitangi principles to that engagement.
  - b. A new Sites and Areas of Significance to Māori chapter that provides greater protection for

sites and areas of significance than the current Operative District Plan.

- c. Integrating mana whenua values across the remainder of the plan where relevant.

*Sites and areas of significance to Māori:*

41. The advice received from Council's iwi partners has been instrumental regarding the sites and areas of significance to Māori. Both Iwi Authorities that Council has engaged with during the District Plan review process, have been helpful in terms of providing information to Council about which sites and areas are of most importance to Council. Information has been collected for several sites, however many of the sites assessed are yet to meet the criteria required for protection (set out by the Regional Policy Statement and guided through caselaw). Both Te Roroa and Te Uri o Hau recognise that further work needs to be carried out and plan to do this as part of the formal submission process.
42. The following is a summary of the primary consultation undertaken in respect of this topic with the exposure draft in September 2022:

Organisation	Relevant Issues Raised
Te Uri o Hau and Te Roroa	<ul style="list-style-type: none"> <li>• Clarification to ensure that the provisions were not ambiguous</li> <li>• More directive language be used</li> <li>• Inclusion of te mana or te wai resources of significance.</li> <li>• Technical inclusion to assist the plan user with plan useability.</li> </ul>
Northland Regional Council	<ul style="list-style-type: none"> <li>• Suggestions are better suited for the Tangata Whenua Chapter.</li> </ul>
Northern Federated Farmers	<ul style="list-style-type: none"> <li>• Land owner engagement is necessary</li> <li>• Preservation of existing land use rules.</li> <li>• Does not support the ancillary activities for farm operations such as quarries, and implementation sheds.</li> <li>• Asked that Council review the 200mm depth rule and align it to horticultural depths.</li> </ul>
Northpower	<ul style="list-style-type: none"> <li>• Would like provisions that allow for functional or operational need to be able to located within or near a SASM.</li> <li>• Would like clarification re: mapping, silent files and the Schedule methodology.</li> </ul>
Heritage New Zealand Pouhere Taonga	<ul style="list-style-type: none"> <li>• Supports the Chapter</li> <li>• Suggested more objectives.</li> </ul>

43. In summary, the key findings arising from the consultation undertaken on this topic are:
- a. Impact on private property rights of listing in the district plan.
- b. Balance of regulation and incentives.
- c. Questions of methodology.

44. The following is a summary of the advice received from mana whenua specific in respect of the relevant resource management issues:

Issue	Comment	Response
Sites and areas of significance to Māori are at risk of destruction, modification and disturbance from earthworks, and development due to the lack of identification, recognition and protective provisions in the District Plan.	The relationship of Māori and their cultural and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga are matters of national importance under section 6(e) of the RMA.	Introduction of standalone chapter for Sites and Areas of Significance to Māori.
	This importance is reflected in the RPS which requires identification of significant historic heritage under certain criteria. The protection of protected customary rights is a matter of national importance under section 6(g) of the RMA.	An updated SCHED 3 to reflect significance of sites with the introduction of two categories for protection.  These categories determine within the chapter how activities (such as additions and alterations to a building) will trigger actions within the resource consent process.
There is a lack of trust between Council and Tāngata Whenua/Mana Whenua regarding the release of sensitive cultural information for some sites and areas of significance to Māori. Council must protect the information and not allow it to be released to the general public.	Sites and areas of significance to Māori in other District Plans have generally been captured by dots on maps and GIS systems that do not accurately reflect the extent of sites and areas. They also do not reflect the significance of each site.	A collaborative approach to the mapping methodology is being used and shapes rather than dots are being employed.
	The Plan needs to reflect accurate and updated information including from Treaty Settlement legislation.	
There is a lack of trust between Council and Tāngata Whenua/Mana Whenua regarding the release of sensitive cultural information for some sites and areas of significance to Māori. Council must protect the information and not allow it to be released to the general public.	The protective mechanisms contained in the current ODP have failed to protect sites that are currently in the Schedule. This was evident with the desecration of the Waipoua site where human skeleton bones were dug up and removed.	Sites and areas of significance to Māori are retained and protected from inappropriate use, subdivision, and development in the plainest sense.
	There is little recognition in the operative district plan enabling Mana whenua to exercise kaitiakitanga in relation to sites and areas of significance.	Objectives, policies and rules are included that seek to protect degradation of the values of sites, while allowing for reasonable use, and opportunities to increase representation of mana whenua values.  Includes collaborated policies

