

Maatauranga Maaori in Urban Planning

-

A Taamaki Makaurau Case Study



Te Rangahau o Ngaati Whanaunga

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Maatauranga Maaori in Urban Planning - A Taamaki Makaurau Case Study

A research paper commissioned by Manaaki Whenua - Landcare New Zealand, for the Foundation for Research, Science and Technology (FRST) Environmental Research programme entitled *Kaitiakitanga of Urban Settlements* (“the Kaitiakitanga programme”).



Background image source - Google Earth

Cover Photograph

The cover image is a view of Tamaki Makaurau from top of the Keretaa, the hill to the immediate south of Manaia on the Coromandel Peninsular. This is straight-line distance of 60km.

The island in the middle ground of the picture is Ponui, over which is viewed the entrance to the Tamaki River, St Heliers, and onto downtown Auckland. Ngaati Whanaunga has ancestral lands at each of these places, and this perspective spans a traditional route of our tupuna when travelling between our lands in Hauraki and those in Tamaki Makaurau.

Maatauranga Maaori includes not only Maaori knowledge, but also world views. The cover image reflects a Ngaati Whanaunga/Marutuahu perspective of Tamaki Makaurau, distinct from that of those iwi whose lands are predominantly within Tamaki. The map also illustrates that the Marutuahu were a maritime people, and this remains an important aspect of our identity.

Note the South/North orientation of the map above, reflecting the traditional Maaori perspective of Aotearoa as Te Ika a Maui.

Nathan Kennedy - HY'F Ub[UNUi 'c' B[UU]K \UbUi b[U

A Um&\$%&''



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Mihi

Ngaa puke ki Hauraki, ka tarehua
E Mihi ana ki te whenua
E Tangi ana ki te tangata
Ko Moehau ki tai, ko Te Aroha ki uta
Ko Tiikapa te Moana, ko Hauraki te Whenua
Ko Marutuahu te Tangata ee

Tihei mauri ora
Ko te wehi ki te Atua o ngaa mano
Tuauriuri, whaaioio
Kii ana te rangi me te whenua i te nui o toona korooria
Ngaa mihi ki a Ranginui e tuu iho nei raaua ko Papatuanuku e takoto nei!
Kia tuu mai anoo nga aahuatanga o te taiao.

He koorero teenei i a maatou moo ngaa maatauranga Maaori ki roto i te hanga tikanga o ngaa kaunihera, te karauna hoki. Hei whakamaaramatanga hoki ki te tangata e kimi nei i te maatauranga o te Ao Māori e paa ana ki te manaaki me te tiaki i te whenua.

Ko te wawata, te tuumanako, kia marama ake ai taatou, Ngai Maaori i ngaa tikanga, i ngaa kaupapa, me ngaa koorero a ngaa maatua tuupuna, kia kaha ake ai taatou ki te tiaki, te poipoi, te manaaki hoki i te taiao e noho nei taatou.

Naa aku iti nei



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There are a large number of writers who have previously contributed substantially to the discourse on the need for recognition of and provision for tikanga Maaori, and more recently, maatauranga Maaori, within the discipline of planning within Aotearoa. Many of these people are referenced here and aspects of their writing cited. Too many to mention here, readers are directed to the paper's list of references as a source of valuable further reading relating to maatauranga Maaori.

I would like also to acknowledge my fellow Te Rangahau o Ngaati Whanaunga researchers, who have contributed a constructive critical eye, assisted in determining the direction of the research, and provided valuable feedback in reviewing drafts of the report. In particular thanks are given to Honey Renata and Mike Baker.

Ngaa mihi mahana ki a koutou

A handwritten signature in blue ink, appearing to read 'Renata', with a stylized flourish at the end.

Executive Summary

This report was produced by Te Rangahau o Ngaati Whanaunga, the research unit of Ngaati Whanaunga, under contract to Manaaki Whenua - Landcare Research New Zealand.

It reports on research undertaken into Maatauranga Maaori within council planning, but also more widely in environmental resource management. Particular consideration is given to the new Auckland Council, and early indications of Council's willingness to incorporate maatauranga and tikanga Maaori within its planning regime. It explores the potential for Auckland Council to break new ground in terms of its recognition and inclusion of maatauranga Maaori across the organisation and in its planning decision making.

In doing so the paper draws on the institutional knowledge of Te Rangahau o Ngaati Whanaunga - the iwi research unit, and the practical experience of the Ngaati Whanaunga environment Unit.

Kaitiakitanga of Urban Settlements - the Manaaki Whenua research project

The report was commissioned by Manaaki Whenua as part of the FRST-funded research project *Kaitiakitanga of Urban Settlements*. The primary research question of the research is: "What are the key elements from maatauranga Maaori that can be incorporated into urban planning that complement and improve existing urban planning practices?"

Maatauranga Ngaati Whanaunga

Ngaati Whanaunga is one of the mana whenua iwi of Tamaki Makaurau.

The report draws on Ngaati Whanaunga experience in order to put forward an iwi view regarding provision for maatauranga Maaori in council planning instruments. This view is tempered by the significant negative impacts on the iwi of twenty years of widespread failure by councils to recognise and incorporate maatauranga Maaori in their planning decisions, or to implement the intentions of the RMA, and similar legislation, as these relate to Maaori.

While operating with limited capacity, like most pre-settlement iwi around the country, Ngaati Whanaunga has been proactive in seeking to protect our taonga tuku iho, and assert a kaitiaki perspective in planning proceedings.

Despite this negative experience we see Auckland Council as an opportunity to get it right. As we move toward Treaty of Waitangi historic claims settlement, along with the other iwi of Tamaki and Hauraki, we believe we are beginning to see a change in the attitudes and actions of Councils and Crown agencies toward mana whenua iwi. This report supports that view.

Accordingly we remain optimistic that our efforts today will make the paths that our tamariki/mokopuna are to travel easier in asserting Maaori perspectives and values within planning for our built and natural environments.

Key findings

- There is a clear international and national recognition of the value of indigenous approaches (tikanga) and indigenous knowledge (maatauranga Maaori) for resource management and planning.
- The Crown and courts have clearly indicated their intentions for the recognition and provision for tikanga and mātauranga Māori in environmental resource management and planning
- Maatauranga Maaori has much to offer in terms of making sound environmental planning decisions. It's recognition makes sense regardless of legislation.
- In the face of changing climatic conditions a long term tangata whenua environmental view provides a local perspective that western scientific knowledge cannot.

- There are strong Maaori-related provisions in a wide range of legislation, and in high level planning documents such as the New Zealand Coastal Policy Statement.
- Despite this Maaori have often been deprived of the tools with which to evaluate the extent to which their environmental aspirations have been achieved.

Maatauranga in statutory plans

- Until recently there has been little specific reference to maatauranga in statutory planning instruments despite strong Maaori provisions in legislation, and high level planning documents.
- Rather, plans have been concerned with those Maaori values and concepts that have been specifically included in the RMA and other environmental management related legislation.
- The wording of statutory Maaori provisions is replicated in council planning instruments, but largely not expanded upon in order to reflect local situations and iwi perspectives.
- Councils have made some attempts toward developing Maaori outcomes, and sometimes with participation by Maaori. There have been few examples of credible Maaori indicator development nationally, and few councils have developed maatauranga Maaori based indicators.
- Few of the indicators adopted by councils with which to measure Maaori outcomes have included maatauranga Maaori based indicators, and even fewer have taken advantage of the various cultural indicator frameworks that have been made available.
- Recent draft regional level plans would appear to include greater recognition of maatauranga and tikanga Maaori, but it is yet to be seen whether such Maaori provisions survive the submissions and adoption process.

Maatauranga in planning

- There is a widely reported disjunct between the quality of statutory plan provisions for Maaori, and their implementation.
- Councils have largely failed to monitor environmental results or plan effectiveness, so new plans are adopted with little knowledge as to which previous planning approaches have been successful or otherwise. This is particularly the case in terms of Maaori cultural and environmental outcomes.
- Maaori values and concepts included in statute have been inconsistently interpreted, applied and upheld by both council decision makers and the courts.
- There is a widespread view amongst Maaori that maatauranga Maaori continues to be accorded lesser weight by decision-makers than western knowledge, in particular scientific knowledge.
- Maaori parties are widely treated as lay witnesses, their expertise not appropriately recognised.
- There are few formalised council-Maaori arrangements that might constitute joint management arrangements, but a greater number of informal arrangements.
- Treaty settlements have created the most significant recent joint management arrangements.
- More than a century of western planning has resulted in our built environments including little reflection of the Māori history or the Māori Treaty partner today.

Auckland Council

- Auckland Council has given some positive indications of a willingness to include meaningful tikanga and maatauranga Maaori related provisions in its plans.
- Council's Maaori Strategy and Relations team has been proactive in developing Treaty of Waitangi, Maaori values, and Maaori engagement frameworks, and is working to have these given effect across Council.
- Some Council Controlled Organisations have made credible initial moves toward policies for Maaori engagement.
- The establishment of a kaitiaki forum by Watercare is positive, it has yet to be seen whether other CCOs will follow this lead.
- Council's funding commitment to Maaori in its first LTP is disappointing, being reported by the Independent Maaori Statutory Board to be less than half the amount proposed as necessary in order to fulfil commitments made to Māori
- Auckland Local Board plans include little meaningful provision for engagement with, or resourcing for, Maaori.
- The advent of the Independent Maaori Statutory Board is a significant development in terms of elevating Maaori rights and values.
- The IMSB publication of issues of significance to Maaori, investigations into Maaori wellbeing in Auckland, and particularly the recently released Treaty of Waitangi audit, are groundbreaking and have generated immediate, if mixed, responses from Council.
- Recently announced intentions to enter into iwi-specific relationships, with associated capacity building resourcing, represent a significant positive development.

Engagement and participation

- Council engagement with and provision for participation by Maaori varies considerably across the country, there are some standout positive examples, but significantly more negative experiences.
- There remain a range of substantive barriers to Maaori participation across many New Zealand councils
- There has been little investigation into the nature of these barriers, and less into how they might be overcome.
- Maaori are dealing with an ever-moving target in terms of council participation, with ongoing changes to the RMA and other relevant legislation that potentially erode the ability of Maaori to effect positive cultural and environmental outcomes.

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1 Introduction

The report was commissioned by Manaaki Whenua as part of the FRST-funded research project *Kaitiakitanga of Urban Settlements*. The project's primary research question is: "What are the key elements from maatauranga Maaori that can be incorporated into urban planning that complement and improve existing urban planning practices?". The intended national outcome of the project is to develop an assessment framework and process that can be used by planners and iwi/hapū resource managers to plan and evaluate the incorporation of maatauranga Māori in decision making, policy and plans.

This paper is one of a series of reports produced in pursuit of the above-noted national outcome. It is intended to evaluate previous and emerging provision for tikanga (Maaori customs and values) and maatauranga Maaori (Maaori knowledge and perspectives) within planning and environmental resource management in Aotearoa/New Zealand, including international and local drivers for this.

In doing so the report is intended to contribute to an evidential base for the above-noted project outcome, and to assist with answering the overarching research question. It is not intended to investigate or present key elements of maatauranga Maaori, this being the purpose of other papers in the series, for example the paper entitled *Kaitiakitanga o ngā ngahere pōhatu: Kaitiakitanga of urban settlements*.

Maatauranga Maaori

Maatauranga Maaori has been narrowly translated as Maaori knowledge, but is a wider concept than this. Maatauranga includes Maaori knowledge systems or ways of knowing, and Maaori world views and perspectives.

There is some emerging literature considering Maatauranga Maaori as this relates to Maaori environmental management, for example the following description from Awatere's *Can non-market valuation measure indigenous knowledge?*:

Matauranga Maori encompasses all aspects of Maori knowledge from philosophy to cosmology. It is a dynamic and evolving knowledge system (Mead 2003).

Some key concepts of Matauranga Maori are: mauri (life force), tikanga (customs and practices), tapu (sacred, set apart), wahi tapu (sacred place), rahui (prohibition), noa (ordinary), ahi kaa (right of occupation and use), and kaitiaki (natural resource manager). These concepts are central to understanding the natural environment from a Maori epistemology (Awatere 2010).

Maatauranga Maaori is discussed in some depth in the recent Waitangi Tribunal Report entitled *Ko Aotearoa Tēnei - A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (Waitangi Tribunal 2011). This report considers both the legal status of indigenous knowledge and its intellectual knowledge implications.

An impediment to greater recognition of maatauranga Maaori remains the dominant western planning paradigm, which continues to underlie the education of New Zealand planners and environmental decision makers, and the widespread difficulty of non-Maaori planners and decision makers have in coming to terms with Maaori values and perspectives. This issue is, however, gradually being acknowledged, and non-Maaori planners are increasingly exposed to Maaori planning concepts as part of their training.

Majurey and co writers of the recently released *Māori Values Supplement, a resource for the Making Good Decisions courses*, provide discussion of difficulties in trying to explain Maaori concepts and perspectives to non-Maaori (Majurey, Atkins, Morrison and Hovell 2010). Citing Metge, they write:

Māori values and concepts, and the beliefs that underpin them, are imbedded in

mātauranga Māori and Māori language. Thus, translating Māori concepts into the English language and transposing them into a non-Māori world view has the potential to change or reduce their real meaning. As Metge (1996) has noted:

To come to grips with Māori customary law, it is necessary to recognise that Māori concepts hardly ever correspond exactly with those Western concepts which they appear, on the surface, to resemble. While there is a degree of overlap, there are usually divergences as well. Even if the denotation – the direct reference – is substantially the same, the connotations are significantly different.

Despite international conventions identifying the important contribution traditional indigenous knowledge can make to environmental resource management, and a clear local legislative intention for the inclusion of maatauranga in planning in Aotearoa, this has been minimal.

Several approaches to evaluating Maaori planning provisions and their application and implementation in environmental planning are considered in this paper. Cultural outcomes and Indicators frameworks have been developed and offered to local and central government (Harmsworth 2002; Jefferies and Kennedy 2008; Jefferies and Kennedy 2009), but this research found that these largely are not being used.

There are, some interesting exceptions, where local or regional councils are doing a fair job of incorporating maatauranga and tikanga Maaori in planning instruments, and more importantly, implementing these provisions.

It is important to identify quality Maaori planning provisions, and the extent to which these have been implemented, in order to evaluate the their effectiveness in terms of cultural and environmental outcomes. Such evaluation is needed to provide an evidence-based rationale for greater maatauranga uptake by councils.

The whakatauraki *Ka titiro whakarunga, Ka ahu whakamua* reminds us that we walk into the future unprepared if we fail to learn from the lessons of the past. This is a key principle of kaitiakitanga, and relies on maatauranga, local knowledge derived from a particular place over many generations. As observed by Dr Mere Roberts:

“It is often said that Māori are a people who “walk backwards into the future,” an aphorism which highlights the importance of seeking to understand the present and make informed decisions about the future through reference to the past” (Roberts 2005).

But this philosophy is not unique to Maaori, and underlies the monitoring and evaluation intentions behind contemporary environmental management legislation, whereby councils are expected to understand the environmental results of their plans and interventions in order to learn from these.

Monitoring the effectiveness of policies and rules is a mandatory function for local authorities under section 35 of the RMA, and critical component of the policy making-cycle. Importantly, monitoring results can demonstrate that planning provisions are justified where they achieve the goals of the plan and community of interest.

However, the level and standard of council monitoring and reporting is such that there is seldom credible assessment as to whether planning approaches are proving effective, and councils routinely prefer to produce new plans than to critically evaluate the effectiveness of old ones (Day, Mason, Crawford and Kouwenhoven 2009).

This is an important point in terms of Maaori rights, and engagement in planning processes, as after more than a century of disregard for Maaori values there has historically been substantial distrust of councils by Maaori. But how should we build and maintain trust in public agencies when they continue to refuse to evaluate the results of their activities in terms of Maaori values and interests?

1.2 The structure of the report

This paper is presented in eight chapters, these are briefly described here in order to provide the reader with an overview of the report structure and its rationale.

This introductory chapter provides above a background to the overall research project, and the place of this paper within it. The concept of maatauranga Maaori is introduced briefly, as is the importance of its incorporation within the planning and environmental resource management.

Chapter 2 provides a description of the significance of the case study area of this report, Tamaki Makaurau (Auckland), to Maaori of the region. This includes consideration of the Maaori cultural landscape, the complexity of iwi mana whenua within the area, and a short description of the place of maatauranga within Tamaki in terms of Maaori education. The chapter ends with discussion of the current Treaty claims negotiations within the region, and the significance of these in terms of anticipated greater recognition of Maaori within planning.

Chapter 3 reports research findings regarding indigenous knowledge internationally, and maatauranga Maaori locally, within environmental resource management. In the first instance international drivers to recognition of indigenous knowledge in planning are described, followed by domestic examples. Following this legislative Maaori values and interest related provisions are considered, followed by examples within existing statutory planning instruments.

Chapter 4 is concerned with Maaori treatment by the various legacy councils that preceded the new Auckland Council. The chapter takes a wider view than planning documents, considering council-Maaori engagement and relationship arrangements, followed by both statutory and non-statutory planning instruments. Chapter 4 is intended to illustrate the extent of the inheritance of the new council in terms of pre-existing obligations to Maaori.

Chapter 5 relates to the new Auckland Council. Thought is given to the status of Council as a unitary Authority, and implications of this for Maaori. The chapter goes on to consider factors likely to influence Council's treatment of maatauranga Maaori, and its indicated planning framework. Finally Council's associated structures, including local boards and Council Controlled Organisations, are considered for the extent that these have recognised and provided for Maaori.

Chapter 6 continues investigation of Auckland Council, focusing on engagement and consultation with Maaori, and the extent to which these influence the recognition of and provision for maatauranga Maaori within Council's planning. The nature of new and emerging relationship agreements is considered, as are Council's relationship and engagement frameworks.

Chapter 7 looks into barriers that exist within councils to the implementation of Maaori plan provisions, and to positive environmental outcomes for Maaori. By doing so the chapter is intended to assist managers in overcoming these barriers, with the expectation of improved outcomes for Maaori. Toward this end Maaori outcomes and indicators frameworks are proposed as an effective means for assessing environmental (including cultural) outcomes, and evaluating council efforts in relation to these.

Chapter 8 presents conclusions drawn from the research, in essence that planning provision for Maaori interests and values has previously been generally adequate, but that this has not translated into positive outcomes for Maaori. This is followed by a summary of research findings, and finally suggestions as to required future research relating to maatauranga Maaori in planning and environmental resource management.

2 Tamaki Makaurau

Tamaki Makaurau, the Auckland area, includes the ancestral lands of a large number of distinct but related iwi, the hapuu of each having mana over their own rohe. The Crown is negotiating with at least 16 iwi (and some hapuu) groups within the Auckland region, while Auckland Council currently recognises 18 "iwi" as holding /being mana whenua within Tamaki Makaurau (Auckland Council 2011). There are 30 Marae identified in the new Auckland Plan.

The massive number of recorded archaeological sites provides a tangible connection to a rich cultural regional history. However, the factors that contributed to the desirability of the area to Maaori, including the many natural resources of the region, abundant kaimoana, temperate climate and fertile lands, made the area attractive to Pakeha.

This resulted in the 1840s and subsequent decades with rapid Crown and colonial acquisition of large areas of tribal lands, and with this came a reinvention of the tribal landscape of the area. The Crown has painted a single iwi landscape into the official record, one that ignores the many and overlapping rohe, significant places, and ancestral names of a number of iwi with links to Tamaki.

2.1 Mana Whenua of Tamaki Makaurau

When dealing with RMA sections 6(e) and 7(a) decision makers need to consider the issue of tangata whenua and mana whenua. The Act indicates that it is the tangata whenua, whose relationship with the land, kaitiakitanga, and tikanga must be recognised, provided for, or regarded.

The Royal Commission on Auckland Governance took a different view to that of the Tribunal noted above, and gave the following descriptions of mana whenua and *taura here*:

Mana whenua Maaori: Maaori who have ancestral rights to occupy the Auckland region or part of it; namely, their tribal rohe fall within the Auckland region. They are sometimes referred to as the "tangata whenua" of the Auckland region (although the Commission has tried to avoid this terminology in its report, as the term "tangata whenua" can also be used in a broader sense to mean all Maaori, on the basis that at a national level, Maaori are the tangata whenua of New Zealand).

Non-mana whenua or 'taura here' Maaori: Maaori who do not identify with any of the mana whenua groups in the Auckland region. They may identify with iwi or hapū whose tribal rohe are elsewhere in New Zealand, or they may not have any particular tribal affiliations. They are sometimes referred to loosely as "urban Maaori". In the Auckland region, taura here greatly outnumber mana whenua Maaori.

Mana whenua, and relationships that stem from this authority between tangata whenua and the Crown, were central to the 2007 Waitangi Tribunal *Report on the Tamaki Makaurau Settlement Process* (Waitangi Tribunal 2007). That report considers in depth the layers of cultural interest in Tamaki Makaurau, not only a snapshot as at 1840.

This observation regarding the distinct mana and perspectives of the various iwi of Tamaki Makaurau is important to an understanding of tikanga and of maatauranga, in that elements of maatauranga may vary between iwi, and maatauranga related planning provisions need to be sufficiently flexible to deal with this. As reported in the document *Maaori Values Supplement* (Majurey, Atkins et al. 2010):

There is, however, no 'one' Māori world view. Each world view is based on the values, traditions and experiences of a particular iwi or hapū; because these differ, so too do their world views. However, there are a number of common elements which underlie these different views, including genealogical connections and relationships with the natural world.

2.1.1 Maatauranga Maaori and education

In order for maatauranga Maaori to be elevated in planning decision-making it is important that emerging planners and other decision-makers are exposed to it as part of their education. Some education related initiatives involving councils are referred to in the report of the Hauraki Gulf Forum, Community Shellfish Monitoring Programme (Hauraki Gulf Forum 2011):

Iwi involvement in the programme has been strengthened this year. Representatives from Umupuia Marae have participated in briefing sessions at the start of all surveys in the Ngaa Tai rohe and led karakia to bless the activity. The survey at Okahu Bay has been undertaken for the third time by Ngati Whatua secondary school students taking part in the school holiday programme at Orakei Marae.

Yet an investigation into all funding proposed for education in the recent Auckland Council LTP revealed that negligible money, as a proportion of Council's education spend, was targeted at kura or other Maaori schools or Maaori projects for mainstream schools (Kennedy and Vinall 2011).

However, maatauranga Maaori based education has been steadily growing over the last forty years. There are a range of kura kaupapa now in Tamaki, some associated with Maaori urban authorities. These include Hoani Waititi, Te Kura Kaupapa Maaori a Rohe o Mangere, Te Kura Kaupapa Māori o Manurewa, Te Kura Kaupapa Māori o Waipareira, and Te Kura Kaupapa Māori o Te Kotuku. Additionally there are many emersion units within mainstream schools across the region.

There is growing iwi environmental capacity, such that iwi are not just participating in resource management and planning processes, but also themselves engaging in education in order to elevate maatauranga Maaori.

As an example, a 2011 Hauraki Gulf Forum fisheries monitoring report refers to an estuarine monitoring toolkit currently being jointly developed by NIWA and Ngaati Whanaunga, called Ngaa Waihotanga Iho (NIWA and Ngati Whanaunga Incorporate Society 2010). The report provides the following description:

Progress is being made in having the teacher resource kit translated into Te Reo Maori. This work is being done by Ngaati Whanaunga Incorporated Society (NWIS) and will sit alongside work the Iwi has done with NIWA for the estuarine tool kit 'Ko Ngaa Waihotanga Iho'.

Ngaati Whanaunga is working with the Ministry of Education and Waikato Regional Council to deliver the tool kit to seven schools within the Thames Coromandel district. The bilingual shellfish monitoring tool kit has been developed to be part of an educational strategy of NWIS to promote kaitiaki practices, research and development of "Ko Ngaa Waihotanga Iho" as a Maori language teaching and learning resource for taura, and kaiako that is aligned with the curriculum reo used within science and maths.

This is intended to assist with developing a Ngaati Whanaunga Marautanga, which will contribute to educational initiative of identity, language, and culture. It is an integrated agency approach through which Kaupapa A-Iwi is integrated into the school marautanga.

As the above example shows, Maatauranga Maaori is being incorporated into education resources and tools that span disciplines, and have potentially wide application. In this instance not just in planning, but in education, and marine and terrestrial environmental management.

Ngaa Waihotanga Iho is currently being trialled as part of a Ngaati Whanaunga education package through a range of kura kaupapa, Kura aa iwi, and mainstream schools within the tribal rohe, and being taught to both Maaori and non-Maaori students.

There are other maatauranga Maaori educational initiatives being delivered to schools within Tamaki. The Enviroschools programme - *Te Aho Tū Roa*, which operates in 149 schools within the Auckland region, includes a maatauranga Maaori component, in that all programmes are intended to integrate Māori perspectives and are delivered in either English or Te Reo Maaori . Accordingly, main stream school students are exposed to a strong kaitiakitanga (Maaori environmentalism) component within the programme, which is also taught within kura kaupapa, total immersion and bilingual Māori schools.

Auckland Council has committed to continuing the support previously provided by several Auckland area councils, providing both financial support and advocacy, for example by promoting the programme in the LTP.

There are several Maaori environmental type degrees being offered by a range of tertiary Maaori providers. We are seeing some innovative Maaori and mainstream arrangements such as that between Awanui a rangi and the Auckland University of technology, Massey University, Victoria and others opening up campuses also. Maaori providers include Te Whare Wananga o Aotearoa, Raukawa and now Awanui a rangi.

The *Centre for Continuing Education* of Auckland University undertakes all training for the Making Good Decisions courses on behalf of MfE. There is an assumption by the Centre that they will have some rights relating to Maaori material prepared for the courses. All RMA commissioners are being required to sit this course.

It is noteworthy that in the document entitled *Maaori Values Supplement* of December 2010 (Majurey, Atkins et al. 2010) has the following statement as to intellectual property;

The Supplement has been developed by Atkins Holm Joseph Majurey Limited, for the Ministry of the Environment. The principal authors were Paul F Majurey, Helen Atkins, Vicki Morrison and Tama Hovell.

The views and terminology in this document are those of the authors and are not intended to convey any official Government view.

It is referred to as Part D from the Making Good Decisions Workbook ME 679, the Ministry for the Environment website introduces it as follows:

The purpose of the Maori Values Supplement is to improve the quality of RMA decision making and resource management practice by increasing awareness of, and better integrating, Maori values, knowledge and aspirations (maatauranga Maori and tikanga Maori) into resource management processes and activities.

The Maori Values Supplement helps RMA decision makers and practitioners to:

- *Understand key concepts and values underpinning Māori perceptions of the environment.*
- *Integrate Maori values and dimensions into decision-making at hearings.*
- *Facilitate practical expression of tikanga Maori in hearing proceedings.*

RMA decision makers and practitioners using the Maori Values Supplement will be better able to:

- *Contemplate proposals in the context of Maori values.*
- *Weigh evidence that is based on Maori values.*
- *Mitigate, avoid or remedy effects on Maori values.*
- *Impose appropriate resource consent conditions in relation to Maori subject matter.*
- *Accommodate tikanga Maori in hearing proceedings.*
- *Enhance participation of Maori in hearings.*

- *Identify whether or not sufficient information is available to ensure well informed and balanced decision-making in respect of Maori subject matter.*

There are 53 references to maatauranga Maaori within the document.

Planners today are generally exposed to Maaori values and issues under the RMA as part of their degree. Eventually, on the basis of the above exposure to tikanga and maatauranga Maaori it might be expected that decision makers will be increasingly familiar with things Maaori and inclined to consider these matters in their decisions.

2.2 Treaty settlements

Treaty settlements have been a significant catalyst for joint management between iwi and councils, breaking 20 years of refusal by councils to share decision making authority.

In recent years iwi of Tikapa Moana have been negotiating with the Crown toward the settlement of historic Treaty breaches. Within the last year the volcanic cones of Auckland have been re-vested in the collective called Ngaa Mana Whenua o Tamaki Makaurau. These will remain public spaces, but will be managed by both iwi and local authorities. Negotiations are ongoing relating similar arrangements for the region's harbours and islands.

Tamaki Makaurau Maaori are currently in the late stages of Treaty claims negotiations, with settlement legislation currently before parliament for Ngaati Whaatua and Ngaati Manuhiri hapuu, and possible within 12 months for remaining iwi. Treaty Settlements will bring challenges for Council in trying to incorporate Maaori provisions within its planning framework, as statutory acknowledgements and legislated joint management arrangements must be reflected in planning instruments.

The negotiations environment has been conducive to improved relationships between Auckland Maaori and the various council department and agencies (Kennedy and Vinall 2011).

Treaty claims settlement negotiations for Tamaki have resulted already in the establishment of *Ngaa Mana Whenua o Tamaki Makaurau*, a collective of each of the Tamaki iwi with which the Crown is negotiating. The collective was formed to receive and administer the cities volcanic cones, which are to be co managed by a board made up of equal numbers from iwi and Council (Ngā Mana Whenua o Tāmaki Makaurau and Her Majesty The Queen in right of New Zealand 2010). Section 9 of the framework sets out the functions of Ngaa Mana Whenua, being:

- 9.1. *to hold the maunga in trust for the common benefit of the mana whenua iwi/hapū of Tāmaki Makaurau and the people of Auckland City;*
- 9.2. *to exercise co-governance alongside Auckland Council; and*
- 9.3. *to exercise kaitiakitanga of the taonga.*

The Framework agreement also provides for the collective to receive other resources. For example, there have been ongoing discussions around the return of several motu to Ngaa Mana Whenua o Tamaki Makaurau, including: Rangi i Totongia a Tamatekapua (Rangitoto); Motutapu; and Te Motu a Ihenga. Similar co-management arrangements to those discussed above for the maunga will presumably evolve.

The Framework also provides the terms of a right of first refusal to Ngaa Mana Whenua o Tamaki Makaurau over surplus Crown land in Tamaki for a period of 170 years, with a carousel mechanism operating for determining which tribal groups have first right of refusal. While it is uncertain yet as to what this means for region wide iwi reconciliation and cooperation, Ngaa Mana Whenua o Tamaki represents one such formalised pan tribal collective.

The example of the north shore naval lands and the likelihood these will be vest in Ngaati Whatua ki Orakei have received major local opposition being reported in the media (Thompson

2012), who claim that they have received previous promises that this land if not used for naval housing purposes would revert to local reserve.

These are not traditional Ngaati Whaatua lands, and are being transferred as commercial redress not financial or customary/cultural.

Community spokespeople have expressed concern that Ngaati Whaatua might subdivide and sell off this land (Thompson 2012). However, there is a lengthy lease period remaining to the navy, apparently precluding any short term residential development.

Tamaki Makaurau Maaori are soon to become, relative to the last 100 years, substantial land owners. They will have collective and individual clout in economic terms, and Councils will have little option but to lift their game in terms of joint management arrangements with iwi and hapuu of the region.

Whether another Tamaki Mana Whenua forum with individual representation for each of the regions iwi will revive has yet to be seen. Alternatively, will the Auckland Maaori Statutory Board the Tamaki Collective and Ngaa Mana Whenua o Tamaki fill the function?

3 Maatauranga in planning

The inclusion of effective tikanga and maatauranga related provisions within statutory plans can be seen as laying the foundations for recognition of and respect for maatauranga Maaori by councils, and plays a significant role in elevating maatauranga within the community.

However, the Crown and councils have historically refused to provide such recognition, and Maaori values and interests have been absent within environmental resource management and planning within New Zealand until recent decades.

This recent recognition has not come easily, and been the result of a range of drivers, including international recognition of indigenous knowledge and values, conventions stemming from such recognition, sustained Maaori activism, consequent inclusions of tikanga related provisions within legislation, and court and Waitangi Tribunal findings in support of tikanga and maatauranga Maaori. These factors are considered in this chapter.

3.1 International developments

There are a number of important international developments in terms of indigenous knowledge and its place in cotemporary national and local planning and environmental resource management. These include case law, and international conventions.

3.1.1 The Rio Declaration

While it seems a long time ago now, the 1992 Rio Declaration of the United Nations Conference on Environment and Development, at which New Zealand attended, included specific recognition of the importance of indigenous peoples knowledge in environmental management. Principle 22 stated:

Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development (United Nations Conference on Environment and Development 1992).

3.1.2 Agenda 21

Agenda 21, adopted at the 1992 United Nations Conference on Environment and Development, called a global partnership for sustainable development, was the action plan that arose from the Rio Declaration. New Zealand was a signatory to Agenda 21, which incorporated a range of programme areas that signatories agreed to undertake.

The Rio Declaration was adopted a year after the RMA came into force, and the Maaori-specific provisions in that Act were clearly therefore not a response to Rio, or to Agenda 21. However both of those international conventions were largely a product of the General Assembly resolution 44/228 of 22 December 1989 called the Indigenous and Tribal Peoples Convention (ITCP) (International Labour Organisation 1989). This convention laid down the various principles that were to be incorporated into Rio, and given effect by Agenda 21, and the writers of the RMA were certainly familiar with international pressure, and impending obligations, for provision for indigenous values and rights within national environmental resource management legislation.

Agenda 21 contains numerous directives to governments relating to indigenous culture, rights, and values. But it goes substantially further than ITCP or Rio in terms of recognition of indigenous knowledge. This may be a factor in the nature of the Maaori provisions within the RMA, which provide to Maaori relationships with ancestral lands, tikanga Maaori, kaitiakitanga, and the Treaty of Waitangi, but does not include reference to maatauranga - Maaori knowledge.

Agenda 21 contains at least 32 separate directives to governments relating to indigenous knowledge. Recognition of, and the requirement to incorporate indigenous knowledge in decision making is included within a large number of the issue-specific chapters.

These include: Integrating environment and development in decision-making; Integrated approach to the planning and management of land resources; Combating deforestation; Managing fragile ecosystems: combating desertification and drought; Promoting sustainable agriculture and rural development; Conservation of biological diversity; Environmentally sound management of biotechnology; Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources; Protection of the quality and supply of freshwater resources: application of integrated approaches to the development, management and use of water resources; Environmentally sound management of solid wastes and sewage-related issues; Recognizing and strengthening the role of indigenous people and their communities; Strengthening the role of business and industry; Transfer of environmentally sound technology, cooperation and capacity-building; Science for sustainable development; and, Information for decision-making (United Nations Conference on Environment and Development 1992).

The Agenda 21 provisions relating to indigenous knowledge are reproduced and attached here as Appendix 1.

3.1.3 2007 United Nations Declaration on the Rights of Indigenous Peoples

While it was passed by the UN General Assembly in 2007, the New Zealand government eventually signed up to the Declaration on the Rights of Indigenous Peoples (UN General Assembly 2007) in April 2010. The declaration recognises "that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment".

While many of the articles of the declaration have relevance in terms of Maaori and planning and resource management, there are several that are pertinent in terms of maatauranga Maaori, these being: Article 13 (rights to use, develop and transmit their knowledge); Article 18 (right to participate in decision making that would affect them in accordance with their own procedures); Article 31 (right to maintain, protect, and develop their own knowledge and culture); and Article 32 (right to determine and develop priorities and strategies for the development or use of their lands

or territories, with state consultation and cooperation being through indigenous representative institutions).

The Declaration has a number of articles that are of interest when considering the inclusion of maatauranga Maaori in planning and environmental resource management. Amongst the list of 23 acknowledgements of the members in making the declaration is this one, of particular note to the current research:

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Five articles are of particular interest in terms of maatauranga:

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

It is unlikely that the Declaration on the Rights of Indigenous Peoples will prove to be a driver for improved maatauranga Maaori provisions in legislation or statutory plans, given the greater specificity of the pre-existing indigenous knowledge related obligations within Agenda 21, and

under contemporaneous legislation internationally. However, the declaration may add weight to the trend observed below of increasing maatauranga references.

