

SECTION 32 REPORT

Tangata Whenua

May 2022

Table of Contents

1	Executive Summary	4
2	Introduction and Purpose	5
2.1	Purpose of report	5
2.2	Overview of topic.....	5
3	Statutory and Policy Context	6
3.1	Resource Management Act 1991	6
3.2	Higher order planning instruments	7
3.2.1	National Planning Standards.....	7
3.2.2	National Policy Statements.....	8
3.2.3	National Environmental Standards.....	9
3.2.4	Regional Policy Statement for Northland	9
3.2.5	Regional Plan for Northland	11
3.3	Iwi and Hapū Environmental Management Plans	11
3.4	Other Legislation and Policy Documents	11
3.4.1	Growth strategies/spatial plan	12
3.4.2	Long Term Plan	12
3.4.3	Local Government Act 2002	13
3.4.4	Heritage New Zealand Pouhere Taonga Act 2014	13
3.4.5	Te Ture Whenua Māori Act 1993.....	13
3.4.6	Treaty of Waitangi Settlement Legislation	13
3.4.7	Statutory Acknowledgements	14
3.4.8	Relationship Agreements.....	15
3.4.9	Community Development Plans	15
3.4.10	Te Rautaki o Te Oneroa-a-Tōhe (Beach Management Plan for Ninety Mile Beach).....	16
4	Current State and Resource Management Issues	17
4.1	Context	17
4.1.1	Māori communities	17
4.1.2	Relationship between Māori and Papatūānuku	17
4.1.3	Māori land	19

4.1.4	Treaty Settlement Land	21
4.1.5	Constraints on Māori Land and Treaty Settlement Land	22
4.1.6	Cultural heritage	24
4.2	Operative District Plan Approach	25
4.2.1	Development of Māori land.....	25
4.2.2	Protection of Sites and Areas of Significance to Māori.....	26
4.2.3	Plan Changes.....	27
4.3	Other Methods	27
4.4	Limitations with current approach	27
4.4.1	Enabling economic, social and cultural development	29
4.4.2	Protection of Sites and Areas of Significance to Māori.....	30
4.5	Key issues identified through consultation.....	30
4.5.1	Summary of issues raised through consultation.....	30
4.5.2	Te-Oneroa-a-Tohe Beach Management Board.....	31
4.5.3	Summary of advice from iwi authorities.....	31
4.6	Summary of resource management issues.....	33
5	Proposed District Plan Provisions.....	33
5.1	Strategic Objectives	33
5.2	Proposed management approach	34
5.3	Summary of proposed objectives and provisions.....	35
5.3.1	Summary of objectives	35
5.3.2	Summary of provisions	35
5.3.3	Responding to advice from iwi authorities.....	37
6	Approach to Evaluation	40
6.1	Introduction	40
6.2	Evaluation of scale and significance	41
6.3	Summary of scale and significance assessment	42
7	Evaluation of Objectives	42
7.1	Evaluation of existing objectives	42
7.2	Evaluation of proposed objectives	43
8	Evaluation of Provisions to Achieve the Objectives	45
8.1	Introduction.....	45
8.2	Quantification of benefits and costs.....	46
8.3	Evaluation of options – Protection of sites and areas of significance to Māori.....	47
8.3.1	Option 1: Status quo.....	47
8.3.2	Option 2: Alternative approach	48
8.3.3	Option 3: Proposed approach.....	49
8.4	Evaluation of options – Māori Land and Treaty Settlement Land	51

8.4.1	Option 1: Status quo	51
8.4.2	Option 2: Alternative approach	52
8.4.3	Option 3: Proposed approach.....	54
9	Summary	57
10	Appendices	58
10.1	Appendix 1 – Summary of Iwi and Hapū Environmental Management Plans	58
10.2	Appendix 2 – Te-Oneroa-a-Tōhe Beach Management Plan – Actions relevant to Far North District Plan	68
10.3	Appendix 3 – Summary of Māori land in Far North District.....	69
10.4	Appendix 4 – Additional Sites of Significance to Māori to be added to Schedule 3	71

1 Executive Summary

The Far North communities are rich in cultural diversity. There is a strong Māori cultural identity. Māori make up more than 40% of our District's population. In addition, 17% of the land within the Far North District is within Māori land tenure.

Tangata Whenua have continued to express a desire to return to and develop their ancestral lands and protect areas and sites of importance to them.

Council has an obligation to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (Section 6(a) RMA), as well as the protection of historic heritage from inappropriate subdivision, use and development, and the protection of protected customary rights (Sections 6(b) and (c) RMA).

The Operative District Plan provides for papakāinga housing and integrated development on Māori land in the rural and coastal environments but does not provide for papakāinga housing on Māori land in the urban environment, or in other zones. It also identifies some Sites of Cultural Significance to Māori (Appendix 1F) for protection, but this list is not exhaustive.

The key limitations with the Operative District Plan approach are:

- Many of the Tangata Whenua provisions are expressed in high level terms and lack operational effectiveness.
- Implementation of many of the Tangata Whenua provisions relies on Council discretion with no clear guidance provided.
- The Operative District Plan doesn't differentiate Māori Land from Treaty Settlement land which are managed under distinctly different pieces of legislation.
- Although there are rules for papakāinga, these activities are seldom permitted activities. Resource consent is often required for any development on whenua Māori which creates a further barrier to social, cultural, economic and/or environmental wellbeing for Māori.
- Council's ability to effectively safeguard and protect sites and areas of significance to Māori from inappropriate activities is somewhat constrained by information available on these sites and areas, which is of variable quality and completeness.

The key changes from the Operative District Plan are:

- Introduction of a Tangata Whenua chapter which includes strategic direction and clear guidance on the matters of importance to tangata whenua, and integration of these matters throughout the Plan.
- Introduction of a Treaty settlement overlay, which applies to land that is general title, but has been returned to iwi or hapū through the settlement process either as cultural or economic redress.
- Introduction of a Māori Purpose Zone, which applies to Māori land administered under Te Ture Whenua Māori Act 1993.
- Together, the Treaty Settlement overlay and the Māori Purpose Zone contain provisions that provide for the ongoing relationship tangata whenua has with their land, and seeks to support and enhance social, cultural and economic development of tangata whenua.
- Sites and Areas of Significance to Māori as a separate district wide matter, which includes provisions to protect the cultural significance of the Te Oneroa-a-Tōhe Beach Management Plan Area, in accordance with the requirements of the Te Oneroa-a-Tōhe Beach Management Plan.

The existing sites and areas of significance to Māori have been rolled over to the Proposed District Plan (**PDP**) for protection from inappropriate activities. Council intends to initiate a review of the schedule of sites and areas of significance to Māori, to inform a future plan change following decisions

on the Proposed District Plan (subject to Long Term Plan or alternative funding, and Local Government and Resource Management Reforms).

2 Introduction and Purpose

2.1 Purpose of report

This report provides an evaluation undertaken by the Far North District Council (**Council**) in preparation of district plan provisions for the Tangata Whenua chapters of the Proposed Far North District Plan (**PDP**). This assessment is required under section 32 of the Resource Management Act 1991 (**RMA**).

Section 32 of the RMA requires Councils to examine whether the proposed objectives are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e. policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development and a further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of the PDP.

While this report covers the provisions in the Tangata Whenua overview chapter, Sites and areas of Significance to Māori, Treaty Settlement Overlay and Māori Purpose Zone chapters, the other closely related chapter to consider is Subdivision. The evaluation for the subdivision provisions relevant to the Tangata Whenua chapters are set out in the section 32 evaluation report for Subdivision.

2.2 Overview of topic

The Far North communities are rich in cultural diversity. There is a strong Māori cultural identity. Māori make up more than 40% of our District's population. In addition, 17% of the land within the Far North District is within Māori land tenure.

Tangata whenua have continued to express a desire to:

- Occupy and use land within their ancestral rohe, to develop social, cultural, economic and/or environmental outcomes in accordance with mātauranga and tikanga
- Encourage people to return to their ancestral land
- Protect areas and sites of importance to māori from inappropriate activities.

The Operative District Plan provides for papakāinga housing and integrated development on Māori land in the rural and coastal environments but does not provide for papakāinga housing on Māori land in the urban environment, or in other zones. It also identifies some Sites of Cultural Significance to Māori (Appendix 1F) for protection, but this list is not exhaustive.

The key limitations with the Operative District Plan approach are:

- Many of the Tangata Whenua provisions are expressed in high level terms and lack operational effectiveness.
- Implementation of many of the Tangata Whenua provisions relies on Council discretion with no clear guidance provided, including in relation to:
- How Council takes into account or has regard for hapū / iwi management plans in decision-making processes
- Tangata whenua participation in resource consent processes and imposing consent conditions that recognise tangata whenua interests
- Criteria which trigger cultural impact assessments, recognition of kaitiakitanga, or opportunities to participate in consent monitoring activities

- The Operative District Plan doesn't differentiate Māori Land from Treaty Settlement land which are managed under distinctly different pieces of legislation.
- There is no direction around how Council will provide for Treaty Settlements in the Plan, nor does the plan identify what RMA tools can be used to incorporate relevant aspects of Treaty Settlements.
- Although there are rules for papakāinga, these activities are seldom permitted activities. Resource consent is often required for any development on whenua Māori which creates a further barrier to social, cultural, economic and/or environmental wellbeing for Māori.
- Council's ability to effectively safeguard and protect sites and areas of significance to Māori from inappropriate activities is somewhat constrained by information available on these sites and areas, which is of variable quality and completeness.

The key changes from the Operative District Plan are:

- Introduction of a Tangata Whenua chapter which includes strategic direction and clear guidance on the matters of importance to tangata whenua.
- Introduction of a Treaty settlement overlay, which applies to land that is general title, but has been returned to iwi or hapū through the settlement process either as cultural or economic redress.
- Introduction of a Māori Purpose zone, which applies to Māori land administered under Te Ture Whenua Māori Act 1993.
- Together, the Treaty Settlement overlay and the Māori Purpose Zone contain provisions that provide for the ongoing relationship tangata whenua has with their land, and supports social cultural and economic development of whenua Māori.

The existing sites and areas of significance to Māori have been rolled over to the PDP for protection from inappropriate activities. Council intends to initiate a review of the schedule of sites and areas of significance to Māori, to inform a future plan change, following decisions on the Proposed District Plan (subject to LTP or alternative funding, and Local Government and Resource Management Reforms).

3 Statutory and Policy Context

3.1 Resource Management Act 1991

The **Section 32 Overview Report for the PDP** provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to this topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

"...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6

- Have particular regard to a range of other matters in section 7
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are directly relevant to the Tangata Whenua topic:

- (a) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (b) the protection of historic heritage from inappropriate subdivision, use, and development:
- (c) the protection of protected customary rights.

Section 7 sets out the specific matters that those exercising functions and powers under the RMA shall have particular regard to. The following subsections are considered most relevant for the development of provisions that relate to the Tangata Whenua chapters of the Proposed District Plan:

- (c) *kaitiakitanga*:
- (d) *the maintenance and enhancement of amenity values*:
- (e) *maintenance and enhancement of the quality of the environment*:
- (f) *any finite characteristics of natural and physical resources*.

Section 8 of the RMA requires that all persons exercising functions and powers under it take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The principles of Te Tiriti o Waitangi/Treaty of Waitangi that are relevant to the approach proposed to the management of Māori land include kawanatanga, rangatiratanga, partnership and active protection. This approach takes into account these principles.

Tangata Whenua have been consulted through iwi authorities as part of the District Plan review process; the obligation to make informed decisions based on that consultation is noted.

3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments – National Policy Statement (**NPS**), the New Zealand Coastal Policy Statement (**NZCPS**), National Planning Standards (**Planning Standards**) and the relevant Regional Policy Statement (**RPS**). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to the Tangata Whenua topic.

3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to a Planning Standards. The Planning Standards were gazetted in April 2019 and the purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans.

As discussed in the Overview Report, the PDP will give effect to the planning standards.

The following standards and directions in the national planning standards are of direct relevance to the Tangata Whenua topic:

- The Introduction and General Provisions Standard requires that the Statutory Context chapter sets out how Māori and Treaty of Waitangi matters in Part 2 of the RMA including but not limited to sections 6(e), 6(f), 6(g), 7(a) and 8, are addressed.

The District Plan Structure Standard includes the ability to include provisions for:

- A Special Purpose – Māori Purpose Zone chapter. This zone applies to areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities.

- A Sites and areas of significance to Māori chapter, which is part of the ‘Historic and Cultural values’ chapter, and a schedule that lists the specific or general location of sites and areas of significance to Māori.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any NPS and NZCPS must be given effect to under section 75(3)(b). The NZCPS and the National Policy Statement for Freshwater Management 2020 (**NPSFM**) are relevant to the Tangata Whenua topic. The Proposed National Policy Statement for Highly Productive Land 2019 (**NPSHPL**) is potentially relevant to the Tangata Whenua topic, although it is not yet in force and therefore does not strictly need to be given effect to at this stage in the process. The sections below provide a summary of the key provisions in each NPS that are to be given effect to for the Tangata Whenua topic.

New Zealand Coastal Policy Statement 2010

The NZCPS recognises that the coast has particular importance to Tangata whenua, including 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.

New Zealand Coastal Policy Statement	
Policy 2	The Treaty of Waitangi, tangata whenua and Māori

In summary, this NZCPS policy requires the PDP to, in relation to the coastal environment and preparation of the PDP:

- Take into account of 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
- Provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries
- Recognise that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value.

National Policy Statement on Freshwater Management 2020

The NPSFM contains a number of policies, most of which are directed at Regional Councils, to determine how Te Mana o Te Wai applies to waterbodies and freshwater ecosystems in the region. The policies which provide direction to District Councils are outlined in the below table.

National Policy Statement on Freshwater Management	
Policy 3.4	Tangata Whenua involvement

In summary, this NPSFM policy requires the Far North District Council, during preparation of the PDP, to:

- Actively involve tangata whenua (to the extent they wish to be involved) in freshwater management, in making or changing district plans, so far as they relate to freshwater management.

- Adopt an integrated approach to:
 - Recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea.
 - Manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.
- Include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

Proposed National Policy Statement on Highly Productive Land 2019

The Proposed NPSHPL¹ seeks to prevent the loss of productive land and promote its sustainable management. The overall purpose of the proposed NPS-HPL is to improve the way highly productive land is managed under the Resource Management Act 1991 (**RMA**) to:

- Recognise the full range of values and benefits associated with its use for primary production
- Maintain its availability for primary production for future generations
- Protect it from inappropriate subdivision, use, and development.

The total extent of “Highly Productive Land²” within the Far North District is 65,054 ha. Approximately 0.6% of this “Highly Productive Land” is Māori land tenure, and approximately 0.16% is Treaty Settlement Land. Because the proposed tangata whenua provisions³ only cover a very small portion of the Districts “Highly Productive Land”, and the majority of “Highly Productive land” is available for use for primary production activities, the proposed provisions are considered to give effect to the Proposed NPSHPL.

3.2.3 National Environmental Standards

Under section 74(1)(f) of the RMA, a district plan must be prepared in accordance with any regulations, which includes National Environmental Standards (**NES**). Section 44A of the RMA requires local authorities to recognise NES by ensuring plan rules do not conflict or duplicate with provisions in a NES. There are no NES that are directly relevant to the Tangata Whenua topic.

3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to ‘give effect’ to any RPS. The RPS was made operative on 14 June 2018. The RPS sets out how integrated management of a region’s natural and physical resources should be achieved. In regard to Māori, Section 62(1)(b) of the RMA requires an RPS to state the resource management issues of significance to iwi authorities of the region which district councils are required to implement.

A large number of the objectives and policies of the RPS are relevant to the Tangata Whenua topic. The table below outlines the provisions in the Northland RPS are directly relevant to the Tangata Whenua topic.

Northland RPS

¹ The submission period closed in October 2019. Final decisions on the proposed NPSHPL will be made by Ministers and Cabinet in mid-2022. If approved by Cabinet, the Proposed NPSHPL would likely take effect mid-2022.

² Class -3 of the Land Use Classification (LUC) System

³ Applicable to Māori Land and Treaty Settlement Land

Objective 3.5	Enabling economic wellbeing
Objective 3.12 Policies 8.1.1--8.1.4	Tangata whenua role in decision-making Iwi and hapū management plans Māori land and returned Treaty Settlement assets Opportunities for Tangata whenua participation
Policy 4.5.3	Assessing, identifying and recording historic heritage
Policy 4.6.2	Maintaining the integrity of heritage resources
Policies 8.3.1-8.3.3	Kaitiaki role Marae and papakāinga Provision of information
Objective 3.11 Policy 5.1	Regional form Planned and coordinated development

In summary, these 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.
- recognise the historical, cultural, and social importance of marae and papakāinga, and enable their ongoing use and development in the PDP.
- provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources
- Clarify relevant Māori concepts, values and practices through consultation with tangata whenua, to develop common understandings of their meaning and to develop methodologies for their implementation.
- Engage with iwi authorities at the earliest possible stage to agree appropriate mechanisms for tangata whenua participation and consultation.
- Alongside Northland Regional Council, initiate the development of a protocol with iwi authorities to determine when and how iwi and hapū management plans will be taken into account under the Resource Management Act 1991.
- Include an analysis of the effects of any resource consent application on tangata whenua and their taonga, and consultation undertaken, in all regional and district council reports on resource consent applications.
- 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.
- Sustainably manage natural and physical resources in a way that is attractive for business and investment, that will improve the economic wellbeing of Northland and its communities.
- Integrate infrastructure, subdivision, use and development to provide sustainable built environments that are well planned and coordinated with good urban design. These developments can lead to higher levels of amenity, lower infrastructure costs and greater community wellbeing.

3.2.5 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. Section 74(2)(a) of the RMA states that when preparing or changing a district plan, a territorial authority shall have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the RMA. The operative Northland Regional Plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**. The table(s) below provides an overview of regional plan provisions which are directly relevant to the Tangata Whenua topic.

Northland Regional Water and Soil Plan	
D.1 Tangata whenua	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

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. Resource consent for an activity may generally only be granted if the adverse effects from the activity on the values of Places of Significance to tāngata whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.

The proposed PDP provisions are not inconsistent with these provisions.

3.3 Iwi and Hapū Environmental Management Plans

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. At present there are 14 iwi planning documents lodged and accepted by Council which are set out and summarised in the Section 32 Overview Report.

Each plan is comprehensive and covers a range of issues of importance to the respective iwi or hapū. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua are held. 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 the Tangata Whenua chapters of the PDP that have been taken into account, are summarised in the Table provided in **Appendix 1** to this Section 32 Report.

3.4 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires council to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the district. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP.

This section provides an overview of other strategies and plans directly relevant to the Tangata Whenua topic.

3.4.1 Growth strategies/spatial plan

Far North 2100

Far North 2100, which was adopted by Council in November 2021, is the 80 year growth strategy that envisages how the Far North might look in the future. It is based on the Council's vision – *He Whenua Rangatira – a district of sustainable prosperity and wellbeing*. The strategy acknowledges the strong cultural identity in the Māori community across the district and the cultural shift given the rich Māori history and growing Māori population.

The aspects of this growth strategy that are relevant to the Tangata Whenua chapters are set out in Table 1.

Table 1 Relevant aspects of FN2100

Drivers of change	How we get there
Putting the wellbeing of communities and people first	<ul style="list-style-type: none"> • Acknowledging tangata whenua as kaitiaki • Embedding tikanga Māori within Council as part of decision making • Working in partnership with iwi and hapū on initiatives that will support the wellbeing of tangata whenua across the district
Promoting resilient economic growth for sustainable prosperity	<ul style="list-style-type: none"> • Investing in the tourism experience based on the Far North's cultural and natural heritage • Promoting localism by supporting local entrepreneurship • Promoting and supporting new ventures and initiatives that are premised on creating employment and growing the economy.
Active response to climate change	<ul style="list-style-type: none"> • Engaging with communities, iwi and hapū using the Council-adopted adaptive planning and financial modelling tools.
Connecting people, businesses, and places.	<ul style="list-style-type: none"> • Investing in high speed internet to everyone with a 'no one left behind' policy
Protect the natural environment for future generations	<ul style="list-style-type: none"> • Acknowledging the Mauri o te wai. This aims to recognise the mana of the harbours and water ways of the Far North. • The active management of indigenous biodiversity including protecting indigenous vegetation, significant natural areas and outstanding natural landscapes and features from the adverse effects of human activity and introduced species including predators. • Building high trust collaborative relationship with iwi and hapū who have aspirations to protect indigenous flora and fauna

3.4.2 Long Term Plan

Council released its Long Term Plan 2015-2025 in July 2015 and it includes statements about how it will provide for Māori participation in local decision-making including a set of community outcomes and council goals to enable Māori development and acknowledge the spirit of the Treaty of Waitangi.

