

Attachment B: PM15 Decision

Decision following the hearing of a Plan Modification to the Auckland Council District Plan – Hauraki Gulf Island Section (Operative 2018) under the Resource Management Act 1991



Proposal

To introduce five Māori Heritage Sites to Appendix 2f of the Auckland Council District Plan - Hauraki Gulf Islands Section, and to add wording and listing key reasons for scheduling, and to make changes to the text of Part 7.13 Māori Heritage of the Plan.

This Plan Modification is **GRANTED**, the reasons are set out below.

Plan Modification number:	Plan Modification 15
Hearing commenced:	Wednesday 12 February 2025
Hearing panel:	Mark Farnsworth (Chairperson) Nicholas Manukau David Mead
Appearances:	<p><u>For the Submitters:</u> Geoff Hills</p> <p><u>For Ngāti Rehua Ngātiwai ki Aotea Trust – as an observer</u> Fletcher Beazley, Chairman</p> <p><u>For Council:</u> Craig Cairncross, Team Leader Matthew Gouge, Reporting Officer Nico Donovan-Pereira, Specialist - Māori Heritage</p> <p><u>Senior Hearings Advisor:</u> Patrice Baillargeon</p>
Hearing adjourned:	12 February 2025
Commissioners' site visit:	12 February 2025
Hearing closed:	19 February 2025

Introduction

1. This decision is made on behalf of the Auckland Council ("**the Council**") by Independent Hearing Commissioners Mark Farnsworth (Chairperson), Nicholas Manukau and David Mead, appointed and acting under delegated authority under section 34 of the Resource Management Act 1991 ("**the RMA**").
2. The Commissioners have been given delegated authority by the Council to, 'make a decision' on Plan Modification 15 ("**PM15**") to the Auckland Council District Plan - Hauraki Gulf Islands Section ("**HGI**"), after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions.

3. PM15 is a Council-initiated plan modification that has been prepared following the standard RMA Schedule 1 process (that is, the plan modification is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA)
4. The plan modification was publicly notified on 23 May 2024 following a feedback process involving iwi authorities¹, as required by Clause 4A of Schedule 1. Notification involved a public notice as well as letters to directly affected landowners and occupiers, and landowners within 100m of the nominated sites, alerting them to the plan modification. The latter step was aimed at ensuring that landowners and occupiers of properties affected by potentially significant changes were made aware of the changes.
5. The submission period closed 21 June 2024. A summary of submissions was notified for further submissions on 12 July 2025. A total of 3 submissions were received. The closing date for further submissions was 26 July 2024, no further submissions were made on the plan modification.

SUMMARY OF PLAN MODIFICATION AS NOTIFIED

6. The proposed plan modification is described in detail in the hearing report. A summary of key components of the plan modification is set out below.
7. PM15 introduces five Māori Heritage Sites (**MHS**) on Aotea/ Great Barrier to be added to Appendix 2f *Schedule of Māori heritage sites – outer islands*, namely:
 - Hirakimata²;
 - Poutekoru³;
 - Ruahine⁴;
 - Komahunga⁵; and
 - Korotiti⁶.

The Section 32A Report and the application documentation provides a detailed description of the nominated sites, their features⁷ and location.

8. PM 15 also proposes:
 - Introductory wording and listing the key reasons for scheduling in the appendix for plan consistency;
 - a change to standards in Part 7.13 Māori Heritage to employ the use of the plan defined term 'earthworks' and introduce permitted earthworks activities to align the HGI provisions more closely with those of the AUP.

¹ The draft proposed Plan Modification was sent to Iwi on 27 November 2023

² Application Documentation Attachment 2a

³ Application Documentation Attachment 2f

⁴ Application Documentation Attachment 2g

⁵ Application Documentation Attachment 2h

⁶ Application Documentation Attachment 2i

⁷ Section 7 and Attachment 2: provides a site description and features of each of the nominated sites

- to schedule these identified sites in the HGI to provide greater protection and recognition of these significant sites and places. The sites are proposed to be added to the HGI planning maps.
9. The district plan level provisions applying to the five sites on Aotea/Great Barrier Island are contained within the HGI. Any portion of a site within the Coastal Marine Area (**CMA**) is regulated by the Regional Coastal Plan provisions in the AUP. The regional level controls which apply to Aotea/Great Barrier Island, such as those applying to lakes, rivers and streams, are also contained within the AUP.
10. PM15 seeks to address the under-representation and degradation of Māori cultural heritage, mana whenua values and cultural associations by formally identifying these sites within the respective plans in a manner that offers recognition and targeted protection from inappropriate use and development.

PROCEDURAL MATTERS

11. The Council received a late submission from Mr William McCandless in a Second Direction dated 16 October 2024, the Panel directed, under section 37A of the RMA, that the late submission be rejected in accordance with section 37A(b)(2).
12. The Panel noted
- “As the late submission was made approximately three months after the submissions period closed and because the late submitter’s property is not directly impacted by the proposed plan modification, accepting it would interfere with the Council’s duty to avoid unreasonable delay due to the extended timeline that would be required to notify this late submission”.*

PLAN MAKING (MODIFICATION) PROVISIONS

13. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are set out both in the section 32 assessment and the Section 42A Report⁸, and we do not need to repeat these again in detail.
14. We note the Council’s section 32 evaluation clarifies that the analysis of efficiency and effectiveness of the plan change is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal⁹. Having considered the application, the submissions and the Section 42A Report we are satisfied that PM15 has been developed in accordance with the relevant statutory requirements.
15. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan modification arising from submission; with that evaluation to be undertaken in accordance with section 32AA. We are not recommending any changes to PM15, so there has been no need to undertake a further section 32AA evaluation.

⁸ Section 42A Report – section 7

⁹ Section 7

16. Having considered the submissions and relevant background documents, we are satisfied, overall, that PM15 will clearly assist the Council in its effective administration of the HGI.