		to identify sites and areas of significance to Māori, to enable maintenance and repair activities on sites and areas of significance to Māori where the spiritual and cultural values of the site or area are protected.
The District Plan does not provide certainty and clear direction regarding consultation requirements for resource users undertaking activities on land that affect a site and/or area of significance to Māori.	The ability for Mana Whenua to exercise kaitiakitanga was left wanting in the current OPD. The proposed SASM chapter addresses this issue to ensure that Mana whenua have the opportunity to collaborate with the resource user and mitigate any negative impacts to a SASM site.	Objectives, policies and rules are included that seek to encourage resource users to engage with mana whenua to protect degradation of the values of sites, while allowing for reasonable use, and opportunities for mana whenua to exercise kaitiakitanga.
Kaitiakitanga of mana whenua is not being recognised and generally, there is a lack of adequate consultation on the cultural values associated with their sites and areas of significance	This has been an ongoing issue within the RMA space for Māori. The inability to maintain a relationship with an SASM site due to alienation is becoming apparent. This Chapter attempts to rectify the issue by ensuring that engagement happens.	Objectives, policies and rules are included that seek to encourage resource users to engage with mana whenua to protect the values of sites and areas, while allowing for reasonable use, and opportunities for mana whenua to exercise kaitiakitanga .

## ATTACHMENT 2 – National Policy Statement relevant provisions

45. There are eight National Policy Statements (NPS) currently in force:

- a. NPS for Indigenous Biodiversity 2023
- b. NPS for Greenhouse Gas Emissions from Industrial Process Heat 2023
- c. NPS for Highly Productive Land 2023
- d. NPS on Urban Development 2020
- e. NPS for Freshwater Management 2020
- f. NPS for Renewable Electricity Generation 2011
- g. New Zealand Coastal Policy Statement 2010
- h. NPS for Electricity Transmission 2008

46. The New Zealand Coastal Policy Statement 2010 is the only NPS relevant to this topic. The NZCPS recognises the importance of Tangata whenua as kaitiaki. It contains a number of policies that direct the Council to work with Māori to provide for the identification, management and protection of places or values of historic, cultural or spiritual significance or special value, recognising that tangata whenua reserve the right not to publicly identify such places.

Provisions No	
Objective 3:	<p>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</p> <ul style="list-style-type: none"> <li>• recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</li> <li>• promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the RMA;</li> <li>• incorporating mātauranga Māori into sustainable management practices; and</li> <li>• recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</li> </ul>
Policy 2 – The Treaty of Waitangi, tangata whenua and Māori	<p>2) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;</p> <p>4) Provide opportunities in appropriate circumstances for Māori</p>



	<p>involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga, may have knowledge not otherwise available.</p> <p>7) In consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural, or spiritual significance or special value:</p> <ol style="list-style-type: none"> <li>1. recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape, and cultural impact assessments; and</li> <li>2. provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.</li> </ol>
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47. The NZCPS requires the PDP in relation to the preparation of the plan:

- Take into account the principles of the Treaty of Waitangi and kaitiakitanga;
- Recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment;
- Undertake consultation, as far as practicable, in accordance with tikanga Māori;
- Incorporate mātauranga Māori;
- Provide opportunities in appropriate circumstances for Māori involvement in decision making;
- Take into account any relevant iwi resource management plan and any other relevant planning document.

48. The PDP has taken these principles into account by:

- Undertaking consultation with Iwi;
- Incorporating provisions that provide for iwi to exercise kaitiakitanga over the scheduled sites;
- Including an updated schedule of important sites; and
- Drafting rules which endeavour to avoid any adverse effects on these important sites.



### **ATTACHMENT 3 – Regional Policy Statement relevant provisions**

49. The table below identifies the relevant provisions and resource management topics for historic heritage, notable trees and sites and areas of significance to Māori contained in the RPS.

Section	Relevant matters
Objective 3.12	Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources
Objective 3.14	Identify and protect from inappropriate subdivision, use and development; (c) The integrity of historic heritage.
Policy 4.5.3	Assessing, identifying and recording historic heritage
Policy 4.6.2	Maintaining the integrity of heritage resources
Policy 8.1	Participation in decision-making, plans, consents and monitoring
Policy 8.2	Iwi and hapū management plans
Policy 8.3.1	Kaitiaki role

50. The RPS objectives and policies and the implementation methods require the PDP to:
- Provide for tangata whenua involvement and participation in resource management and support them to have a kaitiaki role in the management of their land and resources, particularly where it affects their taonga.
  - Engage with iwi authorities at the earliest possible stage to agree appropriate mechanisms for tangata whenua participation and consultation.
  - Take into account iwi and hapū management plans.
  - Identify historic heritage resourcing taking into account the criteria in Policy 4.5.3 of the RPS.
  - Protect the integrity of historic heritage resources that have been identified in plans, including by restricting activities that compromise important spiritual or cultural values held by Māori / Mana Whenua and / or the wider community in association with particular heritage places or features.
  - The PDP has given effect to the above by:
  - Provisions that protect scheduled sites from inappropriate development in accordance with section 6(f) of the RMA by avoiding significant adverse effects.
  - Supporting tangata whenua, as kaitiaki, to identify appropriate practices and customs for the care of their lands, waters, treasures, wāhi tapu, and other taonga.