3.4.3 Local Government Act 2002

The Local Government Act (**LGA**) contains a number of provisions that relate specifically to Māori.

The Act seeks to recognise and respect the Crown's obligations under the Treaty of Waitangi by establishing some specific obligations on councils to:

- Establish, maintain and improve opportunities for Māori to contribute to local government decision-making processes.
- Ensure processes are in place for consulting with Māori.
- Consider ways to foster Māori contribution to local government decision-making processes.
- Requirement for local authorities to have a "significance and engagement policy" and all long term plans must contain a summary of that policy.
- Provide relevant information to Māori.

Taken as a whole, these establish an obligation to consider what steps a council can reasonably take to encourage and assist Māori to participate in local affairs⁴.

3.4.4 Heritage New Zealand Pouhere Taonga Act 2014

This Act is administered by Heritage New Zealand Pouhere Taonga (**HNZPT**). The purpose of this Act is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.

Heritage New Zealand Pouhere Taonga administers the HNZPT and specifically seeks to register historic buildings, sites or areas or Waahi tupuna, Waahi tapu sites or areas. It also aims to protect archaeological sites for the purpose of informing members of the public and landowners about these sites and assisting in the protection of these sites through the Resource Management Act 1991.

3.4.5 Te Ture Whenua Māori Act 1993

The Te Ture Whenua Māori Act 1993 upholds Māori land as a taonga tuku iho, a treasure handed through the generations, with special cultural significance to Māori. It also:

- Promotes the retention and use of Māori land
- Facilitates the occupation, development and utilisation of that land by its owners and their whānau, hapū and descendants, and
- Ensures that decisions made about Māori Land are fair and balanced, taking into account the needs of all the owners and their beneficiaries.

In August 2020, Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Act introduced changes to the Act to better support Māori land owners to connect with and use their whenua. The changes include practicable and technical changes to the legislation, so that it works better for landowners and supports the Māori Land Court to operate more efficiently. The changes came into force on Waitangi Day, 6 February 2021.

3.4.6 Treaty of Waitangi Settlement Legislation

A Treaty settlement is an agreement between the Crown and an Iwi to give effect to a deed of settlement for all the historical claims by an Iwi against the Crown over land and any other resources taken in breach of Te Tiriti o Waitangi /Treaty of Waitangi. A claims settlement act formally records an agreed historical account, statutory acknowledgments and an apology from the Crown as well as any cultural, financial and commercial redress.

Treaty of Waitangi settlement legislation has been enacted for the following iwi with rohe in the Far North District:

⁴ Council released its Long Term Plan 2015-2025 (see Attachment One) in July 2015 and it includes statements about how it will provide for Māori participation in local decision-making including a set of community outcomes and council goals to enable Māori development and acknowledge the spirit of the Treaty of Waitangi.

Iwi	Settlement date
Te Roroa	29 September 2008
Ngāi Takoto	22 September 2015
Ngāti Kuri	22 September 2015
Te Aupōuri	22 September 2015
Te Rarawa	22 September 2015
Ngatikahu ki Whangaroa	21 August 2017

3.4.7 Statutory Acknowledgements

A statutory acknowledgement is a formal acknowledgement by the Crown of the mana of tangata whenua in relation to a specified area. It recognises the particular cultural, spiritual, historical, and traditional association of an iwi or hapū with the site, which is identified as a statutory area. In some instances there may be more than one hapū or iwi who is recognised as having an association with a given area. Statements of association with a statutory acknowledgement/area are set out in Treaty of Waitangi settlement legislation. The text for each statutory acknowledgement includes:

- Identification and description of the statutory area.
- A statement of association detailing the relationship between the relevant iwi or hapū and the statutory area.
- The specific requirements of the statutory acknowledgement. Statutory areas only relate to crown-owned or administered land and include areas of land, geographic features, lakes, rivers, wetlands, and parts of the coastal marine area.

The purpose of Statutory Acknowledgements are summarised as follows:

- **Notification of resource consent applications** - Consent authorities, the Environment Court, and the Historic Places Trust are required to have regard to a statutory acknowledgement when determining whether the relevant iwi or hapū may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area.
- **Environment Court proceedings** - The Environment Court must have regard to a statutory acknowledgement relating to a statutory area in determining whether the relevant iwi or hapū has an interest greater than that of the general public in respect of an application for a resource consent for activities within, adjacent to, or impacting directly on the statutory area.
- **Summaries of resource consent applications** – Consent authorities are required to forward summaries of resource consent applications to the relevant iwi or hapū for activities within, adjacent to or impacting directly on any statutory area.
- **Submissions** – In submissions to, and proceedings before, a consent authority, the Environment Court, or the Historic Places Trust, the relevant iwi or hapū governance entity and any member of that iwi or hapū, may cite a statutory acknowledgement as evidence of association with a statutory area, where those proceedings concern activities that are within, adjacent to, or impacting directly on, any statutory area.
- **Statutory plans** –
 - Information recording statutory acknowledgements for statutory areas covered wholly or partly by a statutory plan must be attached to the relevant statutory plans. Settlement legislation enacted recently has required statutory plans to include the relevant provisions of the settlement legislation in full, the description of the statutory area, and the statement of association.

- Statutory plans are also required to specify that information provided in relation to statutory acknowledgements is for the purposes of public information only, does not form part of the plan and is not subject to the provisions of Schedule 1 of the RMA

The resultant statutory areas from the treaty settlement legislation are identified in the Proposed District Plan (**Appendix 2 – Statutory Acknowledgement Areas**)

3.4.8 Relationship Agreements

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

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

3.4.9 Community Development Plans

The Council, in conjunction with its communities, has developed 15 non-statutory Community Plans. These plans are designed to assist both the Council and the community to manage growth within their centres, whilst protecting those characteristics and features that the community values most.

The Community Plans are driven by values and aspirations, with the plans centred on the environmental, spiritual, social, cultural and economic wellbeing of that community. A number of the Community Plans reference tangata whenua and the role they play, summarised below:

- The Ahipara Community Plan references in its vision for the natural environment that the principle of kaitiakitanga is utilised in the care for the beautiful and unique natural environment in Ahipara. Some of the possible goals identified are that landscapes and sites of significance are protected and treated with due respect, and that the significant waterways and waterbodies in Ahipara are in excellent condition.
- The Awanui Community Development Plan 2008 references a statement that Awanui has a clean and healthy river that aids and encourages recreational and commercial activity and a goal to achieve this is to protect sites of historic / cultural interest.
- The Broadwood Community Plan 2019 references a statement under the Natural Environment that River catchments in the wider Broadwood area are clean and cared for, and environmental initiatives are in place to protect indigenous flora and fauna. Ecotourism is well supported by infrastructure. One of the possible goals is to develop a catchment plan for Broadwood waterways.
- The Kaikohe Community Development Plan references kaitiakitanga as a recognised philosophy for the care of our environment, including the elements of community life. In terms of economic development the Kaikohe community plan identifies Māori economic aspirations post settlement will feature prominently in the future of Kaikohe. In terms of the built environment Council has a role in social housing and to support papakāinga housing projects. In terms of the natural environment the stated goal is to prepare a catchment plan that focuses on clean waterways, and ngahere protection.
- The Kaitaia Community Development Plan envisions Kaitaia as an aspiring community where the natural environment is a taonga, people are safe and empowered, and we value with pride our people, our places, and our sustainable practices. The plan recognises the responsibility to the natural environment and embraces a kaitiaki approach to the care, management and use of natural resources. One of the goals is to recognise and value the spiritual and aesthetic values of the landscape and areas of historical significance by identifying and mapping areas of value/significance through cultural impact assessment work.
- The Karikari Community Development Plan envisions Karikari as a beautiful and peaceful paradise with a safe and healthy environment, a strong, local economy, excellent infrastructure and

services, great recreation opportunities and a proactive and interactive community. The plan states as one of its goals the wāhi tapu are identified and respected in alignment with the local hapū development plan.

- The Kohukohu Community Development Plan has as its vision ““Kohukohu, he hapori whanga-whaa-taha me te tuawhenua e whai hua ana i tona hitori, ahurea, iwi, taiao, me o muri ake nei. Kohukohu, a thriving harbour-side & rural community which values its unique history, culture, peoples, environment and future”. The plan states as one of its objectives to protect wāhi tapu and other sites of cultural significance to Māori.
- The Moerewa Community Development Plan has as its vision “Moerewa is a unique community that values its people, culture and history. It fosters a vibrant economy within a safe, clean and attractive environment”. The plan states “As Kaitiaki of Papatuanuku it is our responsibility to continue to protect and enhance the environment of Moerewa through education and restoration to preserve it for future generations”.
- The Ohaeawai Community Development Plan has as its vision statement “ Putting the garden back into Taiamai”. The plan identifies one of its community goals is to promote the historical nature of early Māori settlement by identifying the five Māori pā.
- The Opononi-Omapere Community Development Plan does not identify any specific tangata whenua related statements or goals that are relevant.
- The Pukenui-Houhora Community Development Plan has as its vision statement “Pukenui-Houhora is a safe place where friendly people of diverse backgrounds value the special attributes and opportunities provided by their unique climate and environment”. However, the plan does not identify any specific tangata whenua related statements or goals that are relevant.
- The Rawene Community Development Plan envisages a caring, sharing, co-operative community that values sustainability and living in harmony with the natural environment. One of the stated goals of the plan is to protect significant Māori cultural and spiritual sites by identification of sites of significance to Māori.
- The Taipa, Ōruru, Parapara, Paranui and Peria Community Development Plan envisages “A vibrant community with a thriving economy, unspoilt natural environment, and cultural values based on Ngati Kahutanga”. One key action identified in the plan is the on-going recognition of the Māori heritage of the area. To achieve this the identification and appropriate protection of cultural sites of significance such as pā.
- The Totara North Community Plan envisages the preservation of the peaceful environment, the harbour and the natural beauty of Totara North. Maintaining the strong community values of unity, health and looking after each other. Respecting the unique heritage and working together to continually improve the social, historic, natural, and built environments. The plan identifies as one of its goals and actions to protect existing heritage sites.
- The Towai Community Development Plan states as its vision “Honour past sacrifices made and respect our traditions & faith. Preserve our strong community values of hard work, resilience and whanaungatanga/supporting each other. Build on our unique heritage and work together to continually improve our social, historic and natural and built environments to create a better home for us and our children”. The plan identifies as one of its key goals and actions the protection of heritage sites.
- The Whangaroa Community Development Plan has as its vision “Whangaroa rohe is a thriving, harmonious, self-directed, culturally-diverse community that cares for, and is sustained by its unique natural environment and heritage”. However, the plan does not identify any specific tangata whenua related statements or goals that are relevant.

3.4.10 Te Rautaki o Te Oneroa-a-Tōhe (Beach Management Plan for Ninety Mile Beach)

The Te Oneroa-a-Tōhe Board has prepared the Te Rautaki o Te Oneroa-a-Tōhe (Beach Management Plan) to help manage Ninety Mile beach, as a requirement of the Te Hiku o Te Ika iwi Treaty of

Waitangi settlement legislation. The legislation allows for the Beach Management Plan to address any matter relating to the care and management of the Te Oneroa-a-Tōhe management area.

The area covered by the Beach Management Plan is primarily within the Coastal Marine Area. The main way that the Beach Management Plan is implemented is through the Regional Plan.

The District Plan must “recognise and provide for” the Beach Management Plan, and relevant regional and district plan resource consent applications “must have regard” to the Beach Management Plan.

Section I of the Te Oneroa-a-Tōhe Beach Management Plan sets out the actions to be taken by the Board, Councils, Iwi and Hapū and other agencies in order to achieve the vision, objectives and desired outcomes of the Beach Management Plan. The actions identified for Far North District Council are set out **Appendix 2** of this Report. In summary, Far North District Council is required to:

- Identify Te Oneroa-a-Tōhe and Te Ara Wairua as a culturally significant landscape in the district plan and specify provisions requiring protection from inappropriate activities.
- Require analysis of the effects on Te Oneroa-a-Tōhe, and for activities likely to impact on the Beach Management Area and consider the Beach Management Board as an affected person/body where the effects are minor or more than minor.
- require resource consent for new commercial activities related to Te Oneroa-a-Tōhe; and
- act in partnership with the Board and Iwi and Hapū when developing any review or changes to the District Plan.

The PDP has been prepared to recognise and provide for the Te Oneroa-a-Tōhe beach management plan, discussed further in Section 8 below.

4 Current State and Resource Management Issues

This section provides an overview of the relevant context for Tangata Whenua chapters of the PDP, the current approach to manage tangata whenua matters through the Operative District Plan, and key issues raised through consultation. It concludes with a summary of the key resource management issues for the tangata whenua topic, to be addressed through the PDP.

4.1 Context

4.1.1 Māori communities

The Far North communities are rich in cultural diversity. There is a strong Māori cultural identity. Māori make up more than 40% of our District’s population, and 43% of Māori in Te Taitokerau are able to understand or converse in Te Reo Māori. In addition, 17% of the land within the Far North District is within Māori land tenure. By 2050, over 50 percent of the Far North population will be of Māori descent.

There are approximately 144 Marae, 10 Iwi Runanga and over 200 Hapū within the Far North District. Some Iwi in our District have had their Te Tiriti o Waitangi / Treaty of Waitangi claims settled (as outlined in Section 3.4.6 above). Other Iwi and numerous Hapū have entered into a Treaty of Waitangi Tribunal process and are engaged in the settlement process.

As explained in Section 3.3, a number of Iwi and Hapū have lodged Iwi/Hapū Environmental Management Plans with Council.

4.1.2 Relationship between Māori and Papatūānuku

Māori have strong spiritual bonds with the land, Papatūānuku, the Earth Mother. She provides unity and identity to her people and sustains them. Māori consider that Papatūānuku sustains all life, and that they are spiritually connected to her. This connection is shown when a baby is born and the whenua (after birth) is buried in a sacred site.

The close attachment of Māori to their ancestral lands and resources stems from this belief in their common origins and from occupation and use

Māori thus see themselves as descendants of gods, and as partners with them in a physical and spiritual universe. As Dame Mira Szaszy put it:

We are the children of Papatuanuku, the Earth Mother, one of our divine Primal Parents. We contend that all of Nature derives from her - our lands, forests, rivers, lakes and seas and all life contained therein. As such our spirituality is deep-rooted in the earth, the lands upon which our forebears lived and died, the seas across which they travelled and the stars which guided them to Aotearoa. They were also physically sustained by the produce of Tane and Tangaroa. The sanctity of the Mauri of all things was respected.⁵

Ancestral lands are not restricted to land currently owned by Māori but also include lands traditionally occupied by iwi and hapū. To Māori, water in all forms was descended from Papa-tū-ā-nuku and Ranginui. Rivers (awa) represent the tūpuna (ancestors) of the tangata whenua. Water and every river therefore have their own mana. Water also has its own mauri (life force) and wairua (spirituality) which are linked to mana. If the mauri or wairua of a waterbody is interfered with through over-exploitation, pollution or desecration, then the spirits of the tūpuna are affected and the waterbody loses its mana.

Māori are concerned about the effects of resource use on land, air, water, coasts, geothermal resources and the plants and animals. They are concerned about the changes which impact these resources and development on tapū (sacred) areas. Generally Māori feel that there needs to be more protection for the customary uses of plants and animals and greater participation in resource management processes including plan development and monitoring⁶.

Tangata Whenua have comprehensive customs to manage and protect their resources. Environmental management is exercised through the practice of kaitiakitanga (guardianship) and is integrated and holistic. People are viewed as part of the natural environment, not separate from it. As mentioned above, the natural world, including people, are connected through whakapapa (genealogy), and the natural world is itself connected to atua (gods). This integrated perspective, which includes spiritual values such as tapu (sacredness) and wairua (spirit), is the basis for kaitiakitanga.

Tikanga māori guides the cultural and spiritual wellbeing of tangata whenua, enables tangata whenua to carry out kaitiaki responsibilities and obligations. Thus, ensuring the environmental wellbeing of the land and sea, while still enabling the sustainable utilisation of resources to support economic wellbeing.

Within tribal structures, authority to exercise kaitiakitanga is established locally. While in practice councils need to engage with established entities such as iwi authorities, time and resources are needed for those organisations to work with hapū (sub tribes) and whanau (families).

⁵ Mira Szaszy, 'Evidence Presented to the Waitangi Tribunal on the Te Reo Mihi Marae, Te Hapūa on the Runanga-o-Muriwhenua Claims', December 1987 (doc A6), p2. Tane is the progenitor of forests, Tangaroa of fishes. Mauri is an intangible quality relating to the essence or life-force of a place, person, or thing; it is central to Māori thinking.

⁶ Analysis of the Operative Far North District Council District Plan (September 2009) through a Māori Lens' (July 2015)

4.1.3 Māori land

The history of Māori land in the Far North District is well documented in numerous Waitangi Tribunal reports⁷.

Māori land is different to General land. Te Kooti Whenua Māori (**TKWM**)/Māori Land Court (**MLC**) has specific jurisdiction over Māori land as prescribed by Te Ture Whenua Māori Act 1993 (**TTWM Act**)/Māori Land Act 1993 (**ML Act**). Māori land is defined by the TTWM Act as being one of two things, Māori Customary Land (**MCL**) or Māori Freehold Land (**MFL**).

Māori Customary Land has not had its ownership investigated and determined by the TKWM/MLC, has not been acquired by the Crown, does not have a Land Transfer Act title or Deed and continues to be held in accordance with tikanga Māori⁸.

Māori Freehold Land, on the other hand, is land that has been investigated by the TKWM/MLC and a freehold order has been issued, or was land set aside by the Crown as Māori freehold land and awarded by Crown Grants to specific individuals, or has had the status determined as Māori freehold land by order of the TKWM/MLC. Māori freehold land is held by individuals who have shares together as tenants in common, in other words Māori land predominantly has multiple owners with descendants inheriting ownership via applications to the TKWM/MLC.

There is a significant amount of Māori land in the Far North district, approximately 17% of all land in the District, made up of 3,865 Māori freehold land blocks⁹. In comparison, the neighbouring Districts have:

- 756 Māori land blocks, or 0.5% of Māori land, within Whangarei District
- 291 Māori land blocks, or 0.8% of Māori land, within Kaipara District.

The majority of Māori land within the Far North District is located in the Kaikohe-Hokianga Ward (approx. 54%), 28% in the Bay of Islands (Pewhairangi)/Whangaroa Ward and approximately 18% in the Te Hiku Ward.

The size of Māori land parcels varies significantly (as shown in **Table 2**), with an average size of 24.38 ha. The most common size bracket is parcels that are 20ha or larger (944 parcels or 22% of the total).

Table 2 Size of Māori land parcels¹⁰

Size of land parcel	Māori land	
	Number of parcels	Percentage of parcels
0 - 500m ²	55	1%
500 - 1,000m ²	210	5%
1,000 - 2,500m ²	466	11%
2,500 - 5,000m ²	379	9%
5,000m ² - 1ha	392	9%
1 - 2ha	392	9%
2 - 3ha	231	5%
3 - 4 ha	175	4%

⁷ For example, the Muriwhenua Land Report (Wai 45) 1987, the Te Roroa Report 1992 (Wai 38), and the Te Paparahi o Te Raki (Wai 1040) Stage 1 Report 2014, Eating Away at the Land, Eating Away at the People: Local Government, Rates and Māori in Northland by Bruce Stirling 2008.

⁸ In the Far North District there is only one block of Māori Customary Land (as identified by TKWM/MLC GIS data 2017) which equates to 4 ha.

⁹ approximately 116,000 hectares of the approximately 670,00 hectares in the district.