3.1.4 Case Law

There are various judicial decisions internationally that have been instrumental to improved recognition of indigenous approaches and knowledge to positive planning and environmental outcomes.

These include those cases that established historic legal occupation and ownership of lands and resources, such as Canada's *Guerin vs The Queen* (1984), which first stated that the government has a fiduciary duty towards the First Nations of Canada and established aboriginal title; and Australia's *Mabo case* (1988), where The High Court rejected the doctrine of terra nullius, in favour of the common law doctrine of aboriginal title.

Right to participate in environmental management

The case *US vs. Washington* (1974; 1978), was also important that it established that American first nations peoples had pre-existing and enduring rights to river salmon, and also that such right was of little meaning if they did not also have a right to participate in decision making relating to the environment in which the fish live.

The "Boldt decision," as it is popularly called, interpreted the language of 1850s treaties that the US government had made with western Washington tribes as providing a guarantee that the tribes could manage their own fisheries, subject to certain conservation restrictions, and to joint planning with state managers (Cohen 1986).

In its *Muriwhenua Fisheries Report* the Waitangi Tribunal considered the Boldt decision, observing the similarity of the Muriwhenua tribes' circumstances with those of the Washington Indian tribes. Relevant aspects of the Boldt Decision noted by the Tribunal include the recognition of first nations' peoples' right to actively participate in habitat protection and management, and that the State is bound to protect fishery habitats from man-made despoliation (*Waitangi Tribunal 1988*).

3.2 Domestic developments

While the above-noted developments in terms of recognising indigenous knowledge, and its place in environmental management were important factors in the advent of the inclusion of Maaori values and concepts in planning legislation, the significance of the part played by Maaori and others in Aotearoa /New Zealand should not be overlooked.

There has been much written on this subject, but a brief synopsis is provided here because, it is argued, the current recognition of Maaori rights and values would not have eventuated without sustained pressure from Maaori.

3.2.1 A Māori renaissance

Notwithstanding the importance of the above-noted international developments, perhaps the most significant driver for legislative provision for Maaori rights and values recognition has grown out of the several decades of Maaori activism and resulting achievements, that have become known as the Maaori renaissance.

In the 1960s and 1970s Māori were exposed to ideas about the US black civil rights movement, bring the birth of the so called "Māori radicals", a number of often educated and articulate young Maaori determined to address the inequities suffered by Maaori who were largely marginalised in their own country.

Political consciousness gave birth to protest movements such as the Māori land march of 1975, and the occupations of Raglan golf course in 1977, and of Bastion Point by Ngaati Whaatua o Orakei in 1978), in both cases when Māori land was taken by the government.

By the mid 1980s Maaori had successfully pushed for full immersion education. This movement gained momentum, resulting in the establishment of koohanga reo (pre-school), kura kaupapa (primary schools), whare kura (secondary schools) and whare waananga (tertiary institutes including universities). These increasingly elevated the expectations of Maaori in terms of recognition of the validity and relevance of Maaori values in contemporary Aotearoa.

Maaori aspirations for greater control over our own lives was given expression in Maaori terms, with calls for recognition of rangatiratanga (chiefly authority or sovereignty), and mana motuhake (self determination). The Maaori renaissance both reflected and resulted in Maaori determination to have more control over the institutions that directly affected them.

These developments should not be overlooked for the extent that they raised the profile of Maaori in the public consciousness and political arena. These, along with the international developments described above were significant drivers in greater legislated recognition of Maaori rights and values.

3.2.2 The Waitangi Tribunal

The Waitangi Tribunal was established in 1975, the investigation of historical land claims began in 1984, and settlements of those claims began during the late 1980s and mid-1990s.

The Waitangi Tribunal has been a driver for recognition of what have become known as the principles of the Treaty of Waitangi. These have been given weight through incorporation in legislation, and have been defined over time by the Waitangi Tribunal and the courts.

As is discussed below, the Tribunal has also been a major factor in the extent to which Maaori concepts and values included in legislation have been treated, with various Tribunal reports being critical of the interpretations and treatment of concepts such as kaitiakitanga and mana whenua (Waitangi Tribunal 2001).

Similarly the Tribunal has been instrumental in subsequent acceptance by the courts that intangible factors are to be considered in environmental decision making, by confirming that intangible valuables can also be taonga, and therefore must be considered under (for example) RMA Section 6(e). In its Manukau Report, the Waitangi Tribunal determined that while a river may be a taonga as a valuable resource, its mauri (life-force) is a separate taonga (Waitangi Tribunal 1985).

Of particular interest here, the Tribunal also found that te reo and maatauranga Maaori are taonga (Waitangi Tribunal 1999), and are accordingly subject to the Treaty principle of active protection by the Crown and come under the ambit of RMA Section 6(e).

The Tribunal has criticised the manner in which Crown obligations to Maaori stemming from the Treaty have been included in legislation (in particular the RMA) in a manner where they are to be weighed against many other factors in the decision making process (Waitangi Tribunal 1999).

Often largely attributable to the findings and recommendation of the Waitangi Tribunal, Waitangi claims settlements have become one of the most important drivers in Crown and council entering into joint management arrangements with Maaori. Most of these have arisen from settlement negotiations when, despite legislative provision existing for such arrangements for more than twenty years, councils have refused to share management with Maaori.

3.2.3 Litigation

Maaori-specific rights at law stem from both Treaty rights and traditional customary rights. Maaori also, of course, have the same rights as the rest of the population, as anticipated in Article Three of the Treaty. Maaori also have property rights under the doctrine of aboriginal title.

As previously noted, tikanga and customary rights have, over time, been commuted onto mainstream law, either by its incorporation into legislation (for example the inclusion of kaitiakitanga and tikanga in the RMA), and through consideration of particular tikanga by the courts, on the basis of the maatauranga placed before them.

Over the last four decades Maaori have achieved recognition of tikanga and Maatauranga Maaori (although not in those terms) in law, resulting in their inclusion in legislation. Justice Baragwanath has been responsible for some of the most groundbreaking Maaori law, and recently wrote (Baragwanath 2006):

At international law there are evolving norms recognising not only individual human rights but also those of minorities and, increasingly, those of indigenous peoples.

The steady trend in all civilised states is to greater recognition of indigenous values and, at least in domestic law, to couple that with what is seen as a core value of dignity of the individual. The importance of land, waters and other natural resources to indigenous people is increasingly recognised as not substitutable by money.

In New Zealand law includes a range of legal principles including statute law and common law. It is worth briefly mentioning the difference in the justiciability of tikanga Maaori versus Treaty rights.

Customary law is a derivative of common law, and customs (tikanga) are accordingly arguable in court. English common law has long accepted the principle that the right to follow customary activities and practices by indigenous peoples of colonised countries survive the assumption of sovereignty by Britain. Customary rights based on originality that will be upheld in the courts unless and until those rights have been abandoned, surrendered, or lawfully extinguished (Graham 2001).

Treaty jurisprudence has become an important source of gains in terms of legal protection of Maaori rights. However, unlike the legal status of tikanga described above, the Treaty and those principles stemming from it, are justiciable only to the extent they are enshrined in statute. As reported in the case *Te Heuheu Tukino v Aotea District Maori Land Board* (1941) NZLR 590, 596-597:

It is well settled that any rights purporting to be conferred by such a Treaty of cession cannot be enforced in the Courts, except in so far as they have been incorporated in the municipal law.

However, as noted by previous Chief Judge of the Maaori Land Court Joe Williams (referring to the case *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR 188; (1987) 12 NZTPA 129), there has been some indication from the High Court that the Treaty of Waitangi may have some independent status (Williams 2004).

In recent years we have seen successive governments threaten to remove all Treaty references from legislation, and Maaori are therefore mindful of the fragile nature of these hard-won "rights". However, in the meantime Treaty jurisprudence has yielded some of the most significant gains in terms of recognition of tikanga and maatauranga Maaori in environmental resource management.

In the *New Zealand Maori Council case* (1987) NZCA 269, the Court of Appeal found that the Crown should actively protect those Maaori interests specified in the Treaty of Waitangi. According to Sir Robin Cooke the obligation on the Crown is not merely passive but extends to the "active protection of Maaori people in the use of their lands and waters to the fullest extent practicable".

Active protection is one of what have become called Treaty Principles. Briefly, exactly what are the full set of Treaty principles is somewhat a work in progress, however, those that have been firmly established are; Reciprocity or recognition of the essential bargain, Rangatiratanga, Partnership, Active Protection, Options, Mutual Benefit, The Right of Development, and Redress (Independent Māori Statutory Board 2011).

Of particular interest in terms of maatauranga Maaori is Active Protection - the duty of the Crown to proactively protect the rights and interests of Maaori. Active protection reflects the Crown's Article Two promise "te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa". This wording is stated in the English version text as "the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties", and translated by Sir Hugh Kawharu as: "the unqualified exercise of their chieftainship over their lands, villages and all their treasures". International law dictates that in the case of any discrepancy the Maaori wording prevails .

The previously mentioned Huakina case is also important in that in that Huakina decision the Planning Tribunal first accepted that Maaori values should be taken into account.

While the *New Zealand Maori Council case* referred to lands and waters, the Treaty Principle of active protection extends to include taonga, which have been found by the courts to include anything treasured by Maaori, and including intangible things such as te reo Maaori and Maatauranga Maaori, both of which the Waitangi Tribunal has determined to be taonga.

A fuller discussion of maatauranga Maaori related case law is not possible here, however, I point to the decision of *Ngaati Maru Iwi Authority Inc v Auckland City Council* (2002) in terms of a strong direction from the Court that Maaori values and world views must be accorded significant weight.

In *Ngāti Maru* justice Baragwanath granted the iwi leave to appeal previous Environment and High Court decisions to the appeal court in which arguments based largely on Maaori values had not prevailed. The Judge indicated that tikanga Maaori and maatauranga Maaori had been accorded insufficient weight in those deliberations. The following are relevant aspects of the decision in terms of Maatauranga:

...the pungent demonstration by Dame Whina (para [12] above) that what to a Pakeha eye has no particular significance may be very different to one with actual understanding of Maori history.

And:

It is unnecessary on a leave application to do more than allude to the evolving international recognition that indigenous issues must now be viewed through a wider lens than that of western culture.

The concepts discussed in the Law Commission's Study Paper 9 Maori Custom and Values in New Zealand Law (2001), to which reference was made in argument, may now be taken as matters sufficiently well known as not to require fresh proof in every case. The same may in my opinion be said of the material on which Ngati Maru relied in argument as dealing with the significance of land and concepts of wahi tapu and their significance, namely writings of Dame Joan Metge and Professor Ranginui Walker, acknowledged authorities, and the Waitangi Tribunal

3.3 Legislation

There has been much written on the Maaori provisions within the RMA, and I will therefore not evaluate the maatauranga Maaori significance of that Act here. Consideration is given to the RMA in reference to the various RMA statutory instruments considered.

The Local Government Act 2002 contains a range of Maaori-specific provisions aimed at insuring Maaori participation in local decision making, and consideration of Maaori values by Councils. Councils are required to provide means by which Maaori can participate in decision making (sections 14(1)(d) and 81(1)(a)), and to build capacity to do so (section 81(1)(b)). Also to provide relevant information to Maaori (section 81(1)(c)), and, where an option involves a significant decision in relation to land or a body of water, take into account the relationship of Maaori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taaonga (section 77(1)(c)).

A range of other Acts that impose obligations to Maaori on councils and other agencies, some of which provide for or rely on maatauranga Maaori. As an example, the 2011 Marine and Coastal Area (Takutai Moana) Act 2011 allows Maaori to seek recognition of customary rights under subpart 2 of Part 3, and Customary marine title under subpart 3 or Part 3 of the Act. The Act clearly relies on maatauranga Maaori for its implementation, but includes no mention of it.

While we are gradually moving toward the inclusion and recognition of the importance of maatauranga Maaori in statutory plans, the legislature has clearly not kept pace in this regard. In fact no Act except the *National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003* includes the word maatauranga Maaori, and this only in the title as a translation of library.

Council also has responsibilities under a range of other Acts. The following few statutes are of interest for the extent to which they might impose additional layers of maatauranga Maaori and Maaori values related obligations on planners and environmental managers.

3.3.1 Reserves Act 1977

The Reserves Act of 1977 is of some interest here for a number of reasons. Although the Department of Conservation is the primary agency responsible for administering the Act, it also binds local and regional councils who own or administer reserves, with the administration of those lands being primarily under this Act.

Councils might still have responsibilities with regard to reserves under other legislation, for example, council decisions relating to reserves might trigger significance criteria thereby invoking the need for them to utilise the Special Consultative Procedure under the LGA.

The Reserves Act is of particular interest to Maaori because large areas of those ancestral lands that are not already in private ownership remain vested as reserves. Some of these are under the administration of local or regional councils, the Department of Conservation, Land Information New Zealand (LINZ), or other agencies. This being the case the Reserves Act provides the basis for participation into the ongoing management of such land, and provides one of the most tangible opportunities to Maaori for fulfilling kaitiaki obligations.

3.3.2 The Conservation Act 1987

The 1987 Conservation Act provides for the Department of Conservation an active mandate of conservation advocacy, and provides it a range of powers with which to undertake this role.

The Conservation Act includes a stronger Treaty of Waitangi obligation on the Crown, and on other decision making agencies under the Act, including councils, in certain circumstances. Section 4 - Act to give effect to Treaty of Waitangi - states;

This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.

Reserved lands administered by council includes many significant Maaori coastal and riverine locations. These provide an opportunity for an effective reconnection between tangata whenua and the ancestral lands councils currently administer.

3.3.3 New Zealand Bill of Rights Act (1990)

The NZ Bill of Rights Act holds implications for New Zealand in fulfilling undertakings by the Crown as a signatory to the universal declaration on human rights (General Assembly of the United Nations 1948).

There are several sections of particular interest in terms of maatauranga Maaori, these are :

13. Freedom of thought, conscience, and religion—

Everyone has the right to freedom of thought, conscience, religion, and belief, including the right to adopt and to hold opinions without interference.

14. Freedom of expression—

Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.

15. Manifestation of religion and belief—

Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.

20. Rights of minorities—

A person who belongs to an ethnic, religious, or linguistic minority in New Zealand shall not be denied the right, in community with other members of that minority, to enjoy the culture, to profess and practise the religion, or to use the language, of that minority.

3.3.4 Historic Places Act 1993

The Historic Places Act (HPA) is an important statute in terms of the protection of Maaori values, in particular those associated with ancestral sites including waahi tapu:

4. Purpose and principles—

(1) The purpose of this Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.

(2) In achieving the purpose of this Act, all persons exercising functions and powers under it shall recognise—

(a) The principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society; and

(b) The principle that the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage should—

(i) Take account of all relevant cultural values, knowledge, and disciplines; and

(ii) Take account of material of cultural heritage value and involve the least possible alteration or loss of it; and

(iii) Safeguard the options of present and future generations; and

(iv) Be fully researched, documented, and recorded, where culturally appropriate; and

(c) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.

The HPA is regularly a factor in the hearing of resource consent applications, and has often been relied on in consent conditions as a default mechanism for heritage protection, that is, conditions

are imposed such as "If any heritage sites are encountered in the course of executing the consent works are to stop and the provisions of the Historic Places Act will apply".

One of the supposed protection methods in the HPA is found in Section 10, *Archaeological sites not to be destroyed, damaged, or modified*. However, section 10 does not prohibit the destruction or modification of sites, it stipulates that in order to do so developers must apply for an authority under sections 11 - for specific sites, or 12 - a blanket authority to modify or destroy any sites that might be within a given area.

It is the widely held view that the HPA is nothing more than a tick box exercise for the destruction of Maaori sites. While maatauranga Maaori is supposedly considered as part of the decision making process by the Historic Places Trust, applications are virtually never declined. As a result rate and extent of loss of ancestral sites under this Act is alarming.

3.3.5 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act (HGMPA) is of interest to the current investigation into maatauranga Maaori in Auckland, in that it includes various Maaori values provisions. The HGMP Act establishes the Hauraki Gulf Forum - a Maaori, council, Crown decision making forum.

Part of the purpose of the Act (Section 3.d) is to:

recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands

The Act contains more complicated Treaty of Waitangi provisions (section 6) than any other legislation, imposing 4 distinct levels of Treaty obligation:

(1) Subject to subsections (2) and (4), the provisions of Part 3 [the Hauraki Gulf Marine Park] relating to the Park must be so interpreted and administered as to give effect to the principles of the Te Tiriti o Waitangi (the Treaty of Waitangi).

(2) Subsection (1) does not apply in respect of any area of the Park that is foreshore, seabed, private land, taiapure-local fishery, or mataitai.

(3) When carrying out its functions under Part 2 [Hauraki Gulf Forum], the Forum must have regard to the principles of the Te Tiriti o Waitangi (the Treaty of Waitangi).

(4) Nothing in Part 1 or Part 3 or Part 4 limits, affects, or extends the obligations any person has in respect of the principles of the Te Tiriti o Waitangi (the Treaty of Waitangi) under any of the Acts listed in Schedule 1, and those obligations must be fulfilled in accordance with those Acts.

Note the first subpart imposes the highest Treaty related obligation on those administering the Act to give effect to Treaty principles, however subpart two makes clear that this does not apply for the vast majority of the area of the Hauraki Gulf Park. Subpart 3 imposes the same standard on the forum as does the RMA on councils.

The Act provides a mechanism for limited recognition of tangata whenua statement of relationships (section 44):

The Crown or a local authority may acknowledge any statement of particular historic, traditional, cultural, and spiritual relationship of tangata whenua of the Hauraki Gulf with any land, foreshore, or seabed in the Hauraki Gulf Marine Park by entering into a Deed of Recognition with tangata whenua in respect of that land, foreshore, or seabed.

According to the Act the only purpose of a Deed of Recognition is to identify opportunities for contribution by tangata whenua to the management of an area by the Crown or a local authority.

It is noteworthy that the HGMP Act has the legal status of a New Zealand coastal policy, and is to be taken into consideration as part of any RMA deliberations within the catchment of the Hauraki Gulf. It therefore has wide application in relation to local government and resource management decision making for Tamaki Makaurau.

3.3.6 Hazardous Substances and New Organisms Act 2006

The Hazardous Substances and New Organisms Act 2006 includes similar Maaori values provisions as the RMA. Interestingly it was a case taken under that Act, *Bleakley v Environmental Risk Management Authority* (ERMA) AP177/00. 2 May (2001), that prompted significant consideration of the justiciability of intangible or spiritual values.

The Environmental Risk Management Authority had previously found (although there was a dissenting minority view) that spiritual beliefs were different from "taonga" as understood in other cases, and were "not amenable to active protection in the same way as more tangible taonga". While not overturning the final ERMA decision, the Court of Appeal confirmed clearly that Parliament had intended that the Act provide for Maaori spiritual values, reporting:

Further, the inclusion of expressions such as waahi tapu illustrate that it was intended that spiritual and physical matters be taken into account. "A waahi tapu has a spirituality which is inseparable from its physical properties" and "valued" flora and fauna are mentioned, to "reflect the intrinsic value to Māori of certain flora and fauna - it is not the mere physical properties of that flora and fauna which render them important, it is their intrinsic value to Māori, flowing from the attitude of Māori towards them, which transforms them into taonga. Consequently, the reference to "other taonga" simply confirmed the wide embrace Parliament intended for the provision, and included spiritual taonga such as whakapapa and mauri as well as other intangible treasures, such as language.

Another important matter was raised in the initial dissenting position in Bleakley noted above, and was returned to by the Court of Appeal, where the minority ERMA report had suggested that no criteria were established to assess the cultural and spiritual risks to Maaori, nor any methodology followed to weigh those risks and relevant costs and benefits.

This is particularly pertinent to this research in that, it is argued, it is necessary for statutory plans to put forward the detail and methods by which decision makers might evaluate intangible taonga, and maatauranga Maaori clearly provides the evidential basis for such determinations.

3.4 Statutory instruments

There are a range of non-RMA statutory instruments, plans and policy documents operating in any region or district. These operate under several overlapping environmental resource management and planning related statutes, as described previously.

Some have a direct or indirect bearing on the activities and decision making of councils. These include the Conservation Act, various Fisheries legislation, coastline and seabed legislation, resource management legislation, reserves legislation, and health. These statutory documents contain varying degrees of Maaori values recognition, reflecting the intentions of the respective legislation as detailed above. They are considered briefly now.

3.4.1 Department of Conservation Management Strategies

Various Department of Conservation documents play an important part in environmental resource management in New Zealand. While applying to much public land, such as the foreshore and seabed and conservation estate, the Conservation Act has wider application through the Department's conservation advocacy role. There are also implications for maatauranga in relation to the biodiversity management roles of DoC, and the obligations the Act imposes on managers of reserves under the Reserves Act, as noted above.

Conservation Management Strategies are the main instrument for the regional role out of the Conservation Act. They are substantial documents, that have implications for maatauranga Maaori, but have largely not acknowledged these in terms of maatauranga Maaori.

The last Auckland Conservation Management Strategy was intended to run until 2005 (Department of Conservation 1995), but has not been replaced. This contains no explicit reference to maatauranga Maaori, but some to Maaori knowledge, tikanga Maaori, and cultural knowledge. There are numerous Maaori references within the 558 page long Strategy.

The draft 2008-2018 Waikato Conservation Management Strategy was never made operative. It includes maatauranga Maaori as a milestone in the conservancies Treaty of Waitangi related management objectives and policies (Department of Conservation 2008). Objective 2 reads:

"To acknowledge and support the special relationships that tangata whenua have to places identified in part two of this strategy". With the five-yearly milestone being "Collaborative projects to enhance conservation and Maatauranga Maori identified, with some actively underway at places".

The DoC report entitled *Customary Use of Natural Resources Consistent with Kaitiakitanga, Wise Conservation and Conservation Legislation* (Department of Conservation 2003) considers issues surrounding the customary use of resources subject to conservation efforts for environmental reasons, and writes: *Moving forward requires recognition of the importance of both wise conservation and kaitiakitanga, supported by science and mātauranga Maori (traditional Maori knowledge).*

The process of reviewing and rewriting both the Waikato and Auckland Conservation Management Strategies was put on hold for almost a decade, but was recently restarted by the Department. The consultation period is currently under way, with public submissions being called in September this year.

The Hauraki and Tamaki claims collectives and individual iwi have been approached by DoC to participate in the process. It is understood that the collectives have complained that DoC will provide no resourcing for participation, and are not meaningfully engaging. It is not known yet to what extent individual iwi have participated in the process.

3.4.2 Fisheries Legislation and Marine Areas

Maatauranga Maaori is an important body of knowledge of local fisheries and their environments, and, as acknowledged in Agenda 21, of substantial importance for fisheries and marine environmental management in New Zealand.

There are clear and numerous cross over's between council planning and resource management and activities under the Fisheries Act 2002. Fisheries matters must be assessed under the RMA, and there are specific aspects of fisheries that fall largely within the RMA such as aquaculture, but others that are given effect largely via the fisheries Act, for example local community management such as Taiapure and Mahinga Maataitai are required to be considered in RMA and LGA based decision making. For example maataitai are able to be established under customary fisheries regulations of the Fisheries Act 1996:

(b) Empower the Minister to declare, by notice in the Gazette, any part of New Zealand fisheries waters to be a maataitai reserve; and any such regulations shall require that, before any such notice is given, the Minister and the tangata whenua shall consult with the local community and the Minister shall have regard to the need to ensure sustainability in relation to the reserve: Section 186 - Regulations relating to customary fishing - contains a number of additional potential mechanisms for Maaori input into local fisheries management, all of which would rely on maatauranga Maaori.

Maori have also used sections of the *Fisheries Act 2002* [186A and B. Temporary closure of fisheries] to support rahui called for various reasons.

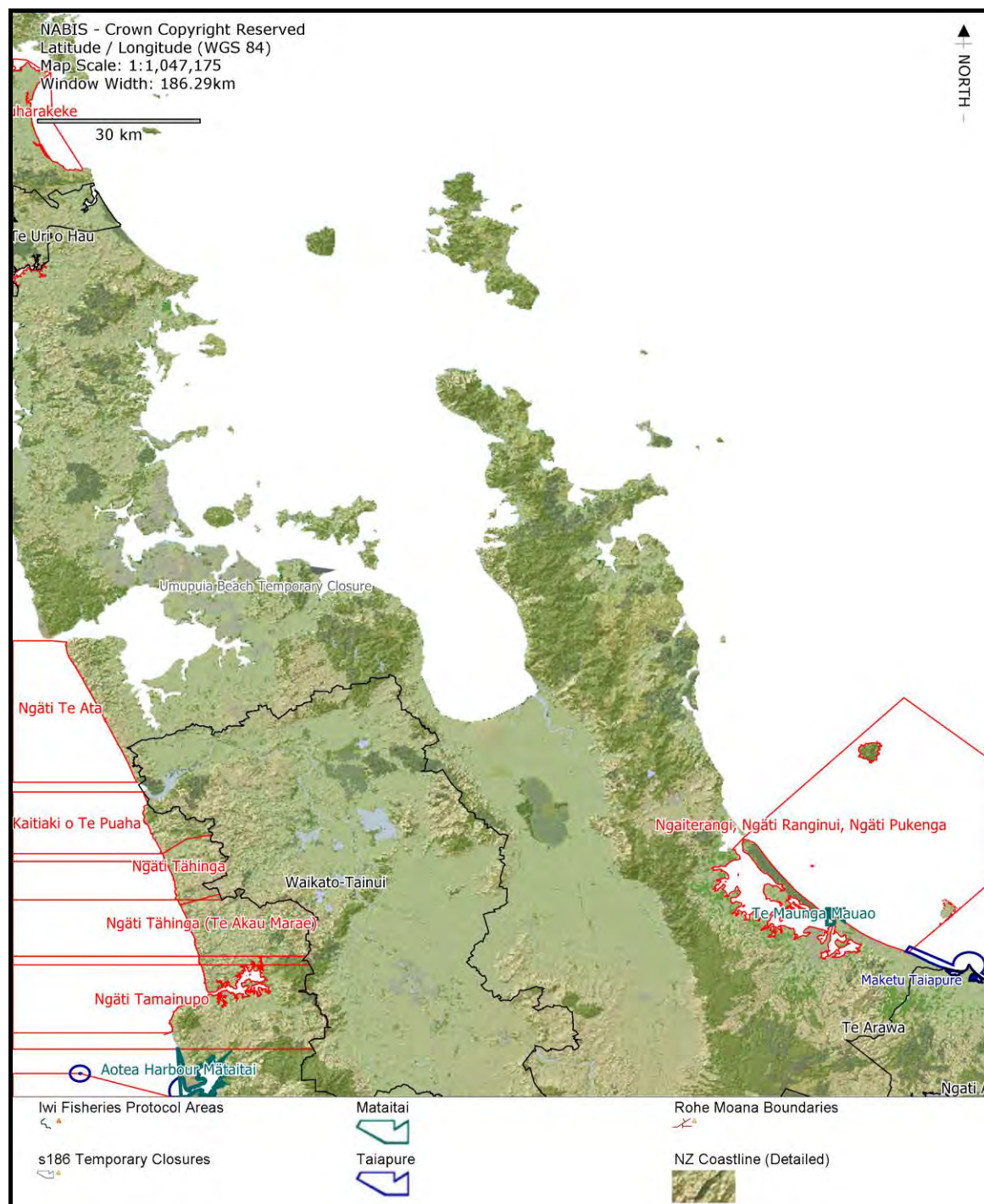


Figure One – Lack of uptake of Maori Customary Fisheries provisions within Tikapa Moana. *Source - Ministry of Fisheries 2011*

As major players in fisheries Maori of course have various interests and roles. In addition to the resources distributed via the Sealords deal under the *Māori Aquaculture Settlement Act* of 2004 iwi won 20% of existing and new marine aquaculture space to be reserved, and the allocation of marine farming space to Maori.

Despite these various Maori fisheries provisions Maori do not feature significantly in fisheries around Auckland, apart from our involvement in commercial fisheries. Figure One above

illustrates the extent to which currently available Maaori customary fisheries provisions have been used within the Hauraki Gulf Marine Park. In contrast to neighbouring tribal areas no Iwi Fisheries Protocol Areas have been established, no tribal Rohe Moana Boundaries have been finalised, there is no Regional Iwi Forum operating, and neither Maataitai nor Taiapure are in place. There is one current s.186 raahui operating.

While tribal areas have not been determined for Hauraki and Tamaki, one of the few available customary fisheries tools for Maaori being used is cultural harvest permits. These too rely on maatauranga Maaori in terms of having sufficient knowledge of the fisheries so as to allocate resources optimally. However, as is clearly evident in Figure XXX above, Hauraki and Tamaki Maaori have declined to avail themselves of the existing statutory provisions.

4 Tamaki Makaurau Legacy Councils

This report describes a range of legacy council plans and arrangements with tangata whenua that are relevant to maatauranga Maaori. Several legacy councils can be seen as leading the field for recognition of tikanga and maatauranga Maaori, in particular Waitakere and Manukau City Councils, and Auckland Regional Council. Others rank amongst the worst of councils investigated in terms of the number and nature of either formal or informal arrangements with Maaori.

The intention of the research was not to make any detailed or comparative evaluation the overall quality of plan provisions, or arrangements, but rather to identify notable legacy examples in order to consider their apparent value, and their potential use by Auckland Council.

4.1 Legacy arrangements

There are a range of both formal and informal arrangements being used by councils and Maaori around the country, with which Maaori endeavour to increase their participation in the management of ancestral lands, waters and taonga.

The most recent MfE two yearly survey of local authorities found that the proportion of local authorities with formal agreements with iwi/hapū dropped from the last survey. In 2007/2008, 57 per cent of local authorities had formal agreements, down from 61 per cent in 2005/2006. There was a corresponding increase in informal agreements. Importantly, it also reported that Sixty-three per cent of local authorities had informal agreements in 2007/2008, up from 54 per cent in 2005/2006. (Ministry for the Environment 2009).

It is noted that the above figures are self reported by councils, and there has been neither clarification as to what councils have counted as either formal or informal arrangements, nor any attempt by MfE to assess the accuracy of information provided.

While comprehensive figures are not known for legacy Auckland councils, there were, and remain, a range of relationship and participation arrangements operating within Tamaki Makaurau. Some of these are formalised and others informal.

The following are a sample of current shared management examples stemming from previous arrangements with legacy councils. Following this four case studies are considered, each being of interest in terms of the inclusion and recognition of maatauranga Maaori and council decision making.

Informal arrangements

Informal arrangements are characterised as agreements between Maaori and councils that are not based on particular statutory provisions, often unwritten, and generally not enforceable. They include verbal agreements by which a group is to be consulted regarding the management of a particular place, or agreement to engage in relation to certain matters. Some informal agreements may be long-standing and predate current councillors or staff.

Despite the reservations described above, informal arrangements continue to be the predominant means by which iwi/Māori engage with councils. It has been reported that relationships between Māori and councils may be seen as effective without these being formalised. This was identified in the 2009 DIA report *Māori Participation and Engagement with Local Government*, which noted;

The Council and Waikato-Tainui have an informal relationship built on trust and collaboration. There is an established principle of 'rangatira ki te rangatira', with an open door policy between the Mayor and CEO of the Council and the Chairperson and CEO of Waikato-Tainui. The Mayor has established a good relationship with the Chairman of Waikato-Tainui through their mutual involvement in the Guardians Establishment Committee as part of Tainui's River Settlement Claim. The Waikato-Tainui executive has also worked with the council on specific projects, such as participating in the City Social Well-being, Economic Development and Environmental Sustainability strategies. They have indicated a desire to do so more often in future.

Informal arrangements relating to participation can take a wide range of forms. For example, when consulted by the author on behalf of TPK as part of research into Māori participation in council decision making in 2009, Franklin District Council staff reported that they had an informal policy whereby if a development proposal was within a certain proximity to a listed or recorded archaeological site Council would stop proceedings under section 92 if the applicant could not demonstrate consultation with tangata whenua.

This, according to planning management at Council, was sufficiently well known within the district that resistance to engaging with mana whenua, and importantly, at an early stage, was seen as mutually beneficial and largely complied with.

Formal arrangements

Formal arrangements also take a variety of forms. At an iwi specific level these include memoranda of understanding, protocols, joint management agreements and service-level agreements. These might be accompanied by and delegations of authority. Collective arrangements include Heads of Agreement, for example those relating to mana whenua or similar forums and committees, or kaitiaki type forums.

It has been often expressed by Māori (although there is also a contrary view) that the most effective means of ensuring Māori participate in council decision making is through seats at the council table. However, with the exception of the Bay of Plenty Regional Council, the Māori wards of which were established through separate legislation, no council to date has agreed to their establishment.

There is widespread agreement, particularly amongst Māori, that in order for these to be effective relationships and agreements between councils and Māori should be formalised (Hewison 2000; Jefferies, Warren, Berke, Chapman, Crawford, Ericksen and Mason 2002; Department of Internal Affairs 2009; Jefferies and Kennedy 2009).

Iwi/Māori prefer formalised arrangements because these offer greater security as to the basis for participation, and are less reliant on the quality of inter-personal relationships and correspondingly less subject to abandonment resulting from changing staff or elected representatives.

However, even formalised arrangements rely largely on the good will of the parties, and, as is the case with Memoranda of Understanding, may not be legally enforceable. Despite this, MOU remain one of the most popular forms of relationship arrangement.

There were a range of formalised arrangements in existence in the Auckland Region at the time of the creation of the Auckland Council. Rodney District Council has memoranda of understanding in place with Ngaati Whaatua Ngaa Rima o Kaipara, Te Uri o Hau Settlement Trust, and Manuhiri Omaha Kaitiakitanga Ora Charitable Trust (MOKO Trust).

Franklin District Council and Manukau City Council both have agreements with the Huakina Development Trust, and Manukau City Council also has relationship agreements with Ngaati Paoa Whaanau Trust Board, Ngaa Tai, Umupuia, Te Waka Totara Trust, Te Ahiwaru of Makaurau marae, and Te Akitai of Puukaki marae. Waitakere City Council has MOUs with Te Kawarau a Maki and service-level agreements with both Te Kawarau a Maki and Ngaati Whaatua o Oraakei that provide for; preliminary consultation in respect of resource consent applications, preliminary consultation on any council project of relevance to the iwi, and detailed involvement by negotiation in council projects of particular interest and relevance to the iwi. This is not intended to be a comprehensive list and there are other council with MOUs with local Maaori.

These vary substantially in the range and quality of provisions, and accordingly likely effectiveness as a basis for a relationship, with some providing for only annual meetings of the parties, while others are monthly, some including a concrete work programme. Recent governance level agreements have improved in terms of adequately resourcing and evaluating Maaori participation. The Ngaati Manuhiri MOU referred to above, for example, includes sections dealing with review and assessment (24.6), transfer of functions consistent with the statutory framework (24.5), and resourcing (24.4). But for relationship agreements without such provisions iwi have been reported to struggle to gain any effective participation in Council decision making.

But others express only high level statements of intent. It has also been reported that they are inconsistently implemented and evaluated.

Maaori committees and forums

Councils are able to appoint committees, subcommittees, other subordinate decision-making bodies, and joint committees under Clause 30 of Schedule 7 of the LGA. Clause 31(3) states that the members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee. Formalised Maaori committees in their various forms are constituted on this basis.

The report Local Authority engagement with Maaori identified that four types of such council structures are most commonly used: Maaori standing committees that can make recommendations to councils and may have specific delegations; involvement of Maaori or iwi / hapuu – representatives on sub-committees with either voting rights or advisory responsibilities; involvement of iwi representatives on council special working parties; Maaori advisory committees that advise on the interests and issues of Maaori in council activities. That study found that of the 86 councils surveyed 17 have established a Maaori standing committee, 42 working parties or subcommittees containing Maaori representation, and 22 Maaori advisory committees (Local Government New Zealand 2004).