- i. Scheduling and recording sites of significance to tangata whenua.
- j. Undertaking consultation with Iwi.
- k. Taking into account Iwi and hapu management plans.

## **ATTACHMENT 4 – Regional Plan**

51. Section 75(4)(b) of the RMA states that any district must not be inconsistent with a regional plan. The Proposed Regional Plan has not been made operative however all appeals have been resolved and provisions must now be treated as operative, in accordance with Section 86F of the Resource Management Act. The table below provides an overview of regional plan provisions which are directly relevant to the Tangata Whenua topic

Section	Provisions
D.1.1	When an analysis of effects on tāngata whenua and their taonga is required
D.1.2	Requirements of an analysis of effects on tāngata whenua and their taonga
D.1.3	Affected persons
D.1.4	Managing effects on places of significance to tāngata whenua
D.1.5	Places of significance to tangata whenua

52. In summary, these regional plan provisions provide guidance on when an assessment of environmental effects shall include an analysis of the effects on tangata whenua and their taonga and when tangata whenua shall be considered affected persons. They provide guidance on how to manage effects on the values of Places of Significance to tāngata whenua in the district to ensure that these effects are remedied or mitigated so they are no more than minor.
53. The proposed PDP provisions are not inconsistent with these provisions.

## **ATTACHMENT 5 – Other Legislation**

54. The following additional legislative / regulatory requirements are also relevant to the sites and areas of significance to Māori topic.

### **Te Uri o Hau Claims Settlement Act 2002**

55. Te Uri o Hau Claims Settlement Act 2002 recognises the rangatiratanga of Te Uri o Hau over their statutory area of interest, records the Crown apology to Te Uri o Hau and gives effect to provisions of the Te Uri Hau Deed of Settlement. It provides a number of mechanisms enabling Environs Holdings Limited to exercise kaitiakitanga throughout Te Uri o Hau estates and territory.

#### ***Statutory areas of interest:***

- Protocols with Crown Ministers and their statutory agencies;
- Memoranda of Understanding with regional and territorial authorities;
- Statutory Acknowledgement areas throughout Te Uri o Hau estates and territories;
- Deeds of Recognition throughout Te Uri o Hau estates and territories;
- The designation of Kirihipi Overlay (Conservation areas) throughout estates and territory;
- Working Together document with the Department of Conservation;
- Cultural redress properties returned to Te Uri o Hau; and
- Te Uri o Hau Kaitiakitanga o Te Taiao 2011 (environmental management plan).

#### ***Statutory acknowledgements and overlays***

Statutory acknowledgements within the Kaipara District can be located in the schedules of the TUoH Act and found in the sites and areas of significance to Māori map overlay:

- Mangawhai marginal strip;
- Oruawharo River stewardship area;
- Pukekaroro scenic reserve;
- Kaipara Harbour coastal area;
- Mangawhai Harbour coastal area; and
- Kirihipi Overlay

#### ***Nohoanga***

Nohoanga entitlements provide a right of seasonal occupation and use for Te Uri o Hau whānau of specified areas of Crown-owned land near water bodies for harvest of natural resources (sections 75- 91, TUoH Act).

Nohoanga areas within the Kaipara District are located in the schedules of the TUoH Act:

- Lake Whakaneke (Waterway) - Lake Whakaneke
- Kaipara Harbour (Waterway) - Te Taa Hinga

- Lake Mokeno (Waterway) – Lake Mokeno

Resource management decision makers are advised to contact Te Uri o Hau should your proposed activity affect their interests or values in these areas.

### **Te Roroa Claims Settlement Act 2008**

56. Te Roroa Claims Settlement Act 2008 recognises the rangatiratanga of Te Roroa over their statutory area of interest, records the Crown apology to Te Roroa and gives effect to provisions of the Te Roroa Deed of Settlement. It provides a number of mechanisms enabling Whatu Ora Custodial Company Limited to exercise kaitiakitanga throughout Te Roroa estates and territory.