¹⁰ Indicative data only

Size of land parcel	Māori land	
	Number of parcels	Percentage of parcels
4 - 5ha	143	3%
5 - 10ha	431	10%
10 - 20ha	502	12%
20ha - 40ha	500	12%
40ha+	444	10%

Currently the majority (approximately 81%) of Māori land in the district is located in the Rural Production Zone of the Operative District Plan, with another approximately 18% located within the General Coastal Zone. The remaining 2% of Māori land is in the other zones (e.g. Coastal Living, Coastal Residential, Rural Living, Commercial, Industrial, Waimate North). **Appendix 3** to this Report provides further information on the nature of Māori land within the District.

When looking at the current property parcels that are wholly or partially included in the area of Māori owned land:

- Property parcels linked to land based primary production activities (horticulture, farming and forestry) make up just 23% of all Māori owned land parcels.
- In total there are an estimated 988 Māori owned primary production property parcels. There are 3,300 Māori owned land parcels with other types of land uses¹¹.

In terms of the land area of Māori owned land parcels (107,237ha), parcels linked to primary production activities account for an estimated 72% of the total (77,307ha of parcel area).

- Horticulture and fruit growing properties make up less than 1% of the total area of Māori owned land properties;
- Sheep, beef cattle and grain farming properties make up 41% of the total area;
- Dairy farming properties make up 3% of the total area;
- Forestry and logging properties make up 35% of the total area.

Non-primary production land uses make up an estimated 28% of the area covering Māori owned property (29,930ha). Based on further analysis, the following land use (LINZ) codes account for the major share of non-productive land uses located on Māori owned land:

- Primary Industry – Vacant or Idle (approximately 11% of the total area of Māori owned land properties)
- Lifestyle - Vacant (approximately 7% of the total);
- Lifestyle – Single Unit (approximately 3% of the total);
- Recreation – Passive Outdoor (approximately 3% of the total);
- Residential – Single Unit (other than bach) (approximately 3% of the total);
- Residential – Vacant (approximately 1% of the total);
- Residential – Bach (approximately 1% of the total);
- Residential – Multi Unit (approximately 1% of the total);
- Lifestyle – Multi Use (approximately 1% of the total);
- Lifestyle – Multi Unit (approximately 1% of the total);
- Community Services – Cemeteries & Crematorium (approximately 1% of the total); and
- Community Services – Educational (approximately 1% of the total)

¹¹ Sourced from Rural Analysis Economic Analysis Report, prepared by 4Sight Consulting for Far North District Council, September 2018.

4.1.4 Treaty Settlement Land

A Treaty of Waitangi settlement is an agreement between the Crown and Māori claimant group to settle that claimant groups historical claims against the Crown. The process of settling claims is led by Te Arawhiti, the Office for Māori Crown Relations, a Crown agency the work of which is to complete historical Treaty settlements through the workstreams of Te Kāhui Whakatau (Treaty Settlements), Te Kāhui Whakamana (Settlement Commitments), and Te Kāhui Takutai Moana (Marine and Coastal Area), each of which, ensure the commitments made in Treaty settlements endure and process applications under the Marine and Coastal Area (Takutai Moana) Act 2011. The process results in an Act for each settlement. As explained in Section 3.4.6, to date, treaty settlement claims between Iwi and the Crown have been settled with six iwi, Te Roroa, Ngāi Takoto, Ngāti Kuri, Te Aupōuri, Te Rarawa and Ngatikahu ki Whangaroa, in the Far North District.

As part of Treaty claims settlements, redress to iwi can take the following forms:

- Cultural Redress
- Commercial Redress
 - Financial (cash) Redress
 - Commercial Redress Property
 - Deferred Selection Property
 - Right of First Refusal (RFR) Property
 - Right of Access
- Statutory Acknowledgment Areas

Cultural Redress land has cultural and/or spiritual meaning to iwi. Commercial Redress recognises the losses suffered by iwi from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing iwi with resources to assist them to develop their economic and social wellbeing. Commercial redress properties may be transferred wholly to one settlement party or jointly to two or more settlement parties (joint ownership). Deferred Selection Property (DSP) are crown owned properties listed in the settlement Deed schedule for commercial redress. The representative entity has a fixed time period to decide if it wants to purchase the property. Right of First Refusal (RFR) Property is a right given to settlement iwi to have first opportunity to acquire (or refuse) a Crown property listed in the Settlement Deed when it becomes available. Right of Access property is a right over land on which a protected site is situated, in favour of Māori for whom the site is of special cultural, historical or spiritual significance. Statutory Acknowledgment Areas are recognition of the association between iwi and a particular site or area and enhances the ability of iwi to participate in specified resource management processes.

Analysis has been carried out on the Treaty settlement land data to identify the location of Treaty settlement land in the FND. It is acknowledged that this dataset is not static as Treaty settlement claims and negotiations are on-going and as settlements are finalised and brought into law the layer will need to be updated. An example is the Ngāti Kahu Settlement Claim, an Agreement in Principle was reached with Ngāti Kahu in 2008 but Ngāti Kahu did not sign the deed of settlement in 2015 when the other four Te Hiku iwi, Ngāti Kuri, Te Aupōuri, Ngai Takoto and Te Rarawa signed their deeds of settlement. So, this settlement is still pending. It should also be noted that Ngāpuhi, the biggest iwi in Aotearoa/New Zealand, with a significant portion of its area of interest within the FND is yet to settle its Treaty claims.

Te Roroa's area of interest spans both the Far North District and Kaipara District with the majority of land returned to the iwi as cultural and commercial re-dress being located within the Kaipara District. However, a number of parcels returned as commercial re-dress are located in the south-west of the Far North District on the boundary with Kaipara District. This re-dress land is predominantly made up of the Waipoua Forest and is both cultural and commercial redress.

The four Te Hiku Iwi who had their settlement claim Acts enacted in 2015, Ngāti Kuri, Te Aupōuri, Ngai Takoto and Te Rarawa, have had the Te Hiku Forest on the Aupōuri/Te Hiku Peninsular, a large

commercial forest, returned to them jointly. In addition a number of Pāmu/Landcorp Farming Ltd (a State-Owned Enterprise), farms such Cape View, Te Raite, Takahue, Te Karae and Sweetwater, have been returned to them individually or jointly. These farms carry out a variety of rural production activities including dairy farming, sheep and beef farming and forestry. In addition, Te Papa Atawhai/Department of Conservation administered land, and Te Paki Station, a sheep and beef farming operation, have been returned. There have also been numerous school sites, school house sites, court house sites, and various other small land blocks returned as commercial redress.

Ngatikahu ki Whangaroa had its settlement claim Act enacted in 2017. The Deed of Settlement includes property returned as Cultural Redress rather than Commercial Redress, including in its settlement Stony Creek Station, the Thomson Block and the Clark Block, large areas of sheep and beef farming land.

Table 3 provides a summary of the Treaty Settlement land within the District. The majority of parcels (71%) are over 1 ha in size, with 31% over 40ha in size.

Treaty Settlement Land¹² is primarily located within the Rural Production Zone (approximately 33,116 ha) or Natural Open Space Zone (approximately 33,128 ha) of the Proposed District Plan, with the remainder located within the:

- General Residential Zone (approximately 20 ha)
- Light Industrial Zone (approximately 6.8 ha)
- Rural Residential (approximately 13.9 ha)
- Sport and Active Recreation Zone (approximately 13 ha); and
- Rural Settlement and Mixed Use Zone (approximately 1.9 ha and 1.7 ha respectively).

Table 3 Size of Treaty Settlement Land parcels ¹³

Size of land parcel	Treaty Settlement Land	
	Number of parcels	Percentage of parcels
0 - 500m ²	33	6%
500 - 1,000m ²	19	4%
1,000 - 2,500m ²	43	8%
2,500 - 5,000m ²	33	6%
5,000m ² - 1ha	30	6%
1 - 2ha	48	9%
2 - 3ha	21	4%
3 - 4 ha	4	1%
4 - 5ha	14	3%
5 - 10ha	47	9%
10 - 20ha	36	7%
20ha - 40ha	35	7%
40ha+	161	31%

4.1.5 Constraints on Māori Land and Treaty Settlement Land

There is a strong desire for whānau to live on and/or develop ancestral lands to enhance to social, economic and cultural well-being of Māori people.

¹² Based on an indicative data analysis

¹³ Indicative data only

Māori face a number of key constraints, issues and challenges regarding the use and development of their land, as summarised in Table 4 below.

Table 4 Key Constraints to Development of Māori land

Key Constraint	Summary of key constraints
Growing Māori population and a shortage of quality affordable housing / inability to live on ancestral land	<ul style="list-style-type: none"> • The Māori population in the District is growing and expected to continue to grow • With a shortage of quality and affordable housing options, many Māori are living in rental accommodation. Rental accommodation can be difficult to secure for large whanau and thus overcrowded, which has implications on wellbeing. • Currently papakāinga development can take a considerable amount of time from concept design to implementation
Multiple ownership of land and associated challenges	<ul style="list-style-type: none"> • Additional legislative requirements and controls under Te Ture Whenua Māori Act 1993 • Lack of ability to finance and/or access funding for development. Obtaining finance for development can be challenging with multiple owners (especially for Māori Freehold and Māori Customary Land) • Decision-making and cooperation between multiple landowners and trustees to agree on a shared vision is challenging, particularly for land without “management structures” in place¹⁴.
Limited resources, capacity or capability to navigate processes to use and develop land (in particular to develop papakāinga)	<ul style="list-style-type: none"> • The processes / stages to develop papakāinga involve whanau planning, workshops/research, project feasibility, due diligence, consents, project/building management and housing operations. • These processes are complex, time-consuming and difficult to navigate.
Lack of servicing and other infrastructure for development	<ul style="list-style-type: none"> • Infrastructure and service provision is limited (e.g. wastewater, water, stormwater systems, electricity and telecommunications connections) especially when land is located in rural areas • Future developments may need to be self-serviced.
Inadequate recognition or understanding of kaupapa and mātauranga Māori in resource management planning and decision-making	<p>Māori have a holistic and interconnected relationship with natural and physical resources. In recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga, it should be recognised that there are clear links between healthy ecosystems (with greater life-supporting capacity) and people’s cultural and spiritual wellbeing (i.e. the environment needs to be healthy before tangata whenua can live there).</p>
Māori land and Treaty	<ul style="list-style-type: none"> • A large portion of Māori land and Treaty Settlement Land is

¹⁴ In terms of management structures for the Māori land in the district:

- 23% of the land in the Far North District has no management structure defined.
- 34% is managed by an Ahu Whenua Trust
- 23% of Māori Land in the district is managed by an Incorporation Management Committee

Key Constraint	Summary of key constraints
Settlement Land is located in areas which are constrained / disproportionately affected by overlays	<p>located in areas which are subject to District Plan overlays for protection of special values or hazards (refer to Table 5), which often requires resource consent and associated technical assessments to enable development.</p> <ul style="list-style-type: none"> • Additional costs and resource consent processes make it even more difficult for Māori to develop their ancestral land.

Table 5 Extent of Māori Land and Treaty Settlement Land covered by District Plan Overlays

Overlay	Proportion (%) of Māori land covered by overlay	Proportion (%) of Treaty Settlement Land covered by overlay
Coastal Environment	16.31	9.21
Natural Character	8.60	5.41
Outstanding Natural Landscape	20.07	11.07
Outstanding Natural Feature	1.89	1.72
Significant Natural Areas ¹⁵	52.25	21.35
Hazards and Risks Overlays¹⁶	18.95	9.55

To date, there has been little uptake for papakāinga within the Far North District (15 resource consent applications over the past 10 years). Many multiple-owned Māori land parcels in the District are underutilised, meaning that the potential of this land to support and enhance the social, cultural and economic wellbeing of tangata whenua is yet to be “unlocked”.

4.1.6 Cultural heritage

Sites and areas of significance to Māori are extensively scattered throughout the District and illustrate the continuity of settlement from first Māori occupation until today. There are few places in New Zealand which maintain such strong continuous social and cultural links to the past.

The Operative District Plan contains a list of 373 identified Sites of Cultural Significance to Māori (Appendix 1F). The schedule includes a range of sites including waahi tapu, urupa, pa sites, sacred awa, historic and Māori reserves, marae, maunga tapu and taonga islands.

In addition, Heritage New Zealand’s Pouhere Taonga List identifies approximately 1,476 individual ‘historic places’ across the District including middens, terraces, burials, pits, artifacts, pā sites, stone structures, and other archaeological features.

Far North District Council also commissioned a “Historic Heritage Ōruru Valley Assessment Report” (prepared by Plan Heritage Ltd, June 2020) to provide an overview of the historic heritage values of the Ōruru Valley area, in particular the scale and significance of Māori historic heritage. This assessment found that the Ōruru Valley (covering an area of 8500 ha):

- Has a high density of recorded and unrecorded archaeological sites
- Contains several built places of potential heritage interest relating to both the 19th and early 20th centuries reflecting the later historical development of the community (including hundreds of individual archaeological sites, and over 55 pa sites)

¹⁵ Identified by Northland Regional Council

¹⁶ Includes Rivers - 1 in 10 year flood hazard area, Rivers - 1 in 100 year flood hazard area, Coastal flood hazard zone 1, Coastal flood hazard zone 2.

- Has similar site densities are observed in other areas within the Far North District, but overall these (other) areas are significantly smaller in scale.
- Only 13 sites within the valley catchment area are scheduled within the Operative District Plan (i.e. less than 1% of the total recorded sites).

The Ōruru Valley assessment essentially provides an indication of the extent of cultural heritage throughout the district, suggesting there are potentially thousands of sites and areas of significance to Māori throughout the District. Council has recently commissioned an outline of works for a pilot project to identify, protect and manage sites of significance in the Ōruru Valley including working collaboratively with hapū, making progress with the accurate identification of the spatial extent of heritage resources, including sites and areas of significance to Māori, within the valley. The pilot project would provide a basis for a collaborative approach and the work is a priority for Council as it will play an important role to inform and guide the approach to the future District-wide assessment of sites and areas of significance to Māori in collaboration with tangata whenua

4.2 Operative District Plan Approach

4.2.1 Development of Māori land

The Operative District Plan provides for papakāinga housing and integrated development on Māori land in the rural and coastal environments but does not provide for papakāinga housing on Māori land in the urban environment. The operative plan also does not identify Māori land or Treaty Settlement land in the district.

The rural environment consists of the Rural Production and Rural Living zones. The coastal environment consists of the Coastal Residential, Coastal Living and General Coastal zones. The urban environment consists of the Residential, Commercial and Industrial zones. The Coastal Residential Zone does not provide for development on Māori land and nor do any of the zones in the urban environment. There are also special zones within which Māori land is located such as the Conservation, Minerals, Waimate North zone and Russell Township zone, none of which provide for papakāinga housing.

As explained above, Māori land is subject to a range of overlays include Coastal Environment, Coastal and Flooding Hazards, Significant Natural Areas, Outstanding Landscapes, Outstanding Landscape Features, Outstanding Natural Features. In addition the general zone provisions such as boundary setbacks and district wide provisions such as traffic generation apply to Māori land.

The Operative District Plan objective and policy framework for the management of the Māori land resource is outlined below:

- Objectives in 2.7:
 - Objective 2.7.1 Through the provisions of the Resource Management Act, to give effect to the rights guaranteed to Māori by Te Tiriti O Waitangi (Treaty of Waitangi).
 - Objective 2.7.2 To enable Māori to develop and manage their land in a manner which is consistent with sustainable management of the natural and physical resources of the District as a whole.
- Policies in 2.8:
 - Policy 2.8.1 That Council will provide opportunities for the involvement of tangata whenua in the sustainable management of the natural and physical resources of the District.
 - Policy 2.8.2 That tangata whenua be consulted over the use, development or protection of natural resources where these affect their taonga.

- Policy 2.8.3 That the Council will have regard to relevant provisions of any whanau, hapū or iwi resource management plans, taiapure plans or mahinga mataitai plans.
- Policy 2.8.4 That development on ancestral land will be provided for, consistent with the requirement for sustainable management of resources.
- Methods of implementation 2.9:
 - Method 2.9.3 Rules in the General Coastal, Rural Production, Coastal Living and Rural Living Zones provide for the development of housing on papakāinga.
 - Method 2.9.4 Integrated development of ancestral land is provided for by rules in the Rural Production, General Coastal, Rural Living and Coastal Living zones.

4.2.2 Protection of Sites and Areas of Significance to Māori

The Operative District Plan contains a list of 373 identified Sites of Cultural Significance to Māori (Appendix 1F). The schedule includes a range of sites including waahi tapu, urupa, pa sites, sacred awa, historic and Māori reserves, marae, maunga tapu and taonga islands.

As explained in Section 4.2.2, there are many cultural heritage resources, especially archaeological sites and Sites of Cultural Significance to Māori, that are not yet identified in the District Plan. The information on heritage resources is of variable quality and completeness.

The Operative District Plan objective and policy framework for the management of sites and areas of significance to Māori is outlined below:

- Objective in 12.5.3
 - Objective 12.5.3.2 To protect waahi tapu and other sites of spiritual, cultural or historical significance to Māori from inappropriate use, development and subdivision.
- Policies in 12.5.4
 - 12.5.4.4 That land use activities in the vicinity of Sites of Cultural Significance to Māori shall not compromise their spiritual, cultural or historical values and that the effect on cultural, spiritual and historical values is taken into account in the assessment of applications.
 - 12.5.4.5 That the Council consult with whanau, hapū and iwi to develop appropriate and acceptable consultation processes for Māori.
 - 12.5.4.12 That the Council will utilise, where appropriate, its heritage protection authority status under s187 of the Act, to protect any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural or historical reasons and such area of land (if any) surrounding that place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of the place.
 - 12.5.4.14 That Council will ensure that, before seeking to include within the Plan any heritage resource that occurs on private land, consultation will be undertaken with the landowner affected.
- Methods of Implementation 12.5.5
 - 12.5.5.1 The Plan includes schedules of Sites of Cultural Significance to Māori (Appendix 1F), which are shown on District Plan Maps. An application for resource consent will be required for significant modifications to those items/places that are scheduled and/or mapped
 - 12.5.5.2 The Council may add to the schedule of Sites of Cultural Significance to Māori, when it is advised of new items, provided that:
 - (a) there is proof of consultation with the owner of the land on which the heritage resource is located;

(b) a written narrative about the heritage resource is provided; (c) adequate mapping is carried out. New heritage resources will be added to the Plan only by a Variation or Plan Change

- 12.5.5.4 Where subdivision or a land use activity may lead to a greater risk of inappropriate change to a heritage item, the Council may require a protective covenant, or other means of achieving permanent protection, as a condition of subdivision or land use activity.
- 12.5.5.6 Where an application is made to modify a Site of Cultural Significance to Māori, the tangata whenua and the relevant iwi authority for whom the site has significance shall be considered an affected party in terms of s93 and s94 of the Act.
- 12.5.5.7 Where an application is made for an activity which may modify a Site of Cultural Significance to Māori listed in Appendix 1F the New Zealand Historic Places Trust, the Department of Conservation and/or the requesting party and the relevant iwi authority for whom the site has cultural significance shall be considered to be affected parties in terms of s93 and s94 of the Act.
- 12.5.5.8 Subdivision of land will be controlled to prevent the separation of any land that is closely associated with the significance or value of a heritage resource.

4.2.3 Plan Changes

There are no specific plan changes that are immediately relevant to the Tangata Whenua chapters.

4.3 Other Methods

The Council also applies a number of other methods to manage Māori land. They include:

- 2.9.8 Education, including facilitation of consultation between tangata whenua and landowners, is a continuing responsibility for which the Council may provide resources in the Annual Plan.
- 2.9.9 Funding or other assistance for the preparation of whanau, hapū or iwi planning documents may be provided by the Council in the Annual Plan.

The other relevant methods Council uses to protect Sites and Areas of Significance to Māori are:

- 12.5.5.15 Section 10 of the Historic Places Act 1993 makes it an offence for anyone to destroy, damage or modify, or cause to be destroyed, damaged or modified, the whole or any part of any archaeological site, knowing or having reasonable cause to suspect it is an archaeological site. Sections 11 and 12 of the Historic Places Act 1993 allow an application to be made to “destroy, damage or modify” any archaeological site.
- 12.5.5.16 In assessing an application for resource consent, the Council may reduce or waive the requirement to comply with rules in the Plan where this will assist in protecting the heritage resource and the values for which it has been scheduled or protected.