However, these figures are problematic. In particular it is questionable as to whether the distinction between standing committees and advisory committees is accurate or meaningful, in that some council standing committees have strictly advisory functions; the Matamata-Piako Mana Whenua Forum is an example of this.

This is an important distinction in terms of whether these committees satisfy the intention of the LGA that Maaori participate in council decision making. Further investigation needs to be done into the level of satisfaction of Maaori committee members at the extent to which their council's heed advice given, and into the scope and range of activities that council Maaori committees are involved in.

There were a number of Maaori committees and similar forums operating across Auckland legacy councils, that we might look to in anticipating similar arrangements for the new Auckland Council.

These have been seen to fit into two categories, mana whenua forums or committees that reflect tribal governance and seek to engage with councils at this level, and kaitiaki type forums that are primarily engaged at an operational level (Kennedy 2009).

Several legacy councils had committees in the first category, for example the Manukau City Council Mana Whenua Forum, and Franklin District Councils Te Roopu Paehere Waitakere City Council Te Ruunanga Taumata. Again this is not an exhaustive list for Auckland councils.

As per the above observation regarding the advisory nature of these committees, the Franklin committee had delegated authority from Council, however its terms of reference were narrow such that it had little real authority to make decisions, and can be argued to have been essentially an advisory committee. Te Taumata Runanga clearly enjoyed greater authority, having had delegated authority to develop and adopt goals, strategies, policies and programmes “within its own field of activity” (Waitakere City Council 2009). The Heads of agreement of the others were not viewed so as to draw conclusions as to delegations.

Tamaki Makaurau Regional Mana Whenua Forum

The Tamaki Makaurau Mana Whenua Forum is, as it has never been disbanded, a notable example of how such a forum might operate.

Prior to the Auckland Council the Forum sat outside any council, although it has received considerable support, including initial funding and ongoing support toward meeting costs, from ARC. It has positions for the representatives of 13 iwi with interests in the Auckland region, representatives being formally appointed by each iwi. Furthermore each has one or more technical officers. Prior to the establishment of Auckland Council the forum met monthly to discuss issues of collective interest to the tangata whenua of Auckland.

The Forum has formally engaged with several Auckland area councils for the purpose of cementing relationships, and in relation to specific regionally significant projects, such as the Regional Sustainable Development Forum, the Rugby World Cup, and having collective input into the previous draft ARC Policy Statement.

Recognition for the forum grew such that deputations from central government agencies including the Department of Corrections and Te Puni Kokiri, and Crown Ministers including the ministers of Local Government and Maaori Affairs have met with the forum as a “first port of call” toward regional engagement with Maaori. The Auckland transitional authority also met with the forum.

There is the potential that the IMSB will be viewed as a successor to the Forum, but, it is argued here, this should not be the case, and was not its intention. In particular the IMSB does not have representation for each of the iwi, it is not accountable back to the iwi, and in fact its guiding legislation dictates that it not be directed by nor accountable to the iwi of Auckland. The IMSB is discussed further below.

Hauraki Gulf Forum

While not a council committee, the Hauraki Gulf Forum is another pan-council forum on which tangata whenua have significant representation, it warrants mention here.

This forum has proven to be an effective vehicle for providing for Maaori participation. Although tangata whenua representation only makes up approximately one third of the membership they enjoy full voting rights. In this sense the forum offers a model of genuine Maaori representation and participation in decision making, although it warrants mention that the functions and powers of the forum are limited. It has the following purposes:

- (a) to integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand:*

(b) to facilitate communication, co-operation, and co-ordination on matters relating to the statutory functions of the constituent parties in relation to the Hauraki Gulf, its islands, and catchments, and the Forum:

(c) to recognise the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands, and, where appropriate, its catchments.

The Forum must have regard to the principles of the Treaty of Waitangi when carrying out its functions (section 6(3)), and recognises the historic, traditional, cultural, and spiritual relationship of Maaori with the Hauraki Gulf and its islands (section 7(2)).

Ngaa Mana Whenua o Tamaki Makaurau

Established via legislation, Ngaa Mana Whenua is intended to be the ownership and management vehicle for the combined maunga of Tamaki by the collective mana whenua iwi, who have previously been operating under the name the Tamaki Collective.

The Tamaki Collective might currently be seen as operating on behalf of the future structure, but has, at least on one occasion acted under the name Ngaa Mana Whenua o Tamaki Makaurau. Ngaa Mana Whenua lobbied Council in order to push for an adequate allowance of resourcing to manage the various maunga being handed back by the Crown to joint iwi/council management.

A memorandum sent from Ngaa Mana Whenua o Tamaki to the Auckland Mayor regarding his office's proposed contribution to the LTP wrote:

The Tamaki Collective is aware of existing budgets for maintenance and operations of the tupuna maunga, although the total expenditure on maintenance and operations of all the tupuna maunga to be transferred from the Crown is not clear.

As a principle, existing expenditure on maintenance and renewals included in all maintenance contracts and asset management plans should be identified, ring-fenced and maintained at current levels and be included in the Council's LTP (Ngaa Mana Whenua o Tamaki Makaurau 2011).

Ngaa Mana Whenua o Tamaki Makaurau was established specifically to receive and manage the maunga, and will do so under a co-management agreement with Auckland Council. It is noteworthy that despite opposition from Tamaki iwi, the legal entity being established (Taonga Trust Ltd) is comprised of two representatives from each of three ropu-based entities, which are comprised of the following groups (Ngaa Mana Whenua o Tamaki Makaurau 2012):

The Waiohua Tamaki ropu;

- (a) Te Kawerau a Maki;*
- (b) Ngati Te Ata;*
- (c) Ngati Tamaoho;*
- (d) Te Akitai; and*
- (e) Ngai Tai ki Tamaki*

The Ngati Whatua Roopu

- (a) Ngati Whatua o Orakei;*
- (b) Ngati Whatua o Kaipara; and*
- (c) [Te Runanga o Ngati Whatua]*

The Marutuahu Roopu

- (a) Ngati Paoa;*
- (b) Ngati Maru;*
- (c) Ngati Whanaunga;*
- (d) Ngati Tamatera; and*
- (e) Te Patukirikiri.*

As a result iwi are not individually represented at the decision making table, but have indirect input via their respective ropu entities. This is a theme encountered repeatedly in relation to Maaori committees, and is discussed elsewhere in this report.

Kaitiaki forums

There were also a number of operational level council kaitiaki forums. Auckland Council operated a Tangata whenua consultative committee comprised of eight of the mana whenua iwi of the district, via which tangata whenua were engaged or consulted on issues surrounding the Resource Management Act 1991, mainly in relation to resource consents (Auckland City Council 2009). Waitakere, Franklin, Papakura, and Manukau operated similar kaitiaki-type forums.

4.2 Some Examples

Below are several examples. Firstly two positive examples; intended to illustrate the types of arrangements that have been successful means by which Maaori concerns and perspectives have been incorporated in decisions. The third and fourth examples are argued to represent inappropriate management from a Maaori perspective, in both cases joint management could provide better outcomes.

4.2.1 Okahu Bay

A joint management arrangement for Okahu Bay Reserve operates between Auckland City Council and Ngaati Whatua o Orakei following strong criticism of Crown treatment of the hapuu in the Waitangi Tribunal's Orakei Report (Waitangi Tribunal 1987).

The arrangement was negotiated between Ngaati Whanaunga and the Crown, not the council, stemming from the *Orakei Act 1991*. As part of the arrangement fee simple title to 150 acres of the Whenua Rangatira was registered in favour of the Ngati Whatua o Orakei Maaori Trust Board.

Administration is jointly undertaken by the Ngaati Whatua o Orakei Reserve Board comprising three representatives of the Ngaati Whatua o Orakei Maaori Trust Board, and three representatives from Auckland City Council. The chairperson has the casting vote, and is a Ngaati Whatua representative, in recognition of the hapuu's title and manawhenua.

The purpose of the arrangement is to manage the reserve in a way that reflects the interests of the landowners, the parties charged with managing the land, and the citizens of Auckland, whilst also meeting statutory requirements (Local Government New Zealand 2007).

In order to achieve this purpose the Board was required by the Orakei Act to develop a reserve management plan. The plan identifies the goals, values, activity areas and planning process of the Whenua Rangatira, its mission statement reads:

The development of the Whenua Rangatira is to reflect the spiritual, social and cultural heart of Ngati Whatua o Orakei (Marae / Urupa / Papakainga) and promote the Whenua Rangatira as a taonga to be treasured by all people living and visiting in Tamaki Makaurau (Auckland).

The council provides expertise, financial resources, staff and administrative support. It funds costs associated with the control and management of Whenua Rangatira, in recognition of the ongoing public access and use of land guaranteed by the hapuu. In addition the council provides the funding for projects on the land, although these are required to go through the normal annual plan process.

4.2.2 Waitakere Ranges Regional Park

Te Kawerau-a-Maki has an important presence at the Arataki Visitor Centre, which is the gateway to the Waitakere Ranges Regional Park. Through the support of the Waitakere City Council the

iwi has been resourced to carve a series of whakairo detailing the history and whakapapa of the iwi.

A trail of pou whenua is located throughout the ranges to commemorate Te Kawerau a Maki association with the area. The trail has been established by a three-way partnership between Te Kawerau a Maki, Auckland Council and the Friends of Arataki (Waitakere Ranges Local Board 2011). Additionally, information provided by the iwi made available at the visitor centre and in Council literature and via websites.

In contrast to the region's other parks, the Waitakere Ranges Regional Park was established under legislation. The Waitakere Ranges Heritage Area (2008) Act legislation created the regional park. Section 29 of the Act requires that a deed of acknowledgement be entered into between mana whenua and the Crown and/or local authority:

A deed of acknowledgement will acknowledge the particular historical, traditional, cultural, or spiritual relationship of tangata whenua of the heritage area, namely Ngati Whatua and Te Kawerau A Maki, with any land in the heritage area.

Section 30(1) of the Act provides the basis for the involvement of iwi in the park's management:

The only purpose of a deed of acknowledgement is to identify opportunities for contribution by tangata whenua to the management of the land concerned by the Crown or the local authority concerned.

It is understood that at the time of writing this report, almost four years after enactment, the required Deeds of Acknowledgement are yet to be complete.



Figure Two - Te Kawerau a Maki pou at Arataki Visitor Centre. (Source ARC Waitakere Ranges Regional Park website)

However, the Crown was determined to ensure that the Act does not empower mana whenua in any way, with Section 30(2) making clear that the above-noted deed creates no rights or entitlements whatsoever for the iwi, and imposes no obligation on any decision maker regarding the subject land under any other enactment.

In contrast, Section 33(1) requires that (in addition to the Deed of Recognitions) the local authority must establish and maintain processes to provide opportunities for Ngati Whatua and Te Kawerau A Maki to contribute to the decision-making processes of the local authority in its implementation of the Act.

4.2.3 Waiomanu Pa Kainga Reserve Co-Management Agreement

Waiomanu Pa Kainga Reserve is located behind Waiomanu Bay on the Maraetai Coast Road just outside Maraetai. It is 5.53 hectares. A co-management agreement for the reserve was signed between Ngai Tai ki Tamaki Tribal Trust and Manukau City Council in October 2010 (Ngai Tai ki Tamaki Tribal Trust and Manukau City Council 2010). It sets out how Ngai Tai ki Tamaki Tribal Trust and Manukau City Council are to work together and share the responsibility of co-managing the reserve. The introduction to the agreement states its overarching purpose:

This co-management agreement seeks to balance Ngai Tai's legitimate spiritual, ancestral, cultural, customary and historical interests in Waiomanu Reserve, with Council's duty to manage the land as a public reserve under the Reserves Act 1977 and as public open space under the Manukau Operative District Plan 2002.

The agreement reports both party's commitment to co management. The Ngai Tai commitment is presented in terms of Rangatiratanga, Kawanatanga, and Kaitiakitanga.

It then provides Council and Ngai Tai perspectives regarding the reserve. The Ngai Tai perspective first provides an introduction to the iwi relationship to the land, then a substantial historical account of the reserve land and its associated significant sites.

The managed Committee is made up of equal membership from Ngai Tai ki Tamaki Tribal Trust and Manukau City Council. The agreement is not prescriptive in terms of the way the Committee will operate, and its duties and functions and administration, these matters to be determined by the Committee. A resolution process is prescribed in the pre-existing Council-iwi Relationship Agreement should disputes and differences occur.

There is no mention of maatauranga Maaori in the agreement, but it includes a substantive historic and cultural explanation of the whenua to the iwi, and it is stated that management by the iwi will be in accordance with the terms of the management agreement and Ngai Tai tikanga.

It is noteworthy that the co management agreement arose in the political environment of the Tamaki Treaty negotiations, within which co management with iwi of Crown and Council lands is a key element. The agreement refers to the Tamaki Treaty negotiations and specifically to the Nga Maunga o Tamaki Framework Agreement.

4.2.4 Waharau Regional Park camp ground

Another example of a council-Maaori arrangement within Tamaki Makaurau relates to Ngaati Whanaunga ancestral land within Waharau Regional Park.

Waharau offers an ideal opportunity for whare wananga as the area is rich in tribal history and resources such as rongoa and kaimoana. There are several Ngaati Whanaunga urupaa on the land and our people have remained close by.

Waharau Regional Park was taken from our hapuu Ngaati Puku and Te Mateawa as recently in the 1970s under the Public Works Act in order to provide water security from the Hunua Ranges to the growing city (Auckland Regional Council 1993).

The land was the subject of a traditional arrangement between Ngaati Whanaunga and Ngaati Mahuta, in which Waikato has long been provided an annual camp site and access to kaimoana on the adjacent moana. Additionally a small corner section with a house was gifted personally to the Kingitanga by Ngaati Puku and Te Mateawa tupuna in the 1890s.

The nohoanga (campgrounds) is leased by Auckland Regional Council (now Auckland Council) to the Waahi Marae Trust from the second weekend in December to the second weekend in February.

While this arrangement is a positive one for Ngaati Mahuta, it is of considerable offense to Ngaati Whanaunga in that this tikanga has been taken over by councils but Ngaati Whanaunga are not involved in the arrangement in any way.

This is considered to trample on the mana of Ngaati Whanaunga in relation to this long-standing tikanga. It is of additional concern that Ngaati Whanaunga has no similar formalised arrangement by which we can use their own ancestral land.

While no formal arrangement exists previous relationships developed with ARC have resulted in the iwi being allowed occasional use of park buildings, including ranger's houses. Furthermore, the recent Auckland Parks Management Plan anticipates greater participation in the Park's management by Ngaati Whanaunga. Under the heading Management focus (17.18.3) it states:

Opportunities for tangata whenua to strengthen their connection to the land, to provide for their hauora (long term wellbeing) and to be involved in the park management processes in ways which have particular regard to the practical expression of kaitiakitanga (Auckland Regional Council 2010).

4.2.5 Other arrangements

These are just a few of the legacy arrangements operating at the time of the establishment of Auckland Council. Others include co-governance agreements for places that are of particular significance to mana whenua, including Hamlin's Hill / Mutukaroa Regional Park and Trust Board, and the Te Pukaki Tapu o Poutueka Historic Reserve and Pukekiwiriki Pa reserves, both of which are managed by joint iwi - Council management committees.

Of a different nature is the South Auckland Marae Trust. This Trust has previously operated in association with Manukau City Council, its purpose being to assist and advocate for the wellbeing of the various Marae within the city. It has been continued by the new council and had its resources theoretically shared cross several of the new South Auckland community boards, its resources to be spent within their areas.

4.3 Legacy Plans

The new Auckland Council has inherited the regional policy responsibilities and statutory planning documents in addition to the District Plans of Auckland City, Franklin District, Manukau City, North Shore City, Papakura District, Rodney District, and Waitakere City.

As part of this research a review was undertaken of Maaori provisions within the statutory plans of each of the legacy councils within the Auckland region. It should be noted that a thorough evaluation of each planning document was not possible nor anticipated within this research.

A table with extracted text of the Maaori provisions from each of the Auckland legacy council RMA plans has been created in order to gain some overview of this. Auckland Council planning staff had begun this exercise, they created a table in MS Word, that included for each of the RMA plans Maaori Issues, Objectives, and Policies. This was expanded here to include plan Methods, Anticipated Environmental Results, and monitoring provisions, and each of the plans was further evaluated for Maaori-relevant provisions.

The table is attached to this report as Appendix 2, produced as a MS Word document so as to be printable. However, readers are advised that the document is 92 pages at A3 page size.

4.3.1 Maatauranga Maaori

It is noteworthy that the term "maatauranga Maaori" does not appear once in any of the Auckland region's plans, each of which remain operational at this time. This can be seen to be a result of the absence of any reference to maatauranga Maaori within the legislation guiding the production of those plans, or in National Policy Statements of the day.

However, the absence of reference to maatauranga Maaori does not reflect a lack of Maaori values-related provisions. As previously discussed, many kaitiakitanga and tikanga Maaori-related provisions are equally relevant to maatauranga Maaori.

There are a few early plans providing for Maaori knowledge or tikanga Maaori and similar terms in a manner that clearly involves maatauranga Maaori. For example the Auckland Regional Plan - Coastal (Auckland Regional Council 2004) includes Objective 6.3.2:

To sustain the mauri of natural and physical resources of the coastal environment, and to enable provision for the social, economic and cultural wellbeing of Maori.

One of the policies intended to achieve the objective is Policy 6.4:

Where appropriate, the ARC will involve Tangata Whenua in the resource management process where decisions are being made on issues of significance to Tangata Whenua concerning ancestral taonga or tikanga Maori by:

- a. taking into account any relevant Iwi planning document recognised by an Iwi authority; and*
- b. encouraging applicants to consult the appropriate Tangata Whenua prior to submitting any proposal for a plan change or a resource consent application; and*
- c. consulting the appropriate Tangata Whenua on any proposal for a plan change or any relevant resource consent application; and*
- d. where Tangata Whenua are an affected party, providing for tikanga Maori and marae hearings where appropriate, and for the use of Maori language in statutory procedures; and*
- e. providing for tikanga Maori and marae hearings on the request of the applicant, where Tangata Whenua are the applicant; and*
- f. providing for the appointment of a person with recognised expertise in tikanga Maori to any hearing committee where ancestral taonga or tikanga Maori is a significant issue to Tangata Whenua; and*
- g. recognising the importance of Maori customary, cultural, or traditional knowledge; and*
- h. enabling Tangata Whenua to participate in the assessment of the effects of any activities on relationships with ancestral taonga, including access to, or use of, ancestral taonga.*

Several of these are clearly maatauranga dependent. Another example of an objective, policy and methods combination with a range of maatauranga relevant aspects is found under Objective 3.A.3.1 of the Manukau Operative District Plan, being:

To have regard to tangata whenua's right to exercise rangatiratanga and kaitiakitanga over ancestral lands, waters, sites, waahi tapu and other taonga.

Policy 3.A.4.1 - Tangata whenua should be enabled to fully participate in resource management processes and actively consulted in a way that:

- (a) Fosters partnerships and relationships with representative tangata whenua authorities (including iwi authorities);*

- (b) Avoids models which lead to adversarialism;*
- (c) Recognises and respects marae authority and affiliations;*
- (d) Respects the role of kaumatua;*
- (e) Acknowledges historical circumstances and impacts on resource needs;*
- (f) Respects tikanga Maori (Maori customary values and practices).*
- (g) Acknowledges the rights of hapu to speak and act on matters that affect them.*

Note the range of methods provided:

- *Requirement (in General Procedures and Rules Chapter 5) to ensure that the assessment of effects for development includes an assessment of effects on tangata whenua;*
- *Council contracts for resource management services with representative tangata whenua authorities;*
- *Co-management with tangata whenua of taonga that are in Council's ownership (e.g. areas zoned public open space such as Mangere Mountain, Hampton Park Otara);*
- *Appointment of tangata whenua as Planning Commissioners;*
- *Appointments to Council staff, e.g. Maori Liaison Officer;*
- *Memoranda of Understanding with representative tangata whenua authorities;*
- *Investigate opportunities for resource management committee hearings to be held on marae where appropriate;*
- *Allow harvesting of indigenous plants on public open space for cultural purposes through harvesting permits (e.g. Imrie Avenue Reserve, Mangere);*
- *Support resource management initiatives of tangata whenua;*
- *Investigate transfer of powers to tangata whenua pursuant to Section 33 of the Act;*
- *Services — e.g. Training and Education on Resource Management Act;*
- *Educational workshops for Council officers in Tikanga Maori , Te Reo Maori and the Treaty of Waitangi.*

4.3.2 Other Maaori provisions within Auckland legacy RMA plans

There are many examples of tikanga Maaori-related provisions in the legacy plans. Most of the Auckland legacy councils' plans contain tikanga related provisions. The bulk of references to tikanga are included within high level statements of Issues, or included under the headings Reasons and Explanations.

An attempt has been made to include all legacy plan Maaori provisions in Appendix Two, entitled *Table of Auckland Legacy Plan Maaori Provisions*, which is attached to this report.

This table was started by Auckland Council planning staff, who identified Maaori-specific objectives, policies, and methods. It was expanded as part of this research to include Maaori-related content in non-Maaori-specific parts of the various plans, and also to add Anticipated Environmental Results, and other monitoring and reporting provisions. As discussed above, inclusion of these elements is considered critical in order to gain an overall view as to likely plan effectiveness.

I make a few general observations now regarding legacy plan provisions.

Replication of the RMA

Most of the plans follow the trend, discussed elsewhere in this paper, of replicating the primary RMA Maaori provisions; ancestral relationship (section 6e), kaitiakitanga (7a), and Treaty principles (8). We see in almost all the plan provisions relating to heritage some dealing with waahi tapu. Most of the plans have provisions for marae, and several relating to papakaainga.

A few of the plans include the intention to consider transfers of powers (Manukau City Council 2002) or delegations (Waitakere City Council 2003

) to iwi/Maaori, taking their lead from the RMA and first NZ Coastal Policy Statement. But this has not occurred at all in Tamaki Makaurau.

Others provide for iwi management of council reserves (Papakura District Council 1999), and this is one area where iwi have secured a greater level of management-level involvement.

The quality of the policy "cascade"

A reported weakness in many plans is that of the failure of the intentions for high-level plan provisions to cascade down the plan levels; identified issues, objectives, policies, methods, evaluation (Day, Mason et al. 2009).

An assessment of Appendix Two demonstrates the extent to which these share a failure of their Maaori provisions cascading down through the policy hierarchy.

There is a wealth of text to the left of the Word document table, inconsistent numbers of policy and methods, and minimal provisions to the right in the two columns headed Anticipated Environmental Results, and Monitoring.

A related issue is that of internal plan mapping logic. plan mapping logic refers to the ease with which users can navigate the plan, being presented with any relevant provisions, either between policies and objectives or down the policy cascade (Laurian, Day, Berke, Ericksen, Backhurst, Crawford and Dixon 2004). These are both important factors toward plan usability, and thereby influence likely effectiveness of plans.

Implementation - Methods

As observed elsewhere in this paper, a critical stage at which plans let iwi down is in their implementation. A key factor in the extent to which plans are implemented is the number of methods that councils make available to their decision makers for achieving stated objectives. It is noteworthy that the legacy plans considered each has weakness in terms of the number of plan Maaori issues, objectives, and policies that do not have adequate corresponding methods, anticipated environmental results statements of some sort, and means by which provisions and outcomes are to be measured and evaluated.

There is a need for sufficient range of methods being made available to decision makers so as to address likely circumstances encountered, and the use of Other Methods so that methods might be employed that are not necessarily known.

Outcome evaluation

Little information has been gathered regarding the state of the environment from a Maaori perspective, and what has been collected is inconsistent and fragmented across the region.

An assessment of statutory plans undertaken as research for a recent contribution to the latest State of the Hauraki Gulf Report (Hauraki Gulf Forum 2011), and for Te Puni Kokiri (Kennedy 2009) found that the various councils that make up the Hauraki Gulf catchment have undertaken little credible evaluation of the effectiveness of their Maaori provisions.

This is linked to the lack of Maaori outcomes or monitoring provisions included in RMA and LGA plans, and additionally to the fact that those outcomes that are included have largely been drafted without substantive input from tangata whenua.

This is information, it is argued here, that you would want to evaluate when embarking on the writing of a large number of new planning instruments as is currently the case in Tamaki. Maaori outcomes, and associated maatauranga-based indicators, are discussed at length in Chapter 7.

Clarity of provisions

Many plan provisions considered bundle elements of RMA sections 6e, 7a, and 8 into an overarching Maaori objective. This is a familiar pattern in reading through the various Auckland area legacy plans.

Instead provisions should provide for the protection of taonga Maaori, including lands and waters, separately from providing for the ancestral relationship of Maaori with those taonga, as per the wording of Section 6(e). A failure of provisions to distinguish between these two factors is common.

Avoid, remedy, or mitigate

The objective provides no additional obligation in relation to taonga than that imposed by the RMA itself, adopting as it does the triple option for developers to simply avoid, mitigate, or remedy any negative development effects.

As we have seen after 20 years of the RMA, developers will mitigate to get around any issues they can't easily avoid, more often effects are proposed to be remedied so that pre existing conditions are restored, but often mitigation is the preferred option.

Plan provisions need to make a clear statement that development should avoid effects on taonga Maaori. Only where this is not possible should the lesser approach to remedy effects be permitted, with mitigation a last resort. Given that the balancing provisions of the Act will weigh Maaori concerns regarding taonga against many other matters it is important that plans elevate the expectation that Maaori interests will prevail.

Maaori values stereotypes

A factor common to all Auckland council legacy plans is the tendency to pigeonhole Maaori issues against a narrow range of Maaori-specific issues. In particular these include heritage, Treaty or Maaori issues, and water-related sections.

This oversimplification reflects commonly held notions as to the relevance of Maaori values and interests as these relate to environmental resource management.

In contrast, all areas of planning and resource management have implications for, and potential impacts on, Maaori. Plans need to reflect this, either by including Maaori-specific recognition within all sections, or by clearly linking relevant Maaori provisions between sections.

Waahi Tapu

Worthy of particular mention, Waahi Tapu, and heritage generally, is probably the Maaori issue most consistently addressed in Auckland legacy RMA plans.

There are so many waahi tapu / heritage related provisions between the many Auckland heritage plans that in drafting new unitary provisions the authors have plenty of locally relevant examples.

However, as previously mentioned, there are few monitoring provisions relating to waahi tapu, and it would appear to be the case that this has resulted in fragmented and inadequate data with which to allow credible waahi tapu outcome evaluation across the Auckland region.

Plans commonly refer to striving for no "net loss" of various resources. It is noteworthy that this approach has been used in relation to waahi tapu and ancestral sites. There can be no net loss of these taonga as they are irreplaceable, any loss is a loss.

4.4 Non RMA Plans

Several non-RMA plans warrant mention here in terms of their particular treatment of maatauranga Maaori.

2000 Waitakere City Wellbeing Strategy

There are occasional references to maatauranga in non-statutory documents of legacy Auckland councils, an example being the 2000 Waitakere City Wellbeing Strategy. There is a strong Maaori component to the strategy, which identifies the following key issues for the Maaori community of the city, listed in order of priority. These included several maatauranga-related "issues", but not maatauranga itself as an issue.

It puts forward a wellbeing model called the Wairua model, according to which "The human environment is a part of the natural environment and "wairua" the spiritual element underpins everything". The model identifies four classes of wellbeing under the headings; social wellbeing (Te taha wairua), emotional wellbeing (Te taha ngakau), physical wellbeing (Te taha tinana), and mental wellbeing (Te taha hinengaro).

Each of the wellbeing categories lists several kaupapa, with those for the mental wellbeing being; Maatauranga – knowledge, Education, Waananga, Professional and Craftsmanship. There is no further elaboration on maatauranga Maaori or its relevance to wellbeing.

Auckland Regional Parks Management Plan 2010

The Auckland Council inherits the management of more than 4,219 parks covering 83,164 hectares, or 16.6 per cent of the Auckland land area. 26 of these were inherited as regional parks, covering more than 40,000 hectares (Auckland Regional Council 2009).

Ngaati Whanaunga took part in the drafting of the proposed Regional Park Management plan in 2010 and had arrived at comprehensive wording for the Waharau park and others regarding the place local iwi and hapuu should play. The finally adopted version was a fair improvement on the earlier one, but had dropped a proposed Treaty of Waitangi reference.

The second generation Auckland Regional Parks Management Plan includes several references to maatauranga. For example the introductory paragraphs of Section 9 - Tangata whenua include the following:

The council wishes to contribute to tangata whenua ability to express their kaitiakitanga and enhance opportunities for tangata whenua to provide for their hauora (long term wellbeing) through the parks' network. This will range from identifying tangata whenua values and promoting these and tikanga (culture), kawa (traditions) and mātauranga Māori (traditional Māori knowledge), to increased consultation and joint kaitiaki projects such as pa harakeke (flax gardens) (Auckland Regional Council 2010).

While maatauranga Maaori is not explicitly included in the wording of the plan's policies, there are clear maatauranga Maaori related intentions expressed within its Maaori-specific objectives and policies. For example, the Tangata Whenua section Objective 9.1 reads:

a) To sustain the mauri (life force) of taonga within regional parks in ways which enable the significant place of tangata whenua to be acknowledged and their role as kaitiaki recognised.

b) To contribute to the hauora (long term wellbeing) of tangata whenua, by providing

for relationships and activities which enable the intergenerational transfer of tangata whenua knowledge and practices.

This objective is addressed by Policy 9.1.1, which has several maatauranga relevant strands, cited in full here:

Identify and recognise the customary relationship¹² of tangata whenua to the regional parks through:

a) identifying tangata whenua through consultation with iwi, commissioning human occupation reports and tangata whenua values assessments,

b) maintaining a list of iwi/hapū that are the tangata whenua for each regional park,

c) identifying, mapping and assessing tangata whenua values (ancestral lands, water, sites and landscapes of significance and other taonga) associated with each park,

d) exploring with tangata whenua, as part of the Regional Parks Te Mahere Hononga Māori – Māori Relations Plan (refer to policy 9.1.2 below), the opportunities for them to be involved in regional parks in ways which enable practical expression of kaitiakitanga, including but not limited to:

i) developing processes and tangata whenua capability and capacity so that tangata whenua can effectively contribute to council decision making (refer to Parts 10 16),

ii) enabling the appropriate recognition and consideration of tangata whenua traditional practices and protocols within parks management,

iii) continuing to enable the use of non-threatened materials for cultural use by tangata whenua as a discretionary activity (refer to section 13.5),

iv) in consultation with tangata whenua, installing tohu tangata whenua (markers) on the regional parks to acknowledge cultural and spiritual

Several of the above-noted methods have clear maatauranga benefits. Furthermore, the explanation of the policy explicitly identifies maatauranga Maaori related intentions of the policy:

The development and strengthening of mutually beneficial working relationships between the council and tangata whenua will lead to greater protection and enhancement of park values. It will also enable tangata whenua to retain their connection to the taonga within the parks and ensure their tikanga, kawa and matauranga Māori is able to be passed on to future generations.

Again we see the bundling of provisions for tikanga, maatauranga, and Maaori relationships with ancestral lands and taonga. The Plan glossary defines maatauranga Maaori simply as "Māori traditional knowledge".

The Draft Auckland Regional Policy Statement

The previous proposed second generation draft Auckland Regional Council RPS (Auckland Regional Council 2010) intended several maatauranga Maaori related provisions . It is expected that the new Council will consider this in its drafting the currently proposed Auckland Unitary Plan.

Auckland Council's planning team putting together the Unitary Plan reported that they had considered the draft RPS and the Mana Whenua forum's contribution to this when drafting the new plan. There was one maatauranga related objective intended:

Objective 4.2.2; To enhance the mauri of the region's natural and physical resources by ensuring that tikanga Māori and mātauranga Māori are properly reflected, and accorded sufficient weight in resource management decision making.

Mātauranga Māori - Mātauranga Māori is commonly translated as Māori knowledge, but is a wider concept than this. Mātauranga refers to Māori ways of knowing and of conceptualising our world. The following extract confirms the important position whakapapa holds in terms of a Māori world view, and provides an explanation of the changing use of mātauranga:

Mātauranga Māori is created by Māori to explain their experience of the world. Mātauranga Māori was traditionally created with the view that the earth was Papatuanuku, the sky was Ranginui and the world in which we currently reside is called Te Ao Marama. Mātauranga Māori, like Kaupapa Māori, is not new. It has been created and maintained for centuries in this country. What is new is to see it in contrast to other disciplines of knowledge, including Western forms of knowledge (Institute of Indigenous Research and Te Ropu Rangahau Hauora a Eru Pomare, 2000).

(Taken from Version 3: April 2010 of the Draft Auckland Regional Policy Statement - 4.2)

4.5 Outside of Auckland examples

There are few references to maatauranga Maaori in first generation RMA plans. There are a fair proportion, however, that include tikanga references and other provisions that clearly relate to Maaori knowledge and world views. A few notable examples of maatauranga-related provisions are considered here. These are included as examples of existing maatauranga Maaori wording, and are not claimed to be best practice examples.

Horowhenua District Plan

As early as 1999 the Horowhenua District Plan included the following Maatauranga-specific policies (Policy 4.10):

Provide for the inclusion of mātauranga Maori (traditional Maori knowledge) in the creation of any reserve network.

However, there are no identifiably corresponding maatauranga-related methods, with which the policy might be realistically implemented, nor associated Anticipated Environmental Results or similar provisions by which Council might assess the effectiveness of the policy.

Policy 4.27 reads:

Recognise and respect the role of Mātauranga Māori (traditional Maori knowledge) in expanding the community's knowledge of the value of the natural environment.

Setting aside the fact that tangata whenua are more likely concerned with the extent to which maatauranga Maaori might contribute to managing the natural environment than educating the community, in contrast to the previous example there are several credible methods listed with which staff and decision-makers might implement Policy 4.27, in particular:

- *Council will regularly meet with tangata whenua to help understand the cultural value of the natural environment.*
- *Tangata whenua involvement in natural environment projects will be welcomed.*
- *Council will consult with tangata whenua as appropriate on development proposals to determine cultural effects and any methods to remedy , mitigate or avoid these effects.*

As previously discussed, plan Anticipated Environmental Results, or similar mechanisms, are important as a means of evaluating the effectiveness of council policies toward achieving overarching stated objectives. A series of anticipated environmental results is that relate to objective rather than its associated policies. These include statements about an improved natural

environment and community involvement. Only two are Maaori-specific and might be seen as reflecting the above-noted policies, these are:

- *The involvement of tangata whenua in natural environment issues.*
- *Particular regard to Kaitiakitanga.*

Despite the innovative wording of the policies, these AERs revert to the widespread tendency to paraphrase the Maaori provisions in the RMA, and offer little as practical measures of the effectiveness of incorporating Maatauranga Maaori in decision-making.

Bay of Plenty Regional Water and Land Plan

The *Bay of Plenty Regional Water and Land Plan* (Environment Bay of Plenty 2008) is another of few plans encountered that includes maatauranga specific provisions. In subsection 2.1 *Kaitiakitanga, 2.1.4 Methods of Implementation, Method 23* reads:

Support the establishment and maintenance of a community-based state of the environment monitoring programme that involves tangata whenua in their role as kaitiaki, using the Ministry for the Environment's Maori environmental performance indicators, matauranga Maori, and other relevant initiatives.

As discussed later in this paper, Maaori cultural indicators are one of the most powerful means of applying maatauranga toward environmental management.

The Coromandel Blueprint

While not specifically mentioning the term maatauranga Maaori, the Coromandel Blue print can't be ignored in the current investigation because it represents a substantial achievement in the incorporation of a Maaori world view in a council planning document.

The Coromandel Blueprint can be compared with the Auckland Plan as both are forward-planning spatial plans. While technically both are non-statutory plan.