#### ***Statutory agreements and obligations:***

- Protocols with Crown Ministers and their statutory agencies;
- Memorandum of Understanding with regional and territorial authorities;
- Statutory Acknowledgement areas throughout Te Roroa estates and territories;
- Deeds of Recognition throughout Te Roroa estates and territories;
- Te Tarehu Overlay;
- Mahi Tahi document with the Department of Conservation;
- Cultural redress properties returned to Te Roroa; and
- Nga Ture Mo Te Taiao O Te Roroa (Environmental management plan).

#### ***Statutory acknowledgements and overlays***

Statutory acknowledgements within the Kaipara District are located in the schedules of the Te Roroa Act and found in the sites and areas of significance to Māori map overlay:

- Tokatoka Scenic Reserve; and
- Te Tarehu overlay

Resource management decision makers are advised to contact Te Roroa should your proposed activity affect their interests or values in these areas.

### **Te Kawerau ā Maki Claims Settlement Act 2015**

57. Te Kawerau ā Maki Claims Settlement Act 2015 (TKaM Act) recognises the rangatiratanga of Ngāti Manuhiri over their statutory area of interest, records the Crown apology to Te Kawerau ā Maki and gives effect to provisions of the Te Kawerau ā Maki Deed of Settlement. It provides a number of mechanisms enabling Te Kawerau ā Maki Settlement Trust to exercise kaitiakitanga throughout Te Kawerau ā Maki estates and territory.

#### ***Statutory agreements and obligations:***

- Protocols with Crown Ministers and their statutory agencies;
- Statutory Acknowledgement areas throughout Te Kawerau ā Maki estates and territories;
- Deeds of Recognition throughout Te Kawerau ā Maki estates and territories; and
- Cultural and commercial redress properties.

***Statutory acknowledgements and overlays***

Te Kawerau ā Maki do not have any statutory acknowledgements within the Kaipara District, however, like Ngāti Manuhiri their area of interest does extend into the South-eastern border of the District. Resource management decision makers are advised to contact them should your activity affect their interests or values.

**Ngāti Manuhiri Claims Settlement Act 2012**

58. Ngāti Manuhiri Claims Settlement Act 2012 (NM Act) recognises the rangatiratanga of Ngāti Manuhiri over their statutory area of interest, records the Crown apology to Ngāti Manuhiri and gives effect to provisions of the Ngāti Manuhiri Deed of Settlement. It provides a number of mechanisms enabling Ngāti Manuhiri Settlement Trust to exercise kaitiakitanga throughout Ngāti Manuhiri estates and territory.

***Statutory agreements and obligations:***

- Protocols with Crown Ministers and their statutory agencies;
- Statutory Acknowledgement areas throughout Ngāti Manuhiri estates and territories;
- Deeds of Recognition throughout Ngāti Manuhiri estates and territories; and
- Cultural and commercial redress properties.

***Statutory acknowledgements and overlays***

Ngāti Manuhiri do not have any statutory acknowledgements within the Kaipara District; however, their area of interest does extend into the South-eastern boarder of the District. Resource management decision makers are advised to contact them should your activity affect their interests or values.

**Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act)**

59. The HNZTP Act provides direction for the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. This includes the matters of sites and areas of significance to Māori.
60. The proposed Sites and Areas of Significance to Māori chapter reflects the obligations for the Council stated at section 6 where those responsible for the management of use, development, and protection of

natural and physical resources shall recognise and provide for: s6(e), “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:” and s6(f) the protection of historic heritage from inappropriate subdivision, use, and development. This chapter promotes the physical contribution that these significant sites and areas makes to Kaipara District’s identity and includes provisions that protect the sites from inappropriate development.

61. The Sites and Areas of Significance chapter covers the following:
  - A framework that provides for the protection of the site while allowing use and development to occur such as,
    - Objectives providing for protection and kaitiakitanga,
    - Policies that provide for activities while identifying which of these are appropriate,
    - Rules and conditions on how an activity may be undertaken.
  - A schedule of significant sites as identified under the earlier noted Settlement Acts;
62. Archaeology is an important and integral of this chapter. Archaeology is the study of the ancestral footprints of those who have gone before. With the help of archaeological processes and techniques, these footsteps can inform the world we live in today and help to shape our future. Archaeology has the same meaning as the definition under the Heritage New Zealand Pouhere Taonga Act 2014. definitions and can be found in this plan under Part 1 – Introduction and General Provisions, Interpretation.
63. It is unlawful to modify or damage an archaeological site without obtaining an archaeological authority. Tāngata whenua must be consulted where such sites are culturally significant to Māori.
64. There are many sites around Kaipara that may be at risk of development, destruction and erosion and the need to have whānau, hapū, iwi and Māori communities’ input into the consenting process is essential. The provisions in this plan take into account the NZHPT Act.