4.4 Limitations with current approach

The Council has reviewed the current operative district approach, which has been informed by technical advice, internal workshops and feedback from the community, Iwi, hapū and stakeholders.

The Council also commissioned a Report titled ‘Analysis of the Operative Far North District Council District Plan (September 2009) through a Māori Lens’ (July 2015), primarily to:

- Provide a substantive analysis of the Operative District Plan through a Māori lens
- Use the findings to inform the overall review of the District Plan
- Identify how Māori land and Treaty settlements could be better addressed in the Plan
- Comment on the gaps in the plan relating to hapū/iwi environmental management plans, Māori land utilisation and the Proposed Regional Policy Statement.

Between 2009 and 2020, there were seven resource consent applications under the Papakāinga Housing and Integrated Development rules in the Operative District Plan¹⁷. Five applications have been made under the Integrated Development rule and two under the Papakāinga Housing rule. Six of the applications have been approved, one is currently suspended under s92 of the RMA 1991 and has been awaiting further information since 2011. Five of the six approved applications were non-notified and one was limited notified, went to hearing and was approved by the Hearings Commissioner, subject to conditions. Six of the seven applications were in the Rural Production zone and one was in the General Coastal zone. Uptake for papakāinga development in the Far North District remains low.

A number of limitations with the Operative District Plan approach have been identified through this process, including:

- Many of the Tangata Whenua provisions are expressed in high level terms, and lack operational effectiveness.
- The Tangata whenua provisions are almost all in the Tangata Whenua Section and are generally absent from the rest of the Plan with very little cross-referencing. These factors have two principal consequences:
 - There is little guidance for decision making for most resource and activity categories; and
 - There are almost no Expected Outcomes related to TW other than in the Tangata Whenua Chapter.
- In the Tangata Whenua Chapter there are breaks in the cascade from Issues to Methods, which means that implementation is not in practice fully required.
- Implementation of many of the Tangata Whenua provisions¹⁸ relies on Council discretion with no guidance provided.
- The Operative Plan provisions, and in particular the Expected Outcomes, are not in a form which enable effective monitoring.
- Tangata Whenua are very clear in their requirement to be actively involved in council decision-making processes (as highlighted in the district hapū and iwi environmental management plans). The Operative District Plan provides little formal guidance around how Council takes into account or has regard for hapū / iwi management plans or other documents in decision-making processes.
- There are no policies or guidance on how Council and Tangata Whenua can jointly build capacity to achieve shared environmental outcomes.
- The Plan lacks clear guidance on how Council will achieve its Treaty of Waitangi obligations and responsibilities. There is no direction around how Council will provide for Treaty Settlements in the Plan, nor does the plan identify what RMA tools can be used to incorporate relevant aspects of Treaty Settlements.
- The status of partnerships with Tangata Whenua as a significant resource management issue remains current but requires clear definition and monitoring in order for it to be of any value. Support to achieve this significant resource management issue is also required outside of the RMA through the LGA processes to foster the development of Māori capacity to contribute to the decision-making processes of a local authority through its long-term plan.
- While partnership with Tangata Whenua as a significant resource management issue remains current, a more proactive statement such as “facilitate Tangata Whenua to participate in the co-management of district resources” or similar would be more aligned to TW expectations and aspirations.

¹⁷ Sourced from “A Review of the Efficiency and Effectiveness of the Far North District Plan: A Report prepared under Section 35 of the Resource Management Act (1991) (April 2020).

¹⁸ In particular the processing of resource consents and the application of hapū / iwi management plan provisions.

- There is no clear guidance or policies regarding TW participation in resource consent processes, imposing consent conditions that recognise TW interests, criteria which trigger cultural impact assessments, recognition of kaitiakitanga, or opportunities to participate in consent monitoring activities
- The Operative District Plan doesn't differentiate Māori Land from Treaty Settlement land which are managed under distinctly different pieces of legislation. Consideration as to how this is best dealt with in the Plan is required.

4.4.1 Enabling economic, social and cultural development

The Operative District Plan is an effects based plan. As explained above, it does:

- provide explicitly for papakāinga housing in some zones (Rural Environment and the Coastal Environment through the Papakāinga Housing and Integrated Development rules which require controlled or discretionary activity consent).
- contain some provisions in the operative plan that acknowledge that Māori land is different to General land.

However, development on Māori land often requires a resource consent. This creates a further barrier to the development, in particular for papakāinga housing. Recent MfE research identifies that the requirement for resource consent can increase the cost of a papakāinga housing development on Māori land by around \$10,000 per dwelling. Conversely the removal of the requirement for resource consent can decrease the cost by this amount.¹⁹

Far North District Council has developed a process with the Māori Land Court, to provide Written Preliminary Advice (WPA) letters at the request of Māori land owners who were making applications for an occupation order. The letters provide a desktop analysis of the proposal to build a dwelling within an occupation order area on Māori land, based on Information provided from the applicant, Māori Land Online, Council's GIS database and the Far North District Plan. An analysis of the WPA letters which have been provided to 59 Māori landowners²⁰ demonstrated that:

- Approximately 44% of the proposals to construct dwellings within occupation orders on Māori land, may be able to be carried out 'as of right' without the need for a resource consent.
- Conversely, approximately 49% of proposals require a resource consent, primarily within:
 - The Rural Production Zone (62% of proposals) for infringement of "Residential Intensity" rules (and with one proposal breaching the Traffic Intensity rule); or
 - The General Coastal zone (27% of proposals) and all infringements were of either the Visual Amenity or Residential Intensity rule or both
 - Rural Living Zone (10% of proposals), with infringement of the rules relating to "fire risk".

While the Far North District Plan is among 59% of district plans which provide a specific rule for papakāinga housing in the plan, it is not a permitted activity, it is a controlled or discretionary activity depending on the zone and the scale of the proposal and can also be a non-complying activity, which creates an additional barrier or constraint to development of land owned by Māori and does not enable economic, social and cultural development.

4.4.2 Protection of Sites and Areas of Significance to Māori

The current schedule of sites and areas of significance to Māori includes a range of sites including waahi tapu, urupā, pa sites, sacred awa, historic and Māori reserves, marae, maunga tapu and taonga islands.

¹⁹ p24 - National Planning Standards: Tangata Whenua Provisions in District and Regional Plans: Discussion Paper (MfE)

²⁰ Between 2013 and 2019

As explained in Section 4.2.2, there are many cultural heritage resources, especially archaeological sites and sites of cultural significance to Māori, that not yet identified in the District Plan. The information on heritage resources is of variable quality and completeness.

The sites and areas of significance to Māori that are not yet identified in the District Plan can only be protected through:

- Public awareness and appreciation or education (however, this method also requires good information which is sometimes not available)
- The resource consent process (for example, if resource consent is required for another reason, and sites and areas of cultural significance are identified for protection through engagement with the relevant iwi or hapū and/or a cultural impact assessment); or
- The Heritage New Zealand Pouhere Taonga Act 2014 which requires that all archaeological sites, whether recorded or unrecorded, are protected.

These approaches are not always effective and lack certainty (for landowners, Council and tangata whenua alike).

4.5 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the district to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview of key issues raised through consultation in relation to tangata whenua topic, and a summary of advice received from iwi authorities that is specific to the tangata whenua chapters of the Proposed District Plan.

4.5.1 Summary of issues raised through consultation

There was a moderate level of interest in the Tangata whenua chapters from the community through consultation and engagement of the PDP. Key themes identified through feedback include:

Tangata Whenua Overview Section

1. Support for the direction on Tangata Whenua partnerships, including collaborative processes between Council and Māori.
2. Some opposition due to lack of understanding of how Māori land tenure, council and other processes are barriers to development on Māori land.
3. Request for tangata whenua matters to be better integrated or “infused throughout” the District Plan.

Sites and Areas of Significance to Māori

4. Request or support for a comprehensive review of the schedule of Sites and Areas of Significance to Māori, to review existing and include new sites
5. Need for the District Plan to recognise and provide for the Te Oneroa-a-Tōhe Beach Management Plan (Northland Regional Council).
6. Clarification on how the plan works, with regard to notable trees, historic heritage and precedence of rules (community members, planning practitioners, some iwi and hapū)

Māori Land and Treaty Settlement Land

7. General support for the Māori purpose zone approach which enables Māori to realise their housing aspirations with minimal RMA complexity, however:
 - Some raised concerns regarding the amount in some areas (and concerns about potential implications for adjacent zoning, and implications for available land to be developed elsewhere)

- Kāinga Ora raised concerns about the development potential for Māori Purpose Zoned land in urban areas and suggested a rural / urban split of Māori Purpose Zones to achieve better alignment with the development potential of adjacent zoning.
8. General support for more enabling provisions for papakāinga development.
 9. Minimal feedback was received on the Treaty Settlement Overlay approach but most was in support.

In response to the above:

- The strategic direction Tangata Whenua partnerships has been retained
- Various chapters of the plan have been amended to improve integration with tangata whenua matters throughout the PDP.
- New proposed provisions to identify and protect Te Oneroa-a-Tōhe Beach Management Plan Area from inappropriate activities
- Clarification on how the plan works is provided by way of advice notes.
- Council recognises the limitations with the proposed approach to Sites and Areas of Significance to Māori and intends to initiate a review of the schedule of sites and areas of significance to Māori, to inform a future plan change following decisions on the Proposed District Plan (subject to LTP or alternative funding, and Local Government and Resource Management Reforms).
- The relevant rules and standards for the Māori Purpose Zone have been amended to reflect the different nature of urban / rural zoned sites in Māori Purpose Zone, so that urban land has the same or similar development potential as residential zoned sites.

4.5.2 Te-Oneroa-a-Tohe Beach Management Board

Council has consulted with the Te-Oneroa-a-Tōhe Beach Management Board (TOTBMB) during development of the proposed provisions for the Te-Oneroa-a-Tohe Beach Management Area, including presenting the draft provisions at a Board hui on 22 April 2022 for feedback. The TOTBMB was generally supportive of the overall approach and sought some amendments to make certain activities permitted if the written approval of the TOTBMB is provided. Council expects that the Te-Oneroa-a-Tōhe Beach Management provisions will be further refined and developed through the submission process, including input from Te Oneroa-a-Tōhe Board and Te Hiku o Te Ika Iwi/Hapū.

4.5.3 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview of the process to engage with tangata whenua and iwi authorities in the development of the PDP and key issues raised through that process. Feedback on the tangata whenua chapters was received from:

- Ngāti Kuta
- Te Runanga o Ngāti Rēhia
- Te Runanga o Te Rarawa
- Ngāti Kurī
- Matauri X Incorporation
- NgātiKahu ki Whangaroa
- Ngāpuhi ki Whaingaroa

The key feedback from these iwi authorities is broadly summarised into the following themes:

Tangata Whenua Overview Section

1. General support including partnerships between Council and Tangata Whenua. Some feedback that:
 - true partnership is broader than the District Plan and requires Council commitment to funding, helping iwi with capacity and capability to engage in District Plan processes, and treating iwi as a Treaty partner.
 - Need for improved integration of Tangata Whenua policies throughout the PDP. In particular Ngāti Kuri has noted: *“the tangata whenua section seeks to increase kaitiaki participation in resource management processes, however the policy suite that permeates throughout the Draft Plan does little to actually unlock processes and truly enable tangata whenua and kaitiaki participation”*.

Sites and Areas of Significance to Māori

2. Identification and protection of culturally significant landscapes
3. Comprehensive review of the schedule of sites and areas of significance to Māori to review existing and include new sites (seeking a ‘genuine commitment’ by Council to protect and enhance sites of significance)
4. Stronger policy direction on cultural impact assessments, to better reflect the status of Māori as a Treaty partner, understand the cultural values of sites and areas, and when these should be required.
5. Clarification on how the plan works, with regard to notable trees, historic heritage and precedence of rules

Māori Land and Treaty Settlement Land

6. Clarification on relationship and interplay between the Treaty Settlement Overlay and underlying zone rules, including reconsideration of the “catch-all” provision in Treaty Settlement Overlay to ensure it achieves the intended outcomes (a permissive framework, especially if the underlying zone enables the activity).
7. Greater flexibility for economic development in Māori Purpose Zone and Treaty Settlement Overlay, in particular:
 - More enabling provisions for papakāinga development
 - Recognition that commercial activities can form part of papakāinga, and that the effects of commercial and economic development can be internalised on large landholdings
 - Opposition to ‘exclusive use areas’ and density and yield controls, especially for large landholdings (where the rural production zone density standards provide greater development potential).
 - Consideration of the approach that Kaipara District Council takes to enable Māori land to use the Māori Purpose Zone provisions, without a plan change to rezone the land.
8. Request that ‘customary activities’ and ‘conservation activities’ are exempt from District Plan standards, because they directly relate to obligations outlined in Section 6(e) of the RMA and the genuine practice and authority of kaitiakitanga (Kahukuraariki Trust).

Additional site-specific feedback was also received from the following iwi authorities:

- Ngāti Kuri in relation to zoning for a specific housing development proposed at Awanui, seeking “buffer zoning” and consideration that the site contains Council services²¹.

²¹ With reference to earlier feedback received on the draft District Plan (20th May 2021).

- Matauri X Incorporation, in relation to Māori freehold landholdings located directly adjacent to and adjoining the area well known as Matauri Bay, seeking greater development potential.

Section 5 of this report outlines the advice in more detail, and how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA.

Section 3.3 provides a summary of the key issues from Iwi and Hapū Environmental Management Plans.

4.6 Summary of resource management issues

Based on the analysis of relevant context, current management approach, and feedback from consultation, the key resource management issues for the Tangata Whenua topic, to be addressed through the PDP are:

- Historically it has been difficult to build strong partnerships between Council and tangata whenua due to lack of resources, awareness and capacity within both parties. Through the legislative process (RMA) there is limited use of tikanga, matauranga māori, and māori values to express kaitiakitanga in the management of resources.
- Development on Māori freehold and Treaty Settlement land can be complex because of multiple ownership, no governance structure, financing and involvement of multiple government agencies. As part of the District Plan Review we need to improve our planning tools to enable tangata whenua to use land in a manner which exercises their kawanatanga and rangatiratanga.

5 Proposed District Plan Provisions

The proposed provisions are set out in the following chapters of the PDP:

- Part 1: Tangata Whenua
- Sites and Areas of Significance to Māori
- Māori Purpose Zone
- Treaty Settlement Land Overlay

These provisions should be referred to in conjunction with this evaluation report.

5.1 Strategic Objectives

The PDP includes a strategic direction section which is intended high level direction for the PDP and guidance on how best to implement the Council's community outcomes set out in its Long Term Plan. The strategic objectives of direct relevance to Tangata Whenua, Sites and Areas of Significance to Māori, Māori Purpose Zone and Treaty Settlement Land Overlay, are:

Cultural Prosperity

- Objective 1: Te Tiriti o Waitangi partnerships support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.
- Objective 2: Te ao māori, tikanga māori and tangata whenua as kaitiaki, embedded in and integral to decision making.
- Objective 3: The District's diverse cultures and communities are celebrated and cultural heritage recognised.

Tangata Whenua

- Objective 1: Tangata whenua and Council have a strong, high trust and enduring partnership based on the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.

- Objective 2: Tangata whenua are provided with opportunities to actively participate as kaitiaki in resource management processes.
- Objective 3: Historic heritage, which includes sites and areas of significance to Māori and cultural resources are managed to ensure their long-term protection for future generations.
- Objective 4: Tangata whenua maintain mana whenua in their rohe through strong and enduring relationships with their culture and traditions, ancestral lands, water, sites, waahi tapu, and other taonga.

Objective 5: Tangata whenua economic, social and cultural well-being is enhanced by the development of Māori land administered under Te Ture Whenua Māori Act 1993 and land returned in the Treaty settlement process. *Cultural Prosperity*

- Objective SD-CP-O1: Te Tiriti o Waitangi partnerships support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.
- Objective SD-CP-O2: Te ao māori, tikanga māori and tangata whenua as kaitiaki, embedded in and integral to decision making.
- Objective SD-CP-O3: The District's diverse cultures and communities are celebrated and cultural heritage recognised.
- Objective SD-CP-O4: The District's historic heritage is identified and managed to ensure its long-term protection for current and future generations.
- Objective SD-CP-O54: A district wide approach to the impacts of climate change and natural hazards, which includes a te ao māori decision making framework, developed with iwi and hapū.

5.2 Proposed management approach

This section provides a summary of the proposed management approach for tangata whenua topic focusing on the key changes from the Operative District Plan. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and Operative District Plan, includes moving from an effects-based plan to a 'hybrid plan' that includes effects and activities-based planning and an updated plan format and structure to align with the national planning standards.

The main changes in the overall proposed management approach are:

- Clearer policy direction which gives effect to higher order statutory documents.
- Introduction of a Tangata Whenua chapter which includes strategic direction and clear guidance on the matters of importance to tangata whenua, and integration of these matters throughout the Plan.
- Introduction of a Treaty settlement overlay, which applies to land that is general title, but has been returned to iwi or hapū through the settlement process either as cultural or economic redress.
- Introduction of a Māori Purpose Zone, which applies to Māori land administered under Te Ture Whenua Māori Act 1993.
- Together, the Treaty Settlement overlay and the Māori Purpose Zone contain provisions that provide for the ongoing relationship tangata whenua has with their land, and seeks to support and enhance social, cultural and economic development of tangata whenua.
- Sites and Areas of Significance to Māori as a separate district wide matter, which includes provisions to protect the cultural significance of the Te Oneroa-a-Tōhe Beach Management Plan Area, in accordance with the requirements of the Te Oneroa-a-Tōhe Beach Management Plan.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for the tangata whenua topic.

5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 7 and 8 of this report.

5.3.1 Summary of objectives

The proposed management approach for the Sites and Areas of Significance to Māori topic includes objectives that seek to ensure that:

- Sites and areas of significance to Māori are recognised and provided for, to ensure their long-term protection for future generations.
- The relationship of tangata whenua with sites and areas of significance to Māori is recognised and provided for, to ensure its protection for future generations.
- Sites and areas of significance to Māori are protected from inappropriate subdivision, use and development.
- Sites and areas of significance to Māori are known to, appreciated by and acknowledged as important to the wider community.

The proposed management approach for Māori land and Treaty Settlement land includes objectives that seek to ensure that:

- The viability of Māori land (Māori Purpose Zone) and Treaty Settlement Land is ensured for future generations.
- Māori land (Māori Purpose Zone) enables a range of social, cultural and economic development opportunities that support the occupation, use, development and ongoing relationship with ancestral land.
- Treaty Settlement Land returned as commercial redress supports social, cultural and economic development.
- Treaty Settlement Land returned as cultural redress provides for the on-going relationship tangata whenua has with their land.
- Use and development of Māori land (Māori Purpose Zone) and Treaty Settlement Land reflects the sustainable carrying capacity of the land and surrounding environment.

5.3.2 Summary of provisions

For the purposes of section 32 evaluations, ‘provisions’ are the *“policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change”*.

The proposed management approach for sites and areas of Significance to Māori includes:

- Identifying sites and areas of significance to Māori on planning maps and in Schedule 3 of the Proposed District Plan (includes rolling over existing sites and areas from the Operative District Plan and adding 8 new sites and areas of significance (explained in **Appendix 4** – Additional Sites of Significance to Māori to be added to Schedule 3).
- Policies and rules to:
 - protect sites and areas of significance to Māori from inappropriate activities (e.g. Discretionary activity for any building, structure, earthwork or indigenous vegetation clearance that is not undertaken by the requesting party within a site or area of significance to Māori, or Non-complying activity for destruction or demolition of a site or area of significance to Māori)
 - ensure that tangata whenua can actively participate in resource management processes which involve sites and areas of Significance to Māori, including requirements for cultural impact assessments.

The proposed management approach for the Māori Purpose Zone includes:

- Identifying Māori land as either Māori Purpose Zone - Urban²² or Māori Purpose Zone – Rural depending on the nature, size, character of the site and surrounding areas, and access to reticulated services.
- Enabling policies and rules for development on Māori land administered under the Te Ture Whenua Māori Act 1993 (within the Māori Purpose Zone).
- A permissive framework to enable more extensive Māori cultural uses and activities across the district (e.g. marae, papakāinga, customary activities, conservation activities)
- Standards to manage the bulk and density of development within the Māori Purpose Zone, maintain character of the surrounding area, manage potential conflicts between activities at zone interfaces, and ensure that development aligns with sustainable carrying capacity of the land²³.
- Rules for subdivision of land within the Māori Purpose Zone within the subdivision chapter (noting that the Te Ture Whenua Māori Act 1993 exempts hapū partitions and combined partitions from the subdivision provisions of the RMA, and these are administered by the Māori Land Court. However, full partitions on Māori land are subject to the subdivision provisions).