However, it differs from the Auckland plan in that the summary document - *He Tauira mo te Tara o Te Ika a Maui - He Whakarapopototanga* - was released both in English, and fully in te reo Maaori (Thames Coromandel District Council 2010).

The two main volumes of the plan have not been fully translated, however these do include some Maaori-specific provisions, including identification of kawa as an environmental management framework. The Blueprints future outcomes are included both in English and Te Reo Maaori.

The Blueprint also differs from other statutory plans considered in this report, in that it was a multi agency collaboration. A governing committee was established comprised of two representatives each from the local and regional councils, Department of Conservation, and for Hauraki Maaori, who were referred to thereafter within the project as "Hauraki Whanui".

While Ngaati Whanaunga participated in the project, the Blueprint generated complaints from some of the 11 iwi of the district regarding the manner in which the local council determined Maaori representation without consulting iwi. This resulted in approximately half of local iwi not participating in the Blueprint project in any capacity.

4.6 Second Generation Plans

Some second generation statutory plans, however, are including maatauranga-specific recognition. This is likely a response to the recent reference to maatauranga in the second National Coastal Policy Statement. This supports the preceding discussion regarding the influence of the previous absence of references to maatauranga in legislation and high order statutory planning documents.

Two neighbouring regional council policy statement drafts have recently been released for consultation. Submissions have been received but we are yet to see final versions adopted.

Draft Bay of Plenty Regional Policy Statement 2010

The Bay of Plenty Regional Council includes brief recognition of maatauranga Maaori as one of many Criteria for Assessing Matters of National Importance in the Bay of Plenty Region (Appendix F), stating under the heading Whakaaronui o te Wa/Contemporary Esteem, at 4.6; He waahi rongonui tera ki nga Maaori, ara, he whakaahuru, he whakawaihanga, me te tuku maatauranga. This is translated as; The place has special amenity, architectural or educational significance to Maaori (Environment Bay of Plenty 2010).

It is noteworthy that the appendix includes direction in terms of English versus Maaori texts, writing: In the event of any conflict in meaning between the Maaori and the English versions of the Maaori culture and traditions criteria, the Maaori version shall prevail.

Bay of Plenty Regional Policy Statement (Heritage Criteria) - User Guide

It is common still in planning decision making for preference to be given to expert evidence in a range of western fields over indigenous knowledge including maatauranga Maaori (Wills 2005; Aikenhead and Ogawa 2007; Waitangi Tribunal 2011).

There are few examples of statutory plans that specifically address the issue of Maaori expertise, one noteworthy example is the Bay of Plenty Regional Heritage Criteria) User Guide (Environment Bay of Plenty 2005). Section 7.3 of the plan, *Recommendations for Consultation* includes:

6. Maori people often identify pukenga during consultation so resource consent applicants should be aware that members of the group being consulted may include pukenga (in many instances pukenga themselves will have a relationship with the affected area).

Who are Pukenga?

Maori people often choose people they can rely upon to help them identify and assess significant heritage values and places. Long ago these people were called pukenga. Pukenga were necessary in traditional Maori environmental management systems as they were experts with specialist knowledge about matters of environmental importance. Each hapu and whanau had their own pukenga or tohunga (experts) who specialize in their respective fields. Some were expert in whakapapa (genealogy), others in whakairo (carving), rongoa (natural medicines), kaitiakitanga (land use, conservation etc) and so on. Nowadays kaumatua (competent and knowledgeable people) often provide guidance on matters of heritage significance to Maori people and it is the depth of their knowledge that identifies them to their people as pukenga today.

Pukenga provide expertise in the various dimensions of Maori heritage, relationships, culture and traditions. Maori people that have a relationship with the affected area, including iwi, hapu and whanau, identify pukenga from their group to help them identify and assess the significance of their heritage values and places and the effects activities can have on those things. Pukenga therefore help their group to clarify issues and make recommendations and suggestions as to how resource consent applicants can avoid, mitigate or remedy the adverse effects of activities.

Sometimes an iwi or hapu will rely on information from pukenga that are not of their group but whom they consider to be capable of assisting them to identify and assess the relationship and values associated with the affected area. The important point to

remember is that it is only Maori people with a relationship with the affected area that will choose the pukenga they will rely upon to help them identify and assess significant heritage values and places.

The only other reference to pukenga identified in this research is in the much later 2010 NZ Coastal Policy Statement, which includes only this brief definition of pukenga:

Pūkenga A person skilled or versed in the customary and traditional knowledge, tikanga, arts, histories and genealogies of a particular iwi or hapū.

Proposed Waikato Regional Policy Statement 2010

The Proposed Waikato Regional Policy Statement (Waikato Regional Council 2010) includes several references to maatauranga (Waikato Regional Council 2010). It includes a short but useful explanation of tikanga Maaori and its relationship with maatauranga Maaori, and the relevance of these in terms of environmental resource management. An additional definition is provided in the RPS glossary, which reads:

Mātauranga Māori is traditional Māori knowledge - the body of knowledge originating from Māori ancestors, including the Māori world view and perspectives, Māori creativity and cultural practices.

Objective 3.2 of the Waikato RPS, Decision making, requires that Resource management decision making is holistic and consistent, followed by a list of 13 decision making directives. These include; (g) is based on the best available information, including maatauranga Maaori; and; (j) includes working with tangata whenua.

Section 4 of the plan, entitled *Integrated Management*, includes Policy 4.1, which requires an integrated approach to resource management. Amongst the 15 implementation methods there are few references to Maaori. Method 4.1.15 *Monitoring and information gathering*, lists 7 means by which Waikato Regional Council will monitor and gather information, including; e) *consider and integrate mātauranga Māori indicators and measures as part of the information and monitoring regime.*

In relation to the management of the region's fresh water bodies (Section 8) the RPS includes six implementation methods, including 8.1.4 *Tāngata whenua involvement*, which states:

Waikato Regional Council will work with tāngata whenua to develop systems and processes to:

- a) adequately involve tāngata whenua in the management and decision making regarding water bodies and associated ecosystems;*
- b) identify values and interests in water bodies and associated ecosystems; and*
- c) develop monitoring programmes (including mātauranga Māori) to monitor the achievement of identified values of water bodies*

Policy 8.5, *Waikato River catchment*, requires decision makers to recognise Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River – as the primary direction setting document for the Waikato River. And to ensure that the health and wellbeing of the Waikato River is restored and protected for future generations. There are four associated implementation methods, 8.5.3 *Joint management approach*, states that Waikato Regional Council, in partnership with Waikato-Tainui, Ngaati Tuwharetoa, Te Arawa River Iwi, Maniapoto and Raukawa, will:

- a) establish monitoring programmes, which shall incorporate mātauranga Maori, to determine and monitor the health status of the Waikato River;*

Section 10, Heritage, includes three policies, each of which includes Maaori-specific provisions. Policy 10.2 *Relationship of Māori to taonga*, adopts the exact wording of RMA Section 6(e), reading; *The relationship of Māori and their culture and traditions with their ancestral lands, water,*

sites, wāhi tapu and other taonga, are recognised and provided for. There are four implementation methods, including 10.2.2 Identification of taonga:

Waikato Regional Council will encourage tāngata whenua to identify (using the criteria provided in section 10A) those areas, places, landscapes and resources of significance, including those with significant spiritual or cultural historic heritage values, and:

e) areas that should be monitored and the indicators to be used (mātauranga Māori) to measure the state of:

i) places, areas, sites or landscapes with significant spiritual or cultural historic heritage value;

ii) water bodies managed for cultural purposes;

iii) pātaka kai; and

iv) access requirements.

Subsection 10A, Historic and cultural heritage assessment criteria, includes Table 10-2, Māori culture and traditions assessment criteria. Of the seven criteria provided, one is the same as that cited above in relation to Criteria for Assessing Matters of National Importance in the Bay of Plenty Region.

Finally, section 15, *Monitoring and evaluation*, includes the following explanatory paragraphs in relation to tangata whenua involvement (15.3):

The state of the region's natural resources and effects of their use are of vital interest to tāngata whenua of the region. Some indicators of natural resource and ecosystem health are either more efficiently measured at the community level or relate to concepts that there are, as yet, no scientific equivalent measurements, for instance matters involving mātauranga Māori and the mauri of natural resources. In the future, methods will need to be developed for cultural health indicators and it is anticipated that the design and implementation of monitoring programmes will involve tāngata whenua.

Waikato Regional Council is running RPS hearings February to May 2012, with a view to resolving issues and adopting the RPS soon after that date.

Waikato RPS Strikethrough version

At the time of completing this paper there is a publically available strikethrough version of the proposed RPS incorporating changes following a staff report to council on submission received. Maatauranga Maaori would appear to fair well under the redrafting.

There are few changes from the above-discussed RPS relating specifically to Maatauranga Maaori. These are brief and shown in full here. Amendments made are shown below with strikethrough showing text removals and underlined text added.

Objective 3.8, Relationship of tāngata whenua with the environment (Waikato Regional Council 2012), is:

The relationship of tāngata whenua with the environment is recognised and provided for, including:

a) ~~the provision for use~~ providing for the use [42.5] and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Maori: [87.2]

b) the role of tāngata whenua as kaitiaki.

In the integrated management section implementation method 4.1.6 *Advocacy and education* states that Waikato Regional Council will promote an integrated approach to resource management, including by:

e) advocating for consistent application of best practices standards and processes, including best practice tikanga and matauranga Maori; [87.6]

There is a slight change to proposed implementation 4.1.15 *Monitoring and information gathering*, whereby Waikato Regional Council will:

e) ~~consider~~ identify [198.22] and integrate mātauranga Māori indicators and measures as part of the information and monitoring regime;

Similarly the following sections are currently proposed for amendment in the final RPS:

*4.3.3 Kaitiakitanga - Local authorities should work with tāngata whenua to develop:
e) ~~by establishing~~ [198.27] protocols for information sharing and transfer including matauranga Maori. [87.10]*

Implementation method 8.5.4 *Education and advocacy*, states Waikato Regional Council will collaborate with the new Waikato River Authority to:

e) promote the development and adoption of best practice methods including matauranga Maori [87.30] within the Waikato River catchment to restore and protect the health and wellbeing of the Waikato River.

And in Natural Hazards, 13.1.5 *Information, education and advocacy* whereby Waikato Regional Council will:

*c) advocate for:
ii. the use of best practice approaches, including matauranga Maori, [87.40] to natural hazard identification and management of the associated risks.*

It would appear that there is some strengthening of maatauranga Maaori provisions proposed in the staff-revised post submission version of the Waikato RPS.

However, it is difficult to anticipate the effectiveness of the current draft plan provisions, given the experience to date, whereby apparently adequate plan provisions have failed to be implemented. Accordingly no position is expressed here as to the overall quality of the Maaori provisions within the draft Waikato RPS.

It is notable that there are several references to maatauranga Maaori. However, it is observed that the RPS reflects a widely reported tendency for statutory plans to restrict Maaori provisions to a narrow range of environmental and planning issues, despite there being clearly expressed interests and relevance across most or all areas (Jefferies, Warren et al. 2002; Kennedy and Jefferies 2009).

5 Auckland Council

The new Auckland Council as established under the *Local Government (Auckland Council) Act 2009*, referred to hereafter as the Auckland Council Act.

Auckland Council has been selected here as a case study for a number of reasons. Firstly, Council is unique in that it operates under guiding legislation that establishes an independent Maaori Statutory Board, which has responsibility for promoting issues of significance for Maaori, and for ensuring that the Council acts in accordance with its Treaty of Waitangi obligations.

Tamaki is under scrutiny at the moment also as the Crown engages on a range of attempts at settling Treaty breaches, these will transform the Auckland region landscape in terms of Maaori participation in local planning, industry players, and as land owners. These discussions include co management and governance of lands and transfers of title. Council's who have resisted transfer and devolution of functions and powers available to them for 20 years, have finally been encouraged to sit at the joint management table and to develop instruments like MOUs to assist with this.

Auckland Council offers us an opportunity to consider how effective the various planning approaches for Maaori of legacy councils were, and to learn from these experiences in approaching the new planning regime. However, as reported below, this has largely not occurred.

Council is currently engaged in the substantial task of developing an entirely new planning regime incorporating more than 700 new plans and policies. Council needs to take into account a wide range of maatauranga Maaori related provisions from legacy councils, and reflect these and statutory obligations to Maaori across this new range of planning instruments.

Auckland might be viewed as something of a blank canvas in terms of its planning provisions for Maaori, and an opportunity to implement ground-breaking inclusion of tikanga and maatauranga Maaori within its statutory planning framework. This paper considers the inclusion of maatauranga Maaori, and provision for Maaori interests and values, in this context.

5.1 Challenges for a unitary authority

There are issues relating to Maatauranga Maaori and provision for Maaori values, perspectives and participation in urban planning that are of concern under a unitary authority. While it was predicted that a single large Auckland Council would face challenges in terms of overall Auckland regional governance (Cayford 2011).

For most of the country these various management functions are undertaken by a combination of local and regional councils, and this has often been found by tangata whenua to provide a balanced approach to processes such as plan changes or resource consents. In Auckland now there is just one, and Auckland Council (often in the form of subsidiary organisations) will apply to itself for resource consents.

5.1.1 Roles of local and regional councils

Regional councils and unitary authorities have responsibility for 'regional' environmental management functions, but only unitary authorities have sole responsibility for both regional and territorial authority functions under the RMA and other statutes (Parliamentary Commissioner for the Environment and Auditor-General 1999).

Regional councils and unitary authorities are required under section 30 of the RMA to establish, implement and review objectives, policies and methods to achieve the integrated management of the natural and physical resources of the region.

In addition, under s 31 of the RMA (functions of territorial authorities), a unitary authority must also establish, implement and review objectives, policies and methods to achieve integrated

management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Differences of opinion between local and regional councils

Potential issues arise from having authority in terms of use and management of both the natural and built aspects of the environment, as defined in New Zealand planning and environmental resource management legislation. These include issues specific to Maaori interests and values.

Both local and Regional councils have traditionally had a balancing or moderating effect on each other. Regional councils have been seen to have taken an environmental advocacy position, for example by submitting against or even appealing district council consent decisions and plan provisions. It is uncertain whether departments within a single council take action if necessary against other departments if no internal solution were found.

It is clear that the regulatory and decision making responsibilities are required to be kept separate (LGA 2002 39.c), but to what extent will departmental influence occur. The potential exists for elected representatives or upper management to prevent such intervention taking place between council departments despite likely environmental effects.

Conversely, we might expect to see greater communication within a single council resulting in proposals more regularly being modified so as to satisfy inter-departmental concerns, with issues being addressed to the satisfaction of those sections of Council undertaking what were previously regional and district council roles?

Concerns have been expressed within the planning discipline regarding the potential loss of a "second line of defence" in insuring minimal environmental effects of consented activities.

Regarding the prospect of a unitary authority the Royal Commission on Auckland Governance found as follows (Royal Commission on Auckland Governance 2009):

26. The Commission concluded that the establishment of a single, region-wide unitary authority would help achieve strong and effective Auckland governance and overcome current fragmentation and coordination problems. It would allow for much more decisive and visible leadership. Other benefits include advantages of scale in relation to service delivery, infrastructure, investment, and coordination of logistics.

27. At the same time, the Commission was concerned not to create an organisational monolith, unconnected to the people it serves. With this in mind, the Commission considered carefully a number of variations of a two-tier model comprising a unitary authority with additional representation at a local level. The Commission concluded that having up to 20 community councils, as a number of submitters proposed, would be costly to establish and run, and disruptive to existing staff and services. The conclusion was borne out by independent financial analysis undertaken for the Commission by experts Taylor Duignan Barry.

28. After careful consideration, the Commission opted for a smaller number of local councils, based in most respects on the existing council boundaries – following the principle of building on existing institutional arrangements where possible.

As discussed in the 1999 PCE and OAG report *Local Government Environmental Management - A Study of Models and Outcomes* (Parliamentary Commissioner for the Environment and Auditor-General 1999) the potential exists for additional conflicts of interest arising from the unitary status:

Unitary authorities are strongly aware of the need to separate environmental management (regulatory) functions from asset management and service delivery functions to avoid conflicts of interest where the authorities may be both the regulator and the regulated. If these functions are not clearly separated there is a risk that resource users and public confidence in the consent process, as well as the

compliance and enforcement system, will suffer.

5.1.2 What particular difficulties does being a unitary authority present in terms of maatauranga Maaori?

The above-noted factors arising from the unitary status of Council are relevant to Maaori as well as the wider community. However, the fact that Auckland Council is a unitary authority may present Maaori-specific issues in terms of effectively incorporating tikanga and maatauranga Maaori provisions across Council's planning and policy framework, and with giving effect to these.

These are discussed in the sections below, but a simple observation is that the experience of Maaori will now be uniform across the whole of Tamaki Makaurau, whereas previously iwi had to maintain engagement with 8 different councils, and experienced substantially different treatment of Maaori rights and values across the planning instruments of those councils. This was a substantial administrative burden on iwi with varying capacity to participate.

Under the new arrangements iwi/Maaori values will either be well provided for, or not, by a single council. Early indications are that Tamaki Makaurau Maaori will be better served.

5.2 Te Waka Angamua - the Maaori Strategy and Relations unit

Council has a dedicated Maaori strategy and relations unit - Te Waka Angamua. The unit is comprised largely of staff from previous legacy council Maaori relations teams and has a wealth of institutional knowledge.

Māori strategy and relations team assists the council in meeting Treaty of Waitangi obligations, and is described as being the department responsible for all Māori-specific policy, planning, research and evaluation, stakeholder engagement, relationship management, bicultural development and training, and Māori protocol and process information and activities.

The team has three distinct arms; Pou Whaingā the policy and strategy unit, Pou Hononga, the relationships unit, and Pou Tikanga the protocols unit.

The relationships unit is responsible for stakeholder engagement and management, and facilitating relationships between Māori and the council. Establishing best practice processes for engaging and consulting with tangata whenua and the wider Māori community.

Te Waka Angamua has undertaken to develop the frameworks described below, and to actively ensure that these are incorporated across the whole of Council. The team has produced reports, that are discussed in this paper, that seek to influence the development of all Council planning instruments so as to include strong Maaori provisions. However, the Auckland Plan example, described below, indicates only limited success in this regard. Given the widely observed failure by council to monitor and report on plan and environmental outcomes, it is significant that Te Waka Angamua has stated an undertaking to be involved in monitoring, research and evaluation in order to provide robust, timely and accurate advice and feedback.

5.3 The Independent Maaori Statutory Board

An important new development representing a difference between Auckland Council and all other councils is the Independent Maaori Statutory Board. Established by the Council's empowering legislation, the Board maintains independence from the Council, from which it receives operational funding.

The IMSB represents perhaps the best existing opportunity for elevating things-Maaori within council decision-making, and it is accordingly considered at some length here.

However, the constitution of the Board has been criticized for its failure to provide individual representation for each of the iwi of Tamaki Makaurau (Forbes 2010; Tahana 2010). Its

membership is made up of 2 mataawaka representatives and 7 mana whenua representatives, despite there being 18 iwi within the region (according to Auckland Council).

On this basis only approximately 1 of 3 iwi have a sitting representative at any particular time. These are appointed by a selection body made up of mana whenua group representatives, whose sole function is to appoint members to the board. In contrast, each mana whenua group is able to choose 1 person to be its mandated representative on the selection body.

The purpose of the Board (*Section 81*) is to assist the Auckland Council to make decisions, perform functions, and exercise powers by:

- (a) promoting cultural, economic, environmental, and social issues of significance for—*
 - (i) mana whenua groups; and*
 - (ii) mataawaka of Tamaki Makaurau; and*
- (b) ensuring that the Council acts in accordance with statutory provisions referring to the Treaty of Waitangi.*

Section 84.1 describes the board's general functions:

- (a) to act in accordance with its purpose and functions and to ensure that it does not contravene the purpose for which it was established:*
- (b) to develop a schedule of issues of significance to mana whenua groups and mataawaka of Tamaki Makaurau, and give a priority to each issue, to guide the board in carrying out its purpose:*
- (c) to keep the schedule up to date:*
- (d) to advise the Auckland Council on matters affecting mana whenua groups and mataawaka of Tamaki Makaurau:*
- (e) to work with the Auckland Council on the design and execution of documents and processes to implement the Council's statutory responsibilities towards mana whenua groups and mataawaka of Tamaki Makaurau.*

The IMSB has had an immediate impact on the activities of Council, continuously engaging at multiple levels. The Board, as discussed elsewhere in this paper, has as a primary concern improving the relationships between the new council and the iwi of the region.

The Act states that the Board is independent of the Auckland Council (82.2) and not required to accept direction from any person. Section 82, is entitled Board independent:

- (1) The board is a body corporate separate from—*
 - (a) the Auckland Council; and*
 - (b) the board's members; and*
 - (c) the selection body; and*
 - (d) the mana whenua groups represented on the selection body.*
- (2) The board is independent of—*
 - (a) the Auckland Council; and*
 - (b) the mana whenua groups represented on the selection body.*
- (3) The board is not required to accept direction from any person.*
- (4) When members of the board are acting as members of the board, they must act in the interest of achieving the board's purpose and must not act in any other interest.*

But the ability of the Board to fulfil its purpose, as with tangata whenua participation generally, will be largely influenced by its capacity to do so (Day, Mason et al. 2009). Capacity includes capability and resourcing, and Auckland Council retains discretion over the level of funding the Board receives. In its first funding round the Board sought a determination from the High Court

regarding the validity of two consecutive decisions made by Auckland Council regarding funding for the Board where the amount was reduced from 3 million to 800 thousand dollars.

IMSB representation on Council committees

One of the most commonly sought after means of Maaori involvement in council decision making is via representation on the committees of councils that have responsibility over specific areas of authority. Tangata whenua primarily aspire to membership of those committees that have responsibilities relating to aspects of council.

IMSB members are provided seats on several Council committees under the Auckland Council legislation, being ones of particular significance to Maaori. These include the hearings, policy and strategy, and finance committees. This is intended to ensure a Maaori perspective is considered in decision making, and for Maaori members sitting at the table to ensure that whatever processes come over the table have had adequate Maaori engagement.

But there are several aspects of the IMSB that are problematic in terms of Council-Maaori relationships. What potential remains for example for mana whenua to have other input into decision making, are there other seats at the decision making tables for iwi? The potential for the IMSB to replace the previously functioning Tamaka Regional Mana Whenua forum is discussed above.

5.3.2 IMSB Reports

The Independent Maaori Statutory Board has undertaken/commissioned three separate research projects equip the Board and Council to better provide for Tamaki Makaurau Maaori, both mana whenua and mataawaka. One, the schedule of significance, is required under the Boards empowering legislation, the others are Board initiatives. Each is groundbreaking in terms of articulating Maaori rights and aspirations in relation to local authorities, and might be expected to stimulate similar expectations for iwi of their councils elsewhere.

Schedule of Issues of Significance to Maaori in Tamaki Makaurau

Section 84(1)(b) of the Auckland Council Act requires the Board to develop a schedule of issues of significance to Tamaki Maaori, and to keep the schedule up to date. The legislation imposes the questionable requirement that the Board give a priority to each issue, the purpose being to guide the board in carrying out its purpose.

The initial Schedule was completed in August 2011. It lists the eight established Treaty of Waitangi principles, these being: Reciprocity or recognition of the essential bargain, Rangatiratanga, Partnership, Active Protection, Options, Mutual Benefit, The Right of Development, and Redress.

The identified issues of significance are then grouped under one of the Principles. The Board acknowledges that most could fall under multiple principles, but reports that it has attempted to attach each issue of significance to the most directly relevant Treaty principle (Independent Māori Statutory Board 2011).

The initial 23 issues identified are; Engagement / consultation / inclusion, Access to justice, Kaitiakitanga, Waahi tapu protection, Maaori representation, Council controlled organisations, Resource consents, Infrastructure process / development, Regional planning and development, Community development, Customary rights, Youth development, Health, Urban Maaori authorities, Papakaainga housing, Marae development, Infrastructure, Rates, Affordable housing, Education, Economic development, Tourism, and Treaty settlements.

Recognition and treatment of maatauranga Maaori by Council is not included as an issue at this stage. However, several of the Treaty Principles are important in terms of protection of tikanga and maatauranga Maaori, primarily those of Rangatiratanga, Active Protection, and Options.

Furthermore, several of the issues identified are relevant to the consideration of maatauranga in planning, in particular Kaitiakitanga, resource consents, regional planning and development, health, and education.

It is noteworthy that none of these sections include specific mention of maatauranga, Maaori knowledge, or world views. Future amendments to the schedule might include such a maatauranga-specific issue, or discussion of the relevance of maatauranga to the above-mentioned issues, in order to elevate the significance to Maaori of appropriate recognition of maatauranga in Council decision making.

Treaty of Waitangi Audit

The Board, in line with its statutory responsibilities commissioned an independent audit of Councils performance in terms of Treaty of Waitangi obligations. This research was undertaken by Price Waterhouse Coopers (PWC).

PWC interviewed a large number of iwi and other Maaori organisation representatives, and investigated Council widely, particularly in those areas likely to be important in terms of Treaty and legislative obligations to Maaori under the various legislation under which Council operates. Council performance is assessed across ten themes or areas.

Council performance across all areas investigated was found to be substantially inadequate.

Four areas (Knowledge of Obligations, Policies, Consultation and Engagement, and Capacity) received a "significant" rating, the definition of which is:

A significant weakness or gap which is almost certain to compromise Māori legislative rights and should therefore be addressed as a matter of some urgency. Issues of this nature relate to fundamental weaknesses in the core building blocks of a robust control framework, or critical elements required to give effect to Treaty principles.

The remaining six areas measured (Processes Systems and Data, Roles and Responsibilities, Decision Making, Training and Awareness, Communication, and Monitoring) received a "high" rating, defined as *"A serious weakness or gap in process or control which is likely to compromise Māori legislative rights and should therefore be addressed as a matter of importance"*.

The single reference to maatauranga Maaori in the report relates to a the need for Māori knowledge and cultural awareness in Council's Libraries and Information department. A maatauranga Maaori course is referred to, being described as being designed for people working in libraries and includes the relevance of Te Tiriti o Waitangi to the development and delivery of library and information services and resources.

Some key findings from the report are included here.

Knowledge of Treaty principles, Māori legislative rights, requirements from Memoranda of Understanding (MoU) and service agreements is limited across the Auckland Council group ("Council"). It is therefore difficult for Council to ensure they meet their requirements.

Under the heading Training and Awareness the audit found that awareness of Te Tiriti o Waitangi and Māori legislative rights is limited across Council. CPW observed that the MS&R unit has developed a Maaori Learning and Development Strategy ("Strategy"), that is intended to be rolled out across Council. However, the report identified a number of unaddressed training needs in the Strategy.

As noted previously, the extent to which councils monitor and report plan effectiveness and environmental results is of particular importance to assessing whether Maaori outcomes are being achieved. The audit found that in the absence of effective monitoring processes, the Auckland

Council group's compliance with Treaty principles, Maaori legislative rights, requirements from MoU and service agreements will continue to be inconsistent. Observations relating to monitoring included:

- *Limited monitoring on the effectiveness of policies, processes and controls to ensure compliance with obligations to Māori*
- *Feedback and escalation channels have not been established*
- *Lack of short term key performance indicators and reporting*

The Maaori (wellbeing) Plan

The third research commissioned by the Board is a Tamaki Makaurau Maaori wellbeing study, the final product of which will be a Maaori wellbeing plan for Tamaki Makaurau.

It is not yet known yet what form the Auckland Maaori Plan will take, as it is still being drafted, with release intended by mid 2012. It is being developed by the Te Kotahi Research Institute at the University of Waikato under the guidance of Professor Linda Smith.

The research team has considered various potential approaches to an evaluation methodology, and these are reported in the document entitled *Te Toi Roa - Towards an Evaluation Methodology for Mana Whenua and Matāwaka Wellbeing in Tāmaki Makaurau*.

Te Toi Roa is intended to inform the development of an evaluation methodology for mana whenua and maataawaka wellbeing in Taamaki Makaurau, it does not include that methodology. Its purpose is further described as being to identify the issues associated with measuring wellbeing, to consider how Maaori outcomes and measures have been included in council planning documents, and to present a preferred approach for developing a framework of mana whenua and maataawaka wellbeing (Independent Māori Statutory Board 2011).

The document reports the vision for the upcoming plan as being to create “a healthy and prosperous Maaori community”, “Te Pai me te Whai Rawa o Tamaki”.

The research team has engaged with both mana whenua and mataawaka Maaori, as well as relevant Council staff in order to gather views and information to inform the plan. The Board reported its intentions for the plan (Independent Māori Statutory Board 2012):

The Maori Plan will assist the Board to monitor outcomes for Maori and articulate Maori aspirations for well-being into the work of the Auckland Council. This work will bring together all the previous work that Māori have contributed to Local Plans, add in the new ideas of communities through a series of engagement hui and design a unique plan that expresses Maori aspirations for well-being and outcome indicators that can be used to measure progress.

According to the Board the objective of the Maaori Plan is to take a snapshot of the current social, cultural, economic, and environmental well-being of Maaori in Auckland. The intention is that by then using this as a baseline the Board might mapping how changes develop over time. This in turn is expected to guide the Board in their decision making to better advocate for the needs of Mana Whenua and Mataawaka of Taamaki Makaurau.

Importantly, Council has acknowledged the above-noted IMSB plans in its draft LTP under the heading *Fulfilling statutory responsibilities to Māori* (2.3.4), indicating that these have been influential in arriving at the Maaori outcome in the Auckland Plan and LTP, writing:

Identification of the Māori-specific community outcome is underpinned by council's engagement with Māori through the development of the draft Auckland Plan as well as the board's own engagement with Māori through the initiatives identified above.

5.4 Council's planning framework and Maatauranga Maaori

A range of Maaori-specific provisions are being incorporated into the current Auckland Council second generation plans. The schematic below shows Council's intended planning framework.

5.4.1 The Auckland Plan

Auckland Council has a unique requirement to produce a spatial plan. This is currently in draft form awaiting release of a "decisions" version following public consultation.

The Auckland Plan is not a requirement of either the RMA or LGA, but of Auckland Council's guiding legislation, *the Local Government (Auckland Council) Act 2009* (LGACA)(2009). The role of the Auckland Plan is prescribed in the Act:

The purpose of the spatial plan is to contribute to Auckland's social, economic, environmental, and cultural well-being through a comprehensive and effective long-term (20- to 30-year) strategy for Auckland's growth and development.

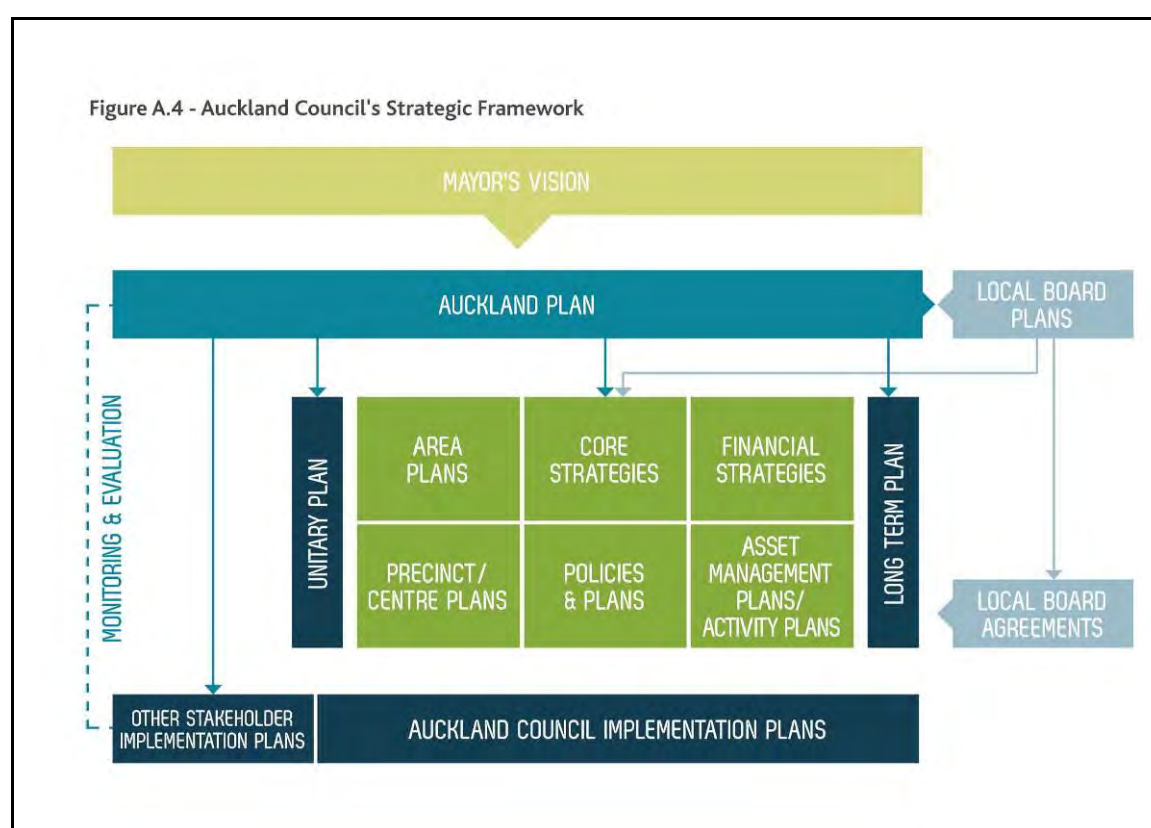


Figure Three - Illustration from Draft Auckland Plan showing Council's strategic planning framework

While not a RMA or LGA statutory plan, the Auckland Plan does have a bearing on Council's RMA and LGA statutory plans, as it is required to provide a basis for aligning the implementation plans, regulatory plans, and funding programmes of the Auckland Council (LGACA Section 79.3.d).

Currently in draft form, the Auckland Plan includes no substantive provisions reflecting maatauranga Maaori. Rather it includes a series of outcomes within Section C, entitled *Auckland's strategic direction*.

The plan then lists a series of principles Council undertakes to work by to achieve the outcomes (C.3), including one Maaori-specific principle reading "*Value te Ao Māori Acknowledge the special place of Mana Whenua and enable their participation in decision-making. Build lasting and reciprocal relationships with Auckland's Maaori*".

Still no mention of maatauranga Maaori. But the subsequent explanation of the principles includes the following reference:

The eco city concept is consistent with traditional Matauranga Māori and Tikanga understanding around sustainable living, and while having a strong focus on the natural environment, is also closely linked with the idea of a greener urban and rural economy.

Accordingly, maatauranga Maaori and tikanga Maaori do not feature as plan outcomes, nor as principles aimed at guiding Council in achieving its outcomes, but appear only by way of explanation.

We are not able to rely on the statutory plan hierarchy in terms of the Auckland Plan influencing meaningful maatauranga-related provisions in Council's other major plans, given the weakness of above-noted LGACA Section 79.3.d.

This contrasts with the RMA hierarchical directive, within which objectives and policies specified lower order policy statements and plans must give effect to objectives and policies specified in higher order ones (Sections 62(3), 65(6), 67(3), 73(4) and 75(3)).

However, the Draft Auckland Plan (Auckland Council 2011) states a commitment by Council to reflect Maaori considerations widely in its planning instruments. One of the targets for achieving the Plan's strategic direction being:

incorporate the values, culture and beliefs of the Māori people, in all Auckland related policies by 2020

The extent of consideration of maatauranga Maaori within the Auckland Plan is minimal, and seems to ignore the importance of maatauranga as articulated by Council's own Maaori Relations Team in the technical paper prepared to guide the Plan in terms of Maaori provisions entitled *Maori Policy and Strategy*.