EXISTING PLAN PROVISIONS

17. The Section 42A Report at section 4 provides an overview of the applying existing plan provisions in the HGI. In summary:
- Part 1.3.5.2 - briefly outlines the history of Māori settlement on the islands of the Hauraki Gulf. They were a coveted place for early occupation. Aotea / Great Barrier Island is the ancestral home of Ngāti Rehua. The plan identifies that many of the sites important to Ngāti Rehua are situated around the coastal areas.
 - Part 7.13 Māori Heritage contains the main provisions in the plan specific to Māori Heritage Sites. It contains a policy and rule framework, and assessment matters applying to scheduled sites. Other rules relating to external lighting, temporary activities, and signage on scheduled sites are contained in Part 4 – General Rules.
 - Part 7.13 contains one objective, three policies and two rules. These rules state that all new ground disturbance, and toilets (including portaloos) or changing facilities require Discretionary Activity resource consent approval within the scheduled sites. Several assessment matters against which to assess these resource consent applications are listed in the corresponding land units to guide planning assessments (refer to Part 10a.24.8 as an example).
 - There are broader objectives in Part 2.5.8 Māori of the HGI that apply generally. Some chapters, such as Part 5.8 Network Utilities, make general reference to heritage values.

PROPOSED PLAN MODIFICATION PROVISIONS¹⁰

18. In summary PM15, proposes to change some of the rules applying to Māori Heritage Sites in the HGI. No changes to the supporting objectives and policies have been identified as being necessary.
19. PM15 introduces five Māori Heritage Sites in Appendix 2f (Outer Islands) of the HGI where none currently exist¹¹.
20. The plan modification introduces introductory information and key reasons for scheduling to the appendix for plan consistency.
21. The standards in Part 7.13 Māori Heritage will be amended to replace the undefined term 'ground disturbance' with the defined term 'earthworks'. The proposed changes also introduce permitted earthworks activities to align the HGI provisions more closely with those of the AUP.
22. The following are proposed to be identified as permitted activities on MHS in the HGI:
- Gardening for domestic purposes:

¹⁰ Section 42A Report at [65 – 71]

¹¹ These are the first five sites to be scheduled on Aotea / Great Barrier Island.

- Earthworks for the maintenance and repair of fences and effluent disposal systems limited to areas and ground depths which have previously been disturbed or modified,
 - Earthworks for the maintenance and repair of existing farming, walking and cycling tracks limited to areas and ground depths which have previously been disturbed or modified, and,
 - Earthworks for the operation, maintenance and repair of driveways and parking areas limited to areas and ground depths which have previously been disturbed or modified
23. In addressing the effect of the Scheduling in the HGI Mr Gouge notes apart from the earthworks exemptions listed in paragraph 22, scheduling of the five sites as MHS will result in the following:
- a. *“The objectives of Part 2.5.8 - Māori of the HGI will apply to the scheduled sites,*
 - b. *Network utility activities for which Discretionary Activity resource consent would be sought under Part 5.8 Network Utilities will require greater consideration of the Māori cultural heritage values of the scheduled sites,*
 - c. *The provisions of Part 7.13 - Māori Heritage will apply to the scheduled sites. This applies one objective and three policies to recognise and protect the sites. Two rules apply which regulate all new ‘earthworks’ and the establishment of toilets (including portaloos) or changing facilities as Discretionary Activities. Several assessment matters against which to assess Discretionary Activity resource consent applications under these rules are listed in Part 7.13.4,*
 - d. *The General Rules provisions of Part 4 will apply a Discretionary Activity status to Temporary Activities, Lighting and Signs on the scheduled sites. This part of the HGI also introduces several assessment matters against which these Discretionary Activities would be assessed.*
 - e. *The explanatory text introduced through PM15 is simply to outline the contents of the appendix (for plan usability and consistency) and to reiterate the key reasons (criteria) for scheduling Māori Heritage Sites as listed in Appendix 4, part 7 of the HGI (Criteria for scheduling Māori Heritage Sites).*

STATUTORY FRAMEWORK

24. Section 7 of the hearing report¹² provides a comprehensive analysis of the applying statutory framework and how PM15 *gives effect to or meets the requirements* of the applying framework. This analysis was not contested, as result we do not intend to provide a summary of the analysis other than to note the documents that were considered:

- *Resource Management Act 1991*
- *National Policy Statements:*

¹² Section 42A Report

- *National Policy Statement for Highly Productive Land 2022 (NPS-HPL)*,
- *National Policy Statement for Freshwater Management 2020 (NPS-FW)*
- *National Policy Statement on Urban Development 2020 (NPS-UD)*
- *New Zealand Coastal Policy Statement 2010 (NZCPS)*
- *National Policy Statement for Indigenous Biodiversity 2024 (NPS-IB)*
- *Auckland Unitary Plan¹³ and Auckland District Plan – Hauraki Gulf Islands Section*
- *Other Relevant Plans and Strategies:*
 - *The Reserves Act 1977*
 - *Treaty of Waitangi Settlement Legislation*
 - *Hauraki Gulf Marine Park Act 2000*
 - *Marine and Coastal Area (Takutia Moana) Act 2011*
 - *Heritage New Zealand Pouhere Taonga Act 2014*
 - *Conservation Act 1987*
 - *Local Government Act 2002*
 - *Local Government Auckland Council Act 2009*
- *Iwi Planning Documents*

NOTIFICATION PROCESS AND SUBMISSIONS

25. As recorded above PM15 was publicly notified¹⁴ on 23 May 2024, with a submissions closing date of 21 June 2024. Three primary submissions were received¹⁵. A summary of the submissions was publicly notified on 12 July 2024, with further submissions closing on the 26 July 2024. No further submissions were received.

26. The table below sets out the relief sought by the submitters:

Sub no.	Submitter	Summary of the relief sought by the submitter
1.	L Dixon & I Fordham ¹⁶	Approve the plan modification without amendments
2.	Geoff Hills ¹⁷	Decline the plan modification If approved, make the following amendments ¹⁸ : i. Clearly define the boundaries of the sites; ii. Define the specific heritage elements that are important. In particular what makes hem important? iii. Use GPS points.
3	Graeme Lundie ¹⁹	Decline the plan modification.