## ATTACHMENT 6 – Iwi Management Plan(s)

65. There are two Council recognised Iwi/Hapu Environmental Management Plans:

- a. Te Uri o Hau Kaitiakitanga o Te Taiao 2011; and
- b. Nga Ture Mo Te Taiao o Te Roroa 2019

66. Relevant objectives and policies are contained in the table below:

<b>Te Uri o Hau Kaitiakitanga o Te Taiao 2011</b>	
<b>Section</b>	<b>Relevant matters</b>
Objective 36 Wāhi tapu and Wāhi Taonga: Sacred Area and Treasures	<p>The protection and preservation of all urupā, wāhi tapu and wāhi taonga and archaeological sites within the statutory area of Te Uri o Hau.</p> <p>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.</p> <p>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>
Policies	<ul style="list-style-type: none"> <li>Promote the identification, protection, preservation, conservation and values of Te Uri o Hau sites of urupā, wāhi tapu, and wāhi taonga and archaeological sites.</li> <li>Prevent the desecration of urupā, wāhi tapu and wāhi taonga including archaeological sites, Te Uri o Hau sites of significance and cultural redress properties within the statutory area of Te Uri o Hau.</li> <li>Develop protocols to work with the Northland Regional Council, Kaipara District Council, Auckland Council, New Zealand Historic Places Trust, Department of Conservation, and Ministry of Culture and Heritage in the management of wāhi tapu and wāhi taonga within the statutory area of Te Uri o Hau.</li> <li>Work with the Northland Regional Council, Kaipara District Council, Auckland Council, New Zealand Historic Places Trust, Department of Conservation and the Ministry of Culture and Heritage, developers and land-holders to ensure the preservation and protection of wāhi tapu, wāhi taonga, urupā and</li> </ul>



	archaeological sites to ensure there are no significant earthworks and disturbances of soil and/or vegetation will be avoided where possible.
<b>Nga Ture Mo Te Taiao o Te Roroa 2019</b>	
<b>Section</b>	<b>Relevant Matters</b>
Wāhi Tapu and Cultural Landscapes	<ul style="list-style-type: none"> <li>• Our waahi tapu are taonga. •</li> <li>• The ongoing damage, destruction and mismanagement of waahi tapu and areas or sites of customary value. •</li> <li>• Areas or sites of customary value are often limited to western definitions, such as “archaeological”.</li> </ul>
Objectives	<ul style="list-style-type: none"> <li>• Our waahi tapu are exactly that. They are not to be subject to any adverse effects of any development.</li> <li>• Te Roroa are the principle managers of waahi tapu in our rohe.</li> <li>• The protection of all areas or sites of customary value in a manner that is culturally acceptable to Te Roroa.</li> <li>• Councils, DoC and HNZ work collaboratively to afford protection and management of waahi tapu in partnership with Te Roroa as a priority for policy development, action and resourcing.</li> <li>• The effective identification and definition of areas and sites of customary value by Te Roroa.</li> </ul>
Policies	<ul style="list-style-type: none"> <li>• Te Roroa insists that the recording, enhancement and protection of Te Roroa waahi tapu and cultural landscapes will be supported by councils, DoC and HNZ as a priority.</li> <li>• The tapu of our waahi tapu in our rohe will be totally respected. Te Roroa will be recognised and empowered as the kaitiaki of our waahi tapu.</li> <li>• Waahi tapu and areas or sites of customary value which contribute to or are a part of Te Roroa cultural landscape can only be defined by Te Roroa.</li> </ul>

	<ul style="list-style-type: none"> <li>• Councils, DoC and HNZ must take active responsibility for advocating and educating landowners and developers about waahi tapu and areas or sites of customary value.</li> <li>• Our cultural landscape should be afforded at least as high a priority as other landscape values when being considered as part of any process under the RMA, the Conservation Act or the LGA.</li> <li>• Preparation of landscape assessments for resource consent applications and similar process should be done in conjunction with Te Roroa to ensure that the cultural aspects of the landscape are given full recognition alongside other values such as natural character and amenity values.</li> <li>• Monitoring of effects on waahi tapu and cultural landscapes within Te Roroa rohe is the responsibility of the ahi kā and kaitiaki. This should be reflected in all relevant consent conditions. This function should be formally transferred to Te Roroa as tangata whenua.</li> </ul>
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67. When preparing and changing district plans, Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised 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.
68. As noted above there are two Council recognised Iwi/Hapu Environmental Management The relevant sections of the plans are summarised above. Each plan is comprehensive and covers a range of issues of importance to the respective iwi or hapū. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated. The key issues and direction provided in these plans that are relevant to this chapter have been taken into account in preparation of the PDP.