The proposed management approach for the Treaty Settlement Overlay includes:

- Identifying Treaty Settlement Land by way of the “Treaty Settlement Overlay”
- Enabling policies and rules for development within the Treaty Settlement Overlay
- A permissive framework to enable more extensive Māori cultural uses and activities across the district (e.g. marae, papakāinga, customary activities, conservation activities)
- Standards to manage the bulk and density of development within the Treaty Settlement Overlay, maintain character of the surrounding area, and ensure that development aligns with the sustainable carrying capacity of the land.
- Relying on subdivision provisions for underlying zones for subdivision of land within the Treaty Settlement Overlay.

The above provisions also rely on the following key definitions:

- Customary activity
- Conservation activity
- Papakāinga
- Treaty Settlement Land

The proposed definition of papakāinga is:

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

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

²² With the exception of the site at 9 Puketona Road, Paihia, which contains a commercial supermarket and hotel and has been zoned Mixed Use Zone.

²³ This includes standards for minimum exclusive use areas for residential units where on-site wastewater treatment and disposal is required, based on technical information on the capacity of receiving soil in the Far North District, provided by Morphum Environmental Ltd, “On-Site Wastewater Advice to Support District Plan Review Stage 2” (March2021).

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

This definition of papakāinga is used in other chapters of the plan (e.g. Rural Production Zone). It is intended to be 'broad' and not necessarily tied to specific land tenure types, which is considered appropriate because:

- the benefits of having a broader definition outweighs the costs because it reduces some of the key barriers to papakāinga development (e.g. improves the ability for Māori landowners to secure mortgages / funding to develop papakāinga)
- the risk of the 'broader' definition of papakāinga being used perversely / taken advantage of (e.g. by building and on-selling) is considered to be low, especially because the activity must "support traditional Māori cultural living for tangata whenua".
- The ability to meet criteria for "general land owned by Māori where an ancestral link is identified" would be demonstrated and validated through the resource consent process.

5.3.3 Responding to advice from iwi authorities

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice. The advice received from iwi authorities on the Tangata Whenua chapters, and the proposed management response to that advice, is summarised below:

Tangata Whenua Overview Section

1. *General support including partnerships between Council and Tangata Whenua. Some feedback that:*
 - *true partnership is broader than the District Plan and requires Council commitment to funding, helping iwi with capacity and capability to engage in District Plan processes, and treating iwi as a Treaty partner.* In response, the strategic direction on partnerships between tangata whenua was largely retained with some amendments to achieve better integration tangata whenua matters to be better integrated or "infused throughout" the District Plan.
 - *Need for improved integration of Tangata Whenua policies throughout the PDP. In particular Ngāti Kuri has noted: "the tangata whenua section seeks to increase kaitiaki participation in resource management processes, however the policy suite that permeates throughout the Draft Plan does little to actually unlock processes and truly enable tangata whenua and kaitiaki participation".* In response, the provisions in various plan chapters have been updated to enable tangata whenua and kaitiaki participation in resource management processes.

Sites and Areas of Significance to Māori

2. *Identification and protection of culturally significant landscapes.* In response, the provisions were amended to Recognise that Sites and Areas of Significance to Māori are often part of wider cultural landscapes, many of which are identified in Iwi and Hapū Environmental Management Plans (overview and in Policy TW-P3).
3. *Comprehensive review of the schedule of sites and areas of significance to Māori to review existing and include new sites (seeking a 'genuine commitment' by Council to protect and enhance sites of significance).* In response, Council intends to initiate a review of the schedule of sites and areas of significance to Māori, to inform a future plan change following decisions on the Proposed District Plan (subject to LTP or alternative funding, and Local Government and Resource Management Reforms).
4. *Stronger policy direction on cultural impact assessments, to better reflect the status of Māori as a Treaty partner, understand the cultural values of sites and areas, and when these should*

be required. In response, the policies were strengthened around requirements for cultural impact assessments for activities affecting known scheduled sites and areas of significance to Māori (e.g. SASM-P2).

5. *Clarification on how the plan works, with regard to notable trees, historic heritage and precedence of rules.* In response, advice notes were inserted to various plan chapters to provide clarity of the intent.

Māori Land and Treaty Settlement Land

6. *Clarification on relationship between the Treaty Settlement Overlay and underlying zone rules, including reconsideration of the “catch-all” provision in Treaty Settlement Overlay to ensure it achieves the intended outcomes (a permissive framework, especially if the underlying zone enables the activity).* Amendments to address this feedback was incorporated by way of advice notes, an amendment to the “Catch-all” / default rule to ensure it applies only to activities not already permitted by the underlying zone, and by broadening the rules to apply to all underlying zones.²⁴
7. *Greater flexibility for economic development in Māori Purpose Zone and Treaty Settlement Overlay.* In particular:
 - *More enabling provisions for papakāinga development, including recognition that commercial activities can form part of papakāinga and that the effects of commercial and economic development can be internalised on large landholdings.* In response, the provisions were made to be more enabling by:
 - Removing policies that seek to “avoid commercial or industrial development” and instead providing for “development” generally where it can demonstrate that it meets certain criteria (because the objectives and policies seek to enable and enhance tangata whenua economic, social and cultural wellbeing). The criteria still requires that the proposed activity will not compromise use of the underlying zone, adjacent land or other zones to be efficiently and effectively used for their intended purpose.
 - Enabling commercial activity up to 250m² GFA as part of a papakāinga.
 - *Request for more enabling provisions for other ‘productive’ or economic activities on Māori landholdings which align with aspirations and investment strategies for several iwi (including Matauri X Incorporation and Kahukuraariki Trust): Agriculture, horticulture, apiculture (bee keeping), viticulture (wine growing / grape cultivation), tourism, and ancillary buildings or structures that support these activities.* In response:
 - Agriculture, apiculture and horticulture (including viticulture) are included in the definition of “farming activities” which are permitted.
 - Buildings and structures to support permitted activities are also permitted (provided they comply with relevant standards).
 - A new permitted activity rule for ‘rural tourism activity’ was inserted.
 - *Opposition to density and yield controls and ‘exclusive use areas’ which fails to acknowledge that the Rural Production Zone provides greater density on large landholdings, and many papakāinga of scale tend to use community infrastructure, allowing more intensive density.* In response, the provisions were amended to:

²⁴ Noting that the GIS analysis undertaken shows that the underlying zone for the current Treaty Settlement Overlay is primarily:

- Rural Production: 33,116 ha
- Natural Open Space: 34,128 ha.

- Enable more than 10 residential units on large landholdings where the rural production zone density standards provide greater development potential, and effects can be internalised through setbacks from boundaries;
- To align with development potential of general residential zones on sites that are residential in character (through the introduction of Māori Purpose zone – Urban).
- Apply the minimum exclusive use areas only to land where connection to Council’s reticulated services are not available, and align exclusive use areas for wastewater treatment to 2,000m² per residential unit, to align with the Far North District Council Engineering Standards April 2022²⁵.
- *Request that Council considers an approach similar to Kaipara District Council which enables land administered by TTWMA 1993, but not identified as Māori Purpose Zone, to be considered under the Māori Purpose Zone provisions for the Māori Purpose Zone without a plan change to rezone the land. This approach was considered, however it was not adopted because:*
 - There are legal risks and challenges associated with such an approach, including potential unfairness to adjoining owners who would not have an opportunity to submit on the application of the Māori Purpose Zone to the land in question.
 - We understand, from data sourced from the Māori Land Court²⁶ that land tenure is occasionally converted from General land to Māori land (meaning that plan changes will be required over the life of the plan to bring new Māori freehold land sites into the Māori Purpose Zone).
 - The Far North District contains a significant amount land already within Māori land tenure (17%) where the enabling provisions are applied.
 - The PDP also makes general provision for papakāinga outside of the Māori Purpose Zone, within the Rural Production Zone (as a restricted discretionary activity).
- 8. *Request that ‘customary activities’ and ‘conservation activities’ are exempt from District Plan standards, because they directly relate to obligations outlined in Section 6(e) of the RMA and the genuine practice and authority of kaitiakitanga (Kahukuraariki Trust). In response, only buildings and structures are subject to standards. In general, customary and conservation activities are not subject to District Plan standards.*

Additional site-specific feedback was also received from the following iwi authorities:

²⁵ Note: The Draft District Plan provisions applied minimum exclusive use area thresholds for papakāinga based on the maximum number of bedrooms for each residential unit, based on technical advice contained within the following Report: ‘On-Site Wastewater Advice to Support District Plan Review Stage 2, prepared for Far North District Council by Morphum Environmental Limited (March 2021). Since then, the Council has developed the Far North District Council Engineering Standards April 2022, which requires a minimum net lot area (exclusive use area) of 2,000m² per residential unit for on-site wastewater treatment and disposal. Regardless of if individual systems or a decentralised system is used, the system will need to meet the sizing, separation distances and treatment requirements as specified by the NRC regional plan for on-site wastewater disposal of domestic effluent.

²⁶ In summary, approximately 45 whenua Māori blocks have been granted change of status from General Land to Māori Freehold land in the FND in the 10 years between 2011 and 2021 (an average of 4-5 land blocks per year).

- *Ngāti Kuri in relation to zoning for a specific housing development proposed at Awanui, seeking “buffer zoning” and consideration that the site contains Council services²⁷.* In response, at the time of writing, Council does not have sufficient information that existing services have the necessary capacity to cater for the proposed housing development. Ngāti Kuri may wish to make a rezoning request via submission on the Proposed District Plan with supporting technical information to demonstrate that existing or proposed services can accommodate the proposed housing development.
- *Matauri X Incorporation, in relation to Māori freehold landholdings located directly adjacent to and adjoining the area well known as Matauri Bay, seeking rezoning of land at Matauri Beach Road that was formerly zoned Coastal Residential so that the same level of density that could have formerly been achieved is applied to the site.* In response, we have added an exemption so that papakainga on the site in question does not need to comply with the maximum of 10 residential units. A site-specific approach is appropriate because:
 - The site is an established papakainga site, and already contains approximately 17 residential units.
 - We are aware that Matauri X has aspirations to further develop papakainga on this land and have a Papakainga Development Plan.
 - Although there is no connection to Council’s reticulated services, on-site servicing will be managed through the on-site servicing (and minimum exclusive use area) standards, which requires compliance with Far North District Council’s Engineering Standards April 2022.
 - We acknowledge that the site is already constrained by protective overlays (e.g. coastal environment, outstanding natural landscapes, ecosystems and indigenous biodiversity).
 - It is appropriate that the Proposed District Plan zoning enables the same or similar level of development potential that the Operative District Plan currently provides (through the Coastal Residential Zoning).

6 Approach to Evaluation

6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options and assessing the efficiency and effectiveness of the provisions, including an assessment of environment, economic, social and cultural economic benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and the response to that advice through the provisions.

²⁷ With reference to earlier feedback received on the draft District Plan (20th May 2021).

6.2 Evaluation of scale and significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for the tangata whenua topic are evaluated in the table below. It is also important to note that tangata whenua matters were identified as a Significant Resource Management Issue for the District which was reinforced through consultation.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	All principles of the Treaty of Waitangi are relevant. In particular partnership, participation, equity and active protection.	High
Degree of change from the Operative Plan	Stronger policy direction relating to tangata whenua partnerships and recognition of cultural values Shift in approach from requiring resource consent for development (including of papakāinga) on Māori land and Treaty Settlement Land to a more enabling approach.	Medium-high
Effects on matters of national importance	(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:	High
Scale of effects – geographically (local, district wide, regional, national).	The proposed provisions apply to Māori land and Treaty Settlement land on a District-wide scale	High
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	Māori landowners will benefit from the more enabling provisions All landowners who own land adjacent to near to Māori land or Treaty Settlement land may be affected (to some degree) by the changes All resource consent applicants will be affected by the stronger policy direction on tangata whenua partnerships	Medium-high
Scale of effects on those with specific interests, e.g., Tangata Whenua	The scale of effects on Tangata whenua will be high, albeit the changes primarily benefit tangata whenua and their interests and aspirations, with increased participation in resource consent processes and ability to develop their whenua.	High
Degree of policy risk – does it involve effects that have	The degree of policy risk is medium because the proposed provisions are consistent with the RMA matter of National importance (6(e)), higher order documents	Medium

Criteria	Comment	Assessment
been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	(including the RPS) and generally consistent with the approach taken by other second generation plans throughout New Zealand.	

6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal is assessed as being medium to high. Consequently, a medium to high level of detail is appropriate for the evaluation of the objectives and provisions for the tangata whenua provisions accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach from the operative district plan - minor changes to provisions for clarification and to reflect new national and regional policy direction are not included in the evaluation in section 7 and 8 below.

7 Evaluation of Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for Tangata Whenua is against four criteria to test different aspects of 'appropriateness' as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> Is the objective directly related to a resource management issue? Is the objective focused on achieving the purpose of the RMA?
Usefulness	<ul style="list-style-type: none"> Will the objective help Council carry out its RMA functions? Does the objective provide clear direction to decision-makers?
Reasonableness	<ul style="list-style-type: none"> Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?
Achievability	<ul style="list-style-type: none"> Can the objective be achieved by those responsible for implementation?

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA. As such, the objectives for the tangata whenua topic have been grouped in the evaluation below.

7.1 Evaluation of existing objectives

Objective(s):

2.7.1 Through the provisions of the Resource Management Act, to give effect to the rights guaranteed to Māori by Te Tiriti O Waitangi (Treaty of Waitangi)

2.7.2 To enable Māori to develop and manage their land in a manner which is consistent with sustainable management of the natural and physical resources of the District as a whole

2.7.3 To recognise and provide for the protection of waahi tapu and other ancestral sites and the mauri (life

force) of natural and physical resources.	
Relevance	<p>The existing objectives are relevant in that they recognise the importance of the Treaty of Waitangi, importance of enabling Māori to develop and manage their land and protection of waahi tapu which achieves the purpose of the RMA. However, they do not address the resource management issues identified in Section 4.6 because they do not:</p> <ul style="list-style-type: none"> • recognise the importance of partnerships between Council and tangata whenua or participation of tangata whenua in decision-making • recognise different types of land owned by Māori (i.e. do not differentiate between Māori land and Treaty Settlement land which are created under distinctly different pieces of legislation); or • provide direction to support social, cultural and economic development opportunities for Māori.
Usefulness	The objectives provide clear direction and their purpose can be easily understood which helps council to achieve its RMA functions.
Reasonableness	The objectives are considered to be reasonable and would not impose high costs on Council, tangata whenua, or the community however the terminology “to give effect to the rights guaranteed to Māori by Te Tiriti O Waitangi” is arguably inconsistent with the wording used in the RMA and RPS direction, and does not provide clear guidance on what these rights are or how they can be achieved. In addition, they are lacking clear direction which means implementation of the objectives relies on Council discretion.
Achievability	The objectives are achievable as they are within the scope of what can be achieved through the District Plan provisions. However, they are expressed in high level terms, with an element of discretion, so they lack operational effectiveness.
Overall evaluation	
<p>The intent of the existing objectives is appropriate, however there are opportunities for improvement, in particular to provide clearer direction, reduce potential ambiguity or discretion, and recognise the different types of land owned by Māori, support for social, cultural and economic development opportunities for Māori and partnerships between Council and tangata whenua. In addition, the terminology needs to be updated for consistency with National Planning Standards (replacing reference to waahi tapu with sites and areas of Significance to Māori)</p>	

7.2 Evaluation of proposed objectives

The following objectives are proposed to address the significant resource management issues set out in Section 4.6.

<p>Objective(s):</p> <p>Tangata Whenua Overview Section</p> <p>TW-01 Tangata whenua and Council have a strong, high trust and enduring partnership based on the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.</p> <p>TW-02 Tangata whenua are provided with opportunities to actively participate as kaitiaki in resource management processes.</p> <p>TW-03 Historic heritage, which includes sites and areas of significance to Māori and cultural resources, is managed to ensure their long-term protection for future generations.</p> <p>TW-04 Tangata whenua maintain mana whenua in their rohe through strong and enduring relationships with their culture and traditions, ancestral lands, water, sites, waahi tapu, and other taonga.</p> <p>TW-05 The economic, social and cultural well-being of tangata whenua is enhanced through the</p>
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development of Māori land administered under Te Ture Whenua Māori Act 1993 and land returned in the Treaty settlement process.

Sites and Areas of Significance to Māori

SASM-O1 Sites and areas of significance to Māori are recognised and provided for, to ensure their long-term protection for future generations.

SASM-O2 The relationship of tangata whenua with sites and areas of significance to Māori is recognised and provided for, to ensure its protection for future generations.

SASM-O3 Sites and areas of significance to Māori are protected from inappropriate subdivision, use and development.

SASM-O4 Sites and areas of significance to Māori are known to, appreciated by and acknowledged as important to the wider community.

SASM-O5 Te Oneroa-a-Tōhe is recognised as a culturally significant landscape and protected from inappropriate use and development for present and future generations.

Māori Land and Treaty Settlement Land

MPZ-O1 and TSL-O1 The viability of the Māori Purpose Zone and Treaty Settlement Land is ensured for future generations.

MPZ-O2 The Māori Purpose Zone enables a range of social, cultural and economic development opportunities that support the occupation, use, development and ongoing relationship with ancestral land.

TSL-O2 Treaty Settlement Land returned as commercial redress supports social, cultural and economic development.

TSL-O3 Treaty Settlement Land returned as cultural redress provides for the on-going relationship tangata whenua has with their land.

MPZ-O3 and TSL-O4 Use and development in the Māori Purpose Zone and Treaty Settlement Land reflects the sustainable carrying capacity of the land and surrounding environment.

Relevance	<p>The proposed objectives are relevant because they are directly related to, and will assist to address, the resource management issues set out in Section 4.6. They also achieve the purpose of the RMA, including recognising and providing for matters of national importance, give effect to higher order policy direction and recognise and provide for the Te-Oneroa-a-Tōhe Beach Management Plan. In particular, they:</p> <ul style="list-style-type: none"> • recognise the importance of partnerships between Council and tangata whenua or participation of tangata whenua in decision-making • recognise different types of land owned by Māori (i.e. do not differentiate between Māori Land and Treaty Settlement land which are managed under distinctly different pieces of legislation). • provide direction to support social, cultural and economic development opportunities for Māori.
Usefulness	<p>The objectives provide clear direction and their purpose can be easily understood which helps council to achieve its RMA functions.</p>
Reasonableness	<p>The objectives are considered to be reasonable and would not impose high costs on Council, tangata whenua, or the community. Seeking to enable a range of social, cultural and economic development opportunities that support the occupation, use, development and ongoing relationship with ancestral land will benefit tangata whenua and the community generally.</p>
Achievability	<p>The objectives are achievable as they are clear, directive, and within the scope of what can be achieved through the District Plan provisions. It is acknowledged that achieving some of the tangata whenua overview objectives requires additional support, capacity building and funding outside of the District Plan. However, this participation is achievable and reasonable and will be greatly assisted by an effective working</p>

	relationship between Council and tangata whenua.
Overall evaluation	
The objectives address the resource management issues relevant to the tangata whenua matters, and sets the outcomes anticipated in the chapter in a way that is consistent with the plan structure required by the Planning Standards, while giving effect to the RPS and achieving the purpose of the RMA. It recognises the cultural values and aspirations of tangata whenua and would make a contribution to the economic, social and community wellbeing of the District.	

8 Evaluation of Provisions to Achieve the Objectives

8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This section provides an assessment of reasonably options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the ‘proposed management approach’ in 5.2 of this report.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and

costs if practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in Section 6.2 the scale and significance of the effects of proposed changes for the tangata whenua topic are assessed as being medium to high. The exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for this topic, however we have identified where there will be additional costs or cost. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions with some indicative quantitative benefits and costs provided, where practicable.