¹³ Auckland Unitary Plan incorporates the Regional Policy Statement and the Regional Coastal Plan

¹⁴ Direct notification was also served on a number of parties as listed in the Section 42A Report at [172]

¹⁵ Section 42A Report - Section 9

¹⁶ Ibid at page 297

¹⁷ Ibid at page 299

¹⁸ Ibid at pages 303 -304

¹⁹ Ibid at page 305

		<p>If approved, make the following amendments:</p> <p>i. Provided information how the plan modification will impact on the future sale of the property at 89 Richard Pearse Drive</p>
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SECTION 42A REPORT

27. A comprehensive Section 42A Report was prepared by Mr Gouge²⁰, in his executive summary he records²¹:

- *During the development of this plan modification, and throughout the hearings, Mana Whenua cultural evidence is relied upon, in recognition that mana whenua are the exclusive holders of their mātauranga (cultural knowledge) within their rohe (territory). This assessment also recognises that mana whenua have overlapping areas of interest across Tāmaki Makaurau.*
- *Numerous plans and strategies relevant to the Resource Management Act 1991 and which arise from other legislation have been considered. These include matters under Treaty settlement legislation, the Marine and Coastal Area (Tukutai Moana) Act 2011, the Local Government Act 2002, and the Reserves Act 1977.*
- *The hearing report has been prepared in accordance with section 42A of the Resource Management Act 1991. It forms part of Auckland Council's ongoing obligations under section 32 of the Resource Management Act 1991, to consider the appropriateness of the proposed objectives and provisions in the plan changes, as well as the benefits and costs of any policies, rules or other methods, and the consideration of issues raised in submissions on the plan modification.*
- *I recommend Plan Modification 15 to the Auckland Council District Plan be accepted by the Hearing Commissioners subject to the amendments identified in Appendix 4 of the Section 42A Report”.*

28. The Section 42A Report was informed by technical advice provided by the following expert:

Specialist Area	Reviewing Specialist
Māori Heritage	Nico Donovan-Pereira, Specialist Māori Heritage, Māori Heritage Team, Auckland Council

29. Mr Gouge in 9.2 of the Section 42A Report, took the opportunity to correct errors he had identified in the notified amendments to Part 7.13.4 rule for HGI. Mr Gouge provided the following narrative:

²⁰ Senior Policy Planner, Auckland Council.

²¹ Section 42A Report page 6

“In sections 7 and 15 of the Section 32 Report, I discuss what I see as a requirement to amend the Māori Heritage Sites rules of the Auckland Council District Plan – Hauraki Gulf Islands Section.

The amendment is required to allow for reasonable use of the privately owned sites, and align the provisions more closely with those of the AUP.

At paras 15.30 to 15.32 of the Section 32 Report, the intention of the changes is explained. This is that additional dispensation is only being provided for the four earthworks activities listed below:

- *Gardening for domestic purposes,*
- *Earthworks for the maintenance and repair of fences and effluent disposal systems limited to areas and ground depths which have previously been disturbed or modified,*
- *Earthworks for the maintenance and repair of existing farming, walking and cycling tracks limited to areas and ground depths which have previously been disturbed or modified, and,*
- *Earthworks for the operation, maintenance and repair of driveways and parking areas limited to areas and ground depths which have previously been disturbed or modified.*

As the proposed provisions are drafted, they change the header under 7.13.4.1 from an exclusive (i.e. any activity or work is permitted which does not involve...) to an inclusive list (i.e. the following are permitted activities...).

As a result of this change, a provision is required to specify that under the Māori Heritage Schedule, all other activities not otherwise listed in the rules remain as Permitted Activities.

This ‘catch-all’ rule has been added to the proposed text under Permitted Activities as Rule 7.13.4.1(6):

Any activity or work not otherwise specified in rule 7.13.4.1 (1 to 5) and 7.13.4.2”

30. Mr Gouge also indicated a second minor correction was required:

“where the word ‘for’ is substituted for ‘within’ in the first sentence of 7.13.4.1.”

31. Mr Gouge filed two addendums to his Section 42A Report:

- The first addendum was issued on 3 February, in which it was noted no submitters evidence has been received for PM15²²”
- The second addendum was issued on 10 February 2025 a dealt with matters pertaining to PC102.

²² Addendum to Section 42A Report at page 5

Local Board

32. The Aotea / Great Barrier Island Local Board passed the following resolution in relation to PM15:

That the Aotea / Great Barrier Local Board:

- a) *Whakarite / provide the following local board views on the Council-initiated Plan Modification 15:*
 - i. *Support the council-initiated plan modification 15 to introduce five Māori heritage sites (Hirakimatā, Poutekorua, Ruahine, Komahunga, and Korotiti to appendix 2f of Auckland Council District Plan - Hauraki Gulf Islands Section (HGI).*
 - ii. *support the proposed amended wording to both that appendix, and part 7.13 of the HGI.*
 - iii. *Note the importance of Ngāti Rehua Ngātiwaiki Aotea Trust being a part of this process and request this continues when scheduling to ensure accuracy of narratives and process.*
 - iv. *Note the submissions received and request continued engagement with affected private landowners when scheduling the sites.*
- b) *Do not seek to appoint a local board member to speak to the local board view at the Council hearing on Plan Modification 15.*

HEARING PROCESS

33. None of the submitters offered expert evidence and therefore the Commissioners did not require the pre-circulation of expert evidence. Only one submitter, Mr Hill, indicated a wish to present a verbal representation.
34. Prior to the hearing, the Commissioners were flown out to Aotea / Great Barrier Island. A road tour was undertaken to view (remotely) several of the nominated sites, in particular the Ruahine site. The road trip provided the commissioner with an opportunity to gain an understanding of the local surroundings.
35. The hearing was held in the Local Board office at Claris on Aotea/Great Barrier Island on 12 February commencing at 1pm (after the site visit). Mr Fletcher Beazley, the Chairman of the Ngāti Rehua Ngātiwai ki Aotea Trust, attended the hearing in an observer capacity. Mr Beazley was invited to open the session with a Karakia. He was also invited to provide some clarification during the hearing.
36. Mr Gouge provided a brief overview of PM15 highlighting, or drawing our attention to the following:
- PM15 seeks to recognise and protect the tangible and intangible Māori cultural values of sites and places within Aotea / Great Barrier Island, to provide for the

relationship of mana whenua with their cultural heritage.

- PM15 introduces the first five Māori Heritage Sites into Appendix 2f of the Auckland District Council Plan – Hauraki Gulf Islands Section – Operative 2018.
 - The evidence base for Sites and Places of Significance to Mana Whenua is based upon tikanga and mātauranga of hapū and iwi.
 - PM15 schedules the first privately owned Māori Heritage Sites in the Hauraki Gulf islands.
37. We note that during the development of the plan changes, a lengthy period of landowner and key stakeholder engagement was undertaken. Public and direct notification processes have been undertaken to ensure both those directly affected, and those within 100m of the nominated sites, have been provided an opportunity to participate in the plan change process.
38. As we have observed, numerous plans and strategies relevant to the Resource Management Act 1991 and which arise from other legislation have been considered. These include matters under Treaty settlement legislation, the Marine and Coastal Area (Tukutai Moana) Act 2011, the Local Government Act 2002, and the Reserves Act 1977
39. We note that the methodology by which PM15 was developed in consultation with mana whenua is outlined from paragraph 14.1 of the Section 32 Report. This methodology involved the nomination of sites, the identification of the spatial extent and the identification of cultural values of the sites. Council's Māori Heritage Expert, Mr Nico Donovan-Pereira also discussed the programme and identification of sites in more detail in his evidence.
40. We sought clarification from Mr Gouge, and he confirmed that each of the nominated sites had a strong cultural narrative.
41. Mr Hill spoke to his submission²³, on the Ruahine site, noting that he was not opposed the scheduling of the site he just wanted great clarity on the specifics, in particular:
- The boundaries of the site need to be defined and clearly marked on the ground,
 - Ngāi Rehia Ngātiwai ki Aotea Trust must and define the heritage sites that are important to them. What makes them important, and
 - Use GPS points as a marker.