That paper describes its purpose as being to provide the evidential support to the indicative Maaori policies in the Auckland Plan (Auckland Council 2011). It advocates a tikanga based approach to planning. While it does not specifically suggest provisions relating to maatauranga Maaori in the Auckland Plan, it describes the relevance of maatauranga in relation to a range of planning-related circumstances, and includes references to case law relating to maatauranga Maaori.

5.4.2 The draft Long Term Plan

Councils are required to adopt a Long Term Plan (LTP). Schedule 10 of the LGA requires councils to set out in their long term plans what they intend to do to foster Māori capacity to contribute to decision-making processes and include in their annual reports a statement on what has been done to foster that capacity.

Like the Auckland Plan, the Auckland Council LTP is currently in draft form awaiting a final release following public consultation. This includes several references to maatauranga Maaori. Maatauranga is defined within the LTP as: *Māori wisdom. In a traditional context, this means the knowledge, comprehension or understanding of everything visible or invisible that exists across the universe* (Auckland Council 2012).

Subsection 2.3.1, entitled *Valuing Te Ao Māori*, does not specifically mention maatauranga Maaori, but provides a half-page synopsis of a Maaori world view, which briefly describes Maaori origins, customs and traditions, the place of the Treaty, the importance of whakapapa (described as relationships), Maaori knowledge and tikanga. The subsection also posits the implications of these in terms of Council fulfilling its responsibilities to Maaori.

Under the heading *Fulfilling statutory responsibilities to Māori* (2.3.4) the plan reports that a number of key themes emerge from the various pieces of legislation guiding councils, including:

- *to take into account Treaty principles*
- *Māori participation in council (governing body and local board) decision-making processes*
- *recognition of Māori cultural values and perspectives including mātauranga Māori (Māori knowledge), tikanga Māori (Māori principles and protocols) and kaitiakitanga (Māori guardianship)*
- *council's duty to contribute to Māori capacity*
- *council's contribution to Māori well-being as part of the broader four well-beings (cultural, social, economic and environmental).*

This statement provides a welcome indication that Council is interpreting its various guiding legislation as intending obligations regarding maatauranga Maaori.

Maaori Outcomes

Section 93(6)(b) of the Local Government Act 2002 states that the purpose of a long-term plan includes to describe the community outcomes of the local authority's district or region.

The draft LTP reports that the outcomes identified are based on the seven outcomes from the Auckland Plan (2.2.2 Community outcomes). It articulates Council's intentions with activities focused on achieving the outcomes over 10 years. As noted above, the Maaori-specific outcome within the Draft Auckland Plan is:

Te Hau Te Whenua, Te Hau o Te Tangata - Auckland's Māori identity is its special point of difference as a global city providing opportunities for all.

Following a brief explanation of the formal outcome, the draft LTP identifies outcomes for both mana whenua and mataawaka, and associated action, reprinted here:

Mana Motuhake - outcomes specific to Mana Whenua: The iwi and hapū of Tāmaki Makaurau are empowered, enabled with their mana upheld and recognised in their customary kaitiaki role. The wāhi tapu of Mana Whenua within the Auckland Region are protected, and the mauri of the natural environment is in optimum health. This has been achieved by recognising and acknowledging the value of Mātauranga Māori, including Māori knowledge and world views where these are part of planning and decision making processes and day-to-day operations.

Te Puawaitanga o Te Tangata - outcomes specific to Mataawaka: Māori are empowered and have the opportunity to enjoy high quality lives in Tāmaki Makaurau. Council makes an important contribution in ensuring that whanau live within healthy and safe communities supported by investment in marae, quality housing and an efficient and affordable transport network. Auckland embraces the benefits arising from economic partnerships with Māori.

At 2.3.5 Enabling Māori outcomes the document presents the following table of eight priority outcome areas associated with the Māori-specific community outcome.

Kaitiakitanga - guardianship including stewardship	Tangata whenua are empowered, enabled, respected and recognised in their customary kaitaki role
Waahi tapu - sacred ancestral sites and places of significance to iwi, hapū or whaanau	Waahi tapu within the Auckland region are protected

Rangatiratanga - self-determination	Tāmaki Makaurau hapū and iwi have the opportunity to exercise rangatiratanga
Te Tiriti o Waitangi - The Treaty of Waitangi	The Treaty is recognised as the basis for the relationship between Māori, the Crown and Auckland Council
Mana tangata/ōritetanga - citizenship/equal opportunity	Māori are empowered and enjoy high quality lives
Mauri - life-force and maintaining balance	The mauri of the natural environment are in optimum health
Maatauranga Māori - Māori knowledge, wisdom	Māori knowledge and world views are respected, and its validity and value acknowledged
Mana (Whenua) - customary authority	The mana of Tāmaki Makaurau iwi and hapū is respected

Figure four - Table of Priority Outcome Areas associated with the Māori-specific community outcome in the Auckland Council draft Long Term Plan

The seventh listed priority area, Māori knowledge and world views are respected, and its validity and value acknowledged, would seem to represent a minimum standard in terms of maatauranga Māori. This is the case because this aspiration statement includes no directive regarding how and when respect and acknowledgement is required, or by whom.

In relation to the theme *Local Library Services* there is discussion of maatauranga Māori under the heading How do the activities in this theme contribute to Māori outcomes? This reads:

Libraries are Kaitiaki (guardians) of taonga, providing support for the preservation and use of mātauranga Māori (knowledge), whakapapa (family history) and other research expertise. This entails relationships with iwi, hapū and whānau who are associated with particular items. A significant heritage resource is Tā Hori Kerei - Ngā kohinga taonga whakahirahira – the Sir George Grey Special Collections.

Libraries provide access to the collections in te reo Māori through Māori specialist staff, the use of Māori subject headings and the Māori language catalogue. Through collections and expert assistance, local libraries provide access to mātauranga Māori (knowledge). Māori programming includes story times, whakapapa activities, wananga (learning and specialist talks) and events to mark Matariki.

Maatauranga Māori is referred to also in the draft LTP in relation to local and regional parks. It does so firstly by reference to the *Regional Parks Management Plan 2010*, this plan is considered previously under the heading Auckland Legacy Plans. Secondly, the relevance of local and regional parks is described in terms of a range of values including maatauranga Māori:

The council provides opportunities for tangata whenua to express kaitiakitanga and enhance opportunities to tangata whenua to provide for their hauora (long-term well-being) through the parks network. This ranges from identifying tangata whenua values and promoting these and tikanga (culture), kawa (traditions) and mātauranga Māori (traditional Māori knowledge), to increased consultation and joint Kaitiaki projects such as tohu tanga whenua (markers) and interpretation of cultural history.

Finally maatauranga is mentioned again in relation to the theme *Regional Collections*:

Regional collections and amenities provides advisory services and funding support (via rates levies) to Auckland War Memorial Museum, MOTAT and RFA. The Museum contributes to mātauranga Māori through its Māori and Pacific collections,

which record New Zealand's cultural history. The museum tells the story of New Zealand, its place in the Pacific and its people. MOTAT's heritage focus includes conservation, education and recreation.

A question here is whether it is correct to say that the "Maaori and Pacific collections" contribute to maatauranga Maaori? Certainly some of the exhibits have associated descriptions and sometimes indicate tribal origin. But many Maaori have indicated dissatisfaction with their taonga being held by museums and galleries when they should reside with their owners, and have stated that the maatauranga also rests with the rightful owners of these taonga.

5.4.3 The Unitary Plan

Auckland Council is currently consulting its community regarding a unitary plan. While no draft yet exists, Council has indicated an intention that tikanga Maaori and some Moari provisions via its website and materials distributed for its unitary plan workshops.

Council's website reports that its new unitary plan will contain guidance and rules about how you can use and develop your land, and how you can use the natural and physical resources of the region. The unitary plan will be one of the ways that the spatial plan will be implemented.

The unitary plan combines one or more regional policy statement, regional plan, and district plan. Early plan drafting efforts show a willingness by Council to incorporate tikanga Maaori based approaches to environmental planning.

Report - Unitary Plan Stage 1 - Iwi Consultation Summary Report

This report was prepared by staff to reflect mana whenua issues and observations raised in consultation. It covers a comprehensive list of subjects (Auckland Council 2012). Maatauranga Maaori is considered at length, with the document including seventeen references to maatauranga Maaori. For example:

1.1.2 Maori values and use of mātauranga Māori in sustainable management

There is strong support for the integration of Maori values and traditions into sustainable management approaches in providing an innovative approach for strengthening cultural identity.

Mana Whenua seek to be embedded in the resource management process to ensure that their knowledge, values and aspirations guide the way in which natural and physical resources are sustainably managed and used. This approach is consistent with the National Policy Statement on Freshwater Management 2011 and the New Zealand Coastal Policy Statement 2010.

Mana Whenua have developed a sustainability framework in parallel to the Auckland Sustainability Framework. The Mana Whenua Framework (Te Kohao o te Ngira) accords value to Te Ao Māori (the Māori world view, culture and values) as a core element of the regions identity. It offers a useful tool in recognising and understanding the role and responsibilities of Mana Whenua in contributing to the region's sustainability. This can help to inform how the Unitary Plan integrates Mātauranga Maori and Tikanga into the Plan.

There are several other references to maatauranga, aimed at recognising maatauranga Maaori and the Development standards based on tradition such as raahui, and identification of issues around Bi-cultural approach to Maaori Cultural Heritage Protection.

Themes include Maatauranga Maaori not being accorded due respect or mana within current planning instruments or processes, impacts of this in terms of fulfilling kaitiaki obligations, that maatauranga itself is taonga tuku iho, and that decision making processes within the unitary plan should provide opportunities to involve Mana Whenua applying their Maatauranga. The report

discusses issues arising relating to information acquisition and knowledge management, including intellectual property issues.

The report talks also about developing Maatauranga Māori indicators for monitoring the outcomes of Council's activities and plans.

Tikanga related issues are discussed in the report, as are the key statutory provisions for Maaori in the RMA, the ancestral relationship of Maaori to lands and taonga, kaitiakitanga, and the principles of the Treaty of Waitangi. The report does not go as far as to propose wording toward plan issues, objectives or methods.

5.4.4 Local Board Plans

The purpose of a Local Board Plan is set out at 20(2) of the Act, being:

- (a) to reflect the priorities and preferences of the communities within the local board area in respect of the level and nature of local activities to be provided by the Auckland Council over the next 3 years; and*
- (b) to identify and describe the interests and preferences of the people within the local board area for the purposes of enabling the local board to communicate those interests and preferences for the purposes of section 16(1)(b); and*
- (c) to provide a basis for developing the local board agreement for each of the next 3 years; and*
- (d) to inform the development of the next LTP, particularly in relation to the identification of the non-regulatory activities of the Council for which decision-making responsibility should be allocated to the local board; and*
- (e) to provide a basis for accountability of the local board to the communities in the local board area; and*
- (f) to provide an opportunity for people to participate in decision-making processes on the nature and level of local activities to be provided by the Council within the local board area.*

Clearly, while the Act makes no mention of Maaori in relation to local board plans, the plans are an important vehicle for articulating local Maaori aspirations, and identifying a Board's indentations for resourcing these.

The Council report entitled Local board plans: Key themes (Auckland Council 2011) lists 11 key themes, several of these are of interest to Maaori, but only one is Maaori specific, being:

2.2 Enable Māori aspirations through recognition of the Treaty of Waitangi and customary rights

A recurring issue identified within local board plans is the importance of relationships with local iwi. but there are few substantive Maaori provisions across the plans to reflect this.

While there was considerable public involvement in the local plans submissions process, few Maaori representative organisations participated . This appears to be a result of an inadequate effort at Maaori engagement by Council, contrasting with that for subsequent plans.

None of the plans mentions the term "maatauranga Maaori". Furthermore, only two, Rodney and Waitakere, mention the word "tikanga". Most, but not all, include a brief introduction of the history and significance to Maaori of the area.

Few of the plans include identifiably Maaori projects.

The Papakura LBP states an intention to assist Kaitiaki in planning Maaori economic development in Papakura. That LBP also states the intention to formalise relationships with local iwi. Under the

heading Local Built and Natural Environments the Waitakere LBP includes; *Protecting the natural and cultural heritage of the Waitakere Ranges Heritage area, including raising awareness and working with Mana Whenua in relation to Māori heritage.*

The following extract from the Rodney LBP is indicative of the extent of Maaori-specific undertakings:

Working in partnership with iwi is an acknowledged priority to build a sound and enduring relationship and support the development of a Memorandum of Understanding with Auckland Council and the continuation of direct hui with local boards. Opportunities exist to recognise and celebrate te tikanga Maori and support iwi. Projects such as the co-management of the Kaipara Harbour, the future comanagement of Parakai reserve and supporting Te Hana Te Ao Marama, the international indigenous information centre at our northern gateway, are all important.

The Rodney Local Board is advocating for papakainga through the Auckland Plan, will support and advocate for bilingual signage and support the identification of sites of significance to iwi including facilitating access to computer mapping systems.

Of the nearly 2900 planned expenditure items only 13 are Maaori-specific, although others bundle Maaori and wider community objectives together. Local Board investment proposals consulted indicate little intention to resource Maaori initiatives (Kennedy and Vinall 2011). The total funding for Local Board initiatives for Maaori specific projects is \$507,315 for both operational and capital expenditure over a period of ten years.

5.5 Council Controlled organisations

The new Council is characterised by its structure including council controlled organisations. These are of interest to Maaori, and have particular responsibilities in this regard. The new Auckland Council structure included the creation of a number of Council Controlled organisations. Six of these are "substantive" CCOs, being either responsible for the delivery of a significant service or activity on behalf of Auckland Council, or owning or managing assets with a value of more than \$10 million.

They are significant to the consideration of maatauranga Maaori in that they manage a significant portion of the public infrastructure in Auckland, and undertake many of the significant scale works that are likely to affect both mana whenua and taura here.

The extent to which these recognise and provide for Maaori values and interests is important in that CCOs are governed by boards of directors or trustees, and operate at arm's length to the council. They are, however, accountable to the council, which determines the objectives for each CCO and monitors their performance (Auckland Council 2012).

Toward this end Auckland Council is required to adopt a Council-controlled organisation Accountability Policy. While the policy talks about culture, heritage, and diverse communities, there is no specific mention of Maaori.

One area in which CCOs are specifically required to provide for Maaori is via Section 59 of the *Local Government Act (2002)*, *Principal objective of council-controlled organisations*, which states the principle objectives of CCOs.

These include the obligation to be a good employer (59(1)(b)). Being a good employer is significant for Maaori in that Schedule 7 of the Act requires councils to implement a policy that addresses Maaori employment. The definition of "a good employer" includes providing equal employment opportunities (36(2)(b)), and recognition of: (i) the aims and aspirations of Maaori; and (ii) the employment requirements of Maaori; and (iii) the need for greater involvement of

Maaori in local government employment. These requirements are a replication of Section 118 of the Crown Entities Act 2004.

Most CCOs have made minimal commitment to Maaori. Waterfront Auckland, for example, includes scant reference to Maaori in its 2011 Statement of Intent. Apart from a reference to the above-noted employment requirements there is brief mention of the Independent Maaori Statutory Board, identification of iwi and one of numerous stakeholders, and the following oblique reference to the Treaty:

Waterfront Auckland will contribute to the Auckland Council's responsibilities of acting in accordance with statutory provisions referring to the Treaty of Waitangi (Waterfront Auckland 2011).

The CCO makes two undertakings relating to Maaori (3.3), that are described as being beyond its statutory requirements. Appearing to impose no measurable obligation on the organisation, these are:

- (e) Respect the position of Iwi, both past and present*
- (j) Respect and reflect our waka and maritime heritage*

However, the document includes two apparently substantive undertakings under the heading Approach to Governance (Section 11), whereby, In undertaking its activities, Waterfront Auckland will exhibit and ensure:

- (f) An active partnership approach with Iwi.*
- (g) Waterfront Auckland will act consistently with the principles of the Treaty of Waitangi*

Although not required to do so Waterfront Auckland has one (proactively) Maaori member of its governing board. This is the case also for Watercare, Regional Facilities Auckland, and Auckland Council Property Ltd. However, despite occasional high level undertakings to Maaori there has been little action by most CCOs reflecting a genuine effort at recognising and providing for Maaori.

Two CCOS that appear to have taken credible early initiatives at addressing Maaori values and interests are Auckland Transport and Watercare.

Watercare

Watercare is responsible for managing Auckland's water, stormwater, and waste water and associated infrastructure. Given the significance of water to Maaori Watercare is perhaps the CCO of most interest in terms of consideration of maatauranga Maaori.

Despite this, the statutory instruments guiding the CCO include minimal Maaori provisions, however, Watercare has taken substantial steps to ensure Maaori values are considered and provided for in its operations.

The following extract from Watercare's 2011 Statement of Corporate Intent (Section 9.3 Relationship with Tangata Whenua) provides an indication of the CCO's recognition of Maaori:

Watercare has always had a close relationship with Māori recognising the importance of water to tangata whenua and acting in accordance with the purpose and principles of the Treaty of Waitangi. The company also undertakes consultation on company decisions that are likely to impact on Māori views and values.

Watercare retains the services of its Māori Advisory Group which plays an important role in the company's understanding of Māori values and the implications and potential impacts of its decisions. Local mana whenua are also consulted directly as part of the process for gaining consents for Watercare projects.

In December 2009, Watercare established a memorandum of relationship with Waikato Tainui recognising the importance of the relationship to the achievement of outcomes such as Project Manukau, the Waikato River water take and the Puketutu Island Biosolids Rehabilitation Project. Watercare will continue to honour this relationship without prejudice to consultation with other iwi or hapū (Watercare Services Limited 2011).

Since becoming a CCO in 2012 Watercare has sought to improve its provision for Maaori values and participation. It is currently (as at May 2012) consulting with mana whenua regarding a proposed Kaitiaki Charter (Watercare Services Limited 2012), the mission statement of which is "Kaitiakitanga by working together".

The Charter sets out Watercare's intention to establish a Kaitiaki Board comprised of the Chairs of mana whenua iwi or their representatives. Supported and resourced by Watercare, the Board's (draft) objective is to assist Watercare meet its statutory obligations by:

- 1. Providing cultural advice and guidance on Watercare's infrastructure projects, planning and policy*
- 2. Recognising and providing for the relationship of Maori and their culture and traditions*
- 3. Overseeing the relationship development and service delivery programme*
- 4. Identifying and resolving operational issues affecting the performance of Kaitiaki Implementation Teams*
- 5. Establishing values which ensure iwi cultural integrity and/or autonomy is acknowledged and maintained*
- 6. Recommending opportunities for cultural or environmental enhancement that are of mutual interest and benefit*
- 7. Building Mana Whenua and Watercare capacity*
- 8. Adopting the Charter and Terms of Reference for the Kaitiaki Board and the Operations Manual for the Kaitiaki Implementation Teams*

Furthermore, Watercare is seeking to establish a Kaitiaki Implementation Team, comprised of both Watercare representatives and iwi environmental representatives, and intended to act at an operational level. The charter also includes monitoring and six monthly evaluation provisions.

Auckland Transport

Auckland Transport is perhaps the second most important CCO in terms of the potential for its activities to impact Maaori given the extensive roading network, and consequent need for maatauranga Maaori to be taken into account in undertaking its activities.

In contrast to Watercare's Statement of Intent noted above, that of Auckland Transport is light in terms of Maaori recognition. The only references to Maaori are the same acknowledgement of the Maaori employment obligations, recognition of the Independent Maaori Statutory Board reported above in relation to Waterfront Auckland, and an undertaking to act consistently with the principles of the Treaty of Waitangi (Auckland Transport 2011).

Despite the lack of formal Maaori-related policy content, Auckland Transport has adopted an early engagement approach with mana whenua iwi. To facilitate this iwi have been set up as vendors, with project specific contracts for service being used to resource any participation. Auckland Transport has also demonstrated that it will commission project-specific Maaori Values Assessments, taking an approach that any iwi that indicate an interest are resourced to write these.

Auckland Transport features location-specific accounts of Maaori historic and cultural significance in its literature and websites, for example in relation to the various walkways that it manages.

AT employs a Maaori Relations manager, and is in the process of formalising a Māori Engagement Framework, a draft of which was first considered by the CCO in April. It has not been confirmed as to whether this has since been adopted.

Key themes within the draft framework document include:

- *Involving Māori in strategic and business decision-making*
- *Involving Māori early in the development of a project or work programme*
- *New relationships with AT need to be developed; distinct from, but building on, relationships with former Auckland entities (legacy councils, ARTA, ARC etc.)*
- *Acknowledging the more holistic view of Māori. Māori may want to discuss projects/issues they consider to be related but may be outside scope of a particular project*
- *Respecting Tikanga Māori – kanohi ki te kanohi (face to face) interactions are highly valued, leaders need to engage with leaders (chief to chief)*
- *Capacity for Māori to respond (Auckland Transport 2011)*

6 Engagement and consultation

There has been, prior to the new Auckland Council, inconsistent levels of engagement with Maaori across Auckland councils (Hauraki Gulf Forum 2011). Yet there are various substantial legislative requirements relating to Maaori participation in local government and environmental resource management. These are supported by provisions in a range of statutory plans.

It has been noted above that Council has made a range of undertakings to engage with Maaori.

6.1 Council - Maaori relationships

Strong relationships have been observed as being a key determinant of the extent to which Maaori interests and values are upheld within Council decision making (Te Puni Kokiri 2006; Department of Internal Affairs 2009; Royal Commission on Auckland Governance 2009).

Formalised relationship agreements

As previously discussed a range of legacy relationship agreements have been inherited by Council. It will be important for Council undertake to enter into formal arrangements with all mana whenua iwi, and with key mataawaka representative organisations such as urban Maaori authorities.

We have learnt from decades of similar relationship arrangements now that there is a need for these to include tangible means with which they might be given effect. This includes a commitment to resourcing and a work programme or similar operational intention. As is shown in some of the preceding examples it is also important that these include monitoring and review clauses.

Council is undertaking a programme of adopting previous legacy arrangements, and formalising these under the new organisation. In some instances this simply means a change in council partner from the legacy council to Auckland Council. However, in some instances such arrangements have sat with legacy council mana whenua collectives. This was the case for Pukekiwiriki Pa reserve, which was previously jointly managed by Papakura District Council and Te Roopu Kaitiaki oo Papakura. This arrangement is currently being revised so as to establish a joint management committee comprised of Auckland Council and the six iwi with interests in the pa.

Council has indicated an intention to establish similar joint management arrangements for many of its culturally significant reserves. This intention is made clear publically via Council's regional

parks information displayed in its GIS viewer, in which text is included at relevant locations stating "Protect in partnership with tangata whenua".

Membership of decision making committees

Membership of RMA Regulatory or Hearings committees is of particular interest to Maaori, in terms of insuring maatauranga Maaori is part of the decision making mix. These committees are seen as having the authority to make significant decisions relating to Maaori ancestral lands and waters.

Accordingly voting membership on hearings committees represents one of the more meaningful examples of Maaori participation in the making of those decisions of particular importance to them.

There are some examples of tangata whenua with voting membership on hearings committees, including Kaikoura District Council and Waitakere City Council. Although in each instance Maaori have a minority membership, the ability to ensure that Maaori perspectives are considered in the decision making process is deemed to be important.

Most Maaori positions on hearings committees, however, do not have voting rights; this is the case for example for the Central Hawkes Bay District Council, Marlborough District Council, Waipa District Council, and Wellington City Council .

The establishment of the Independent Maaori Statutory Board is groundbreaking in this regard. Section 85(1) of the Auckland Council Act directs the Board to appoint two members to any Auckland Council committee that deals with the management and stewardship of natural and physical resources. Members may sit on other committees at Council's request.

Despite the apparent limitation of the "management and stewardship of natural and physical resources" stipulation, there are a large number of committees that are deemed to fit under this category. Currently IMSB members sit on the following committees;

- *Accountability and Performance Committee*
- *Auckland Domain Rail Corridor Designation Committee*
- *Auckland Future Vision Committee*
- *Auckland Plan Committee*
- *CCO Strategy Review Subcommittee*
- *Dog Bylaw Hearings Panel*
- *Environment and Sustainability Forum*
- *Hearings Committee*
- *Parks Recreation and Heritage Forum*
- *Planning and Urban Design Forum*
- *Regional Development and Operations Committee*
- *Regulatory and Bylaw Committee*
- *Strategy and Finance Committee*
- *Transport Committee*
- *Unitary Plan Political Working Party*

The Board has recently negotiated with Council to sit on five more committees, being the; Civil Defence and Emergency Management Committee, Community Safety Forum, Economic Forum, Culture Arts and Events Forum, Social and Community Development Forum (Hill 2012).

However, given the reservations expressed above regarding the relationship between the IMSB and Tamaki Maaori, and the potential for the Board to be seen by Council as a one-stop-shop in terms of Maaori participation at a committee level, the potential for alternative Maaori input warrants investigation.

6.1.2 Existing frameworks for managing Maaori relationships

While the above-noted formalised arrangements are important, it has been widely reported that strong relationships are the key to successful engagement by Maaori. Council has developed a number of frameworks that are collectively intended to foster and provide for effective participation by Maaori in Council's decision making.

Treaty of Waitangi Framework

The diagram below illustrates schematically the Treaty of Waitangi Framework that Council has adopted, which is the over-arching basis for its engagement with and obligations to Maaori.

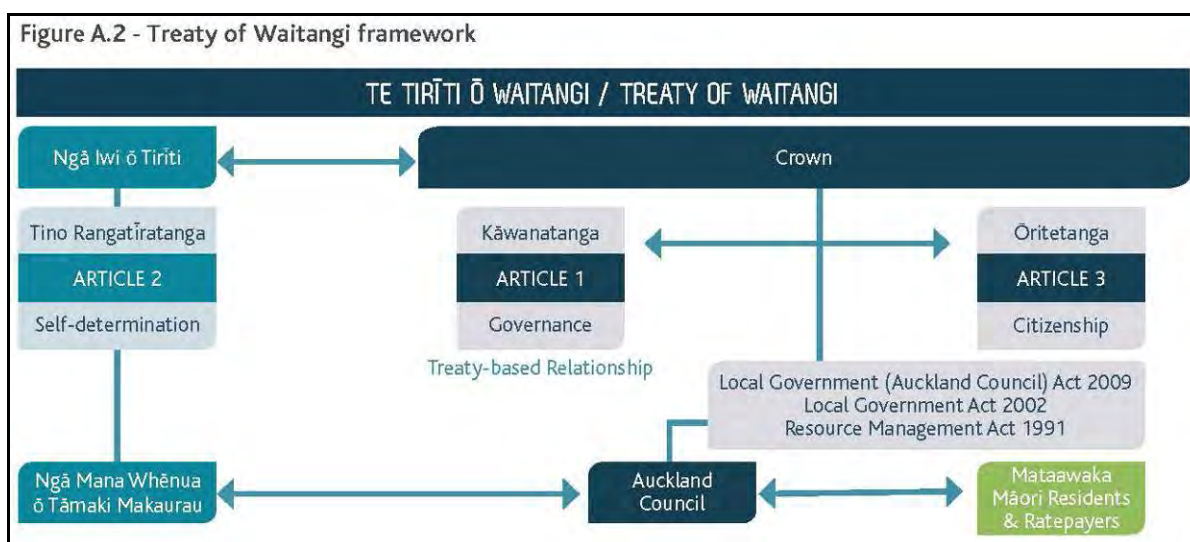


Figure Five - Treaty of Waitangi Framework. Source: Auckland Council Draft Auckland Plan 2011

Maaori Relationships Framework

This three way relationship between the Auckland Council, Mana Whenua and Mataawaka is dependent on enabling a sustainable association to develop based on three central principles, being; Effective Maaori communication and engagement, Contribution to Maaori well-being, and Development of Maaori capacity (Auckland Council 2011).

Te Waka Angamua has developed a Auckland Council Maaori Relations Framework, which is illustrated in the Draft Auckland Plan, as shown above.

The stated intention of the framework is enhancing and supporting council's commitment to Māori well-being. The Māori Strategy and Relations team has made an undertaking to ensure Maaori responsiveness goals are integrated as part of decision-making processes, policy thinking, capability building and the provision of services. The key goals to include:

- *effective Māori communication and engagement*
- *contribution to Māori well-being*
- *development of Māori capacity.*

Te Waka Angamua has also identified three key drivers, which underpin the framework, being:

- *enabling Te Tiriti o Waitangi/ Treaty of Waitangi outcomes*
- *fulfilling statutory responsibilities to Māori*
- *enabling Māori outcomes.*

Mana whenua input into Maaori values frameworks

The above-mentioned frameworks have considerable merit, and have been developed by Maaori staff within Council, it is argued that these are limited by a lack of significant input by Maaori of the region.

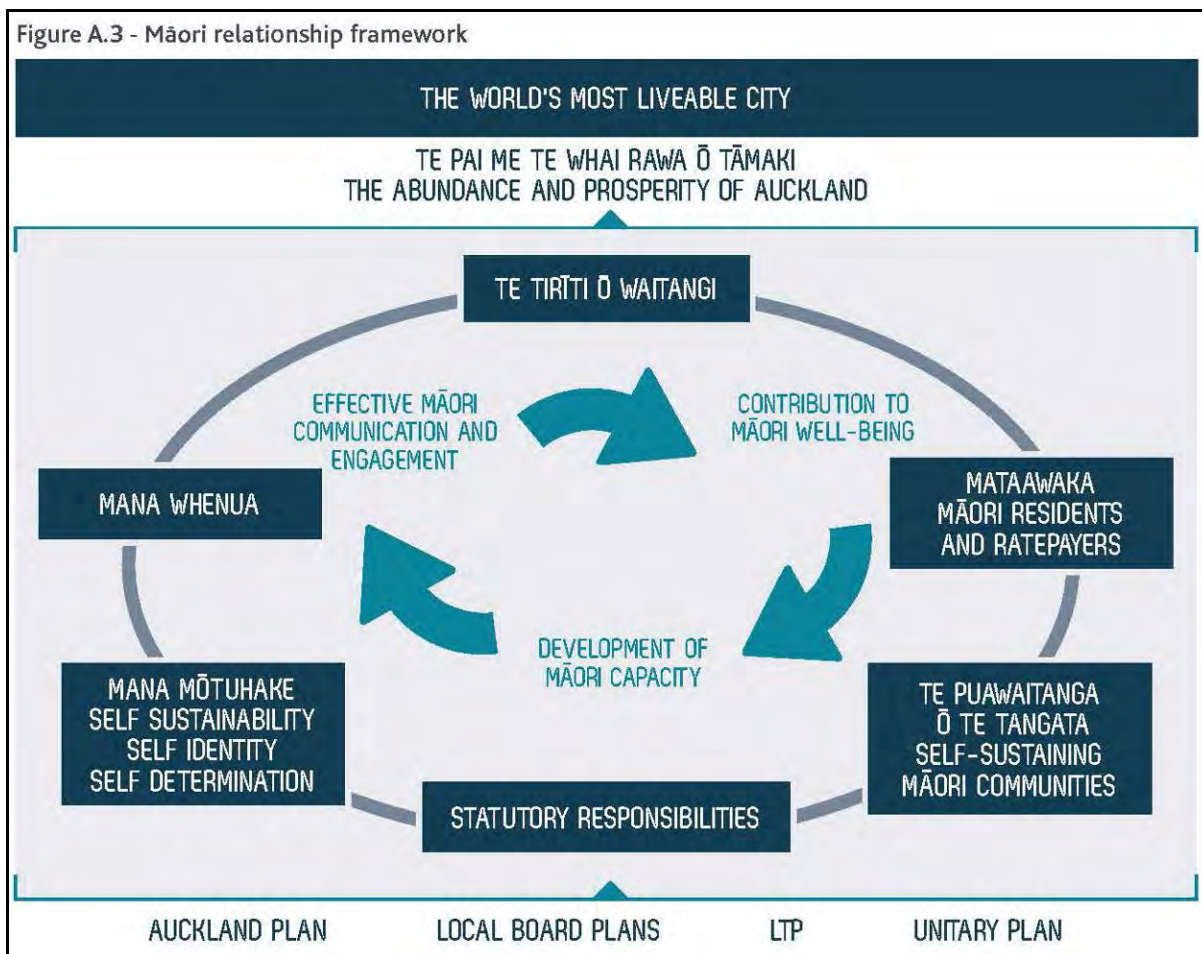


Figure Six - Auckland Council Maaori Relationships Framework. Source: Auckland Council Draft Auckland Plan 2011

Te Kohao o te Nira

One other framework warrants mention here, although it is not a framework of Council it has been identified by Council as being a Maaori values framework that Council should be aware of and take into account. As stated in the report entitled Maaori Policy and Strategy in the Auckland Plan:

Te Kohao o Te Ngira is a regional document that represents a substantial input by iwi to articulate common themes pertaining to the Mana Whenua of Auckland.

Te Kohao o Te Ngira was developed and formally adopted by the Tamaki Mana Whenua Forum, and includes the expresses mana motuhake as the overarching aspiration of Tamaki Maaori. The particular tikanga that are emphasised in the document are Rangatiratanga, Manaakitanga, Kotahitanga, Kaitiakitanga, Whakamana, Whanaungatanga, and Wairuatanga. These principles are intended to provide the foundations for effective values based environmental management in the region.

Engaging with mana whenua and taura here

Early indications are that Auckland Council will willingly engage with Maaori where there is a clear legislative basis for this.

As might be suggested by the many references to indigenous knowledge in the United Nation's Agenda 21, discussed previously, maatauranga is relevant to many areas of Council's operations. In order for maatauranga to be widely incorporated into Council decision making, there will be a need for an ongoing and continual dialogue between the council and the iwi of Tamaki Makaurau.

Council has demonstrated an early willingness to engage with Maaori, and in particular with mana whenua iwi in relation to planning and environmental issues. Letters of engagement have been used to provide resourcing for iwi involvement in plan drafting and subsequent consultation, with iwi being set up as service providers to Council.

As noted previously, such engagement has been somewhat inconsistent to date, with engagement relating to the initial plans, the draft Auckland Plan and Local Board plans, not being formalised as described above. However, with subsequent plans, including the LTP, Waterfront and city centre plans, and most recently the unitary plan Council appears to have improved its game in this regard.

Council continues to send mana whenua resource consent application lists, but as yet arrangements have not been formalised so as to resource and more formally engage with iwi in this important area. Toward this end a kaitiaki forum, as previously described, or some similar mechanism would be desirable.

The Maaori Strategy and Relations Unit confirmed in recent weeks that funding has been secured through the LTP process for a significant iwi capacity building programme. This will involve the formalisation of individual iwi-Council relationships, and the development of mutually agreed annual work programmes resourced by Council.

Another initiative championed by Te Waka Angamua that is worthy of particular mention is a currently in development paataka Maatauranga, a storage house and portal for the maatauranga of Maaori of the region. The paataka is intended to provide a facility for storing, safeguarding and managing both Council information intended for Maaori and the maatauranga of iwi/hapuu.

The stated intention of the paataka is to provide a safe and secure facility, managed with appropriate protocols, where iwi/Maaori can feel comfortable about storing maatauranga either for their own purposes, or for sharing with Council or other parties. Importantly Te Waka Angamua have indicated a willingness for this facility to reside outside of Council, as a demonstration of its commitment to this being a facility owned by Maaori rather than Council.

7 Barriers to implementation

As previously discussed, it has been reported that Maaori (and non-Maaori) related plan issues and objectives often don't translate into meaningful methods, and furthermore that Maaori perspectives are largely not given any meaningful effect.

Institutional barriers to the implementation of Maaori plan provisions, and to Maaori participation, have been identified as a significant factor preventing positive planning outcomes for Maaori (Memon and Johnston 2008; Coates 2009; Kennedy 2009). Yet to date little substantive research has been undertaken into institutional barriers to plan implementation, and previous applications for research funding into this area have been unsuccessful (Ericksen, Laurian, Zorn, Kouwenhoven, Kennedy, Crawford and Bornman 2009).