8.3 Evaluation of options – Protection of sites and areas of significance to Māori

8.3.1 Option 1: Status quo

<i>Option 1: The status quo, with a Schedule of Sites of Cultural Significance, with policies and rules to protect them from inappropriate use, development and subdivision (set out in Section 4.2.2).</i>		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> The public and practitioners are familiar with the provisions in the ODP Limited additional costs for Council, the community or resource consent applicants in understanding and interpreting the provisions. 	<ul style="list-style-type: none"> This approach is not always effective because Council, landowners and tangata whenua may not be aware of the existence of sites and areas of significance and may inadvertently destroy them Heavy reliance on methods outside the District Plan, including: <ul style="list-style-type: none"> Public awareness and appreciation or education The resource consent process Heritage New Zealand Pouhere Taonga Act. The information on heritage resources is of variable quality and completeness, which lacks certainty (for landowners, Council and tangata whenua alike). Limited opportunities for tangata whenua involvement in resource management processes (for example, in areas where sites and areas of significance to Māori are unknown) Does not recognise and provide for the Te-Oneroa-a-Tōhe Beach Management Plan. 	<ul style="list-style-type: none"> The risk of acting on this approach (i.e. continuing status quo) is high because information on sites and areas of significance to Māori is variable and tangata whenua are not always actively involved in resource management processes, and do not have the ability to effectively protect sites and areas of significance through involvement in resource management processes. In addition, Council would be failing to achieve its statutory responsibilities with regard to recognising and providing for the Te-Oneroa-a-Tōhe Beach Management Plan.
<p>Effectiveness</p> <ul style="list-style-type: none"> The option may not provide for the long-term protection of sites and areas of significance to Māori and cultural resources, and these sites and areas may not be protected from inappropriate subdivision, use and development because knowledge and information on sites and areas of significance is variable. The approach does not address the limitations with the current approach identified in Section 4.4.2. 	<p>Efficiency</p> <ul style="list-style-type: none"> This option may achieve the objectives at the least cost, but it is not the most efficient approach available, because knowledge and information on sites and areas of significance to Māori is variable. In addition, the provisions lack clear direction and operational effectiveness, with a high level of discretion meaning tangata whenua are not always actively involved in resource management processes, and do not have the ability to effectively protect sites and areas of significance through involvement 	

	in resource management processes, in their role as kaitiaki.
<p>Overall evaluation</p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> • It is not the most effective or efficient way to achieve the desired outcomes for the protection of sites and areas of significance to Māori; and • It is unlikely to provide for the long-term protection of sites and areas of significance because knowledge and information on sites and areas is lacking and tangata whenua are not actively involved in resource management processes. • Policies are lacking in direction and do not generally provide for or enable Māori to have a kaitiaki role. 	

8.3.2 Option 2: Alternative approach

<i>Option 2: Comprehensive, District-wide review of the schedule of sites and areas of Significance to Māori, with policies and rules to protect them from inappropriate use, development and subdivision.</i>		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • Council, landowners and tangata whenua are aware of the existence of sites and areas of significance, providing certainty that they will be protected from inappropriate activities. • Sites and areas of significance are known, protected and preserved for future generations. 	<ul style="list-style-type: none"> • Significant time and costs for Council, community and tangata whenua to identify and spatially define all sites and areas of significance to Māori. This process could take several years and may delay the Proposed District Plan, having flow on effects for the Council being able to carry out their functions and duties under the RMA. • Potential implications are limitations on the efficient use of land for landowners of sites containing sites and areas of significance to Māori. 	<ul style="list-style-type: none"> • The risk of acting on this approach is that the timing and costs of a comprehensive review of sites and areas of significance to Māori is currently unknown and would involve potentially thousands of sites, landowners and significant amount of time and resource. Tangata Whenua and Council do not currently have the resources, capability or capacity to carry out this comprehensive review.
<p>Effectiveness</p> <ul style="list-style-type: none"> • This option would provide for the long-term protection of sites and areas of significance to Māori and cultural resources, and once identified, these sites and areas would be protected from 	<p>Efficiency</p> <ul style="list-style-type: none"> • Although the approach would achieve the objectives, it would involve significant costs and time for Council, community and tangata whenua. It would not achieve the objectives at the least cost/highest net benefit 	

<p>inappropriate subdivision, use and development. It would address the limitations with the current approach identified in Section 4.4.2, however the approach is not feasible at present because Tangata Whenua and Council do not currently have the resources, capability or capacity to carry out this comprehensive review of sites and areas of significance.</p>	<p>when competed with the benefits, costs and risks of other options.</p>
<p>Overall evaluation</p> <ul style="list-style-type: none"> On balance this option is not considered to be the most appropriate option to achieve the objectives, at this point in time, because it would involve significant costs and time for Council, community and tangata whenua, at a time when Council and tangata whenua do not have the capacity, capability or resource for this comprehensive, District-wide review. 	

8.3.3 Option 3: Proposed approach

<p>Option 3:</p> <ul style="list-style-type: none"> Rollover existing Schedule of Sites and Areas of Significance to Māori with some additional sites added²⁸ Identify the Te-Oneroa-a-Tōhe Beach Management Plan as a culturally significant landscape Policies and rules to protect sites and areas of significance and Te-Oneroa-a-Tōhe Beach from inappropriate use, development and subdivision Strengthened policies with clear policy direction including: <ul style="list-style-type: none"> Requiring cultural impact assessments for activities affecting sites and areas of significance to Māori Providing opportunities for tangata whenua to actively participate in resource management processes. Integration between plan chapters in relation to tangata whenua matters, enabling assessment on potential sites and areas of significance to Māori (with a link to direction in Policy TW-P3) Signal Council intention to initiate a review of the schedule of sites and areas of significance to Māori, to inform a future plan change following decisions on the Proposed District Plan (subject to LTP or alternative funding, and Local Government and Resource Management Reforms) 		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> Increased opportunities for tangata whenua to actively participate in resource management processes meaning unidentified / unknown sites 	<ul style="list-style-type: none"> Higher costs and potential uncertainty for resource consent applicants associated with increased involvement of Iwi and 	<ul style="list-style-type: none"> There is some risk of acting on this approach because information on sites and areas of significance to Māori is variable. The risk of

²⁸ Additional sites include several new sites extracted from the Heritage New Zealand Pouhere Taonga List, contained in Appendix 4 to this Report.

<p>and areas of significance can be protected through resource management processes (e.g. cultural impact assessment and associated cultural monitoring).</p> <ul style="list-style-type: none"> • Greater likelihood of protection of sites and areas of significance, through the resource consent process, in comparison to the status quo. • Tangata whenua are aware that a future plan change is intended to identify and protect sites and areas of significance to Māori on a District-wide scale. • Recognises and provide for the Te-Oneroa-a-Tōhe Beach Management Plan. 	<p>hapū in resource management processes and associated economic implications.</p> <ul style="list-style-type: none"> • Potential for resourcing constraints on Council or tangata whenua (through increased involvement in resource management processes). • The information on heritage resources is of variable quality and completeness, which lacks certainty (for landowners, Council and tangata whenua alike). • This approach is not always effective because Council, landowners and tangata whenua may not be aware of the existence of sites and areas of significance and may inadvertently destroy them • Continued reliance on methods outside the District Plan, including: <ul style="list-style-type: none"> • public awareness and appreciation or education • the resource consent process • Heritage New Zealand Pouhere Taonga Act. 	<p>taking no action and not identifying additional sites and areas of significance until such time as the comprehensive survey is complete is the potential that the District’s cultural values may be lost or degraded in the interim. However, this risk is reduced through increased opportunities for tangata whenua involvement in resource management processes, reliance on accidental discovery protocols and provisions Heritage New Zealand Pouhere Taonga Act 2014 until a survey is undertaken, poses a lesser risk than the risk of not acting in this way.</p>
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • This option is more effective than the status quo because it provides 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. It also does not delay the Proposed District Plan (as would happen with Option 2), so enables Council to continue to undertake its duties and functions under the RMA. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • 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. 	

<p>Overall evaluation</p> <p>On balance this option is considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> • It is likely to achieve the proposed objectives at the least cost, least risk and highest net benefit; and • It is likely to provide 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. 	

8.4 Evaluation of options – Māori Land and Treaty Settlement Land

8.4.1 Option 1: Status quo

<p>Option 1: <i>The Status Quo, with policies providing for development on ancestral land, and controlled or discretionary rules for papakāinga housing or integrated development in some zones (as set out in Section 4.2.1)</i></p>		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • The public and practitioners are familiar with the provisions in the ODP • Limited additional costs for Council, the community or resource consent applicants in understanding and interpreting the provisions. 	<ul style="list-style-type: none"> • Does not provide for the opportunity for the development of papakāinga housing or Marae, in residential or commercial areas. • Limited opportunities for economic, cultural and social development “as of right”. • Lack of guidance for decision making, high level of Council discretion and associated uncertainty / inconsistent application of provisions • No differentiation between Māori Land and Treaty Settlement land (which are managed under distinctly different pieces of legislation) • Misalignment between provisions and Tangata Whenua expectations and aspirations • Requires resource consent for papakāinga or integrated development (and associated costs, time and uncertainty) for Māori landowners. 	<ul style="list-style-type: none"> • The risk of acting on this approach is that the limitations identified in Section 4.4.1 will continue and the District Plan is not as enabling as it could be for development of land owned by Māori. Māori would still need to apply for resource consents for papakāinga or integrated development which adds an additional barrier / constraint to development, in addition to existing challenges identified in Section 4.1.5.

	<ul style="list-style-type: none"> No permitted activity rule for papakāinga results in additional barriers, high costs and uncertainty for Māori wishing to return to their ancestral lands, on top of existing constraints and barriers they face (identified in Section 4.1.5). 	
<p>Effectiveness</p> <ul style="list-style-type: none"> This approach is not considered to be effective because requiring resource consent for most development of land owned by Māori, including papakāinga: <ul style="list-style-type: none"> Does not address the strategic resource management issue of complexities associated with developing Māori land and Treaty Settlement land. Would not achieve the objectives of enabling a range of social, cultural and economic development opportunities that support the occupation, use, development and ongoing relationship with ancestral land. 	<p>Efficiency</p> <ul style="list-style-type: none"> This option would not achieve the objectives because it places unnecessary and unjustified cost on Māori landowners who require resource consent for development on Māori land or Treaty Settlement land. It places high costs on development of Māori land and creates additional constraints and barriers which prevents the social, cultural and economic development opportunities for Māori. 	
<p>Overall evaluation</p> <p>On balance, this option is not considered to be the most appropriate option to achieve the objectives because it:</p> <ul style="list-style-type: none"> Does not address the strategic resource management issue of complexities associated with developing Māori land and Treaty Settlement land Would not achieve the objectives of enabling a range of social, cultural and economic development opportunities that support the occupation, use, development and ongoing relationship with ancestral land Places high costs on development of land owned by Māori and creates additional constraints and barriers which prevents social, cultural and economic development opportunities for Māori. The limitations identified in Section 4.4 will continue. In particular the current provisions do not recognise the unique activities associated with Marae and other uses of land owned by Māori, nor the importance of the ability to develop this land to provide for social, economic, cultural and environmental well-being. 		

8.4.2 Option 2: Alternative approach

<p>Option 2:</p> <ul style="list-style-type: none"> <i>District-Wide policies and rules enabling Papakāinga on Māori land and Treaty Settlement Land (with rules that are structured with different land tenure)</i> <i>Regulatory hierarchy (structured with Māori land tenure) is relative to the extent of administrative oversight by the Māori Land Court, for example:</i> <ul style="list-style-type: none"> <i>permitted activity status for Papakāinga where the land tenure status is Māori land (with rules governing the ownership, status of land, formation and administration of leases and trusts)</i>

- *restricted discretionary activity status for General Land owned by Māori, enables assessment of ancestral link and legal mechanisms (where relevant)*

Benefits		Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • Recognises that status of Māori land tenure may change over time • Removes some barriers by enabling papakāinga on General Land owned by Māori (which reflects commercial realities and enables improved ability to secure finance). • Anticipates / provides a framework for development on General Land owned by Māori (or other land tenure statuses) where specific requirements can be met. • <u>Economic growth and employment opportunities</u> • Increased potential for economic growth and employment opportunities for tangata whenua on their land. 		<ul style="list-style-type: none"> • Lack of certainty for neighbouring landowners regarding specific sites for development. Areas of future papakāinga development are not clearly understood or defined on planning maps. • Economic costs associated with preparing resource consent application where land is not Māori Freehold or Māori Customary Land. • Maximum flexibility, without spatially defining the areas that have a more permissive rule framework, may have greater potential to result in adverse effects or conflict between activities on adjacent sites (albeit these could be managed, to some degree, through performance standards) • Does not provide for development on Treaty Settlement Land. • 	<ul style="list-style-type: none"> • The risk of acting on this approach is that it would not provide certainty for neighbouring landowners because Māori land is not spatially defined on the planning maps, and the maximum flexibility has greater potential for adverse effects. In addition, this approach does not provide for development on Treaty Settlement Land. •
<p><u>Effectiveness</u></p> <ul style="list-style-type: none"> • This approach would be more effective than the current approach but it may not achieve the objectives because it lacks certainty for the community, potentially has greater potential for adverse effects, and does not provide for development on Treaty Settlement Land. 		<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • This approach would be more effective than the current approach but it has higher costs / risks associated with it when compared to Option 3. 	
<p><u>Overall evaluation</u></p> <ul style="list-style-type: none"> • On balance this option is not considered to be the most appropriate option to achieve the objectives, because although it provides maximum flexibility for development on Māori land, it does not recognise Treaty Settlement Land and potentially has greater potential for adverse effects or conflict between activities provided for across the different zones. 			

8.4.3 Option 3: Proposed approach

Option 3:		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> • Introduction of a Tangata Whenua chapter which includes strategic policy direction and clear guidance on the matters of importance to tangata whenua, and integration of these matters throughout the Plan. • Introduction of a Treaty settlement overlay, which applies to land that is general title, but has been returned to iwi or hapū through the settlement process either as cultural or economic redress. • Introduction of a Māori Purpose Zone, which applies to Māori land administered under Te Ture Whenua Māori Act 1993. • Together, the Treaty Settlement overlay and the Māori Purpose Zone contain provisions that provide for the ongoing relationship tangata whenua has with their land, and seeks to support and enhance social, cultural and economic development of tangata whenua. • Standards to manage bulk and density, zone interface, amenity for adjoining neighbours, rural or urban character, and ensure maximum intensity and scale is determined by the servicing capacity of the land. 		
<ul style="list-style-type: none"> • Greater level of certainty and familiarity as to works and activities that can be undertaken by tangata whenua without the need for a resource consent. • Permitting papakāinga housing gives greater certainty, flexibility and scope to use Māori land for a wider range of purposes • Assists to remove some of the constraints and barriers associated with developing Māori land or Treaty Settlement Land (as set out in Section 4.1.5). • Provides certainty regarding specific sites for development. Areas for papakāinga development are clearly identified and defined on planning maps. • It enables Iwi and hapū to be more self-sufficient and more connected to traditional lands and resources. In addition, could result in 	<ul style="list-style-type: none"> • Potential tension and/or conflict could arise where existing communities or neighbouring landowners are concerned about impacts from development on land within the zone/overlay. • Creating a new Māori Purpose Zone requires the location, nature and scale of development opportunities to be determined. • Potential conflicts between activities at zone interface, in particular potential for reverse sensitivity effects on rural production activities, albeit the risk is low because: • Māori developing their land will be aware that they are establishing in a working rural environment. 	<p>The risks of this approach are considered low because:</p> <ul style="list-style-type: none"> • There is sufficient information to act on these provisions. We understand, from data sourced from the Māori land court that land tenure is occasionally converted from General land to Māori freehold land (meaning that plan changes will be required over the life of the plan to bring new Māori land sites into the Māori Purpose Zone). • In any case, the Rural Production Zone provisions are enabling for Papakāinga (controlled activity status). • For future Treaty Settlement Land, Council can initiate a plan change to apply the Treaty Settlement Overlay to new areas of land returned to iwi as part of Treaty

<p>environmental, social, economic and cultural benefits arising from the consideration of planning in a holistic manner</p> <ul style="list-style-type: none"> • Land identified as Māori Purpose zone and associated land uses may be more likely to be involved in resource consent processes for nearby activities and/or protected from effects of nearby activities. • Clearer and improved guidance on how Council will achieve its Treaty of Waitangi obligations and responsibilities • Greater alignment between proposed provisions and Tangata Whenua expectations and aspirations <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> • Increased potential for economic growth and employment opportunities, in particular enabling small-scale commercial activities on Māori and Treaty Settlement land which enhances the social, economic and cultural wellbeing of Māori. 	<ul style="list-style-type: none"> • Standards are used manage the scale and intensity of permitted activities, manage potential adverse effects and maintain rural character • The uptake for development on Māori land has not been significant in the past and there are still significant challenges to the development of Māori land (explained in Section 4.1.5) • Potentially less flexibility as the enabling framework is confined to areas identified as Māori Purpose Zone or Treaty Settlement Overlay. If general land is converted to Māori land, or Treaty Settlement legislation enacted after the Proposed Plan is notified or comes into effect, these areas will not benefit from permitted activity status for papakāinga or other developments and are likely to require a resource consent or plan change. However, there is general provision for papakāinga in the Rural Production Zone, and we understand, from data sourced from the Māori land court that land tenure is occasionally converted from General land to Māori freehold land (meaning that plan changes will be required over the life of the plan to bring new Māori land sites into the Māori Purpose Zone). 	<p>Settlements.</p>
<p><u>Effectiveness</u></p> <p>This option is considered to be the most efficient option because:</p> <ul style="list-style-type: none"> • It addresses the strategic resource management issue of complexities associated with developing Māori land and Treaty Settlement land. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> • This option is the most efficient as it provides for papakāinga and other forms of development on Māori land and Treaty Settlement land, without the need for resource consent. The more permissive approach may lead 	

<ul style="list-style-type: none"> It achieves the objectives of enabling a range of social, cultural and economic development opportunities that support the occupation, use, development and ongoing relationship with ancestral land. 	<p>to future development and economic opportunities and is more efficient for Māori than the current approach (Option 1).</p>
<p>Overall evaluation</p> <p>On balance this option is considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> It assists in addressing the strategic resource management issue of complexities associated with developing Māori land and Treaty Settlement land (by removing one of the many constraints or barriers to development, being District Plan regulatory controls). would achieve the objectives of enabling a range of social, cultural and economic development opportunities that support the occupation, use, development and ongoing relationship with ancestral land achieves the objectives at the lowest possible cost for Māori, while also maintaining some control over maximum bulk and density, zone interfaces to maintain amenity for adjoining neighbours, rural or urban character, and to ensure maximum intensity and scale is determined by the servicing capacity of the land. 	

9 Summary

An evaluation of the proposed objectives and provisions for the tangata whenua topic has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- The objectives achieve the strategic resource management issues, give effect to higher order direction and achieve the purpose of the RMA, in particular recognising and providing for the matter of national importance.
- The strategic tangata whenua objectives and policies provide 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.
- The Māori Purpose zone and Treaty Settlement Overlay provide tangata whenua with certainty on the land that can be developed for certain activities as of right / without the need for a resource consent.
- Together, the Treaty Settlement overlay and the Māori Purpose Zone contain provisions that provide for the ongoing relationship tangata whenua have with their land, and seeks to support and enhance social, cultural and economic development of tangata whenua.
- Some Sites and Areas of Significance to Māori continue to be identified in the plan for protection, and increased opportunity for tangata whenua involvement in resource consent processes will enable greater protection of currently unscheduled sites, in the interim until a comprehensive review is undertaken.
- provisions to protect the cultural significance of the Te Oneroa-a-Tōhe Beach Management Plan Area are provided, in accordance with the requirements of the Te Oneroa-a-Tōhe Beach Management Plan.
- Where compliance cannot be achieved, resource consent is required to enable a case-by-case assessment of proposals, including an assessment of whether the proposal is consistent with the policy direction set out in the Proposed District Plan.

Overall, it is considered that the proposed provisions are the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions.