²³ Section 42A Report at pages 299 -304

42. In questioning Mr Gouge, we were told that the boundary of the Ruahine site is a contour line. After remotely viewing the site, we accept that the physical marking of key boundary points on the ground would be very difficult undertaking given the steep nature of the site. Mr Hill's suggestion that GPS marker points could be used has merit and is a matter that the Council should review further²⁴.
43. Mr Fletcher Beazley, Chair of the Ngāi Rehua Ngātiwai ki Aotea Trust²⁵ provided clarification of the special cultural significance of Ruahine (and the other nominated sites on Aotea / Great Barrier Island). Mr Beazley also noted that given the long history of Māori occupation of Aotea / Great Barrier Island there were numerous other sites worthy of scheduling. Mr Beazley extended an invitation to Mr Hills for direct communication on Ruahine. Mr Hills indicated that he would take up the offer.
44. We came to the view that the commentary of the scheduled sites (including Ruahine) in the HGI would go some way to meeting the relief sought by Mr Hills.

SUBMISSIONS

45. The following section specifically addresses the three submissions received and sets out our decisions on the points raised in those submissions.

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendation
1.1	L Dixon & I Fordham	Accept the plan modification without amendments	Nil	Accept-in-part
2.1	Geoff Hills	Define the boundaries of site (Ruahine) marking clearly on the ground in a permanent form	Nil	Reject
2.2	Geoff Hills	The nominating iwi mark and define the heritage sites that are important to them and why to enhance public understanding	Nil	Accept
3.1	Tel Properties Nominees Limited	Decline the plan modification	Nil	Reject

²⁴ Key boundary points could be given GPS location points.

²⁵ The nominating iwi

Discussion & Findings

46. L. Dixon and I Fordham sought PM15 to be approved without any amendments. Mr Gouge recommended this submission point be accepted-in-part, because of the recommended correction to Part 7.13 rules (as noted above). We have adopted Mr Gouge's recommendation.
47. Tel Properties Nominees Limited opposed PM15, but their property at 89 Richard Pearse Drive in Māngere. It was Mr Gouge's view that Submission Point 3.1 to PM15 has been submitted in error as it does not reference any of the specifics of the plan modification and he recommended that it should be rejected. As representative of Tel Properties Nominees did not attend the hearing, we have adopted Mr Gouge's recommendation.
48. Mr. G Hills made three key points in his submission.

Submission Point 2.1

- The location of sites of significance should have a physical marking of the sites on the ground (Submission Point 2.1). Mr Gouge noted, the physical marking of overlay areas is not undertaken anywhere within the region. This is due to the impracticality of marking what can be very large areas of natural and physical resources, including significant ecological vegetation, outstanding natural features and historic heritage place site extents. This is consistent with the approach taken by local government nationally.
- All overlays are mapped in the AUP and HGI Planning Maps at scales necessary to identify them through aerial imagery. Should specific, survey coordinates of Overlay boundaries be necessary, they are available and can be provided to landowners and developers by the Council.
- Mr Gouge recommend that Submission Point 2.1 be rejected. We concur with that recommendation.

Submission Point 2.2

- The nominating iwi authority, Ngāti Rehua Ngātiwai ki Aotea Trust, should mark and define the heritage sites that are important to them and why this is so. Mr Hill told us information of the cultural significance of the heritage sites should be publicly available to enhance the awareness of the community.
- Mr Gouge noted cultural information supporting the identification and protection of the sites was included with the notified material²⁶. It is therefore in the public forum. In some cases, the sites are referenced in iwi planning documents which are held by Council and can be requested by the public.
- Auckland Council does not currently have a publicly available repository of all cultural value information for scheduled SSMW and Māori Heritage Sites. This is due, in part, to the cultural sensitivity of some of the information.

²⁶ Section 32 Report. Attachment 3 – CVA and Plan Summaries

- Under the current legislation, a review of the AUP will commence in Nov 2026 and will include incorporating the HGI into one combined plan for Auckland. As part of this, the ability to make these cultural values assessments more publicly visible, will be investigated. This will include the consideration of maintaining the confidentiality of sensitive cultural information where it is necessary. Accordingly, Mr Gouge recommend accepting the submission point. He noted this work continues through the ongoing tranches of Council-initiated plan changes which are identifying and scheduling significant sites and places within Tāmaki Makaurau.
- We have accepted Mr Hills’ submission in-part to the extent that Council officers have signalled that they will look at how sensitive cultural information is managed by the Council and how this can be made publicly available outside of the plan change process itself.

Submission Point 2.3

- Recent government changes to the RMA were referenced and a request made that the proposed plan modification consider the implications on zoning and its restrictions, and cost and that Council be cognisant of changes to the RMA when assessing the efficiency and effectiveness of PM15.
- the Section 42A Report (at the time it was drafted) pointed out there is a significant programme of RMA reform being undertaken by the government. This is being completed through a phased approach, with some aspects of Phases 1 and 2 of the programme, either complete or introduced as Bills before parliament²⁷. Fast Track legislation was proposed at that time.
- We note that the Fast-track Approvals Act 2024 was given Royal assent on 23 December 2024 and is now law. We are not aware of any ‘listed projects’²⁸ or potential referral project applications which apply to the nominated site areas on Aotea/Great Barrier Island.
- Overall, while the Government’s programme of works is likely to have significant implications for the RMA, and by extension the AUP and HGI, for the most part it remains proposed only and therefore does not have any legal effect with respect to the planning instruments engaged through PM15. Mr Gouge recommended that the submission point be rejected we concur with that recommendation.