Some barriers to Maaori engagement and participation in council decision making, and to the inclusion of maatauranga Maaori in planning, are considered now.

7.1 Maaori capacity to participate and engagement

Although this is not strictly the focus of this review, a significant determinant of the extent to which Maaori participate in relation to all the statutory processes described in this paper is capacity. Maaori struggle to participate in processes conducted by a range of agencies across different geographic areas and for different purposes.

It has been widely reported that Maaori suffer from a lack of capacity to participate in local government statutory processes (Parliamentary Commissioner for the Environment 1998; Borrie

and Memon 2005; Jefferies and Kennedy 2009; Royal Commission on Auckland Governance 2009).

Section 81(1)(b) requires that councils consider ways in which it may foster the development of Maaori capacity to contribute to its decision-making processes. This provision is intended to address the fact that many Maaori have limited resources, capacity or capability, which influences the extent to which they are able to participate in council processes. This remains the case following, in the case of the RMA, 20 years of implementation of the Act with its apparently lofty recognition of Maaori rights and values.

The PUCM research spanned more than ten years, and included consideration of participation in planning processes by Maaori. This found a near total lack of participation by iwi at a consents level, and that the capacity of hapuu and iwi to deal with resource consent applications was variable, but generally low (Bachurst, Jefferies and Ericksen, 2004).

The consequences of this lack of engagement with tangata whenua were aggravated by the lack of clarity in the role of councils as agents of the Crown. In general, few councils undertook capacity-building and few had clear lines of communication with Maaori. Regarding findings in relation to Maaori the research team reported: Issues of concern to tangata whenua appear to be poorly dealt with through the iwi consultation process, despite rhetorical commitment to the Treaty of Waitangi within district plans.

In the vast majority of consents (94%), no evidence of iwi consultation could be found. Disturbing results are also emerging from the council interviews and iwi surveys regarding the different perceptions iwi and councils have regarding participation in consultation. It seems that the two parties are talking past each other (Bachurst, Jefferies and Ericksen 2004).

There is some evidence of progress since 2004, but most of this has been recent with pending changes coming from Treaty settlements regardless. Now that they are faced with imminent compulsion to share management of places and resources they are becoming open to the idea. Their potential and in fact intention of the Crown to do so, has been available for 20 years without use by councils.

7.1.1 Maori reluctance to share information

Another common theme in terms of providing for maatauranga Maaori by councils, is a reluctance by Maaori to share information, particularly where this is of a sensitive nature.

Historically Maaori have seen information provided to councils being used as a substitute for consultation. Information regarding waahi tapu has often been withheld, with some iwi unwilling to divulge waahi tapu locations lest this information become public and sites encroached upon. Maaori also remain wary of some councils, given the long history of disregard widespread for Maaori values and interests, which continues in some places today.

There is a need to develop culturally appropriate protocols and mechanisms for accommodating maatauranga Maaori if this reluctance is to be overcome.

7.1.2 Short statutory timeframes

A factor that aggravates the above-noted capacity of iwi/Maaori to participate in council processes is that of statutory (and sometimes council-self imposed) time frames. The short timeframes dictated for engaging on a number of environmental and planning related matters impose a significant burden on iwi.

DoC concessions, activities, research, and biodiversity applications, HPT applications, mining and mineral prospecting applications, resource consent applications, council activities, all have short consultation timeframes, and most have no potential for resourcing iwi participation.

A lack of a response is routinely deemed to represent ascent in the decision making process, and iwi participation nationally is minimal.

Some of the iwi of Tamaki Makaurau have rohe that extend well beyond the region, and have to deal with multiple councils. In these cases iwi are expected to consider and respond to numerous consent applications, again without resourcing. Similarly, in some tribal areas the entire area is subject to overlapping applications and permits for prospecting and exploration for minerals.

Many iwi representatives dealing with these processes are required to report back to iwi authorities and take direction. Iwi authorities often meet on a monthly basis, rendering it difficult or impossible to respond when statutory timeframes may be of a month or less.

7.2 Council processes and attitudes

While the above-mentioned barriers are significant, institutional factors within councils have been identified as contributing substantially to difficulties faced by Maaori seeking to participate in planning processes. These are considered here.

Council departmentalism

Council departmentalism refers to the tendency for departments to operate in isolation of each other, failure to share information, and lack of alignment of efforts. Efforts at gathering together details of the various legacy councils showed the limited extent to which council information could be retrieved, when it was difficult for council staff to collate details of all previous spending on Maaori, in order for this to be a factor in setting spending in the new LTP (Kennedy and Vinall 2011).

Inadequate interdepartmental communication leads to difficulties in sharing information. This was clearly the case for some of the Auckland legacy councils, which might sit in a range of locations across councils.

It has also been reported that iwi rely on strong personal relationships as a basis for effective engagement. With a council of the size of Auckland Council it might be difficult to establish and maintain strong relationships of this nature across many departments.

Other sector influence

An important factor influencing council decision making is that of external lobby groups. This is also comes to bear as a factor in the personal agenda of elected representatives and upper management. As observed by Pinkerton in relation to US First nations peoples experience (Pinkerton 2003):

In such a multi-party agreement, the performing of the management function (habitat protection) may not be the goal of all participants. The criteria for inclusion in the agreement is not necessarily agreement on the goals, but rather the power to further or to frustrate the management function. Industrial parties whose activities can potentially destroy habitat seek tradeoffs in co-management agreements which differ from those sought by government agencies charged with habitat protection. They thus have a fundamentally different definition of the purpose of the agreement, and continue to seek to impose this definition. The struggle to reach and implement agreements in such situations inevitably involves different types of barriers and different dynamics in overcoming them. The analysis of types and degrees of resistance to implementing the Phase II decision begins with an outline of the same issues in Phase I.

Sectors such as farming, mining and forestry in New Zealand actively seek to assert influence over councils both for the wording of their plans, and the implementation of these. Strong Maaori provisions in draft plans have regularly been diluted in response to submissions and even court

action by the groups, which are often substantially better resourced than iwi/Maori to pursue such challenges.

As an example, in the last decade we have seen a sustained series of court actions by the mining industry seeking to overturn provisions in the Thames Coromandel District Plan relating to mining. While these provisions were supported by both Mana Whenua iwi and local conservation groups, the mining industry pursued the matter through to the Court of Appeal, exhausting the resources of participating iwi.

This is similarly the case in relation to development that is offensive to Maori. We have seen a number of instances where industry groups have come in to support applicants against iwi opposition, providing resourcing and expertise that iwi are unable to match.

Monitoring and reporting

The issue of a lack of monitoring and reporting by councils has been well discussed previously. This remains a substantial barrier for iwi/Maori in seeking an evidence base with which to push for improved plan provisions.

This is also the case in relation to resource consent conditions, which are often the best opportunity for Maori to secure protection of Maori values and interests in relation to development activities. Councils have been widely reported by Maori to have failed to monitor conditions and inform iwi. Similarly councils have been reluctant to enforce plan provision and consent conditions where these not complied with and result in negative effects on iwi/Maori.

The attribution problem

It might credibly be assumed that any void between stated Maori plan objectives, and environmental outcomes, reflects the extent to which councils have failed to implement plans, this being a factor of plan effectiveness.

The difficulty with drawing any such conclusion lies with the attribution problem, discussed elsewhere in this paper. Attribution makes it difficult to quantifiably link any environmental outcome to an intervention, or lack thereof, by a council. This is because any number of other environmental pressures may have contributed to that outcome.

This doubt is repeatedly relied on in RMA hearings to undermine tangata whenua concerns expressed about environmental effects, including some within the coastal marine area. In this area iwi perspectives, maatauranga Maori that stands unchallenged, is outweighed by that of coastal processes scientists, landscape architects, engineers, and ecologists. The fact that we have our own experts in these fields is overlooked, as Maori experts are bundled together.

Entrenched political attitudes

A barrier to Maori aspirations and recognition of Maori values that has been identified in several publications is that of entrenched political attitudes of decision makers (Kennedy 2008; Royal Commission on Auckland Governance 2009; Hauraki Gulf Forum 2011).

To date there are few Maori sitting on local or regional councils. While there is a gradual change occurring in this regard, councils remain dominated by older Pakeha males. Clearly not everyone of this demographic hold attitudes that might prejudice Maori, but there are still those that do.

In this regard I note the responses following receipt of the report by the IMSB criticising budget allocations for Maori in the LTP, and the more recent Treaty of Waitangi report, both of which received strong rebukes from several Auckland Councillors, including questions as to whether the IMSB could be dispensed with.

7.3 Maatauranga-based solutions

While the previously identified barriers to effective implementation of Maaori planning provisions and resulting negative environmental outcomes have been investigated to some degree, less research has taken place into potential solutions.

There are some exceptions to this. Internationally common property theorists have engaged the problem of how to overcome institutional barriers to indigenous peoples participation in effective environmental management. Elinor Ostrom's paper *Developing a Method for Analyzing Institutional Change*, and that of Ali Memon and Karen Johnston, entitled *Institutional Barriers to Developing Community Indicators in New Zealand: a Preliminary Assessment*, are examples.

Locally there have been some useful contributions to this discourse, The report *Evaluating the Effectiveness of District and Regional Plans* prepared under the Resource Management Act provides a useful methodology for plan evaluation, that can equally be used for the assessment of plan Maaori provisions. Similarly Lea Beattie's *Plan Implementation: The Reality of Land Use Planning in Auckland, New Zealand* is useful in terms of the current case study.

Responsible authorities here have dabbled with this issue, for example, the Office of the Auditor General released the report *Local government: Examples of better practice in setting local authorities' performance measures*, although this paper includes no Maaori-specific consideration.

In contrast the Hauraki Gulf Forum in its 2009 report *Giving effect to the Hauraki Gulf Marine Park Act through Policies and Plans* proposes a small but useful list of means by which councils can provide for Maaori associations with Tikapa Maoana, including very brief consideration of process-related issues.

But each of the local examples noted above is inadequate in terms of the current investigation in that they include little or no consideration of Maaori-specific aspirations.

It is beyond the scope of this research to comprehensively investigate means by which the previously reported implementation barriers might be overcome. However, one method, the development and application of Maaori outcomes and indicators frameworks, is considered to be of managers to plan and evaluate the incorporation of maatauranga Maaori in decision making, policy and plans.

An important means by which maatauranga Maaori can be incorporated across council plans, activities, and processes, and with which the effectiveness of these can be evaluated, is via the use of Maaori outcomes and indicators frameworks.

Maaori outcomes and some associated indicators have been incorporated into several of Auckland Council's previously discussed plans, but it is argued that these do not reflect the aspirations or maatauranga of local Maaori, in that they were not developed through comprehensive engagement with tangata whenua. Nor are they predicated on an overarching tikanga-based framework.

7.3.1 Ngaa Hua - Outcomes

The word "hua" translates as, amongst other things, outcome, and has been used by Maaori to describe outcomes in the current context.

Several writers have classified Maaori health-related outcomes as associating with components of wellbeing, being; taha wairua - the spiritual dimension, taha hinengaro - mental wellbeing, taha tinana - to do with the physical body, and taha whaanau - relating to the whanau, or community.

In the modern statutory context outcomes are statements of (in terms of our area of interest) environmental results sought by a community. The statement of outcomes and their measurement appears to have developed out of government policy analysis. This has been described as a shift

in focus away from process and onto results, or, from how policies and programmes work to whether they work (Bennett, 2001).

Consideration of outcomes and their measurement has expanded through evaluation programmes in areas such as economics, health, education, and environmental management.

7.3.2 Ngaa Tohu

Maaori have long used indicators, referred to as tohu, to understand and interpret the natural environment. Indicators are an important body of maatauranga Maaori. They have been characterised (in translation) as alignment indicators, signpost indicators, environmental wellbeing indicators, and placenames.

Alignment or coincidence indicators are where one event coincides with, and can therefore be used to anticipate, another. For example, the flowering of the kowhai tree indicates the time to harvest mussels. When the pohutukawa tree blooms the kina (sea urchins) are fat and at their best to eat. Conversely, a Hauraki tradition considers that harakeke (flax) flowering indicates that the kina roe is of poor quality.

Signpost indicators include natural or physical phenomena that have been used by Maaori to navigate, such as the use of the Southern cross to locate due-south.

Similarly, weather patterns were predicted using environmental indicators. Darren King and his colleagues reported this tohu of Te Whaanau a Apanui, according to which if the shimmer of Pareaarau (Jupiter) is light and misty there will follow a wet month. Similarly, the periodic blooming of pooangaanga (clematis) predicts a warm season with gentle breezes (King, Goff and Skipper, 2007). The potential for maatauranga Maaori to be used in contemporary weather forecasting and hazard management has also recently received attention (Harmsworth and Raynor, 2004; King and Skipper, 2006; King et al., 2007).

Placenames, the tikanga called taunahanaha, imbued almost every feature of the landscape with meaningful names, often those of great ancestors. Placenames also had an environmental function. Place-names encapsulated that which was important to those naming by reflecting the values and priorities of the time. In addition to recording important historic events, names include descriptions of physical characteristics of a place, and serve to locate and describe sought-after environmental resources, such as plant and animal resources, or to warn of environmental hazards.

Environmental performance indicators have received some attention over the last decade. According to the the Maaori panel convened by the Ministry for the Environment as part of its national indicators programme in the late 1990s :

A Maori Environmental Performance Indicator (MEPI) is a tohu created and configured by Maori to gauge, measure or indicate change in an environmental locality. A Maori EPI leads a Maori community towards and sustains a vision and a set of environmental goals defined by that community

Indicators, as used in modern policy evaluation, including planning and environmental management, are simple methods for measuring progress toward (or away from) policy or environmental outcomes and the change in relation to these over time. Indicators also reflect , and can be used to measure, environmental change, providing environmental managers easy-to-interpret signposts with which change can be assessed.

7.3.3 Maori environmental outcome and indicator frameworks

There have been some efforts toward integrated outcomes and indicators frameworks. A few Maaori indicators frameworks have been developed and are gaining some use by both iwi /Maaori, government agencies, and councils.

However, most of these have been ostensibly related to economics, health, and wellbeing rather than environmental management. Examples include *Te Ngahuru*, a Maaori wellbeing outcome framework developed by Mason Durie, the Tri-axial Maaori Development Framework developed by Mason and others and reported in *Maori Specific Outcomes And Indicators - Te Hoe Nuku Roa* (Durie, Fitzgerald, Kingi, McKinley and Stevenson 2002), and TPK's *Quality of Life Indicators for Māori: A Discussion Document for the Māori Potential Forecast Report* (Kooyela 2007).

There are a few maatauranga based Maaori environmental health indicators frameworks. Notable amongst these is Gail Tipa and Laure Teirney's *Cultural Health Index* (Tipa and Teirney 2003), developed with Ngai Tahu for measuring stream health, and Garth Harmsworth's *Māori environmental performance indicators for measuring wetland condition and trends* (Harmsworth 2002), which involved Te Runanga o Ngai Tahu, Ngaati Naho, and Ngaati Te Ata along with participants from other iwi. Significantly both of these indicator frameworks have been picked up and adapted for local conditions and environments by iwi around the country.

The above-mentioned noteworthy examples are primarily concerned with Maaori environmental health indicators. They do not include outcomes or indicators aimed at evaluating the quality or effectiveness of statutory plan Maaori provisions. As an example of a Maaori outcomes and indicators framework that addresses both environmental health indicators and those aimed at plan evaluation readers are referred to the report entitled *Ngā Mahi: Kaupapa Māori Outcomes and Indicators Kete* (Jefferies and Kennedy 2009). This was developed by Maaori researchers as part of the FRST funded Planning Under a Cooperative Mandate (PUCM) research programme.

The report presents three "kete" (metaphoric baskets) of outcomes and indicators; Mana Whenua, Mauri of water, and Waahi Tapu. The framework is tikanga-based, in that, for any particular issue or proposal, the question is asked; "what are the particular tikanga that this issue triggers?". For example, tikanga brought into play in relation to council treatment and disposal of sewerage include tapu arising out of dealing with human waste, and the mauri of water because of the potential for treated effluent to enter waterways.

Each kete contains one overarching outcome, relating to a single tikanga. For the Mana Whenua kete this is; "mana whenua is appropriately respected", for the Mauri kete; "the mauri of all waterways are in optimum health", and the Waahi Tapu kete; "waahi tapu are protected". The rationale for adopting single high-level outcome statements is that if these are achieved lower order, or localised outcomes, are likely achieved also.

For each outcome a number of indices (categories of indicators) is included. These consider the extent to which local authorities, Crown agencies, and tangata whenua contribute to achievement of the outcome. Following these is an index of mātauranga-based indicators for determining the wellbeing of the taonga concerned. In each instance a series of indicators, detailed measures, and evaluative levels is provided.

7.3.4 Auckland Council Maaori outcomes and indicators

Auckland Council has indicated an intention to develop Maaori environmental indicators. It is suggested here that Council will benefit from approaching this task via a tikanga based framework. The PUCM example described above provides a useful framework for consideration by Council, but it is noted that it was not anticipated that it would necessarily be adopted wholesale by councils, largely because of local variations in tikanga.

Tikanga and the maatauranga that underlies this are a product of the distinct experiences of hapu and iwi derived from living in and observing a particular local environment over centuries, accordingly a one size fits all approach is not possible, and it cannot be assumed that indicators developed elsewhere can be universally transferred.

While the preceding examples include a range of Maaori indicators, in order to arrive at a series of appropriate outcomes and indicators for Tamaki Makaurau these should be developed with

tangata whenua and reflect local conditions and tikanga. Accordingly, there is a clear need for Council to engage with and resource local Maaori if indicators developed are to have credibility, and to incorporate the maatauranga of Tamaki Makaurau Maaori.

8 In Conclusion

In recent decades we have seen a gradual increase in both the quantity and quality of Maaori provisions within the planning documents of councils, with several legacy Auckland councils providing notable examples.

While these have primarily reflected Maaori requirements in legislation, in particular Sections 6a, 7e and 8 of the RMA, plans have also included specific recognition of and provisions for tikanga Maaori. But it is second generation plans that have provided explicit reference to maatauranga Maaori, Maaori indigenous knowledge.

While council plans are only recently recognising maatauranga Maaori, it can be argued that previous provisions relating to kaitiakitanga and tikanga Maaori, and ancestral relationships with their lands and waters, all rely on maatauranga Maaori. In this regard the previous absence of maatauranga-related provisions can be seen to be a factor of the omission of the term in legislation, whereby those Maaori values that are specifically mentioned, waahi tapu and kaitiakitanga, have been widely included in planning instruments.

However, a widely reported weakness, in terms of positive outcomes for Maaori resulting from statutory plans, has been the failure by councils to implement their own provisions (Ryks, Wreth, Baldwin and Kennedy 2010; Kennedy and Vinall 2011; Waitangi Tribunal 2011). Ngaati Whanaunga, like other iwi, continues to suffer substantially and on a range of levels from a failure by councils and decision makers to implement these plan provisions. This is particularly the case where these conflict with any other non-Maaori planning provisions.

Furthermore, where plan evaluation takes place, to what extent can we assess plan effectiveness or outcomes for Maaori objectives arising from council decisions and interventions, versus those from other sources.

8.1 Translating legal rights into reality

As demonstrated previously, there is a strong recognition internationally of the place of indigenous knowledge in environmental management. This is reinforced here by a clear legislative direction for the inclusion of tikanga and maatauranga in planning and resource management, and has been upheld by the Waitangi Tribunal and courts.

But the preceding chapters refer to widespread failure to adequately incorporate maatauranga in planning decision-making, and corresponding poor environmental outcomes for Maaori. So how can we assess the extent to which Māori rights have translated into reality?

Common property theorist Evelyn Pinkerton has proposed a model of five stages of translating first-nations peoples' legal rights into reality, basing her investigations on efforts by Washington first nations bands to negotiate co-management of ancestral rivers and fisheries.

The five stages proposed by Evelyn Pinkerton (Pinkerton 1992; Pinkerton 1999) are:

- adopting a negotiating posture
- conducting negotiations
- producing an agreement
- fully implementing the agreement
- institutionalizing procedures

The legal decision upon which Washington first-nations peoples relied to demand participation in environmental management was *US vs. Washington* (1978), known as the Boldt decision. The Waitangi Tribunal has noted the applicability of the Boldt decision here, and the similarity between the situation of Maaori with those tribes who Pinkerton writes about (Waitangi Tribunal 1999).

It would appear that Māori have made some progress toward Translating legal rights into reality. The inclusion of Maaori values related provisions in statutory plans might be seen as representing the agreement, in that such plan provision represent the promise to Maaori. Similarly the various joint management arrangements that have been previously discussed.

Yet, as previously discussed, there has been a widespread failure by council's to implement Māori provisions in their plans, and institutional barriers remain to effective implementation. Moreover, councils have almost universally failed to properly monitor and report in environmental outcomes for Māori, or plan effectiveness in this regard. Accordingly, it is difficult to determine where on the Pinkerton scale we are in New Zealand.

A further reason for this is the apparently moving target that the RMA represents. These dynamics are briefly summarised here.

Maaori representation

Efforts at securing local separate Maaori seats have until recently not been used. For most councils that have either elected to canvases community views, or have been compelled to allow a referendum in this regard, the community has vetoed separate Maaori representation. This was most recently the case in Nelson, and even in Wairoa where there is a 48% Maaori population the vote was lost when 52% of the community voted against Maaori seats.

It will be interesting to see if there are any changes once a new Waikato Regional council includes a Maaori ward as it has indicated.

Maaori continue to engage and participate via a number of other avenues. Most popular are formalised arrangements such as MOUs and council Maaori committees, and there have been some statements of satisfaction from Maaori with these.

However, a recurring concern reported is that these have no teeth. MOUs often include no work plan in order to operationalise the high level intentions expressed, and Maaori committees are almost universally only advisory, in that they have received no meaningful delegations of authority.

It is not clear yet the result of the recent watering down of the by the National lead Government, and intentions for the LGA recently declared by the same. The declared intention to remove the quadruple bottom line goals from the LGA, as well as councils powers off general competence would appear potentially counterproductive for Maaori, given that things Maaori in plans are relegated largely as cultural concerns.

The logic put forward that social or cultural spending is responsible for council spending blowouts is a nonsense, in that infrastructure costs such as waste water treatment facilities are overwhelmingly responsible for council debt.

Maatauranga in plans

Councils have apparently failed to appreciate the benefits of incorporating maatauranga Maaori and tikanga based environmental management approaches into their practices. There remains a perception, at least, that Maaori values provisions in plans are hurdles that council's need to overcome in the execution of their own aspirations and activities, and in processing the consents applications of non-Maaori.

This is unfortunate, in that the centuries of local knowledge that is only held by tangata whenua is one of the most valuable resources available to planners who are charged with taking a long

terms view of environmental resource management but generally have little knowledge of long term environmental cycles and processes.

The many strong indigenous knowledge directives within the United Nations' Agenda 21, to which New Zealand is a signatory, provide a clear statement as to the important contribution maatauranga Maaori can and should make to environmental resource management. In terms of an integrated approach to the planning and management of land resources it states that governments should *"strengthen management systems for land and natural resources by including appropriate traditional and indigenous methods"*.

Similarly, for promoting sustainable agriculture and rural development they are directed to *"encourage people's participation on farm technology development and transfer, incorporating indigenous ecological knowledge and practices"*. And relating to the conservation of biological diversity to *"take action to respect, record, protect and promote the wider application of the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles for the conservation of biological diversity and the sustainable use of biological resources"*. The list goes on and on - but councils here have largely turned their backs on the important contribution that maatauranga Maaori and tikanga Maaori can make to our environment.

In addition to our international obligations the Crown has indicated a clear intention that our environmental resource managers and planners are to provide for Maaori values and knowledge. Since the Town and Country Planning Act environmental legislation has required decisions to take into account the relationship of Maaori with their ancestral lands and taonga. In addition to the above-noted value maatauranga Maaori brings to environmental decision making it has been upheld by the Waitangi Tribunal and Courts and requiring protection as a taonga.

Emerging plans appear to build on previous experience and include growing provision for tikanga and maatauranga Maaori. But this continue to pigeonhole Maaori values, perspectives and interests against a narrow range of areas, in particular kaitiakitanga and waahi tapu, and the Maaori relationship with ancestral lands, waters and taonga failing to acknowledge that tikanga and maatauranga Maaori are relevant to every aspect of the built and natural environment.

Plans face the additional challenge of being interpreted and implemented largely by non Maaori, who are neither familiar with, nor sympathetic to, tikanga and maatauranga Maaori. Accordingly, Maaori plan provisions need to be comprehensive, coherent, and adequately stated such that people entirely unfamiliar with them are able to adequately give effect to their intention.

Other changes for Maaori

We have recently seen growing interest in merging local authorities. While moving council boundaries can have impacts in terms of setting aside long established relationships and trust, the Auckland case appears to have resulted in a reduction in pressure on iwi there by producing a single council to deal with, rather than up to eight previously.

Recent weeks have seen councils voting as to whether to amalgamate, with Tasman Nelson deciding against amalgamation following this being cleared by the electoral boundaries commission. The various Wellington regional councils are also currently engaging with their communities for the same reason. What is looking increasingly likely is that restructuring will take place either organically at the bidding of councils and communities or imposed by central government.

There are also ever-present threats to hard won Maaori gains in environmental resource management. The imposition of the 2004 Foreshore and Seabed Act reminds us of the fragility of long held interests. The revised Taku Taimoana Act appears to restore to Maaori access to the higher courts in defence of ancestral interests, but support for this Act has not been shown widely yet from Maaori.

Furthermore, as recent Act party advertisements remind us, there are plenty of New Zealanders who might be convinced that Maaori provisions impact unduly on your "average New Zealander". We have had recent governments and opposition parties declaring the intention to remove any Treaty references from legislation. Such a move would render judicial gains redundant overnight, the recent Foreshore and seabed legislation is an example of this.

In terms of the current investigation, the five stages identified by Pinkerton can be argued to equate to the council planning cycle; the unitary plan here being the stage three agreement, we look await its implementation and the institutionalisation of maatauranga Maaori related procedures.

While legislation, national, regional, and even district level instruments would appear to offer adequate protections to mana whenua, the results do not bear this out. The failure then, comparing Pinkertons five stages of translating legal rights into reality, is occurring at the stage of implementing council RMA plans, and institutionalising the procedures for this.

If we look at the national reporting for Maaori, it is hard to conclude other than that Maaori have failed to translate legal rights into reality under the council implemented RMA regime.

8.2 Auckland Council

The new Auckland Council represents one of the most important local government development in terms of its potential for meaningful inclusion of maatauranga Maaori and tikanga Maaori in recent decades.

Council's statutory plan inheritance from several legacy plans that were already groundbreaking for their Maaori provisions, the widely reported Royal Commission on Auckland Governance investigation, subsequent guiding legislation, and the first ever independent Maaori statutory board and the powers and responsibilities it holds, would suggest that the conditions are in place for the production of innovative maatauranga Maaori content in Council's planning instruments.

The first indications of Council's planning direction are also positive, with specific mention of maatauranga Maaori in both the Auckland Plan and the LTP. The substantial under-spend on Maaori aspirations and initiatives is of major concern, with the minimum resourcing required in terms of both operational and capital expenditure calculated in reports commissioned by the Independent Maaori Statutory Board as being several times that allocated by Council in its LTP.

Council's Maaori Relations and Strategy team has developed some initial Maaori values frameworks, which have the potential to be applied across Council activities, plans and decisions in order to bring a Maaori lens to these. But there remains a need to ensure that these are comprehensive and sufficiently coherent such that their intention will be clear to non-Maaori.

Furthermore, the complexities arising from the many iwi with mana whenua in the region have to be reflected in any Maaori values framework, and there will be instances where the tikanga and maatauranga of different iwi are at odds. This can only be reconciled in Council's planning framework through the substantial engagement with iwi and hapuu in the development of Maaori values frameworks, and their ongoing application.

As previously observed, the test as to whether Council provides credible provisions for leveraging positive maatauranga and tikanga related outcomes for Maaori will be the upcoming Unitary Plan.

It is critical that such provisions are adequately balanced across the policy cascade, from Issues to Objectives, strong policies accompanied by sufficient range and quality of methods so as to provide the tools planners need to implement plan intentions.

But, perhaps most importantly, Maaori require comprehensive effective means for monitoring and evaluating both environmental outcomes relating to maatauranga and tikanga provisions, and assessing the effectiveness of council planning provisions and interventions toward achieving these outcomes. This has historically been an area where most councils have failed to complete

the planning cycle, and we have failed to properly learn from experience in order to ensure better future outcomes. Importantly in this regard Maaori and the wider community have been deprived of the evidence with which to hold local authorities to account.

There is a clear need for engagement with mana whenua and taurahere in Auckland to determine what they view to be the required Maaori outcomes that Council should incorporate in its plans. It is argued here that it is not for councils to determine the aspirations of Maaori within the region. Similarly, there is a particular need for engagement with Maaori toward the development of culturally appropriate maatauranga Maaori based indicators with which to assess whether Maaori outcomes are being achieved.

8.3 Summary of findings and future research

- There is a clear international and national recognition of the value of indigenous approaches (tikanga) and indigenous knowledge (maatauranga Maaori) for resource management and planning.
- The Crown and courts have clearly indicated their intentions for the recognition and provision for tikanga and mātauranga Māori in environmental resource management and planning
- Maatauranga Maaori has much to offer in terms of making sound environmental planning decisions. It's recognition makes sense regardless of legislation.
- In the face of changing climatic conditions a long term tangata whenua environmental view provides a local perspective that western scientific knowledge cannot.
- There are strong Maaori-related provisions in a wide range of legislation, and in high level planning documents such as the New Zealand Coastal Policy Statement.
- Despite this Maaori have often been deprived of the tools with which to evaluate the extent to which their environmental aspirations have been achieved.

Maatauranga in statutory plans

- Until recently there has been little specific reference to maatauranga in statutory planning instruments despite strong Maaori provisions in legislation, and high level planning documents.
- Rather, plans have been concerned with those Maaori values and concepts that have been specifically included in the RMA and other environmental management related legislation.
- The wording of statutory Maaori provisions is replicated in council planning instruments, but largely not expanded upon in order to reflect local situations and iwi perspectives.
- Councils have made some attempts toward developing Maaori outcomes, and sometimes with participation by Maaori. There have been few examples of credible Maaori indicator development nationally, and few councils have developed maatauranga Maaori based indicators.
- Few of the indicators adopted by councils with which to measure Maaori outcomes have included maatauranga Maaori based indicators, and even fewer have taken advantage of the various cultural indicator frameworks that have been made available.
- Recent draft regional level plans would appear to include greater recognition of maatauranga and tikanga Maaori, but it is yet to be seen whether such Maaori provisions survive the submissions and adoption process.

Maatauranga in planning

- There is a widely reported disjunct between the quality of statutory plan provisions for Maaori, and their implementation.

- Councils have largely failed to monitor environmental results or plan effectiveness, so new plans are adopted with little knowledge as to which previous planning approaches have been successful or otherwise. This is particularly the case in terms of Maaori cultural and environmental outcomes.
- Maaori values and concepts included in statute have been inconsistently interpreted, applied and upheld by both council decision makers and the courts.
- There is a widespread view amongst Maaori that maatauranga Maaori continues to be accorded lesser weight by decision-makers than western knowledge, in particular scientific knowledge.
- Maaori parties are widely treated as lay witnesses, their expertise not appropriately recognised.
- There are few formalised council-Maaori arrangements that might constitute joint management arrangements, but a greater number of informal arrangements.
- Treaty settlements have created the most significant recent joint management arrangements.
- More than a century of western planning has resulted in our built environments including little reflection of the Māori history or the Māori Treaty partner today.

Auckland Council

- Auckland Council has given some positive indications of a willingness to include meaningful tikanga and maatauranga Maaori related provisions in its plans.
- Council's Maaori Strategy and Relations team has been proactive in developing Treaty of Waitangi, Maaori values, and Maaori engagement frameworks, and is working to have these given effect across Council.
- Some Council Controlled Organisations have made credible initial moves toward policies for Maaori engagement.
- The establishment of a kaitiaki forum by Watercare is positive, it has yet to be seen whether other CCOs will follow this lead.
- Council's funding commitment to Maaori in its first LTP is disappointing, being reported by the Independent Maaori Statutory Board to be less than half the amount proposed as necessary in order to fulfil commitments made to Māori
- Auckland Local Board plans include little meaningful provision for engagement with, or resourcing for, Maaori.
- The advent of the Independent Maaori Statutory Board is a significant development in terms of elevating Maaori rights and values.
- The IMSB publication of issues of significance to Maaori, investigations into Maaori wellbeing in Auckland, and particularly the recently released Treaty of Waitangi audit, are groundbreaking and have generated immediate, if mixed, responses from Council.
- Recently announced intentions to enter into iwi-specific relationships, with associated capacity building resourcing, represent a significant positive development.

Engagement and participation

- Council engagement with and provision for participation by Maaori varies considerably across the country, there are some standout positive examples, but significantly more negative experiences.

- There remain a range of substantive barriers to Maaori participation across many New Zealand councils
- There has been little investigation into the nature of these barriers, and less into how they might be overcome.
- Maaori are dealing with an ever-moving target in terms of council participation, with ongoing changes to the RMA and other relevant legislation that potentially erode the ability of Maaori to effect positive cultural and environmental outcomes.

Future work

- There remains a need to investigate the extent to which poor quality plans are a factor in negative environmental outcomes for Maaori.
- There is an urgent need for research into overcoming barriers within councils to giving effect to statutory obligations to Maaori.
- Councils require methods for developing and implementing Maaori outcomes and indicators and evaluative frameworks with which to consider and better understand maatauranga Maaori.
- Work is required to investigate effective protocols and mechanisms for councils receiving, understanding , and protecting maatauranga Maaori.
- While some frameworks and methodologies have been developed by the Māori relations team for Auckland Council, there is a need for greater iwi input, and for these to be widely communicated across council with appropriate training in their use.

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Appendix 1 - Indigenous Knowledge provisions in Agenda 21.

The following are some of the actions that identify the importance of indigenous knowledge within various areas of environmental resource management. The many provisions for indigenous culture, values and traditions or participation by indigenous communities are not reproduced here.

Chapter 8 - INTEGRATING ENVIRONMENT AND DEVELOPMENT IN DECISION-MAKING

8.4 - Improving Decision Making Practices action number reads:

8.5. To support a more integrated approach to decision-making, the data systems and analytical methods used to support such decision-making processes may need to be improved. Governments, in collaboration, where appropriate, with national and international organizations, should review the status of the planning and management system and, where necessary, modify and strengthen procedures so as to facilitate the integrated consideration of social, economic and environmental issues. Countries will develop their own priorities in accordance with their national plans, policies and programmes for the following activities:

(d) Adopting integrated management systems, particularly for the management of natural resources; traditional or indigenous methods should be studied and considered wherever they have proved effective; women's traditional roles should not be marginalized as a result of the introduction of new management systems;

Chapter 10 - INTEGRATED APPROACH TO THE PLANNING AND MANAGEMENT OF LAND RESOURCES

Also relating to improving integrated decision making action point 10.7 includes a similar activity:

(d) Strengthen management systems for land and natural resources by including appropriate traditional and indigenous methods; examples of these practices include pastoralism, Hema reserves (traditional Islamic land reserves) and terraced agriculture;

Chapter 11 - COMBATING DEFORESTATION

In relation to improving forestry management (11.4):

(d) Carrying out surveys and research on local/indigenous knowledge of trees and forests and their uses to improve the planning and implementation of sustainable forest management;

Chapter 12 - MANAGING FRAGILE ECOSYSTEMS: COMBATING DESERTIFICATION AND DROUGHT

Management-related activities (12.18):

(d) Promote participatory management of natural resources, including rangeland, to meet both the needs of rural populations and conservation purposes, based on innovative or adapted indigenous technologies;

Scientific and technological means (12.23):

(a) Integrate indigenous knowledge related to forests, forest lands, rangeland and

natural vegetation into research activities on desertification and drought;

(b) Promote integrated research programmes on the protection, restoration and conservation of water and land resources and land-use management based on traditional approaches, where feasible.