10 Appendices

10.1 Appendix 1 – Summary of Iwi and Hapū Environmental Management Plans

IEMP	Broad issue and policy areas	Issues	Policy direction
Ngāti Kuri Environmental Management Plan	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> Limited tools to encourage and incentivise development of Māori and Treaty Settlement lands (Section 22.2). 	<ul style="list-style-type: none"> Work with Ngāti Kuri to realise their development aspirations and reduce unintended consequences and inequities (Section 22.2). Provide a suite of tools for the development of Māori and Treaty Settlement Land (Section 22.2). Support our master plan approaches and commit resources and staff expertise to assist in significant development projects (Section 22.2). Develop a long term spatial plan and growth strategy in our rohe (Section 22.2).
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> Cultural heritage – damage and destruction (Section 24.5) 	<ul style="list-style-type: none"> Prove adequate rules and regulations that protect and preserve our cultural site of significance and wāhi tapu (Section 24.5)
	3. Appropriate engagement, partnership and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> Recognising and respecting our status as Treaty Partners and the rights, values and interest that come with this partnership (Section 22.1) 	<ul style="list-style-type: none"> Identify and implement opportunities and avenues for Ngāti Kuri to have greater involvement in resource management decision making and associated processes (Section 22.1) Treat Ngāti Kuri as more than just ‘stakeholders’ or ‘affected parties’ and recognise and respect our status as a Treaty Partner (Section 22.1)
Ngāi Takoto Environmental Plan	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> Limited access to development opportunities on Māori owned land (Section 4.1.1) Providing for housing and amenities for changing demographics (Section 4.1.2). 	<ul style="list-style-type: none"> To encourage development principles to be applied to land use and developments (urban and rural) and, in particular, development in new growth areas, that enhance environment (Section 4.1.1) Sustainable papakāinga development – To encourage development principles to be applied to land use and developments (urban and rural) and, in particular, development in new growth areas, that enhance the environment (Section 4.1.2).
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> Past development has isolated Ngāi Takoto communities from their rivers, wāhi tapu, sites of significance, and sites of customary activity (Section 4.1.1). Protect waahi tapu often relying upon goodwill (Section 4.8) 	<ul style="list-style-type: none"> To ensure that land use and development, particularly new land use and development, has positive environmental and cultural effects (Section 4.1.1). That all wāhi tapu are to be afforded the highest level of protection, including within, local government planning (Section 4.8)
	3. Appropriate engagement, partnership and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> No explicit issues 	<ul style="list-style-type: none"> No explicit policies.
Ahipara Takiwā Management Plan	1. Enable development on Māori Land and Treaty Settlement	<ul style="list-style-type: none"> No explicit policies 	<ul style="list-style-type: none"> No explicit policies.

IEMP	Broad issue and policy areas	Issues	Policy direction
	Land		
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> • Developments including subdivision do not consider cultural values and can put wāhi tapu at risk (WT2) • Few wāhi tapu within the takiwā have management plans or are protected from future development (WT3) • Some wāhi tapu are located in close proximity to homes and well used recreation sites where motorbiking, tramping, fishing and surfing occur. These have the potential to damage the nearby wāhi tapu (WT16). • Resurfacing of buried taonga and koiwi through natural and human induced changes occurs periodically (TTI11) • Destruction, modification and appropriation/collection of artefacts still occurs (TTI12) • Koiwi (Human remains) or taonga (artefacts) associated with burials are removed from sites which shows a lack of cultural sensitivity towards mana whenua values (TTI13) 	<ul style="list-style-type: none"> • To protect and restore the mauri of all water (WP1) • To oppose activities which may adversely affect known wāhi tapu (WTP2) • To require that mana whenua access to wāhi tapu is established, maintained and protected (WTP3). • To discourage the erection of structures, both temporary and permanent, near wāhi tapu (WTP5). • To requires an accidental discovery protocol in all resource consents which involve earthworks or other activities likely to uncover artefacts or koiwi (TTIP1). • All newly discovered cultural artefacts within the takiwā remain the property of Ngā Marae o Ahipara until a full investigation into their provenance can be completed (TTIP2).
	3. Appropriate engagement, partnership and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> • Current relationships only allow limited participation of Mana Whenua as partners in decision making (WR2) • Our opinions are not afforded the proper respect in consenting or other decision-making processes (WR3) • Our voice can be diluted and discounted by decision makers if we are not united (WRI4) 	<ul style="list-style-type: none"> • To required Northland Regional Council and Far North District Council to recognise Ngā Marae o Ahipara as an affected party to all plan and policy developments as well as resource consent and permit applications that affect our resources our cultural heritage (WRP3) • To require all application for consents/concessions/permits/access to demonstrate that they have ascertained whether their proposal has any effects on mana whenua values and resources. (WRP4). • Where values of mana whenua may suffer adverse effects preliminary meetings, pre-hearing discussions and hearings should be held on marae. (WRP5) • To encourage agencies to develop and implement appropriate processes for informing and engaging with Ngā Marae o Ahipara. (WRP6).
Haititaimarangi Marae Hapū Development Plan	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> • Unrealised potential through underutilised land at whānua and hapū level (P.E.S.T analysis) 	<ul style="list-style-type: none"> • A vibrant and sustainable economy with full employment, sound infrastructure and prudent, sustainable asset management (STRATEGIC GOAL)
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> • No explicit issues. 	<ul style="list-style-type: none"> • Our tikanga and culture permeates our lives in ways that sustain our physical, spiritual, mental and collective wellbeing (STRATEGIC GOAL) • Natural resources and areas of natural, cultural and historical significance are protected and enhanced for future generations (STRATEGIC GOAL)
	3. Appropriate engagement, partnership and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> • Lack of engagement at local government Community Board level (P.E.S.T analysis) 	N/A

IEMP	Broad issue and policy areas	Issues	Policy direction
Te Runanga o Whaingaroa Environmental Management Plan	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> Restrictive and expensive housing development policies that restrict papakāinga development (page 22) 	<ul style="list-style-type: none"> Papakāinga developments on Māori land are recognised as a “as of right” activity (page 22)
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> Damage and desecration to wahi tapu by subdivisions (page 21) Damage and desecration to wahi tapu by forestry and farming practice (page 21) Number of sites desecrated (page 21) Number of sites restored (page 21) Number of sites that have formal protection (page 21) Number of wahi tapu listed on silent files (page 21) 	<ul style="list-style-type: none"> No further desecration of any wahi tapu or sites of cultural significance (page 21) To restore wahi tapu that have been desecrated (page 21)
	3. Appropriate engagement, partnership and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> No explicit issues. 	<ul style="list-style-type: none"> No explicit policies.
Ngāti Rēhia Hapū Environmental Management Plan	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> The ability to provide sufficient incentives for our mokopuna to return home and remain as Ahi-Kā in a modern world (Section 9.1) The ability of Ngāti Rēhia to develop a strong economic foundation based on principles of sound economic sustainability (Section 9.1). Complexities of building on multiply-owned Māori Land (Section 10.2) 	<ul style="list-style-type: none"> TRONR to investigate and develop hapū-based resources and assets to support sustainable economic development initiatives for Ngāti Rēhia (Section 9.1). TRONR will promote the right of the whānau and hapū of Ngāti Rēhia to develop their marae. Councils should consider Marae Development Zones (Section 10.2) Papakāinga should be supported to facilitate the resettlement and re-association of tangata and whenua as a matter of right. Council control of Papakāinga should be confined to matters of health and safety. Councils should not require contributions of land regarding the development of Papakāinga (Section 10.2) Our urupa are tapu. They are not to be subject to any adverse effects of any development (Section 10.2)
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> The expansion of urban sprawl vs that protection of heritage, culture and the environment (Section 9.4) Potential of all sites of significances to be wāhi tapu (Section 13.3) Protection (of wāhi tapu) against development (Section 13.3) 	<ul style="list-style-type: none"> TRONR will ensure that adequate measures are in place before any development begins to adequately avoid, remedy or mitigate any adverse effects on Ngāti Rēhia, our values and our environment (Section 9.4) Ngāti Rēhia will advocate for the protection of the mauri of wāhi tapu by preventing destruction and modification. (Section 13.3)
	3. Appropriate engagement and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> The future sustainable management of all resources (Section 9.1) Our relationship with the Crown over the management of natural, physical and heritage resources (Section 9.3) Access to direct consultation with Crown and agencies (Section 9.3) The current statutory obligation not to consult (Section 9.4) Capacity to participate in decision-making and forward planning processes (Section 9.5). 	<ul style="list-style-type: none"> TRONR will do all that it can to ensure that Ngāti Rēhia participate in the decision-making processes (Section 9.1). TRONR will continue to advocate for the recognition of Ngāti Rēhia as a Treaty partner in all multi-stakeholder processes involving the management and development (Section 9.3). TRONR will ensure that all significant projects or initiatives are brought back to the Ahi-Kā and haukainga to debate on marae before any policy is developed on any individual proposal (Section 9.3). TRONR will enter into consultation with all developers to ascertain the actual or potential effects of

IEMP	Broad issue and policy areas	Issues	Policy direction
			<p>the development proposals on Ngāti Rēhia, our values and our environment (Section 9.4)</p> <ul style="list-style-type: none"> • Ngāti Rēhia will actively participate in the decision-making processes of all agencies where those decisions affect the hapū, our values or taonga (Section 9.5). • Ngāti Rēhia will actively participate in the management of our taonga – our involvement should be sought at the commencement of all management, planning and monitoring processes (Section 9.5)
Ngāti Torehina Hapū Environmental Management Plan	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> • The restrictions placed on the communal holding of this land through the various successions Māori land law, where first lists of owners were arbitrarily applied to different land parcels and later rules around succession and control of the land, have left us with different obstacles to face in seeking to now establish sustainable uses for this land (Section 8). • The re-development of our papakāinga allows the opportunity and potential for our whanau to establish affordable housing (Section 8.2). 	<ul style="list-style-type: none"> • There should be no further alienation of Māori land within the rohe. Long term sustainable use of remaining Māori lands should be adopted wherever this is economically viable to do so (Section 8) • TRONTKM will promote the right of the whanau and hapū of Ngati Torehina to develop their marae. Councils should consider giving recognition to Marae Development Zones within council policy statements and plans (Section 8.2).
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> • Kaitiaki require access to all wahi tapu and sites of cultural significance. (Section 8.4). 	<ul style="list-style-type: none"> • In areas of cultural importance, purchasers of land must be made aware of the high archaeological and cultural areas of the surrounding area, and the legal requirements of the Historic Places Act 1993 with regard to modifying or destroying archaeological sites (Section 8). • Where significant cultural sites are known and identified, their protection will have precedence over any building, subdivision or other development activity (Section 8). • All public access policies and plans prepared by local government or crown agencies must recognise the rights of access that Ngati Torehina have (Section 8.4): <ul style="list-style-type: none"> ○ To all wahi tapu ○ For the harvesting and collection of kaimoana and mahinga kai ○ To our fisheries, and ○ To taonga prized for its traditional, customary and cultural uses
	3. Appropriate engagement and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> • Concerns, based on our historical observation, that all too easily the voice of Ngati Torehina and other tangata whenua become subject to the “tyranny of the majority” where our voice goes from being that of the partner to that of just one of many competing stakeholders (Section 7.3) • Often the provisions made at a political level to protect the rights and responsibilities of the hapū are not reflected in adequate or consistent processes being applied at management levels of the agencies (Section 7.5) 	<ul style="list-style-type: none"> • TRONTKM will continue to advocate for the recognition of Ngati Torehina as a Treaty partner in all multi-stakeholder processes involving the management and development of natural, physical and heritage resources within our rohe (Section 7.3). • TRONTKM will ensure that all significant projects or initiatives are brought back to the ahi kaa and hau kainga to debate on marae before any policy is developed on any individual proposal (Section 7.3). • Te Runanga o Ngati Torehina ki Mataka will promote and enhance partnerships between Ngati Torehina, central government and its agencies, and regional and district councils. The relationships with Ngati Torehina need to be cognisant of our status as tangata whenua, kaitiaki and Treaty partner (Section 7.5) • Ngati Torehina will actively participate in the decision-making processes of all agencies where those decisions affect the hapū, our values or taonga. TRONTKM will consider requests to participate in such processes in a collective forum of other tangata whenua on a case by case basis (Section 7.5)
Kororareka Marae Society Hapū Environmental Management	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> • No explicit issues. 	<ul style="list-style-type: none"> • No explicit policies.

IEMP	Broad issue and policy areas	Issues	Policy direction
Plan			
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> • Destruction of urupā as a result of development (page 18) • The need to ensure protection of wāhi tapu – Te Hikuwai waahi tapu (page 18) 	<ul style="list-style-type: none"> • Recognise and provide for the spiritual and physical relationship o nga hapū o Kororareka with their ancestral lands, waters, wāhi tapu and other taonga (page 13) • Initiate and implement mechanisms that protect taonga in accordance with the principles of ngapuhi nui tonu e.g. rahui, protection of waahi tapu and water (page 7). • Advocate for the protection of the mauri of wāhi tapu by preventing destruction and modification – Te Hikuwai waahi tapu (page 18) • Protect the mauri of wāhi tapu in accordance with the tikanga o Ngapuhi nui tonu • To ensure that the matauranga associated with identified sites is confined to kaitiaki and that they are involved in any activity that may impact on these areas (Page 18).
	3. Appropriate engagement and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> • The spiritual and physical relationship o nga whanau/hapū o Kororareka with their taonga continues to be comprised by Crown legislation, policies and plans (Page 8). • Consultation processes are at times, superficial and the aspirations o nga whanau me nga hapū o Kororareka are not given appropriate recognition (Page 13). • Lack of partnership between Kororareka Marae and the local and regional authorities with regard to policy and plan development and resource management decisions (Page 13). 	<ul style="list-style-type: none"> • Promote and initiate processes that enables the effective exercise partnership and kaitiakitanga by Kororareka Marae whanau and hapū (Page 7). • Promote and enhance partnerships between nga hapū o Kororareka and central government, regional and district councils and stakeholder groups. (page 9) • Give effect to the principles of the Treaty of Waitangi in all aspects of resource management decision-making process. (Page 14)
Ngāti Kuta ki Te Rawhiti Environmental Management Plan	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> • No explicit issues. 	<ul style="list-style-type: none"> • No explicit policies.
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> • Some of these sites and wahi tapu, are very special to Ngati Kuta and some are, in fact, tapu. As today's kaitiaki, Ngati Kuta has the ultimate responsibility of ensuring such sites remain undisturbed and that the impacts of activities and development on all such sites are the absolute minimum possible (Section 2.2, page 90). 	<ul style="list-style-type: none"> • The RMU will work with responsible landowners and developers to find ways of ensuring adequate and appropriate protection for wahi tapu and other sites of significance where such sites are threatened with disturbance or abuse (Section 2.2, page 91).
	3. Appropriate engagement and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> • To be involved in the management of our mana whenua and the future success of integrated management with Crown, Ngati Kuta and other parties, requires the ongoing and continual capacity-building of our RMU, our kaitiaki and our hapū (Section 2.2, page 79) • The statutory management of our Roopu Whenua assets and resources are governed under a number of Acts of Parliament. These include the Resource Management Act 1991, the Conservation Act 1987, and the Historic Place Act 1993. All these Acts have requirements to involve Ngati Kuta in their administration and implementation (Section 4.1, page 81) • At present we receive only a portion of all consent applications proposing development within the area. It becomes very difficult to protect our values and our environment when we are not notified of applications for consents at the outset of such processes (Section 5.1.1, page 84) 	<ul style="list-style-type: none"> • Progress the RMU to enable our kaitiaki to engage in resource management in all technical fields through educational and other opportunities (Section 2.2.2, page 79). • Ngati Kuta will become more actively involved in the preparation, review, implementation and monitoring of all statutory instruments that impact the management of our Whenua (Section 4.5, Page 83) • The RmU will review, on behalf of Ngati Kuta: <ul style="list-style-type: none"> ○ All notified and non-notified resource consent and coastal permit applications proposed for activities within our tribal boundaries (Section 5.2.1, page 85) ○ All applications for tourism-related activities, concessions (Section 5.2.1, page 85): ○ In reviewing such applications, pour interests include, but not limited to (Section 5.2.1, page 85): <ul style="list-style-type: none"> ▪ The actual or potential effects on our cultural values ▪ The actual or potential effects on our natural environment ▪ Archaeology and wahi tapu matters ▪ Suitability of sites to be developed i.e.: engineering assessments

IEMP	Broad issue and policy areas	Issues	Policy direction
			<ul style="list-style-type: none"> ▪ Building plans detailing all height, width, length and other relevant specifications ▪ Earthworks and landscape plans ▪ Colour schemes ▪ Intended use e.g. whether it is private or commercial development
Ngāti Hine Iwi Environmental Management Plan	<p>1. Enable development on Māori Land and Treaty Settlement Land</p>	<ul style="list-style-type: none"> • Ngāti Hine are tangata whenua – literally the people of this land (Section 24). • Our kainga, those that remain in Māori ownership, are the obvious sites for the re-establishment of Ngāti Hine communities (Section 25) 	<ul style="list-style-type: none"> • There should be no further alienation of Māori land within the rohe. Long term sustainable use of remaining Māori lands should be adopted wherever this is economically viable to do so (Section 24). • Te Rūnanga o Ngāti Hine will promote the right of the whanau and hapū of Ngāti Hine to develop their marae (Section 25) • Papakāinga should be supported to facilitate the resettlement and re-association of tangata and whenua as a matter of right. Council control of papakāinga should be confined to matters of health and safety. Councils should not require contributions of land in regards to the development of papakāinga (Section 25).
	<p>2. Protection of sites and areas of significance to Māori</p>	<ul style="list-style-type: none"> • Our wāhi tapu are tapu (Section 25). 	<ul style="list-style-type: none"> • Our wāhi tapu are not to be subject to any adverse effects of any development (Section 25).
	<p>3. Appropriate engagement and consultation in initiatives and decision-making processes</p>	<ul style="list-style-type: none"> • Often the provisions made at a political level to protect the rights and responsibilities of iwi are not reflected in adequate or consistent processes being applied at management levels of the agencies (Section 22.5) 	<ul style="list-style-type: none"> • Te Rūnanga o Ngāti Hine will promote and enhance partnerships between Ngāti Hine, central government and its agencies, and regional and district councils. The relationships with Ngāti Hine need to cognisance of our status as tangata whenua, kaitiaki and Treaty partner (Section 22.5). • Te Rūnanga o Ngāti Hine will actively participate in the decision-making processes of all agencies where those decisions affect Ngāti Hine, our values or taonga. Te Rūnanga o Ngāti Hine will consider requests to participate in such processes in a collective forum of other tangata whenua on a case by case basis (Section 22.5).
Ngāti Wai Iwi Environmental Policy Document	<p>1. Enable development on Māori Land and Treaty Settlement Land</p>	<ul style="list-style-type: none"> • No explicit issues. 	<ul style="list-style-type: none"> • No explicit policies.
	<p>2. Protection of sites and areas of significance to Māori</p>	<ul style="list-style-type: none"> • The misunderstanding of what wāhi tapu means to Ngatiwai and the consequent mismanagement of their wāhi tapu by councils and others (Section 9.5.2) 	<ul style="list-style-type: none"> • All wāhi tapu are sacrosanct; to be given the highest level of protection (Section 9.5.2) • Tāngata Whenua are an affected party to any resource consent application with their rohe concerning or potentially affecting wāhi tapu (including archaeological sites), because of their special relationship with these taonga (Section 9.5.2)
	<p>3. Appropriate engagement and consultation in initiatives and decision-making processes</p>	<ul style="list-style-type: none"> • The lack of direct and effective ngati wai involvement, as kaitiaki, in the sustainable management of their ancestral taonga, mineral and geothermal resources (Section 9.4.1) 	<ul style="list-style-type: none"> • Tāngata Whenua are an affected party to any resource consent application within their rohe concerning or potentially affecting environmental resources, because of their special relationship with these taonga (Section 9.4.1) • Whenever Tāngata Whenua are involved in setting conditions for consent, they will then be resourced appropriately by the applicants or council to monitor compliance of those conditions (Section 9.4.1)