DECISION

49. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Modification 15 to the Auckland Council District Plan - Hauraki Gulf Islands Section be approved, subject to the modifications as set out by Mr Gouge. A copy of the approved provisions is included as **Attachment 1** to this decision. Following our subsequent enquiries with Mr Gouge, we have amended the proposed numbering of the Part 7.13 provisions. This is to avoid the potential for confusion in the numbering

²⁷ Ministry for the Environment – RM Reform Update May 2024 and <https://www.legislation.govt.nz/bill/government/2024/0105/latest/whole.html#whole>

²⁸ Fast-track Approvals Act 2024. Schedule 2

relied upon by any existing (granted) resource consents at the date of the plan modification being made operative. This is a purely administrative matter.

50. Submissions on the plan modification are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Council's Section 42A Report.
51. The reasons for the decision are that Plan Modification 15:
- a. will assist the Council in achieving the purpose of the RMA;
 - b. are consistent with the Auckland Regional Policy Statement;
 - c. are consistent with the provisions of Part 2 of the RMA;
 - d. are supported by necessary evaluation in accordance with section 32; and
 - e. will help with the effective implementation of the. Auckland Council District Plan - Hauraki Gulf Islands



Mark Farnsworth MNZM
Chairperson



Nicholas Manukau
Panel Member



David Mead
Panel Member

Date: 12 February 2025

ATTACHMENT 1

- Part . Māori Heritage
- Appendix: schedule of Māori Heritage sites text and maps (Outer islands)
- H Planning Maps and legend

7.13 Māori heritage

The relationship of Māori and their culture and traditions to their ancestral lands, sites, waterways, waahi tapu, wai tapu, and other taonga is of national importance under the RMA. The Plan must therefore recognise and provide for that relationship. This can be done by identifying sites and areas of significance to Māori, and establishing appropriate protection.

At the time of notification of the Plan, Māori heritage sites were not included because essential information collected by the council about archaeological sites had not yet been considered by iwi. This information will assist iwi to determine which Māori heritage sites or areas to request for inclusion in the Plan, whether these are archaeological sites or not.

In consultation with tangata whenua, a variation or change to the Plan may be introduced to identify, protect, and recognise such sites in accordance with good RMA practice and the principles of Te Tiriti o Waitangi. These sites may include waahi tapu, tauranga waka, urupa, kauhanga riri, mahinga maataitai, wai tapu and other taonga. (Refer to clause 7.17 for a glossary of Māori terms).

The custody of privileged information about Māori heritage sites will be retained and managed by identified heritage staff within the council. It will be held in a form that is not at risk of disclosure (unless this has been specifically authorised by iwi on a case-by-case basis). At the same time, landowners need to be provided with sufficient information about acceptable activities on the sites so as to maximise protection of the sites without unnecessarily constraining the activities of landowners.

The Plan will accurately identify all sites that iwi request be protected under the Plan. The council will work with iwi to develop criteria and protocols applicable to the individual sites or areas.

7.13.1 Issue

How to ensure that Māori heritage sites are not accessed or modified in such a way that detracts from their cultural value.

7.13.2 Objective

To recognise and protect sites of spiritual, cultural or tikanga value to Māori.

Policies

1. By identifying and protecting, in consultation and partnership with tangata whenua, significant Māori spiritual, cultural or tikanga sites.
2. By avoiding a reduction in the historical, cultural and spiritual values associated with Māori heritage sites.
3. By ensuring that tangata whenua (and other relevant iwi authorities) will be consulted over the use, development or protection of natural and physical resources where these affect Māori heritage sites.

7.13.3 Criteria for scheduling Māori heritage sites

To determine whether a site is worthy of protection in the Plan, potential sites have been evaluated against the criteria listed in [appendix 4 – Criteria for scheduling Māori heritage sites](#).

7.13.4 Rules for Māori heritage sites

7.13.4.1 [deleted]

7.13.4.1A **Permitted activities**

The following are permitted activities within an area scheduled as a Māori heritage site:

1. earthworks within Area A of Land Unit - Open Space 3 (Rangihoua Park) for parks maintenance and the use of park facilities limited to areas and ground depths which have previously been disturbed or modified.
2. gardening for domestic purposes.
3. earthworks for the maintenance and repair of fences and effluent disposal systems limited to areas and ground depths which have previously been disturbed or modified.
4. earthworks for the maintenance and repair of existing farming, walking and cycling tracks limited to areas and ground depths which have previously been disturbed or modified.
5. earthworks for the operation, maintenance and repair of driveways and parking areas limited to areas and ground depths which have previously been disturbed or modified.
6. any activity or work not otherwise specified in rule 7.13.4.1A(1 to 5) and 7.13.4.2A.

7.13.4.2 [deleted]

7.13.4.2A **Discretionary activities**

Except where provided for as a permitted activity in rule 7.13.4.1A, the following are discretionary activities within the scheduled site surrounds of a Māori heritage site:

1. earthworks.
2. toilets (including portaloos) or changing facilities.

7.13.5 Assessment criteria for discretionary activities

The council's assessment of applications for a discretionary activity will include consideration of the following matters:


1. Whether the proposal is consistent with the objectives and policies for Māori heritage sites.
2. Whether the proposal has appropriate regard to the protocol for Māori heritage sites.
3. Whether an archaeological assessment has been undertaken to assess the archaeological values of the site.
4. Whether the modification is necessary, and any alternative methods available to the applicant for carrying out the work and activities.
5. Whether there has been consultation with the relevant tangata whenua.
6. Whether tangata whenua will have access to the site for karakia and monitoring.

Appendix 2f


Schedule of Maori heritage sites - outer islands

Contents	Page
1.0 Introduction	2
2.0 Key to reasons for scheduling Maori heritage sites	2
3.0 Diagrams of scheduled Maori heritage sites	3

Plan modification annotations



indicates where content is affected by proposed plan modification x.
refer to plan modification folder or website for details.



indicates where the content is part of plan modification x, which is
subject to appeal.

Underlined content to be inserted.

~~Struck through content to be deleted.~~

1.0 Introduction

This appendix contains key information about scheduled Maori heritage sites. In particular it identifies:

- The location of scheduled sites, including the site surrounds.
- A brief description of the sites.
- The reasons for scheduling the sites.

Scheduled Maori heritage sites are shown on the planning maps. Part 7 - Heritage contains the objectives, policies and rules applying to such sites.