Desertification control and management of the effects of drought (12.56 - Objectives)

(d) To support local communities in their own efforts in combating desertification, and to draw on the knowledge and experience of the populations concerned, ensuring the full participation of women and indigenous populations.

Chapter 14 - PROMOTING SUSTAINABLE AGRICULTURE AND RURAL DEVELOPMENT

Scientific and technological means (14.22)

(a) Encourage people's participation on farm technology development and transfer, incorporating indigenous ecological knowledge and practices

Data and information 14.28.

(b) Initiate and maintain on-farm and off-farm programmes to collect and record indigenous knowledge.

Activities - Data and information - 14.47

(c) Collect and record information on indigenous conservation and rehabilitation practices and farming systems as a basis for research and extension programmes.

Chapter 15 - CONSERVATION OF BIOLOGICAL DIVERSITY

Objectives - 15.4.

(g) Recognize and foster the traditional methods and the knowledge of indigenous people and their communities, emphasizing the particular role of women, relevant to the conservation of biological diversity and the sustainable use of biological resources, and ensure the opportunity for the participation of those groups in the economic and commercial benefits derived from the use of such traditional methods and knowledge

Management-related activities - 15.5.

(e) Subject to national legislation, take action to respect, record, protect and promote the wider application of the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles for the conservation of biological diversity and the sustainable use of biological resources, with a view to the fair and equitable sharing of the benefits arising, and promote mechanisms to involve those communities, including women, in the conservation and management of ecosystems;

Chapter 16 - ENVIRONMENTALLY SOUND MANAGEMENT OF BIOTECHNOLOGY

C) Human resource development - 16.19.

Training and technology transfer is needed at the global level, with regions and countries having access to, and participation in exchange of, information and expertise, particularly indigenous or traditional knowledge and related biotechnology. It is essential to create or enhance endogenous capabilities in developing countries

to enable them to participate actively in the processes of biotechnology production.

Objectives - 16.39.

(a) To promote the development and application of biotechnologies, with special emphasis on developing countries, by:

(vi) Recognizing and fostering the traditional methods and knowledge of indigenous peoples and their communities and ensuring the opportunity for their participation in the economic and commercial benefits arising from developments in biotechnology

Chapter 17 - PROTECTION OF THE OCEANS, ALL KINDS OF SEAS, INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, AND COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

Objectives - 17.74.

(b) Take into account traditional knowledge and interests of local communities, small-scale artisanal fisheries and indigenous people in development and management programmes

Chapter 18 - PROTECTION OF THE QUALITY AND SUPPLY OF FRESHWATER RESOURCES: APPLICATION OF INTEGRATED APPROACHES TO THE DEVELOPMENT, MANAGEMENT AND USE OF WATER RESOURCES

Water pollution prevention and control - 18.40.

ii. Promotion of the construction of treatment facilities for domestic sewage and industrial effluents and the development of appropriate technologies, taking into account sound traditional and indigenous practices

Development and application of clean technology

iv. Development of appropriate methods for water pollution control, taking into account sound traditional and indigenous practices;

Scientific and technological means - 18.52.

(b) Utilization of traditional and indigenous practices, as far as practicable, to maximize and sustain local involvement;

Chapter 21 - ENVIRONMENTALLY SOUND MANAGEMENT OF SOLID WASTES AND SEWAGE-RELATED ISSUES

Scientific and technological means - 21.23.

(b) Developing and improving existing technologies, especially indigenous technologies, and facilitating their transfer under ongoing regional and interregional technical assistance programmes

Chapter 26 - RECOGNIZING AND STRENGTHENING THE ROLE OF INDIGENOUS PEOPLE AND THEIR COMMUNITIES

Basis for action - 26.1.

Indigenous people and their communities have an historical relationship with their lands and are generally descendants of the original inhabitants of such lands. In the context of this chapter the term "lands" is understood to include the environment of

the areas which the people concerned traditionally occupy. Indigenous people and their communities represent a significant percentage of the global population.

They have developed over many generations a holistic traditional scientific knowledge of their lands, natural resources and environment. Indigenous people and their communities shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination.

Their ability to participate fully in sustainable development practices on their lands has tended to be limited as a result of factors of an economic, social and historical nature. In view of the interrelationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities.

Objectives - 26.3.

vii. Enhancement of capacity-building for indigenous communities, based on the adaptation and exchange of traditional experience, knowledge and resource-management practices, to ensure their sustainable development

Activities - 26.4.

(b) Adopt or strengthen appropriate policies and/or legal instruments that will protect indigenous intellectual and cultural property and the right to preserve customary and administrative systems and practices.

26.5. United Nations organizations and other international development and finance organizations and Governments should, drawing on the active participation of indigenous people and their communities, as appropriate, take the following measures, inter alia, to incorporate their values, views and knowledge, including the unique contribution of indigenous women, in resource management and other policies and programmes that may affect them:

(c) Strengthen research and education programmes aimed at:

i. Achieving a better understanding of indigenous people's knowledge and management experience related to the environment, and applying this to contemporary development challenges;

26.6. Governments, in full partnership with indigenous people and their communities should, where appropriate:

(a) Develop or strengthen national arrangements to consult with indigenous people and their communities with a view to reflecting their needs and incorporating their values and traditional and other knowledge and practices in national policies and programmes in the field of natural resource management and conservation and other development programmes affecting them;

Chapter 30 - STRENGTHENING THE ROLE OF BUSINESS AND INDUSTRY

Activities - 30.25

Business and industry, including transnational corporations, should increase research and development of environmentally sound technologies and environmental management systems, in collaboration with academia and the scientific/engineering establishments, drawing upon indigenous knowledge, where appropriate.

Chapter 34 - TRANSFER OF ENVIRONMENTALLY SOUND TECHNOLOGY, COOPERATION AND CAPACITY-BUILDING

OBJECTIVES - 34.14.

(c) To facilitate the maintenance and promotion of environmentally sound indigenous technologies that may have been neglected or displaced, in particular in developing countries, paying particular attention to their priority needs and taking into account the complementary roles of men and women

Chapter 35 - SCIENCE FOR SUSTAINABLE DEVELOPMENT

Objectives - 35.6.

(d) The generation and application of knowledge, especially indigenous and local knowledge, to the capacities of different environments and cultures, to achieve sustained levels of development, taking into account interrelations at the national, regional and international levels;

(h) Develop methods to link the findings of the established sciences with the indigenous knowledge of different cultures. The methods should be tested using pilot studies. They should be developed at the local level and should concentrate on the links between the traditional knowledge of indigenous groups and corresponding, current "advanced science", with particular focus on disseminating and applying the results to environmental protection and sustainable development.

Objectives - 35.16.

The primary objective is to provide assessments of the current status and trends in major developmental and environmental issues at the national, subregional, regional and global levels on the basis of the best available scientific knowledge in order to develop alternative strategies, including indigenous approaches, for the different scales of time and space required for long-term policy formulation.

Activities - 35.22.

(g) Compile, analyse and publish information on indigenous environmental and developmental knowledge, and assist the communities that possess such knowledge to benefit from them.

Chapter 40 - INFORMATION FOR DECISION-MAKING

F) Strengthening of the capacity for traditional information - 40.11.

Countries, with the cooperation of international organizations, should establish supporting mechanisms to provide local communities and resource users with the information and know-how they need to manage their environment and resources sustainably, applying traditional and indigenous knowledge and approaches when appropriate. This is particularly relevant for rural and urban populations and indigenous, women's and youth groups.

Maaori provisions in Auckland legacy council plans

Appendix 2 - Maaori provisions in Auckland legacy council plans

1. Manukau Operative District Plan

Chapter	Topic	Issues	Topic	Objectives	Topics	Policies	Methods	Anticipated Environmental Results	Monitoring provisions
2. The City's Resources	LAND/WHENUA 2.2.1 - State of Resource	Land is also more than a simple physical commodity. It is a source of identity for many people, and in Māori law the people are the land - they are the descendants of Papatuanuku (the earth mother). The earth passes through women. The word 'whenua' means both 'land' and 'placenta'. The right to a place was by descent from the people of that land, the tangata whenua. 2.2.3 Resource Management Issues: LAND (b) Significant landscape and heritage features within the City can be threatened by urbanisation In the past urban development has resulted in the destruction of natural landforms and heritage features at the bulk earthworks stage. Many of these areas have cultural significance particularly to tangata whenua.							5.20 MONITORING Rule 5.20.1 For all activities for which resource consent is required the Council reserves the right to impose conditions related to monitoring and the provision of information as to the implementation of the consent.
	2.3 WATER/WAI	2.3.1 State of Resource 2.3.1.1 The Importance of Water Water (Wai), like land, plays an important role in Maori life and provides physical and spiritual sustenance. Water is viewed as life-giving and is used in various rituals and customs. Just as there is a physical water cycle moving through the landscape - from rain to stream, river and ground water and down to the sea - there is a spiritual cycle. Water at its most spiritually pure falls as rain. The physical quality of the waterways, including the sea, is essential to Maori spiritual wellbeing. 2.3.3 Resource Management Issues: WATER 2.3.3.2 Quality - Introduction (i) There is a Need to Take More Account of Tangata Whenua Perspectives The tangata whenua of Manukau City, the Tainui people, have a particular perspective on water as a taonga. As a principle, they wish to see all wastes derived from land returned to the land. This includes sewage discharges and other urban and rural discharges and run-off. For purification purposes, discharges need to be discharged to land to find their own way to the natural water ways. 2.6.3 Resource Management Issues: MINERALS (b) Extraction of Mineral Resources can be in conflict with the protection of Natural and Cultural Heritage A number of the scoria cones in the City were originally significant landforms, and because of the settlement which historically occurred in close proximity to these cones, were also significant archaeological sites. Many of these cones have now been modified to the point that they no longer retain their original values.						3.A.5	
		Note - Section 3A is provided in english followed by whole section in Maori							
3. The City's People	Treaty of Waitangi Working in partnership with tangata whenua	3.2.4 Infrastructure of the City Marae Complex There are 17 marae complex in Manukau, eight of which are in Mangere, and there are one or two in each of the other wards. The marae complex are at a variety of stages in their development. There are also Tainui marae associated with traditional ancestral land. Activities associated with the marae include kohanga reo, kokiri centres (for skills training), housing projects and community services. 3.3 CITY-WIDE RESOURCE MANAGEMENT ISSUES - Issue 3.3.3 As tangata whenua, Tainui has, in terms of customary authority and Te Tiriti o Waitangi, partnership interests in the management of the City's resources. Section 8 of the Resource Management Act, which provides that all persons exercising functions under the Act shall take into account the principles of the Treaty of Waitangi, means local authorities are the Crown's delegate in relation to Treaty obligations. This means that the Council has partnership responsibilities with respect to tangata whenua. The principle of partnership carries with it an obligation to act in the utmost good faith and to act reasonably. These matters are discussed more fully in Chapter 3A, Tangata Whenua.	Consideration of Kaitiakitanga Ethic of stewardship in decision making	Objective 3.A.3.1 To have regard to tangata whenua's right to exercise rangatiratanga and kaitiakitanga over ancestral lands, waters, sites, waahi tapu and other taonga. (This objective relates to Issue 3.A.2.1) (This objective relates to Issue 3.A.2.1) Explanation/Reasons Section 8 of the Act requires the Council in undertaking its functions under the Act to take into account the principles of the Treaty of Waitangi. There is no definitive list of Treaty principles. These have been evolving over time as new cases come before the Court of Appeal and the Waitangi Tribunal. A strong theme is that of partnership. The principle of tribal rangatiratanga has been identified by the Waitangi Tribunal. The Government has	Involvement of tangata whenua in decision making.	Policy 3.A.4.1 Tangata whenua should be enabled to fully participate in resource management processes and actively consulted in a way that: (a) Fosters partnerships and relationships with representative tangata whenua authorities (including iwi authorities); (b) Avoids models which lead to adversarialism; (c) Recognises and respects marae authority and affiliations; (d) Respects the role of kaumatua; (e) Acknowledges historical circumstances and impacts on resource needs; (f) Respects tikanga Maori (Maori customary values and practices). (g) Acknowledges the rights of hapu to speak and act on matters that affect them.	Methods • Requirement (in General Procedures and Rules Chapter 5) to ensure that the assessment of effects for development includes an assessment of effects on tangata whenua; • Council contracts for resource management services with representative tangata whenua authorities; • Co-management with tangata whenua of taonga that are in Council's ownership (e.g. areas zoned public open space such as Mangere Mountain, Hampton Park Otara); • Appointment of tangata whenua as Planning Commissioners; • Appointments to Council staff, e.g. Maori Liaison Officer; • Memoranda of Understanding with representative tangata whenua authorities; • Investigate opportunities for resource management committee hearings to be held on marae where appropriate; • Allow harvesting of indigenous plants on public open space for cultural purposes through harvesting permits (e.g. Imrie Avenue Reserve, Mangere); • Support resource management initiatives of tangata whenua; • Investigate transfer of powers to tangata whenua pursuant to Section 33 of the Act; • Services — e.g. Training and Education on Resource Management Act; • Educational workshops for Council officers in Tikanga Maori, Te Reo Maori and the Treaty of Waitangi.	3.A.5	

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Chapter	Topic	Issues	Topic	Objectives	Topics	Policies	Methods	Anticipated Environmental Results	Monitoring provisions
				also identified the principle of iwi self-management. Facilitating rangatiratanga ensures that a fundamental principle of the Treaty of Waitangi is taken into account. S7(a) of the Resource Management Act 1991 expressly requires particular regard to be given to kaitiakitanga. In Maori cultural terms, kaitiakitanga is an instrumental part of rangatiratanga. Section 5(2) of the Act also requires Council to manage resources in a way that enables well-being. The exercise of rangatiratanga and kaitiakitanga contributes to tangata whenua's well being and helps ensure the mauri, or life force of taonga is healthy and strong. Tangata whenua as kaitaki must do all in their power to restore the mauri of taonga to its original strength.					
3a. Tangata Whenua (English & Maori Versions of text for Ch 3A).	Treaty of Waitangi The relationship of Maori their culture and traditions with ancestral lands, water etc Kaitiakitanga Ethic of stewardship	Issue 3.A.2.1 Managing the City's resources in a way that enables tangata whenua to provide for their own well being requires recognition of and provision for customary authority and rights guaranteed by the Treaty of Waitangi. The Waitangi Tribunal has reported ¹ that "for Tainui ... (the) loss of land, land which is now some of the most economically productive in New Zealand has led to an almost landless proletariat which still broods over the manner of their dispossession (and that) the elders ... argue that the Treaty of Waitangi ... should be interpreted according to their rights ...". There are also those of Tainui who did not sign the Treaty of Waitangi whose rights are based on Customary authority. These rights are the source of tangata whenua's well being. The ability to exercise rangatiratanga and kaitiakitanga, authority and control over resources are political rights and use rights. Tangata whenua's well being also includes associational rights such as ahi kaa (keeping the fires warm). If tangata whenua are unable to exercise their customary rights, rights that were guaranteed to them by the Treaty of Waitangi, their well being is adversely affected. In addressing this matter, Council must meet its obligations under the Act and apply section 8 in the context of the promotion of sustainable management in section 5. Exercise of transfer of powers may assist in some cases. Many issues, however, are appropriately resolved by the Crown.	Enable involvement of tangata whenua in decision making	Objective 3.A.3.2 To enable tangata whenua's right to exercise rangatiratanga and kaitiakitanga over ancestral lands, waters, sites, waahi tapu and other taonga. (This objective relates to Issue 3.A.2.2)	Consideration of adverse effects on tangata whenua's taonga	Policy 3.A.4.2 Adverse effects of development on tangata whenua's taonga and tangata whenua's relationships with taonga are to be avoided, remedied or mitigated.	Methods • Involvement of tangata whenua authorities in the vetting of resource consent applications for assessment of effects. • Taking into account iwi planning documents in resource consent processes (Chapter 5 — General Procedures and Rules). • Scheduling of waahi tapu (Chapter 6 — Heritage). Support, for example through administrative services, signage for rahui (prohibition) or whakatupu (growing time) as appropriate to allow replenishment of traditional kaimoana areas (e.g. Eastern Beach, Bucklands Beach Peninsula). • Activity Tables (e.g. Quarrying Activities are controlled activities Chapter 17 — Special Areas and Activities). • Purchase of waahi tapu in private non-Maori ownership for Public Open Space	3.A.5	
	Treaty of Waitangi Importance of recognising, protecting and maintaining the relationship of Maori their culture and traditions with ancestral lands, water etc	Issue 3.A.2.2 Tangata whenua's taonga, and tangata whenua's relationship with taonga can be adversely affected by developments even though customary authority and the principles of the Treaty of Waitangi guaranteed protection of taonga. Tangata whenua's traditional relationship with the environment makes places sacred, with some places more sacred than others. Sacred places may include, for example: • a place that has had contact with the dead • a battlefield • a burial place • a place where a tupapaku landed from a canoe, rested, was place for tangi • a house site of great mana • a place of refuge • a place of contemplation • a mountain from which territory was claimed • where a famous song or chant was first uttered	The importance of prioritising the relationship with tangata whenua with the land in decision making.	Objective 3.A.3.3 To ensure appropriate priority is afforded to the relationship of tangata whenua and their culture and traditions with their ancestral taonga. (This objective relates to Issue 3.A.2.3)	Importance for providing for tangata whenua and their cultural activities.	Policy 3.A.4.3 Provision should be made to enable tangata whenua to live on, develop and use ancestral lands in accordance with tikanga Maori (Maori customary values and practices).	Methods • Papakainga zones • Provision for Papakainga housing in Rural Areas • Support to marae and associated customary activities	3.A.5	

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Chapter	Topic	Issues	Topic	Objectives	Topics	Policies	Methods	Anticipated Environmental Results	Monitoring provisions
		<ul style="list-style-type: none"> • where a vision occurred • where a rite was performed <p>The relationship of tangata whenua (the genealogical connection) with their ancient mother Papatuanuku and father Ranginui including the Atua or Kaitiaki of their taonga, including the taonga themselves makes it imperative that those that have legislative responsibilities over such physical and spiritual realms uphold customary rights.</p>							
	Treaty of Waitangi Importance of recognising the role of Maori as Kaitiaki in decision making. Customary rights Protection of taonga	<p>Issue 3.A.2.3</p> <p>The resource management policy framework has not always afforded the interests of tangata whenua appropriate priority and respect, even though the Treaty of Waitangi includes such intentions.</p> <p>While tangata whenua are indigenous peoples their concerns can be overlooked in the interests of serving the majority. However, as indigenous peoples they have customary rights guaranteed by the Treaty of Waitangi. The Waitangi Tribunal has indicated in its findings on the Manukau Claim that the intention of both texts of the Treaty of Waitangi is to afford the Maori interest an appropriate priority and respect when their interest in their taonga is adversely affected.</p>						<p>3.A.5</p> <ul style="list-style-type: none"> • Involvement and active participation of tangata whenua in resource management processes; • Protected waahi tapu and other taonga; • Tangata whenua access to taonga; • Establishment of marae, kohanga, kura kaupapa and other Maori cultural institutions; • Greater public awareness of tangata whenua (customary rights and relationships with taonga); • Enhanced environmental quality. 	
4.									
5. General procedures and rules	Consultation	<p>The Assessment of Effects to be submitted to Council with every resource consent application must identify those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted. These persons might, for example, include neighbours, residents' groups, tangata whenua authorities, environmental groups, heritage protection authorities, the Auckland Regional Council and the Department of Conservation.</p> <p>The level and extent of consultation depends on the impacts that the proposal will have and the type of activity being proposed. In general, the greater the effects, the more extensively you need to consult. The process of consulting people allows them to understand the nature of the proposal and let their views be known. Done properly, consultation reduces time and costs later on in the resource consent process.</p> <p>Where there are identified waahi tapu (sacred places) the assessment of effects must include an assessment of effects on tangata whenua. Proposals near or involving a heritage resource such as those listed in Schedule 6A - 6E and archaeological sites will also require the assessment of effects to examine the effects on the heritage resource. Council officers can advise on the consultation procedures required in these cases to ensure a proper assessment of effects is undertaken.</p>							
5.3.3.2	Notification Procedure	<p>The notification procedure is undertaken in accordance with the requirements of Section 93 of the Act. This process involves preparing a notice in the form outlined in the Resource Management (Forms) Regulations 1991 (Form 6) and serving copies of it on the following people as appropriate:</p> <ul style="list-style-type: none"> • Owners and occupiers of the subject land; • Minister of Conservation; • New Zealand Historic Places Trust; • Iwi or other tangata whenua authorities; • Persons likely to be directly affected; • Other persons and authorities. 							
5.13	Information Requirements For Resource Consent Applications						<p>Rule 5.13.1.1</p> <p>The following information shall be provided, where appropriate, to Council as part of any application for a resource consent:</p> <p>(i) A description of the site and its location. Such a description should illustrate:</p> <p>(g) The location of any known sites or areas of significance to tangata whenua, that are identified in the district plan, New Zealand Historic Places Trust records, or that are made known to the applicant during any consultation process which may have been undertaken.</p>		
5.13.2	Assessment of Effects						<p>Rule 5.13.2.1</p> <p>All applications for resource consent must include an assessment of effects on the environment.</p> <p>As part of an assessment of effects, the applicant may be required, unless it is unreasonable in the circumstances, to consult as part of the assessment with the following persons as appropriate:</p> <ul style="list-style-type: none"> • The owner(s) and occupier(s) of the subject land; • Persons likely to be directly affected by the proposed activity; • The District and Regional Council; • The Department of Conservation; • The New Zealand Historic Places Trust; 		

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							<ul style="list-style-type: none"> • Iwi authorities; • Other authorities or organisations as relevant. 		
Appendix 5a:	Schedule Of Effects						<p>1 Effects which may need to be addressed</p> <p>A Effect on Land, Flora and Fauna</p> <p>1 Effect on any outstanding natural features or landscape.</p> <p>2 Effect on:</p> <ul style="list-style-type: none"> • Fauna • Flora including scheduled trees • Items subject to a heritage order, and waahi tapu • Items scheduled in Chapter 6 – Heritage • Effect on archaeological sites • Effect on high quality soils <p>B Effect on or experienced by people</p> <p>4 Effect on views identified in Chapter 6 - Heritage</p> <p>5 Effect on Maori cultural values.</p> <p>2 Mitigation measures which may be appropriate</p> <p>B People</p> <p>2 Extent of consultation held with persons, including Maori, affected by the work, and changes made to the work as a result of such consultation where such changes have been made.</p> <p>3 Access arrangements for Maori in cases where the site is of cultural significance to them.</p>		
Schedule 5a	Designations	Note - no designations for Māori - many for schools, parks, utilities, roads, and other facilities. None of the parks purposes are listed as cultural/Maori							
6. Heritage	Adverse effects from development on Heritage	<p>Issue</p> <p>6.2.1 The heritage of Manukau City has been depleted and continues to be under threat because of the City's rapid rate of development. Manukau City imposes significant pressures on its heritage resources because it is one of the fastest growing areas in New Zealand. Many heritage resources and values are sensitive to change. Heritage buildings, for example, are fragile in a constantly changing urban environment, and are susceptible to change through peoples' desire for modern conveniences. Neglect is also an issue with many of the older homes requiring considerable maintenance which, if done in keeping with the period of construction, may be more costly than using today's materials and techniques.</p> <p>Archaeological sites are particularly vulnerable in an environment where there is growth and development, because they are often unrecorded and not easily identified without assistance from kaumatua or trained archaeologists. Trees make the City a desirable place, acting as landmarks and enriching the landscape with distinguishing quality and appeal. Tree cover within the City, however, can be compromised by a rapid rate of development.</p> <p>Fifty years ago, the landforms of 19 volcanoes in the Manukau City area were virtually intact. In the last few decades, the volcanic heritage of the City has been destroyed with many volcanic cones being virtually completely removed. There is very little of the City's volcanic heritage left. In such a dynamic environment the protection of our sensitive heritage resources is vital.</p>		Objective 6.3.1 To preserve or protect the heritage values of a diverse and representative range of natural, physical and cultural resources within Manukau. (This objective relates to issues 6.2.1 and 6.2.2).		<p>Policy 6.4.1</p> <p>Those heritage resources preserved or protected should reflect the variety of contexts and communities within the City. (This policy relates to objective 6.3.1)</p> <p>Policy 6.4.2</p> <p>Adverse effects of development on the City's heritage resources should be avoided, remedied or mitigated.</p>	<p>Methods</p> <ul style="list-style-type: none"> • Scheduling that identifies a diverse range of heritage resources (e.g. wetlands, buildings, objects, waahi tapu archaeological sites and trees) Information — promotion of the City's heritage • Heritage Zoning • Resource consent procedures which include assessment of effects on heritage resources • Ongoing heritage assessments of the City's resources • Acquisition — for example public open space containing items of heritage significance <p>Methods</p> <ul style="list-style-type: none"> • Surveys/Identification • Scheduling • Requirement of Assessment of Effects on Heritage Resources • Advice notes on Land Information Memorandum relating to Heritage Resources • Notification provided to the Historic Places Trust of Project Information Memoranda relating to Heritage Resources registered by the Trust • Non-regulatory methods, eg pamphlets, guidelines 	<p>6.7</p> <p>The anticipated environmental results for the heritage resources of the City are:</p> <p>Archaeological Sites</p> <ul style="list-style-type: none"> • Retention and appreciation of archaeological sites for current and future generations. <p>Waahi Tapu</p> <ul style="list-style-type: none"> • Recognition and protection of Waahi Tapu. • Participation of tangata whenua in processes set up to protect Waahi Tapu. • Greater public awareness of tangata whenua heritage. 	<p>6.8 Procedures For Monitoring</p> <p>In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results contained in this chapter, the Council will develop a monitoring programme (see Chapter 1, Section 1.7.3) which may include the following monitoring procedures:</p> <ul style="list-style-type: none"> • Establishing base line information on heritage resources protected by the District Plan in liaison with the Auckland Regional Council, Department of Conservation, the NZ Historic Places Trust and other relevant public agencies and interested groups. • Periodic surveying of the status and condition of heritage resources considered most at risk. • Monitoring resource consents including compliance with consent conditions and the effectiveness of those conditions in protecting heritage resources. • A survey of residents' level of awareness of significant heritage resources. • Establishing an appropriate monitoring programme with Tangata Whenua.
	Adverse effects from development on tangata whenua and their taonga.	<p>Issue 6.2.2</p> <p>Tangata whenua and their relationship with taonga have been and continue to be, adversely affected by development even though the principles of the Treaty of Waitangi include active protection, and the Treaty of Waitangi gives tangata whenua values a priority when their taonga are adversely affected.</p> <p>The heritage of tangata whenua is considered "taonga" (something highly prized/treasured). Taonga can be seen and unseen. Physical expressions of taonga include waahi tapu such as pa, marae, papakainga, tribal ara (tracks), urupa, battle sites, maunga (mountains) and tauranga waka (canoe landings). Tangata whenua's strong spiritual relationship with waahi tapu means that even when such places have passed out of their ownership or have been damaged/destroyed or desecrated these places can still be highly valued and tapu (sacred). Historical developments have meant that much of tangata whenua heritage has passed out of their ownership, through land confiscations (raupatu whenua), illegal land acquisitions, individualisation of title contrary to tribal ownerships, and legislation contrary to the Treaty of Waitangi (eg Native Land Act 1862, NZ Settlements Act 1863, Native Reserves Act 1864 and</p>	Protection of cultural heritage	Objective 6.3.1 To preserve or protect the heritage values of a diverse and representative range of natural, physical and cultural resources within Manukau. (This objective relates to issues 6.2.1 and 6.2.2).	Protection of heritage resources	<p>Policy 6.4.1</p> <p>Those heritage resources preserved or protected should reflect the variety of contexts and communities within the City. (This policy relates to objective 6.3.1)</p> <p>Policy 6.4.4</p> <p>Public awareness of the City's heritage resources should be increased and the public encouraged to contribute to the protection of these.</p>	<p>Methods</p> <ul style="list-style-type: none"> • Scheduling that identifies a diverse range of heritage resources (e.g. wetlands, buildings, objects, waahi tapu archaeological sites and trees) Information — promotion of the City's heritage • Heritage Zoning • Resource consent procedures which include assessment of effects on heritage resources • Ongoing heritage assessments of the City's resources • Acquisition — for example public open space containing items of heritage significance <p>Methods</p> <ul style="list-style-type: none"> • Rules • Pamphlets • Incentives <p>Methods</p>		

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		Native Land Act 1865). This has affected the protection of waahi tapu. The Waitangi Tribunal has found that failure to actively protect taonga is contrary to the principles of the Treaty of Waitangi. The Council has a statutory responsibility, by virtue of Sections 6, 7 and 8 of the Resource Management Act, to promote processes and mechanisms that will provide better protection of taonga. [AM89]				Policy 6.4.5 Heritage resources should be used in a manner that ensures that the essential heritage qualities are not damaged or destroyed.	<ul style="list-style-type: none"> • Rules - Matters for Discretion • Information • Design Guidelines • Residential Zoning (Chapter 13 - Residential) • Special Character Areas identified in Business Areas • Incentives • Reserve Management Plans 		
			Protection of tangata whenua taonga	Objective 6.3.2 To actively protect tangata whenua taonga from being damaged, destroyed or desecrated. (This objective relates to Issue 6.2.2).	Avoiding adverse effects of development on taonga	Policy 6.4.3 Adverse effects on tangata whenua taonga and their relationship with taonga should be avoided, remedied or mitigated. (This policy relates to Objective 6.3.2).	<p>Methods</p> <ul style="list-style-type: none"> • Involvement of tangata whenua authorities in the vetting of resource consent applications for assessment of effects • Taking into account Iwi Planning Documents in resource consent processes (Chapter 5 — General Procedures and Rules) • Scheduling of waahi tapu and archaeological sites • Co-management of taonga in the Council's ownership (eg. taonga on public open space.) • Public acquisition of waahi tapu 		
					Consideration of effects on maori customary values in decision making.	Policy 6.4.6 The assessment of effects on tangata whenua should occur in a way that respects tikanga Maori (Maori customary values and practices). (This policy relates to objective 6.3.2).	<p>Methods</p> <ul style="list-style-type: none"> • Resource consent, consultation, processing and hearing procedures • Education and training of Council officers 		
					Consultation with tangata whenua	Policy 6.4.7 Tangata whenua should be actively consulted where activities have the potential to adversely affect taonga or tangata whenua's relationship to taonga and in particular where development involves: <ul style="list-style-type: none"> • "greenfield" subdivisions; • coastal areas; • activities near scheduled waahi tapu and archaeological sites; • activities near identified archaeological sites; • activity in the vicinity of papakainga areas; • activities that can adversely affect inland waterways. • public open space that contains heritage resources of value to tangata whenua (This policy relates to objective 6.3.2).	<p>Methods</p> <ul style="list-style-type: none"> • Resource Consent processes • Council contracts for Resource Management services with representative tangata whenua authorities • Agreement of understanding with representative tangata whenua authorities • Active consultation with representative tangata whenua authorities in the development of Reserve Management Plans. 		
					Co management of taonga on Council land	Policy 6.4.8 Options for the Council and tangata whenua to co-manage taonga in the Council's ownership should be investigated when assessing applications for development on Council land. (This policy relates to objective 6.3.2).	<p>Methods</p> <ul style="list-style-type: none"> • Resource consent procedures • Co-management of public open space areas where they contain heritage resources of value to tangata whenua 		
	6.5 HERITAGE STRATEGY	Māori aspects only small part of strategy: affording appropriate priority to the recognition and protection of tangata whenua taonga; Manukau's cultural heritage includes an assortment of buildings, objects, sites and areas, including those of particular importance to tangata whenua.					<p>6.6 IMPLEMENTATION</p> <p>6.6.1.1 Rules - Scheduling</p> <ul style="list-style-type: none"> • Schedule 6F Waahi Tapu to be Protected. <p>6.6.1.3 Resource Consent Procedures</p> <p>Council will ensure that its internal resource consent procedures take into account the protection of heritage resources, particularly with regard compatibility with the requirements under the Historic Places Act 1993.</p> <p>The Resource Management Act (S2(d) of the Fourth Schedule) requires consideration of "any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural, or other special value for present or future generations." Therefore, any resource consent application for a site on which a heritage resource is located shall include an assessment of effects.</p> <ul style="list-style-type: none"> • Technical Advice <p>2. The provision of staff to assist in any kaitiakitanga training programmes being developed by tangata whenua.</p> <p>6.9 RULES - ACTIVITIES</p> <p>Rule 6.9.1 - Activities involving Scheduled Heritage Resources</p> <p>Activities involving Heritage Resources shall comply with the following:</p>	<p>Waahi Tapu</p> <ul style="list-style-type: none"> • Recognition and protection of Waahi Tapu. • Participation of tangata whenua in processes set up to protect Waahi Tapu. • Greater public awareness of tangata whenua heritage. 	<p>6.8 PROCEDURES FOR MONITORING</p> <p>In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results contained in this chapter, the Council will develop a monitoring programme (see Chapter 1, Section 1.7.3) which may include the following monitoring procedures: Establishing base line information on heritage resources protected by the District Plan in liaison with the Auckland Regional Council, Department of Conservation, the NZ Historic Places Trust and other relevant public agencies and interested groups.</p> <ul style="list-style-type: none"> • Periodic surveying of the status and condition of heritage resources considered most at risk. • Monitoring resource consents including compliance with consent

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							<p>(c) For notification procedures under the Resource Management Act 1991 see 5.2.2, 5.2.3, 5.2.4, and 5.3.3.1 of Chapter 5 General Procedures and Rules. Special care will be taken to consult with tangata whenua where their taonga may be adversely affected.</p> <p>6.9.2 Activity Table Any works or activity which may have an adverse effect on any scheduled waahi tapu not being a controlled activity = Discretionary</p> <p>Any works or activity which may have an adverse effect on any scheduled archaeological site = Discretionary</p> <p>Rule 6.10.1 - Council reserves control over the following matters in respect of any activity which may have an adverse effect on any scheduled waahi tapu. (a) whether or not tangata whenua have been consulted (b) whether any matters pertaining to the tangata whenua protocols need to be addressed (c) whether the proposal affords appropriate acknowledgement of the waahi tapu status. (d) whether or not the proposal allows for (takes into account) the necessary tangata whenua protocols.</p> <p>6.12 RULES ASSESSMENT CRITERIA: DISCRETIONARY ACTIVITIES GENERAL ASSESSMENT CRITERIA 6.12.1 General Assessment Criteria For all discretionary activity resource consent applications relating to scheduled heritage resources, Council will have regard to the following assessment criteria and relevant matters set out in Section 104 of the Act: (a) whether the proposal has adverse effects on the heritage resource and the measures taken to avoid, remedy or mitigate potential adverse effects; (b) whether the proposed activity detracts from the heritage value of the resource; (c) whether the works or activity would wholly or partially nullify the effect of scheduling the heritage resource; (d) whether there is any change in circumstance that has resulted in a reduction of the value of the heritage resource since the resource was identified in the Plan; (e) whether there is sufficient time and expertise to record and document the heritage resource before the proposal occurs; (f) whether consultation has occurred with heritage organisations such as New Zealand Historic Places Trust and the Department of Conservation and any other Heritage Protection Authority or Community Group as appropriate; (g) whether the proposal is subject to the requirements of legislation other than the Resource Management Act, for instance the provisions of the Historic Places Act in relation to archaeological sites; (h) whether consultation has occurred with tangata whenua.</p> <p>6.12.2.6 Any works or activity which will have an effect on any scheduled waahi tapu. (a) whether consultation has occurred with tangata whenua and there is written confirmation from any affected parties that the activity avoids, remedies or mitigates adverse effects on tangata whenua taonga. Explanation/Reasons It is not possible to fully appreciate the effects of development on tangata whenua taonga without consultation. Active consultation is seen to be taking account the principles of the Treaty of Waitangi as required by Section 8 of the Act.</p>		<p>conditions and the effectiveness of those conditions in protecting heritage resources.</p> <ul style="list-style-type: none"> • A survey of residents' level of awareness of significant heritage resources. • Establishing an appropriate monitoring programme with Tangata Whenua.
							<p>SCHEDULE 6C - SPECIES OF TREE TO BE PROTECTED (SUBJECT TO RULE 6.9) - Native tree names are each listed with Māori name then latin name</p> <p>SCHEDULE 6F - WAAHI TAPU TO BE PROTECTED (SUBJECT TO RULE 6.9) 24 Waahi tapu listed - 1 subject to appeal</p> <p>SCHEDULE 6G – ARCHAEOLOGICAL SITES TO BE PROTECTED (SUBJECT TO RULE 6.9) 36 sites listed</p> <p>APPENDIX 6A: EVALUATION CRITERIA 3 Wetlands 2 Notable Trees and Stands of Trees</p>		