IEMP	Broad issue and policy areas	Issues	Policy direction
Ngāti Rangī Hapū Management Plan	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> No explicit issues. 	<ul style="list-style-type: none"> No explicit policies.
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> No explicit issues. 	<ul style="list-style-type: none"> No explicit policies.
	3. Appropriate engagement and consultation in initiatives and decision-making processes	<p><i>No explicit issues (noted “equivalent” māramatanga Māori outcomes expressed)</i></p>	<p><i>No explicit policies (noted “equivalent” māramatanga Māori outcomes expressed)</i></p>
Ngā Hapū o Te Wahapū o Te Hokianga nui a Kupe Hapū Environmental Management Plan (2008)	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> includes specific sections on Māori Freehold Land and Papakāinga (pages 31 to 33) identifies issues such as Māori land under utilisation, conflicting planning and legal frameworks for Māori land and land block inaccessibility (page 31) identifies the cost of financial contributions and development controls as contributing to the difficulty if re-establishing papakāinga in the Pākanae rohe (page 32) <ul style="list-style-type: none"> Alienation of our land has resulted in what land the various whānua have, left being under greater pressure (page 26) Poorly thought through planning decisions in the past has caused major undesirable impacts on our people (page 26) Māori land is under utilised (page 31) Land shares are still being alienated and/or fragmented (page 31) Statutory instruments provide a conflicting planning and legal framework for Māori land (page 31) Fragmentation of land means that many whānua are missing out due to insufficient land area and that relationships between whānua and whenua are being lost (page 32) Escalating costs financial contributions and development controls have made it virtually impossible for whānua to re-establish Papakāinga within our rohe (page 32) 	<ul style="list-style-type: none"> advocating for better Council policies relating to Māori Land, including rating policies, and district and regional plans to better provide for development of Māori land (page 32) investigating various alternatives that will assist whānau/hapū in maintaining the current status, protection, utilisation and development of Māori Freehold land (page 32) policy setting that the “re-association of whānau with ancestral land is recognised and provided for, and actively encouraged” (page 32) various mechanisms to enable whānau to resettle on whenua tuku iho (ancestral land) including identification of various housing options available for Papakāinga, (page 32) lobby all relevant agencies to ensure that statutory instruments assist with the repatriation of Māori with the whenua including more equitable rating methods for Papakāinga; and (page 32) lobby Local Government to confine restraints on Papakāinga to matters of health and safety. (page 32) <ul style="list-style-type: none"> That the Hapū recognise the need for developing, monitoring and enforcing more robust planning processes that take into consideration traditional, spiritual and physical relationships with land and resources (page 26). That the special circumstances relating to Māori land be recognised and provided for (page 32) That the re-association of whānua with ancestral land is recognised and provided for, and actively encouraged (page 32)

IEMP	Broad issue and policy areas	Issues	Policy direction
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> Wāhi tapu, hapū relationships with cultural landscapes and other taonga are in danger of further damage because developers and consenting authorities are unaware of their location and importance (page 28). Wāhi tapu and other taonga are under threat from inappropriate or insufficient management e.g. slips and erosion, pest/stock damage, weed invasion (page 28) Subdivision and development can result in damage to wāhi tapu, taonga and cultural landscapes if not undertaken appropriately (page 33). 	<ul style="list-style-type: none"> That irrespective of who owns the land the protection of wahi tapu should take precedence over other management objectives and other demands, including public access (page 28) The notification of any proposed developments is given by Council or the Pākanāe Resource Management Committee, accompanied by all relevant documentation (page 28) That appropriate subdivision and development is one that ensures the relationship of Hapū with their ancestral lands and other taonga is restored, protected and enhanced (page 33)
	3. Appropriate engagement and consultation in initiatives and decision-making processes	<ul style="list-style-type: none"> Engagement with local, regional and central government has been spasmodic and often times reactionary (page 26) 	<ul style="list-style-type: none"> That the Hapū recognise the need for developing, monitoring and enforcing more robust planning processes that take into consideration traditional, spiritual and physical relationships with land and resources (page 26).
Te Roroa Iwi Environmental Policy Document	1. Enable development on Māori Land and Treaty Settlement Land	<ul style="list-style-type: none"> Fragments of multiply-owned Māori landform existing kainga and marae. Some land is still held tribally but has been converted to general title. Te Roroa does not support any further alienation of Te Roroa land from Te Roroa ownership. Increasing numbers of beneficial owners (many overseas) and fragmentation of shares makes management decisions complicated (Section 7, page 26). Construction of affordable quality housing on multiply-owned Māori land is problematic and requires different approaches by a number of agencies – in particular local councils and Housing NZ. Often there is inadequate understanding of these issues or inadequate prioritisation of Māori housing needs (Section 7, page 27) The Crown’s intent for commercial redress properties to be used to develop our economic base is at risk through restrictions in Plans (Section 7, page 29) 	<ul style="list-style-type: none"> Long term sustainable use of Māori land should be adopted where it is economically viable (Section 7, page 26). Development of land resources in our rohe should not be at the expense of our relationship with that land, culture and heritage or at the expense of the environment (Section 7, page 26). Papakāinga should be supported to facilitate the resettlement and re-association of tangata and whenua as a matter of right (Section 7, page 27). Te Roroa will investigate sustainable uses of returned Settlement assets and progressively implement these where economically viable (Section 7, page 29)
	2. Protection of sites and areas of significance to Māori	<ul style="list-style-type: none"> Our waahi tapu are taonga (Section 6, page 21) The ongoing damage, destruction and mismanagement of waahi tapu and areas or sites of customary value (Section 6, page 21). Areas or sites of customary values are often limited to western definitions, such as “archaeological” (Section 6, page 21) 	<ul style="list-style-type: none"> 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 (Section 6, page 22). 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 (Section 6, page 22).. 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 (Section 6, page 22). 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 (Section 6, page 22) 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 (Section 6, page 22).
	3. Appropriate engagement and	<ul style="list-style-type: none"> Insufficient resourcing to allow for effective Te Roroa involvement, as the kaitiaki, in the sustainable management of our ancestral taonga, including water, soil, minerals, air, indigenous flora and fauna and our 	<ul style="list-style-type: none"> Use will be made of relevant Te Roroa matauranga / traditional environmental knowledge and practise in decision-making associated with all resources, including water bodies, soils, minerals, air, flora, fauna and heritage (Section 4).

IEMP	Broad issue and policy areas	Issues	Policy direction
	<p>consultation in initiatives and decision-making processes</p>	<p>heritage (Section 4)</p> <ul style="list-style-type: none"> • All too easily the voice of Te Roroa and other tangata whenua becomes subject to the “tyranny of the majority” where our voice goes from being that of the partner to just one of many competing stakeholders (Section 5, page 10). • Often the decisions made at a political level to protect our rights and responsibilities are not reflected in adequate process at management levels of agencies (Section 5, page 13) 	<ul style="list-style-type: none"> • Whenever Te Roroa are involved in setting conditions for a consent, either the applicant or council will resource Te Roroa to regularly monitor and review those conditions (Section 4). • TRWO&MWT will advocate for the recognition of Te Roroa as a Treaty partner in all processes involving the management and development of natural and physical resources within our rohe. Te Roroa will consider all requests to join multi-stakeholder processes on a case by case basis (Section 5, page 10) • Te Roroa will work collaboratively and positively with all groups whose policies and initiatives contribute to the sustainable management and enhancement of resources within our rohe (Section 5, page 10) • Te Roroa will ensure that all significant initiatives are brought back to the affected ahi kaa and hau kainga to debate on marae before any policy is developed on any individual proposal (Section 5, page 10) • Te Roroa seeks real and practical partnerships with government and its agencies, regional and district councils. (Section 5, page 15). • Te Roroa will actively participate in the management of our taonga. (Section 5, page 15).

10.2 Appendix 2 – Te Oneroa-a-Tōhe Beach Management Plan – Actions relevant to Far North District Plan

Table 6 Actions for Far North District Council (relevant to the District Plan) from the Te Oneroa-a-Tōhe Beach Management Plan

Action ref	Action	How the action is proposed to be implemented through the Proposed District Plan
A2.	Require agencies, who may establish signage relating to Te Oneroa-a-Tōhe, to consult with the Board first.	Note within the PDP signage chapter that any signage within the Te Oneroa-a-Tōhe Beach Management Area requires consultation with the Te Oneroa-a-Tōhe Board.
A6. and A7.	Provide GIS mapping expertise and templates to support Iwi, Hapū and whānau to identify wāhi tapu and sites of significance in the Te Oneroa-a-Tōhe Management Area, for the purposes of including these for protection in the district and/or regional plans. Include these sites and areas in the regional and district plans for protection as relevant.	Council to provide support for identification of wāhi tapu and sites of significance in the Te Oneroa-a-Tōhe Management Area
A8.	Prepare the information necessary for explaining the values and significance of Te Oneroa-a-Tōhe and Te Ara Wairua as a culturally significant landscape, and the activities that may have adverse effects on them, for the purposes of this information going into the regional and district plans as outlined in A9.	Provision of initial draft information to assist with explaining the values and significance of Te Oneroa-a-Tōhe and Te Ara Wairua as a culturally significant landscape, and the activities that may have adverse effects on them.
A9.	Identify Te Oneroa-a-Tōhe and Te Ara Wairua as a culturally significant landscape in the regional and district plans and specify provisions requiring protection from inappropriate activities.	Identify Te Oneroa-a-Tōhe and Te Ara Beach Management Area on planning maps as a culturally significant landscape
A20.	Change the regional and district plans so that activities that require resource consent in the Te Oneroa-a-Tōhe Management Area, or adjacent to the Te Oneroa-a-Tōhe Management Area that may have an impact on Te Oneroa-a-Tōhe, must include in their assessment of environmental effects an analysis of the effects on Te Oneroa-a-Tōhe.	Provisions to require an analysis of potential adverse effects on Te Oneroa-a-Tōhe Management Area
A21.	Change the regional and district plans to recognise that the Board must be considered an affected person/body regarding notification of a resource consent application where the adverse effects on Te Oneroa-a-Tōhe are minor or more than minor	Notification clause stating that any application involving adverse effects on Te Oneroa-a-Tōhe which are minor or more than minor requires notification to the Te Oneroa-a-Tōhe Beach Management Board.
A35.	Amend regional and district plans to require resource consent for new commercial activities related to Te Oneroa-a-Tōhe, including requirements: <ol style="list-style-type: none"> 1. For the assessment of consistency with the vision, objectives and desired outcomes outlined in this Beach Management Plan. 2. That specify that the Board is an affected person regarding notification of an application, where the adverse effects on Te Oneroa-a-Tōhe are considered minor or more than minor. 	<p>New rules requiring resource consents for new commercial activities within Te Oneroa-a-Tohe beach management area.</p> <p>Policy requiring assessment of consistency with the vision, objectives and desired outcomes outlined in the Beach Management Plan.</p> <p>Notification clause (referred to above)</p>
A50.	Councils and other agencies shall act in partnership with the Board and Iwi and Hapū when developing any review or changes to the regional plan, district plan or any other strategic documents that may impact on the values associated with Te Oneroa-a-Tōhe as expressed in the Beach Management Plan.	Collaboration with the Board and relevant Iwi and hapū in developing the Proposed District Plan provisions.

10.3 Appendix 3 – Summary of Māori land in Far North District

Summary of Māori Owned Land in Far North District by Estimated Operative Zone ²⁹

Zone/Sub-Zone	General Land Owned by Māori	Māori Customary Land	Māori Freehold Land	Total Māori Land	General Land Owned by Māori	Māori Customary Land	Māori Freehold Land	Total Māori Land	Māori Land Share by Zone (%)
Coastal Living	-	-	447	447	0%	0%	100	100%	0%
General Coastal	73	4	18,532	18,609	0%	0%	100	100%	18%
Minerals	0.3	-	67.4	67.7	0%	0%	100	100%	0%
Rural Living	33.4	-	44.2	77.6	43%	0%	57	100%	0%
Rural Production	415	-	82,165	82,580	1%	0%	99	100%	81%
South Kerikeri Inlet Zone	-	-	-	-	0%	0%	0%	0%	0%
South Kerikeri Inlet Zone Sensitive Area	-	-	-	-	0%	0%	0%	0%	0%
Waimate North	-	-	37	37	0%	0%	100	100%	0%
Total Rural Environment *	522	4	101,292	101,819	1%	0%	99	100%	99%
Special Zone Area *	1	0	502	503	0%	0%	100	100%	0%
Urban Environment *	1	-	199	200	1%	0%	99	100%	0%
Total Far North District	524	4	101,993	102,521	1%	0%	99	100%	100%

²⁷ This data does not include any information about lands that may have been returned under (or are subject to) any Treaty of Waitangi Settlement process – unless settlement legislation specifically requires the land become Māori Freehold Land or a Māori Reservation.

²⁸ This work is based on/includes Ministry of Justice and Ministry for Primary Industries data © Crown Copyright - Licensed for re-use under the Creative Commons Attribution 4.0 International Licence (BY) 4.0

²⁹ Sourced from Rural Analysis Economic Analysis Report, prepared by 4Sight Consulting for Far North District Council, September 2018.

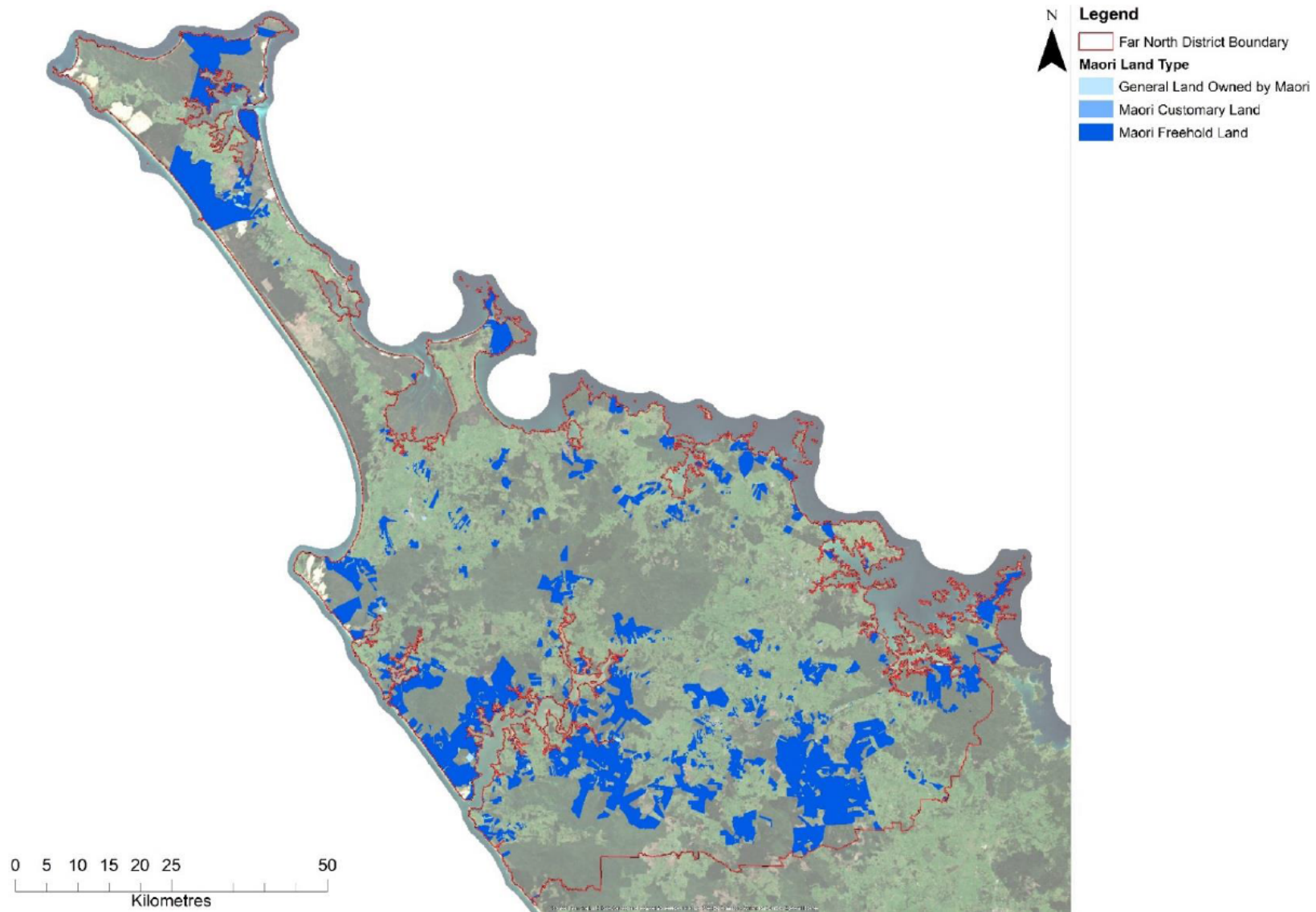


Figure 1 Map of Māori Land parcels by type in the Far North District

10.4 Appendix 4 – Additional Sites of Significance to Māori to be added to Schedule 3

The sites identified in Schedule 3 have been sourced in part from information in the Transitional District Plan. In addition, the Council has resourced a series of workshops. The result of these workshops has been the identification of specific sites, the identification of areas which contain unmarked sites, and the people and/or organisations to be contacted in response to any application for a resource consent. The information gathered at these workshops is held by Council and is available on request.

The sites were located on 1:50,000 topographic maps (MS260 series) by circles drawn around individual sites (where the centre point of the circle depicts the location of the site); or large circles/areas drawn around a number of unmarked or "silent" sites. The location of these sites or areas is by map reference, or in the case of information from the Transitional District Plan, by legal description. Revealing the location of the "silent" sites, including wāhi tapu, is a sensitive issue.

Previously, this Schedule only listed those sites that:

- a. were on Māori land or on Department of Conservation estate; and/or
- b. were in the Transitional Plan; and/or
- c. are on general title land and there has been consultation with the affected landowner.

However, the following additional wāhi tapu, wāhi tapu areas and wāhi tupuna/tipuna sites have been added from the New Zealand Heritage List / Rārangi Kōrero (as listed in the below table):

- [MS09-46](#), [MS09-47](#), [MS09-48](#), [MS09-49](#), [MS09-50](#) and [MS09-51](#)

Site ID	Type	Name/Description	Location	Legal Description	Address
9650	Heritage NZ	Te Take	Waimanoni Creek, Poko Pohaia Road, WAIMANONI	Pt OLC 6	
MS01-51	Heritage NZ #9988	Te Pahi Islands	Wairoa Bay, BAY OF ISLANDS	Te Pahi Islands Blk (RT 523124, NZ Gazette 1981 p.728) and Island of Motu apo (RT NA767/279, NZ Gazette 1981 p.905), North Auckland Land District.	
MS09-50	Heritage NZ #5	Te Kopua Kawai o Te Whakaheke	Te Ra Road, Takou River, TAKOU BAY	Māori Res B 380158 (NA 50B/1221), Takou East D4 (NZGZ 1972, p.	

Site ID	Type	Name/Description	Location	Legal Description	Address
				2292), Māori Res Takou Island (NZGZ 1997, p.1207) and the foreshore, seabed and river bed of the Takou River (Marine and Coastal Area Takutai Moana - Bill 2010) North Auckland Land District.	
MS09-48	Heritage NZ #9789	MS09-48 Te Tino o Taiamai NZHPT # 9789		Lot 1 DP 109422 (RT NA61C/568, NZ Gazette 1979, p.1980 & 1980, p.26), North Auckland Land District	28 Hobson Street, OHAEAWAI
MS09-49	Heritage NZ #9777	MS09-49 Te Pitowhenua / Waitangi Treaty Grounds NZHPT# 10001/9777		Lot 1 DP 32610 (RT 108096), North Auckland Land District.	26 Tau Henare Drive, WAITANGI
Ms09-47	Heritage NZ #9795	MS09-47 Te Pakanga o Ōhāeawai NZHPT # 9795		Puketapu 1A1 (RT 499962, NZ Gazette 1948 p.70), North Auckland Land District.	5697 S.H.12, Kaikohe
MS09-46	NZH Register#9802	MS09-46 Te Maiki o Kororareka Wāhi Tapu Area NZH Register # 9802	Flagstaff Road, Russell 0202	Section 51 Block 1 Russell SD (NZ Gazette 1979, p.1758), Section 52 Block 1 Russell SD (NZ Gazette 1932, p.726), North Auckland Land District.	
9818	Heritage NZ	Ōkuratope Pā		Section 12 Block VIII Omapere SD (NZ Gazette 1980, p.3326), North Auckland Land District	201-249 Te Ahuahu Rd, RD2 Waimate North