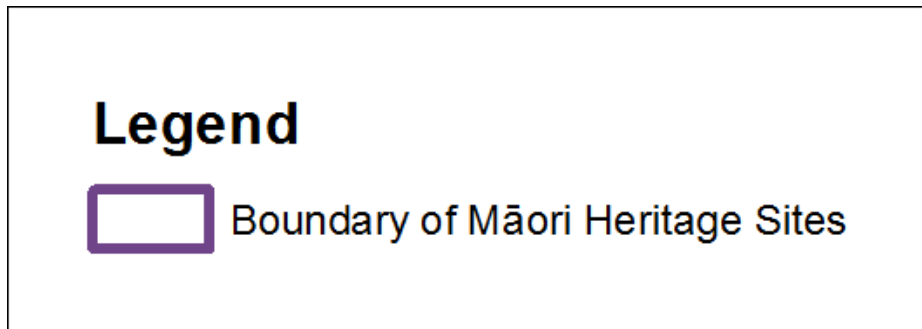
Section 3.0 of this appendix contains diagrams of the scheduled sites.

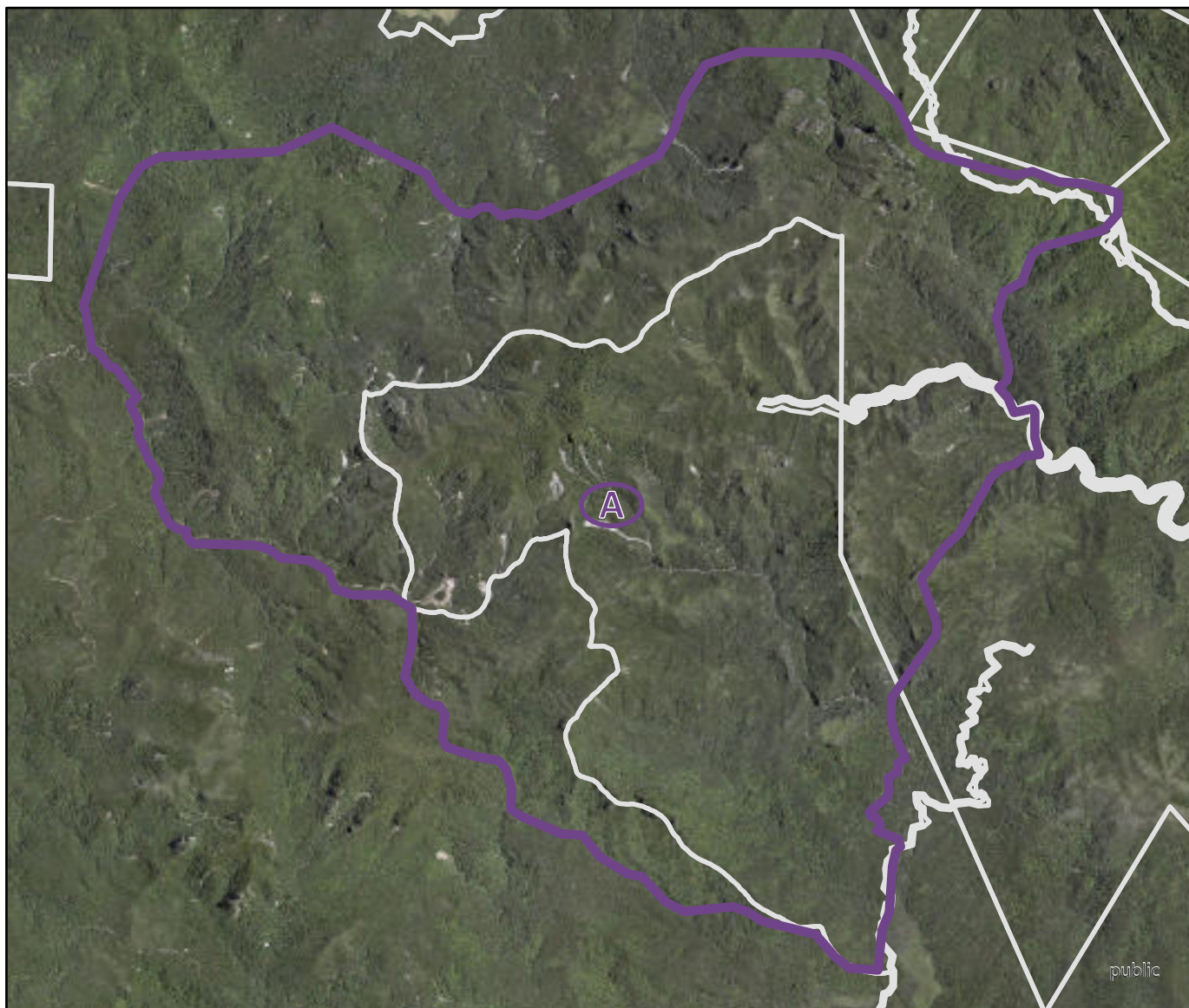
2.0 Key to reasons for scheduling Maori heritage sites


The reasons relate to the criteria identified in appendix 4 - Criteria for scheduling Maori heritage sites. The factors used to identify and evaluate sites for scheduling as Maori heritage sites are located in Chapter B6 of the Regional Policy Statement in the Auckland Unitary Plan (Operative in Part) 2016. These factors are listed below:

Factor	Description
Mauri	ko te mauri me te mana o te wāhi, te taonga rānei, e ngākaunuitia ana e te Mana Whenua. The mauri (life force and life-supporting capacity) and mana (integrity) of the place or resource holds special significance to Mana Whenua.
Wāhi tapu	ko tērā wāhi, taonga rānei he wāhi tapu, arā, he tino whakahirahira ki ngā tikanga, ki ngā puri mahara, o ngā wairua a te Mana Whenua. The place or resource is a wāhi tapu of special, cultural, historic, metaphysical and or spiritual importance to Mana Whenua.
Kōrero Tūturu/ historical	ko tērā wāhi e ngākaunuitia ana e te Mana Whenua ki roto i ōna kōrero tūturu. The place has special historical and cultural significance to Mana Whenua.
Rawa Tūturu/customary resources	he wāhi tērā e kawea ai ngā rawa tūturu a te Mana Whenua. The place provides important customary resources for Mana Whenua.
Hiahiatanga Tūturu/ customary needs	he wāhi tērā e eke ai ngā hiahia hinengaro tūturu a te Mana Whenua. The place or resource is a repository for Mana Whenua cultural and spiritual values.
Whakaaronui o te Wa/contemporary esteem	he wāhi rongonui tērā ki ngā Mana Whenua, arā, he whakaahuru, he whakawaihanga, me te tuku mātauranga. The place has special amenity, architectural or educational significance to Mana Whenua.

3.0 Diagrams of scheduled Maori heritage sites

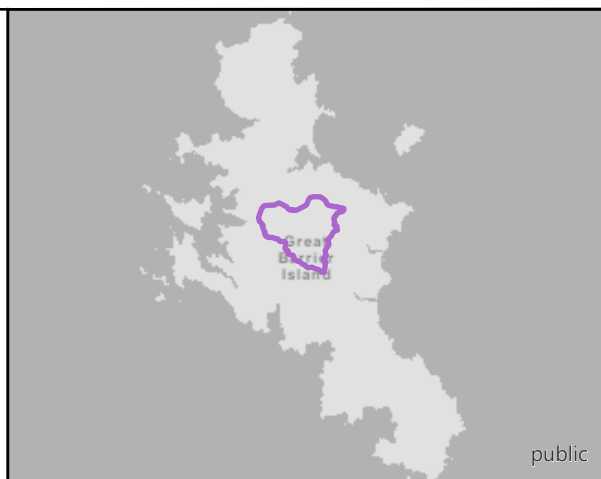




Māori Heritage	Name of item: Hirakimatā	Map reference: 48-A
Island: Great Barrier Address: Aotea Road Great Barrier Island Auckland 0991	MHS A (Māori Heritage Site)	 

Description of Item

Maunga, wāhi tapu, wāhi tupuna



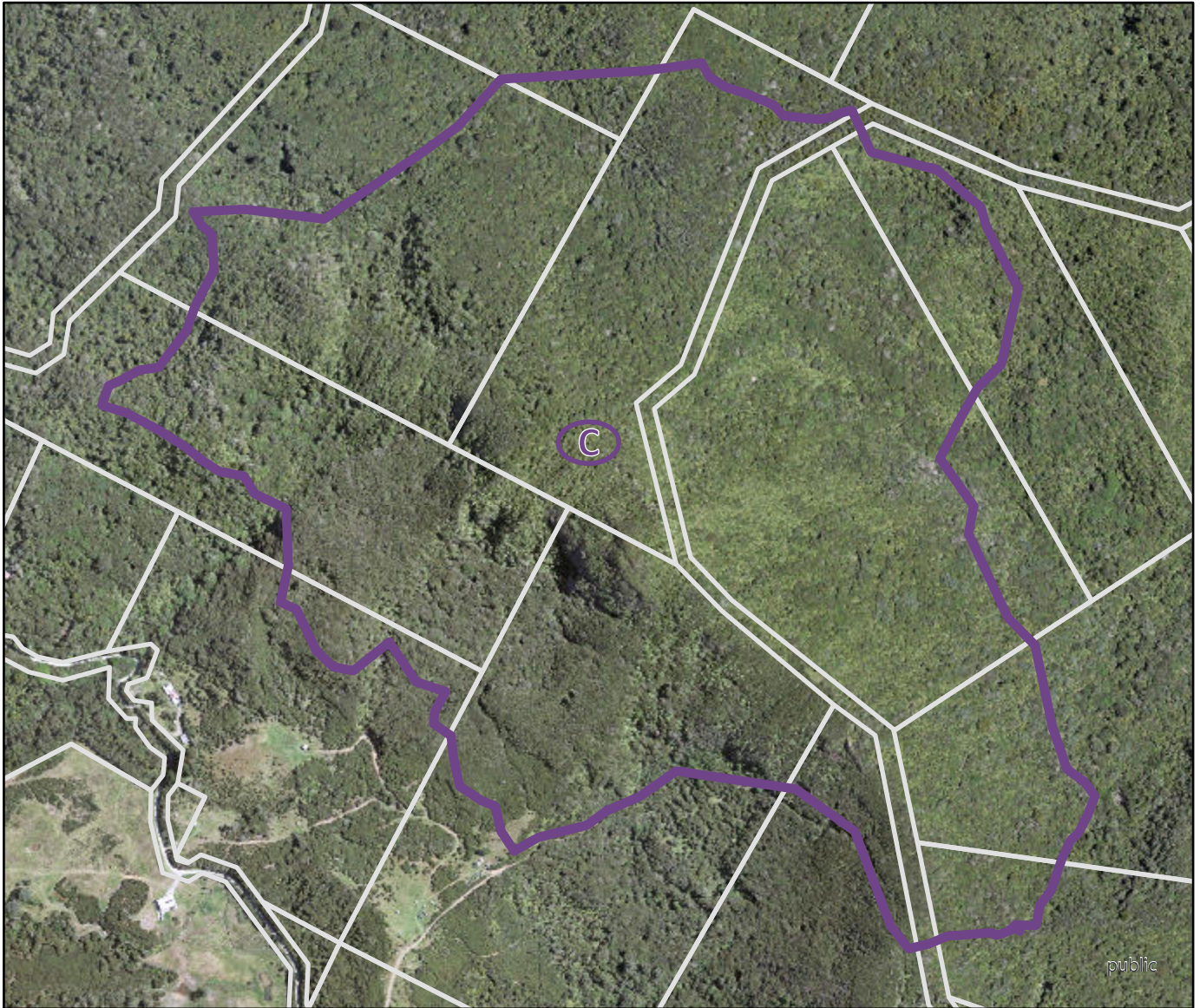



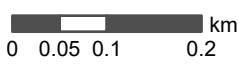

Māori Heritage	Name of item: Poutekorua	Map reference: 56-B
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Island: Great Barrier Address: Parish AOTEA Schooner Bay Road Great Barrier Island Auckland 0991	MHS B (Māori Heritage Site)	
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Description of Item

Maunga, wāhi tapu, rohenga, pou whenua	
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Māori Heritage		Name of item: Ruahine	Map reference: 57-C
Island: Great Barrier Address: Allots NE39 SW47 Aotea Parish Cape Barrier Road Great Barrier Island 0991		MHS C (Māori Heritage Site)	 
Description of Item			
Maunga, wāhi tapu, pou whenua			

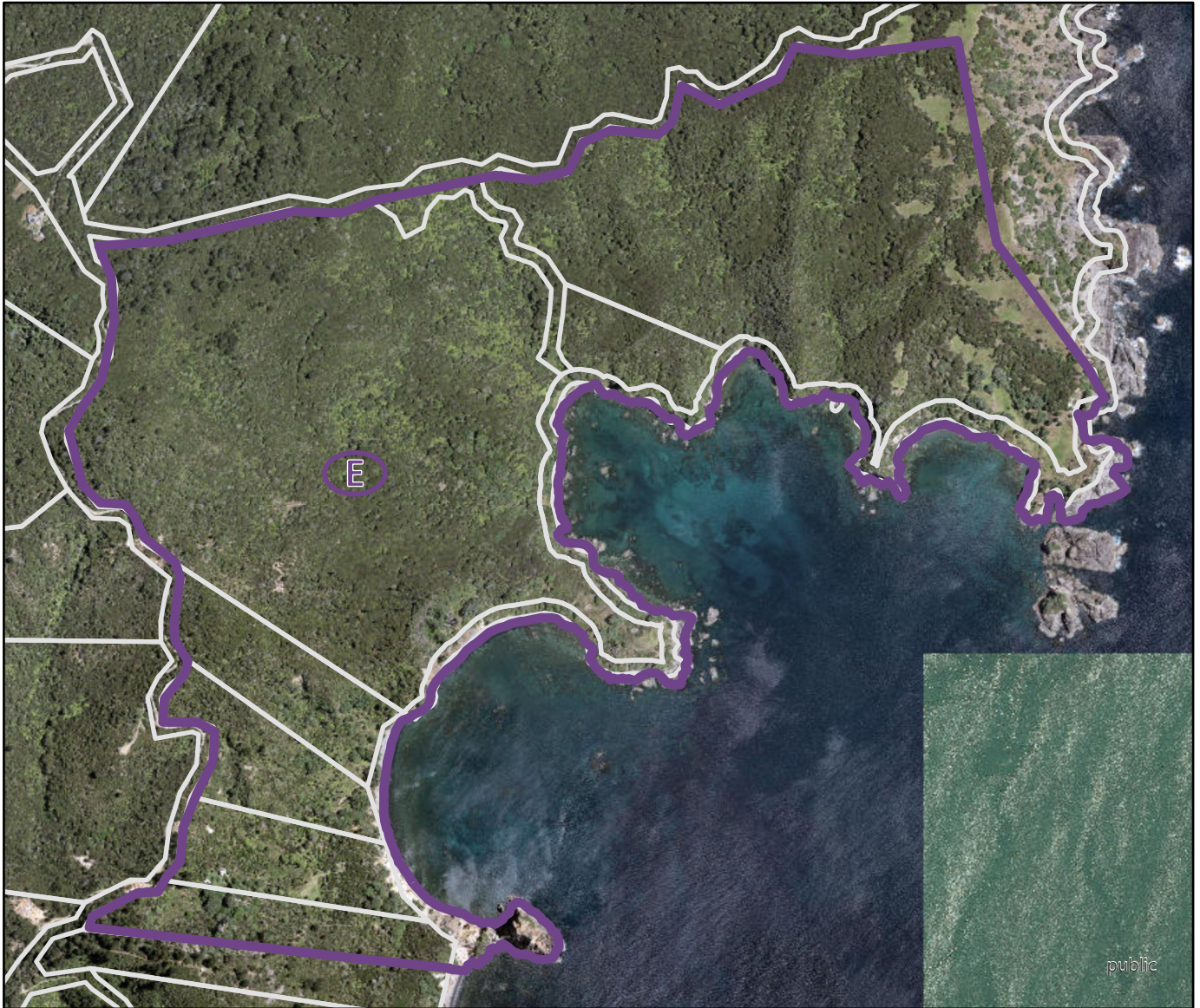


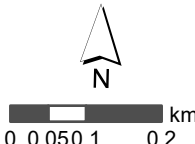
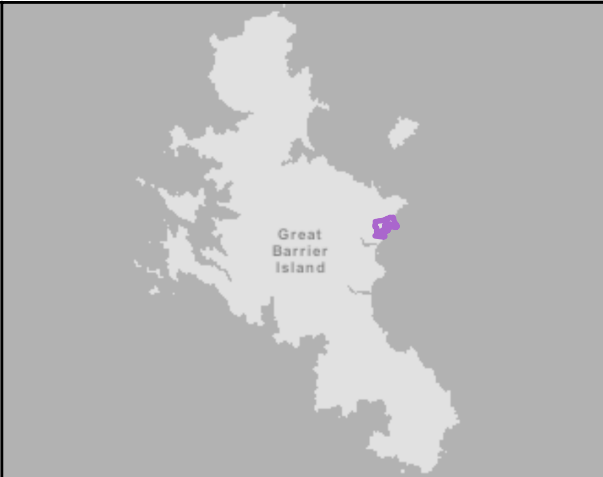
Māori Heritage	Name of item: Komahunga	Map reference: 43-D
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Island: Great Barrier Address: 270 Harataonga Road Great Barrier Island Auckland 0991	MHS D (Māori Heritage Site)	
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Description of Item

Wāhi tapu, pā and kāinga, wāhi tohu, wāhi tupuna	
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Māori Heritage	Name of item: Korotiti	Map reference: 50-E
Island: Great Barrier Address: 155 Omata Road Great Barrier Island Auckland 0991	MHS E (Māori Heritage Site)	
Description of Item		
Urupā, wāhi tapu, pā		

Auckland Council District Plan

Hauraki Gulf Islands Section - Operative 2013

Legend: Outer islands

Map 1

Settlement areas

Significant ridgeline area

Land units

cc

Landform 1 (coastal cliffs)

ds|sf

Landform 2 (dune systems and sand flats)

af

Landform 3 (alluvial flats)

ws

Landform 4 (wetland systems)

pl

Landform 5 (productive land)

rs

Landform 6 (regenerating slopes)

fb

Landform 7 (forest and bush areas)

q

Commercial 6 (quarry)

w

Commercial 7 (wharf)

el

Open space 1 (ecology and landscape)

rc

Open space 2 (recreation and community facilities)

c

Conservation

Map 2

50-4

Map reference number

54-9

Designated land

Scheduled items

54-9

Archaeological site

48-7

Building, object, property or place of special value

55-2

Site of ecological significance

55-5

Sensitive area

48 - A

Māori Heritage Site

Other additional limitations

Contaminated or potentially contaminated land

54-13

Airfield protection fan

42-12

Airfield noise contour levels

Development Plan / Concept Plan

Airfield

Roading

LNR

All public roads are subject to a notice of requirement

Unformed road

Other
<div><div><div></div>Property boundary</div><div><div></div>Coast</div></div>

The "updated xx/xx/xxxx" date located bottom right of each sheet is the date that each sheet was updated by Council and not necessarily when the particular change was approved e.g the date on which a consent order was signed.