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7.							<p>A. Criteria (b) Historical/Cultural Value</p> <ul style="list-style-type: none"> any tree or group of trees of spiritual or cultural value to tangata whenua. any tree or group of trees having the potential to provide knowledge of or promote New Zealand history, local history and/or cultural values. <p>3 Wetlands A. Criteria In determining whether a wetland is worthy of protection the following factors are considered: (b) Scientific / Education / Cultural Importance / Amenity Values</p> <ul style="list-style-type: none"> The wetland is known to be of particular significance to tangata whenua and their cultural values; <p>4 Geological Features A Criteria</p> <p>(c) Historic and Cultural Importance</p> <ul style="list-style-type: none"> The site is known to be of particular significance to tangata whenua or other ethnic groups for its religious, mythological, spiritual or other symbolic significance. 		
8.									
9. Land Modification, Development and Subdivision		<p>9.2 RESOURCE MANAGEMENT ISSUES</p> <p>Issue 9.2.2 New subdivisions can lead to piecemeal development where their design is not compatible with the environmental qualities, character and amenity values for the zone in which they occur, having regard to the characteristics of the site upon which the development takes place.</p> <p>9.2.1 The processes of land modification, development and subdivision can cause adverse effects on the environment, such as alteration of natural features and landscape, a deterioration in water quality and destruction or degradation of the amenity values of an area. Land modification, development and subdivision can also adversely affect cultural heritage.</p> <p>9.2.6 Poor water quality can affect the life supporting capacity of streams and receiving environments.</p>		<p>Objective 9.3.2 To ensure new subdivisions have a character which is consistent with the environmental results envisaged for the relevant zone and area, taking into account any heritage sites or features of the land in which development occurs.</p> <p>9.3.3 To preserve or protect areas or features of heritage value.</p>		<p>Policy 9.4.1 (h) preserves or protects areas and features of heritage value.</p>	<p>Rule - 9.9.1.6 Heritage - invokes Chapter 6 - subject to appeal</p> <p>9.10 RULES - MATTERS FOR CONTROL: CONTROLLED ACTIVITIES Council reserves control over the following matters for controlled activity resource consent applications for land modification, development and subdivision, and may impose controls in respect of each:</p> <ul style="list-style-type: none"> protection of any natural or cultural heritage features, including native or riparian vegetation; <p>9.12 ASSESSMENT CRITERIA: CONTROLLED AND RESTRICTED DISCRETIONARY ACTIVITIES 9.12.1 General Matters Whether the nature and extent of any measures taken will enhance or protect the natural and cultural heritage resources of the area; 9.12.6 Earthworks (k) Heritage Whether the earthworks would adversely affect any feature of historic or cultural importance.</p>	No Māori-specific AERs	No Māori-specific monitoring provisions
10.1 Hazardous Facilities and Substances		<p>10.1.2.1 The potential for short and long-term damage to the environment, including ecosystems, caused by the accidental, unintentional or uncontrolled release of hazardous substances resulting in contamination of water, soil and air, or risk of fire and explosion events.</p>	No mention of Māori values at all						
10.2. Waste Management			No mention of Māori values at all						
11. Coastal Environment and Surface of Rivers	<p>Activities on the land have the potential to affect the relationship of Maori with their culture and traditions</p> <p>Coastal development</p> <p>Discharge of sewage into the coast</p> <p>Water quality</p>	<p>Issue 11.1.2.5 The coastal environment includes areas of considerable significance to tangata whenua and it needs to be protected from the adverse effects of activities on the land, particularly sites of special value.</p> <p>The tangata whenua are kaitiaki of the coastal environment and are therefore concerned about activities on the land which can impact on the coastal environment. Early Maori settlement of Manukau City was oriented to the harbour and sea for food sources, communication and transport. It is still important as a food source and has considerable spiritual significance. The coastal environment therefore includes waahi tapu such as pa, turanga waka and urupa, which are of cultural significance. Importance is also placed on cultural materials found in the coastal environment e.g. material for weaving and dyeing processes.</p> <p>Activities on the land have the potential to adversely affect the relationship of</p>	Consideration of tikanga maori in decision making	<p>Objective 11.1.3.4 To recognise and protect the characteristics of the coastal environment of special spiritual, historical and cultural significance to tangata whenua in accordance with tikanga Maori. (This objective relates to Issue 11.1.2.5)</p>	Maintain access to the coast while protecting maori cultural values.	<p>Policy 11.1.4.5 Public access to and along the coastal marine area should be maintained and enhanced except where restrictions are necessary: to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; - to protect Maori cultural values; - to protect public health and safety; - to ensure a level of security consistent with the purpose of a resource consent; - in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access. (This policy relates to Objective 11.1.3.3)</p>	<p>Methods - Esplanade reserves and strips - Information - Restrictions on access to activities in Reserve Management areas</p>		

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	Protection of waahi tapu Marine life	Maori and their culture and traditions with their ancestral water, sites, waahi tapu and other taonga in the coastal environment. Effects of particular concern include the discharge of human sewage into the coastal environment, the degradation of water quality generally, damage and destruction of waahi tapu, and any action that degrades or depletes marine life, particularly species used by tangata whenua. The NZCPS states that: "It is a national priority to protect the following features which, in themselves or in combination, are essential or important elements of the natural character of the coastal environment: (b) characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori" (NZCPS Policy 1.1.3). The NZCPS also requires the identification and protection of characteristics of special value to tangata whenua to be carried out in accordance with tikanga Maori.							
		11.2 SURFACE OF RIVERS Not a single mention of cultural significance or Māori in relation to rivers			Maintaining relationship of maori with the coastal environment.	Policy 11.1.4.6 Activities in the coastal environment should avoid or mitigate adverse effects on the relationship of Maori with the coastal environment in particular effects on waahi tapu and other taonga. (This policy relates to Objective 11.1.3.4) 11.1.4A COASTAL ENVIRONMENTAL STRATEGY The essential elements of the coastal strategy include: (item 5 of 6) - to recognise that tangata whenua are kaitiaki and protect characteristics of the coastal environment of special spiritual, historical and cultural significance to tangata whenua	Methods - Scheduling - Assessment of effects on heritage resources - Involvement of tangata whenua authorities in vetting resource consent applications for assessment of effects - Co-management of taonga in Council ownership - Public acquisition of waahi tapu	11.1.6 Anticipated Environmental Results The anticipated environmental results for the City are: - The elements that make up the natural character of the coastal environment are retained or enhanced. - A natural coastal environment where the coastal landscape is not dominated by buildings or structures and retains its current "intactness", diversity and quality. - Coastal habitats are retained and enhanced and can exist in as undisturbed a state as possible. - Degraded areas of the coastal environment are restored and rehabilitated. - Public access to the coastal environment and coastal marine area is maintained and enhanced without adverse effects on the natural and heritage values of the coastal environment. - Waahi tapu and other taonga in the coastal environment are appropriately protected.	No Māori-specific monitoring provisions
12. Rural Areas		Introduction - includes: The rural area of Manukau City includes areas of Maori land and a large number of archaeological sites. Limited papakainga housing is occurring on the Maori land in the rural area. Issue 12.2.6 Maori have a special relationship with their ancestral land and expressing that relationship can have adverse effects on the environment. The remaining ancestral Maori land in rural Manukau which has not been alienated from its traditional owners covers a relatively small part of the City and is shown in Figure 12.1. Expressing the special relationship that the Maori people have with their ancestral land such as through the establishment of a marae complex or papakainga housing, can have adverse effects on the environment like any other similar type of activity. The siting of buildings can have effects on landscape and amenity values and the disposal of waste water can impact on water quality. The establishment of these activities will need to be done in such a way that any detrimental environmental effects of the activities are avoided, remedied or mitigated.		Objective 12.3.6 To recognise the relationship of Maori and their culture and traditions with their ancestral land, and protect the environment from the adverse effects of expressing that relationship.		Policy 12.4.11 Papakainga housing on rural Maori land should be designed, sited and of a scale and density which complements the rural character of the site. Policy 12.4.12 Marae complexes should be designed, sited and of a scale which complements the rural character of the site. Explanation and Reasons The policies reflect that it is a matter of national importance to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The ability to establish papakainga housing enables Maori to be able to live on their ancestral land which is still in their possession. The ability to establish marae is also enabling the Maori people to provide for this relationship.	Methods - Yards - Height Controls - Density controls - Matters for control and assessment criteria 12.9.1 Rural 1 Zone The Rural 1 zone is the general rural zone of the City. The purpose of the zone is to protect the resources, rural character and amenity values of a significant portion of the rural area for future generations. On Maori Land in the zone, see Figure 12.1 (at the conclusion of this chapter), papakainga housing is a controlled and discretionary activity depending on the number of household units proposed. This is to ensure that the effects of such development are considered, and any adverse effects avoided, remedied or mitigated. No mention of Māori for rural zones 2 to 4. Activity status table includes: Papakainga housing on Maori land shown on Figure 12.1 up to a maximum of 8 dwelling units at a density of not more than 1 unit per hectare (see 12.14.2.5) as a discretionary activity for Rural 1 zone and non-complying for other 3 zones. Urupa are a discretionary activity in all zones and marae aren't mentioned, but "places of assembly" are discretionary in all zones. Rule 12.12.2 Papakainga Housing on Maori land shown on Figure 12.1 up to a maximum of 4 Dwelling Units at a Density of Not More than 1 Unit per Hectare Rule 12.12.1	12.7 ANTICIPATED ENVIRONMENTAL RESULTS The anticipated environmental results for the City are: • open rural landscape character; • uncompromised rural coastal environment and ridgelines; • retention of areas of ecological significance, indigenous vegetation and fauna in the rural area; • a stock of high quality soils that are accessible and usable; • healthy environment (e.g. good air quality, acceptable noise levels); • high quality streams and coastal water; • the maintenance and enhancement of the regionally significant values and the unique characteristics of the Mangemangeroa catchment and wider Mangemangeroa/Turanga/Waikopua estuary system. No Māori-specific AERS	No Māori-specific monitoring provisions

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							<p>Applications for the above activity 12.12.2 shall be non-notified. Council reserves control over the following matters when assessing an application for the above activity 12.12.2 and may impose conditions in respect of each:</p> <ul style="list-style-type: none"> (a) design and external appearance of buildings (b) intensity of development (c) access and parking (d) site servicing (e) amenity values <p>12.12.2.2 When assessing an application for a resource consent for the above activity 12.12.2 the Council shall have regard to the following assessment criteria and section 104 of the Act:</p> <ul style="list-style-type: none"> (i) Whether the design and external appearance of any building is appropriate to the rural and/or coastal environment. (ii) The appropriateness of the intensity of development, including site coverage and whether it is sensitively designed and sited in the local environment. (iii) The protection of the amenity values of the area including vegetation, landscape and coastal amenity values. (iv) Whether access and parking are appropriately designed (see Section 8.25, Chapter 8, Transportation). (v) Whether sufficient area is available to accommodate an adequate sewage and waste-water disposal system together with a stormwater drainage system which will not create an erosion or instability problem or water pollution. (vi) Whether the development can be appropriately serviced as required by Rules in Chapter 9, Land Modification, Development and Subdivision. <p>Explanation and Reasons Groups of dwellings such as papakainga housing have the potential to have adverse effects on the environment such as traffic generation and visual impact. Council has reserved control over the above matters to ensure that the housing is sited, designed and serviced in a way that protects the amenity values and rural character of the area.</p> <p>12.14 ASSESSMENT CRITERIA: DISCRETIONARY ACTIVITIES AND ADDITIONAL DEVELOPMENT AND PERFORMANCE STANDARDS FOR PARTICULAR DISCRETIONARY ACTIVITIES 12.14.1 General Assessment Criteria (a) Effects on People and Communities (ii) Whether the proposal has the potential to adversely affect the mana and amenity values of marae and papakainga housing in the vicinity; (iii) Whether regard has been given by the applicant to the cultural, historical and spiritual significance of the area to tangata whenua; (iv) Whether the proposal has the potential to adversely affect sites and features of cultural, historical and spiritual significance;</p> <p>12.14.2.5 Papakainga Housing In assessing Papakainga housing as a discretionary activity Council will use as a guide the matters for control and assessment criteria for controlled activity Papakainga housing in 12.12.2.</p> <p>Rule 12.14.2.10 Cemeteries, Urupa When assessing a discretionary resource consent application for a cemetery or urupa, Council will have regard to the following matters and may impose conditions in respect of each: (a) Location • Whether the siting of the urupa or cemetery avoids, remedies or mitigates any adverse environmental effects on adjoining properties zoned residential or rural or public open space. (b) Effects on Ground Water • Whether an urupa or cemetery would cause leachate emergence or contamination to groundwater.</p> <p>12.15.1.4.1 Development Standard A lot shall only be approved for one of the following activities where a resource consent for the activity has been obtained: (i) Outdoor recreation, (ii) Churches and church halls, (iii) Tearooms, (iv) Marae, (v) Cemeteries, (vi) Network Utilities see Chapter 7, Utility Services, Rule 7.8</p>		
13. Residential				Objective 13.3.6 To protect and enhance,			<p>Activity status tables Buildings and facilities used for educational, recreational, cultural,</p>		

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Areas				unique and representative natural and cultural heritage resources, within the City's residential areas.			<p>social or Community purposes including marae complex, churches and Schools" are listed as discretionary in in 4 of the residential and residential settlement zones, non complying in 2 residential heritage zones and hig density residential.</p> <p>No spcific consideration of papakainga, although some of the residential housing descriptions could include papakainga</p> <p>13.14.1 General Assessment Criteria Without limiting its discretion, when considering any discretionary activity the Council's discretion will be guided by the following general matters and any specific matters relating to specified activities in Rule 13.14.2.</p> <p>(c) Effects on tangata whenua (i) Whether the proposal will cause adverse effects on tangata whenua's taonga or their relationship with their taonga.</p> <p>(f) Effects on Natural and Physical Resources with Aesthetic, Recreational, Scientific, Historical, Spiritual or Cultural Value (i) whether the proposal may have adverse effects on cultural heritage resources on the site or heritage values and measures taken to avoid, remedy or mitigate potential adverse effects.</p>		
14. Business Areas		No mention of Māori					Note that the general assessment criteria included in several of the above sections is missing here		
15. Public Open Space	As a result of development, use and subdivision highlighting the importance of providing public open space within the City, maintaining the cultural identity of the city and maintaining the ability for people to access these areas.	<p>Issue 15.2.1 Development causes effects on the env ironment which generates needs for Public Open Space It is critical that the Public Open Space needs of people and communities are identified and provided for at the time of subdivision and development. While the provision of Public Open Space is an integral part of any subdivision or development design, in some situations the subdivision or development is in respect of a site which is subject to such constraints or of such a size that the adequate provision on-site of public open space is precluded. In these circumstances, such development causes environmental effects which generate the need for public open space.</p> <p>These environmental effects include:</p> <p>(a) additional stress and demand on the City's natural resources; changing amenity values such as the amount of space around buildings, streetscape appearance, the "attractiveness" and liveability of areas which includes social, economic, and cultural conditions in the City; (c) the effects of development on people's health and well being; (d) adverse effects on heritage resources.</p> <p>These environmental effects, and the corresponding needs for public open space, are discussed below.</p> <p>Development can adversely affect the quality of the City's natural resources. The burning of fossil fuels, the release of chemicals into the air from industrial practises, vegetation removal and resulting dust as part of the process of subdivision, all contribute to the pollution of the City's air resource. Stormwater runoff and the contaminants/sediments it contains affects the lifesupporting capacities of Manukau City's waterways and harbours. Development often results in much of the land under development being covered by impermeable surfaces which can increase the amount and rate of stormwater flow which in turn cause flooding and erosion. An amount of land is needed to be kept free of buildings and surface infrastructure to offset these effects on the City's natural resources and to allow for planting, water quality ponds or other appropriate mitigation techniques.</p> <p>Social, economic, aesthetic and cultural conditions and levels of amenity in the City can be influenced by the nature and form of development and growth. Traditionally New Zealanders have enjoyed low density living i.e. residential development with a high degree of open space around housing. However this pattern of residential development is becoming increasingly more difficult to justify in terms of the efficient and effective use of the City's natural resources and infrastructure. This means that traditional patterns of residential development are less likely to be encouraged and that there will be a reduction in private open space around housing resulting in less space for gardening, kicking a ball, taking time out in a natural environment or any other recreation which frequently took place in the backyard. The environmental effects of these changes are uncertain and yet to be monitored in Manukau City. Cultural traditions in New Zealand include the tradition of having public access to the coast, lakes, rivers, and streams. The subdivision of land provides the</p>	Working in partnership with tangata whenua to manage and develop public open space.	<p>Objective 15.3.3 To ensure tangata whenua are involved in the management of the provision and development of public open space. (This objective relates to Issues 15.2.1, 15.2.3 and 15.2.4)</p>	<p>Active involvement with tangata whenua to manage public open space – in particular cultural heritage resources and access to the coast, terways</p> <p>Sustainable management</p>	<p>Policy 15.4.1 The provision and development of public open space should be managed so that it:</p> <p>meets the recreational, social, cultural and educational needs and preferences of the local community and makes reasonable provision for increasing populations without foreclosing future options for the use of public open space for future generations;</p> <p>(b) enables tangata whenua to assume their kaitiaki responsibilities;</p> <p>(c) preserves or protects heritage resources of cultural or natural value;</p> <p>(d) enhances access to the coastal environment and inland lakes, rivers and streams;</p> <p>(e) enhances the character of the coastal environment;</p> <p>(f) enhances the quality of the City's harbours and inland waterways;</p> <p>(g) enhances the quality of the City's air;</p> <p>(h) assists in mitigating the adverse effects of natural hazards such as flooding and subsidence;</p> <p>(i) is suitable for its intended purpose;</p> <p>(j) enhances the aesthetics of the public open space, the neighbouring streetscape and the City's landscape;</p> <p>(k) can function as a network of interconnected areas;</p> <p>(l) enhances personal and vehicular safety.</p> <p>(m) protects the integrity of existing significant infrastructure. [AM73]</p>	<p>Methods</p> <ul style="list-style-type: none"> • Acquiring land/cash for public open space through Reserve Contribution rules • Rules for the Acceptance of Land for Reserve Contribution • Rules for the use of Reserve Contributions • Acquiring public open space using Rates and Loan Monies through the Annual Plan process • Designating land for proposed public open space • Public Open Space Land Acquisition Strategy • Reserve Management Plans • Relationships with Tangata Whenua • Advocacy of sites of heritage/recreational value for joint or outright purchase to Auckland Regional Council and the Department of Conservation • Operational Activities (maintenance, booking system for the regulation of use and allocation of sports grounds, partnerships with school, Manukau City Council Tree Policy, harvesting permits for plant material, pest control, eco-sourcing of plant material). • Community Facilities Planning Process • Financial Incentives • Structure Planning maps and processes (see Future Development Areas Chapter — Chapter 16) • Council Bylaws eg Bylaws relating to Dog Control affecting the safety of public open space users • By indicating proposed walkways on planning maps • By the use of Reserve Contribution monies for the enhancement of heritage resources on public open space • Council Bylaws to enforce protection of scheduled heritage resources • By producing information/education pamphlets to raise public awareness to the importance of protecting heritage resources • Advocacy to the Auckland Regional Council and the Department of Conservation on heritage policies in their management documents for reserves • Standards for the provision of public open space as set out in Section 15.15.1 • By the Council requiring where appropriate the preparation of a Conservation Plan to ensure the proper management of heritage buildings and archaeological sites. 		

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		<p>opportunity for coastal and marginal land to be acquired to ensure the long-term protection of public access. When development occurs in the absence of subdivision, it can impede the opportunity for public access to the coastal environment and inland lakes, rivers and streams unless some of the land adjoining these areas is withdrawn from private ownership and maintained for public use and enjoyment.</p> <p>Maintaining access to these areas is a matter of national importance to be recognised and provided for in the management of the City's resources. Maintaining the character of the coastal environment (which in part includes public access), as well as natural features is also a matter of national importance to be provided for under the Resource Management Act 1991 Section 6(a). Public open space is able to enhance social, economic, aesthetic and cultural conditions within the City, and also contributes to offsetting the adverse effects of development on amenity values.</p> <p>People have physical, psychological, intellectual, emotional and spiritual needs for open space that have been documented by medical and social/recreational professionals for some time¹. Development that does not accommodate appropriate public open space to meet these needs can cause adverse effects on people's health and well being. It is difficult to accurately define a minimum level of public open space below which residents would suffer detriment, due to many cultural, inter-generational, and population variables. Neither health professionals nor scientists are willing to quantify the amount of public open space needed to enable healthy communities. Changing and unknown factors pertaining to the amount of public open space needed to offset the effects of development include: lack of knowledge regarding the full effects of intensive housing on the needs for public open space; unknown future recreation trends; differences in cultural needs for public open space; lack of knowledge regarding levels and types of pollution that may be mitigated by the use of public open space; and continuously changing population demographics. The potential for development to have adverse effect on people's health and well being means there is a need for a guaranteed minimum level of public open space appropriate to the recreational, social, and cultural needs of residents and workers of Manukau City. (d) Development can also adversely impact on natural and cultural heritage resources which give Manukau City its unique identity. Natural heritage (eg. indigenous ecosystems such as: forests, wetlands, streams, rivers and estuaries; views; indigenous wildlife; and geological sites), and cultural heritage (eg. archaeological sites, waahi tapu, historic buildings and structures) resources can be lost, damaged or desecrated if they are not identified and protected before subdivision and development occurs. Historic legal and subdivision practices have resulted in much of tangata whenua heritage either passing out of their ownership or being damaged or destroyed. The Council has a statutory responsibility by virtue of Sections 6(e), 7 and 8 of the Resource Management Act to promote processes and mechanisms that will provide better protection of tangata whenua taonga which include both natural and cultural aspects of heritage.</p> <p>The acquisition of land that contains natural and cultural heritage features as public open space guarantees the protection of, and public access to these resources for future generations.</p>							
					<p>Considering the adverse effects on cultural heritage in decision making</p>	<p>Policy 15.4.2</p> <p>Buildings and Structures on Public Open Space should be designed and/or sited in such a way as to:</p> <p>(a) enhance personal, pedestrian, and vehicular safety;</p> <p>avoid, remedy or mitigate the effects of glare, noise, visual intrusion or loss of sunlight/ daylight to neighbouring residential properties;</p> <p>(c) enhance the use of buildings for a variety of purposes;</p> <p>(d) be compatible with the function and predominant purpose of the public open space;</p> <p>(e) ensure access for people with disabilities;</p> <p>(f) enhance the visual amenity of the public open space;</p> <p>(g) avoid blocking overland flowpaths or natural drainage systems;</p> <p>avoid the loss, damage, desecration or deterioration of natural and cultural heritage resources (including the</p>	<p>Methods</p> <ul style="list-style-type: none"> • By the use of zoning • Performance Standards for noise and floodlighting, and Development Standards for yards, coverage, height in relation to boundary, accessways, relocatable structures, building line restriction alongside natural stream systems, limiting kiosk size and occurrences • Matters for Control and Discretion including assessment criteria such as the design and external appearance of buildings, site layout and the protection of natural and cultural resources on public open space • Reserve Management Plans that control design, colour and layout of buildings and structures in public open space zones and which indicate where heritage resources are located and how they are to be managed • Scheduling of heritage resources (see Heritage rules, Chapter 6) • Specifications for buildings under the Manukau City Council Shared Responsibilities Programme • Manukau Parks Allocation of Reserve Sites for Community and Club Buildings Policy which limits what kind of buildings can be sited on public open space according to criteria • The Asset Development Programme for community facilities determined as part of the Community Facilities Planning Process will prioritise which buildings/facilities are to be built on public open space and which buildings can be better utilised. • Operational Activities (Maintenance Contracts specifications) • Regulation of Signs — see General Procedures and Rules, Chapter 5 • Provisions in the Conservation Management Strategy (CMS) and Conservation Management Plans for the protection of heritage 		

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						coastal environment and the margins of rivers and streams).	resources on Department of Conservation administered public open space areas. • Adopt special rules managing traffic and noise associated with motor sports activities at Colin Dale Park. [AM73]		
16.									
17.									
17.2 Special Areas – Papakainga and Maori Purposes	<p>Providing for Maori culture and traditions</p> <p>Papakainga housing</p> <p>Recognition that the provisions of typical zones may not provide for Maori culture and traditions</p>	<p>Issue 17.2.2.1</p> <p>The ability of tangata whenua to live on, develop and manage traditional papakainga in accordance with tikanga Maori has not always been readily accommodated within the policy framework set up to manage resources. Tangata whenua therefore have not been able to properly provide for their own well-being.</p> <p>Tangata whenua have customary rights guaranteed by Te Tiriti o Waitangi. The ability to exercise these contributes to their well-being. These rights include the ability to exercise rangatiratanga and kaitiakitanga, authority and control over taonga. Section 5(2) of the Act requires Council in undertaking its functions under the Act to manage resources in a way that enables people to provide for their own well-being within the limits of Section 5(2)(a)(b)(c).</p> <p>Section 6(e) of the Act requires Council to recognise and provide for the relationship of Maori and their culture and traditions with their taonga. Papakainga are taonga. Section 6(f) of the Act also requires the Council to recognise and provide for the protection of historic heritage (including historic sites, archaeological sites and sites of significance to Maori, including waahi tapu) from inappropriate subdivision, use, and development. Section 8 of the Resource Management Act obliges Council to take into account the principles of Te Tiriti o Waitangi. These principles include the principle of tribal rangatiratanga.</p> <p>Section 7(a) of the Act requires Council, in undertaking its duties under the Act to have particular regard to kaitiakitanga. Kaitiakitanga is an instrumental part of rangatiratanga. Tangata whenua’s ability to protect taonga including papakainga which are part of their heritage is enhanced by enabling rangatiratanga and kaitiakitanga over their taonga. [AM89]</p> <p>Section 6(f) of the Act also requires the Council to recognise and provide for the protection of historic heritage (including historic sites, archaeological sites and sites of significance to Maori, including waahi tapu) from inappropriate subdivision, use, and development.</p> <p>These legislative provisions cumulatively oblige Council to ensure there is opportunity for tangata whenua to live on, develop and manage their ancestral lands in accordance with tikanga Maori (Maori customary values and practices). This is not possible within the policy framework set up for other urban and rural activity.</p>	<p>Providing for maori customary values and practices</p>	<p>Objective 17.2.3.1</p> <p>To provide opportunity for tangata whenua to live on, develop and exercise rangatiratanga over traditional Papakainga in accordance with tikanga Maori (Maori customary values and practices).</p> <p>(This objective relates to Issue 17.2.2.1)</p>	<p>Providing for Papakainga and associated activities to occur</p>	<p>Policy 17.2.4.1</p> <p>Papakainga should be able to be developed in a way that allows a range of activities associated with papakainga to be established.</p>	<p>Methods</p> <ul style="list-style-type: none"> • Zoning • Rules — Activity Table 		
	<p>Plans need to identify areas that are appropriate for Maori cultural institutions to establish.</p>	<p>Issue 17.2.2.2</p> <p>There has not always been certainty for Maori to establish Maori cultural institutions in the City.</p> <p>The well-being of Maori, who have migrated from tribal areas outside Manukau City or who have experienced a loss of cultural origins, can be adversely affected if there is not opportunity to establish Maori cultural institutions that meet their needs. The identification of specific areas of land as Maori Purpose areas gives greater certainty for this to occur. Otherwise the needs of Maori may be overlooked because predominant cultural values sometimes prevail. Section 8 of the Resource Management Act requires the Council, in undertaking its functions under the Act to take into account the principles of the Treaty of Waitangi. These principles include the intention to afford an appropriate priority and respect to Maori people.</p>	<p>The need to identify appropriate locations for maori cultural institutions within the Plan</p>	<p>Objective 17.2.3.2</p> <p>To provide certainty for Maori to establish Maori cultural institutions and activities that contribute to their well-being on identified areas of urban land.</p> <p>(This objective relates to Issue 17.2.2.2)</p>	<p>Managing the effects of cultural activities on surrounding land uses.</p>	<p>Policy 17.2.4.2</p> <p>Any adverse effects of activities associated with Papakainga or Maori Purpose areas on adjoining properties, in particular on:</p> <p>(a) access to sunlight and daylight;</p> <p>(b) privacy; and</p> <p>(c) the acoustic environment; should be avoided, remedied or mitigated.</p>	<p>Methods</p> <ul style="list-style-type: none"> • Rules — Development and Performance Standards 		
	<p>The establishment of Papakainga / Marae has the potential to result in adverse effects on adjoining land uses.</p> <p>The establishment of Papakainga and Marae has the potential to</p>	<p>Issue 17.2.2.3</p> <p>The adverse effects of activities associated with Papakainga and Maori Purpose Areas on the environment are relatively limited and minor in nature. However, activities have the potential to create some adverse effects, particularly on adjacent properties.</p> <p>While activities associated with Papakainga and Maori Purpose areas generally do not generate significant adverse effects on the environment, they do have some potential to create adverse effects.</p> <p>These include off-site effects on adjoining properties. For example, the development of housing on Papakainga that is close to residential boundaries can have the same types of potential effects that any residential development has on adjoining residential amenity (e.g. loss of sunlight, and reduced privacy</p>	<p>Maintain amenity of adjoining properties and landscape values whilst providing for tikanga Maori.</p>	<p>Objective 17.2.3.3</p> <p>To protect local environmental quality including the amenity values of adjoining properties, the natural environment and local landscape values while still enabling Papakainga and Maori Purpose areas to be used in accordance with tikanga Maori (Maori customary values and practices).</p>	<p>Making sure mitigation measures do not restrict the ability for tangata whenua to develop their land.</p>	<p>Policy 17.2.4.3</p> <p>Any adverse effects of development, occurring at Ihumatao, Pukaki and Umupuia on the landscape values of rural areas should be mitigated in a way that does not limit activity that is necessary for the development of papakainga.</p>	<p>Methods</p> <ul style="list-style-type: none"> • Rules — Development and Performance Standards 		

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Chapter	Topic	Issues	Topic	Objectives	Topics	Policies	Methods	Anticipated Environmental Results	Monitoring provisions
	adversely affect sensitive landscapes.	for neighbours). The development and use of buildings and facilities for social, cultural and educational purposes also has the potential to create adverse effects on neighbouring residential amenity, for example, effects from noise, traffic movement and parking. Other effects of activities include impacts on landscape values, particularly in rural areas. For example, Pukaki, and Umupuia are located within rural areas, with the marae at Umupuia located in an area that has been identified as being of higher sensitivity to landscape changes. Ihumatao while within the proposed Auckland Regional Council's urban metropolitan limits is surrounded by rural land.		(This objective relates to Issue 17.2.2.3)					
					Making sure the adverse effects on the natural environment are mitigated.	Policy 17.2.4.4 The natural environment should not be adversely affected by the development and use of Papakainga and Maori Purpose areas.	Methods • Rules — Development and Performance Standards		
					Providing for a range of compatible activities within Maori Purpose areas	Policy 17.2.4.5 A range of activities that enable Maori people to provide for their well-being should be able to be located on identified Maori Purpose areas.	Methods • Zoning • Rules — Activity Table		
							Section 17.2.5 Papakainga and Maori Purpose Areas Strategy The strategy for managing Papakainga and Maori Purpose areas is based on the following: avoiding, remedying or mitigating any adverse effects of activities associated with Papakainga and Maori Purpose areas at the external boundaries of the areas; enabling rangatiratanga and self-management of Papakainga and Maori Purpose areas to the fullest extent possible. affording appropriate priority for the establishment of a range of activities associated with Papakainga and Maori Purpose areas.		
17.3. Special Areas – Mangere Puhinui Rural	Particular areas of the city have been occupied for many generations by tangata whenua and there is a strong association with the area. Risk that major developments in the area may adversely affect the relationship between Maori and their traditions. Potential destruction of waahi tapu – large number of areas identified. Identification of certain areas as “Maori Reservation” Overlap of responsibilities with the Coastal Plan.	Issue 17.3.2.6 Activities may have an adverse effect on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The Mangere–Puhinui area has been occupied for many generations by Wai-o-Hua, in particular Wai-o-Hua te Akitai and Wai-o-Hua Te Ahi Waru of Tainui. Wai-o-Hua have strong ancestral associations with the whole area including lands, waahi tapu and waters. Historically, a pa of the Wai-o-Hua people was established on the shores of the Puhinui Peninsula, at Papaahinu (Chapel Point Pa). This was located adjacent to the Waokauri creek. A further settlement was located later, in the mid 1860s, on the opposite shore of the Waokauri Creek at Pukaki. This was to become the main pa of the Wai-o-Hua Te Akitai. The family urupa stood above the Pukaki Tapu Lagoon and the Awa Tio stream. Another settlement in the area was at Ihumatao. Much of this historic pattern of settlement was disturbed by the land wars of the 1860s and subsequent alienation of land through confiscation by the Crown. Under the New Zealand Land Settlements Act 1863, 1300 acres at Mangere, 1300 acres at Pukaki, and 110 acres at Ihumatao were confiscated by the Crown. Small areas of land were later returned as Native Reserves. Given the strong ancestral associations and spiritual significance of the land to tangata whenua it is essential that their interests be recognised and provided for in the management of the area. Of particular concern is the effect of major developments on the relationship of tangata whenua with their marae and papakainga areas. Tangata whenua interests need to be afforded appropriate priority and respect in any potential siting of major works on or near Maori land, particularly so that the enjoyment of the land is not limited. A further issue is the potential destruction of waahi tapu through site development. Waahi tapu in the area relate to the long occupation and association of the Wai-o-hua iwi in the area. Physical remnants of past Maori settlement in the area are present in a number of locations, such as Papaahinu (Chapel Point Pa), and the Otuaataua Stonefields.	Protecting the natural and cultural heritage of the specific area.	Objective 17.3.3.5 To protect the natural and cultural heritage resources in the Mangere–Puhinui area. This objective relates to Issue 17.3.2.5	Consideration of the effects of development on the relationship of tangata whenua with their lands.	Policy 17.3.4.9 Potential adverse effects of the use or development of land on the relationship of tangata whenua with their lands in or near the Mangere–Puhinui area should be avoided, remedied or mitigated.	Methods • Zones • Rules — Development and Performance Standards		

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Chapter	Topic	Issues	Topic	Objectives	Topics	Policies	Methods	Anticipated Environmental Results	Monitoring provisions
		<p>Extensive visible evidence of settlement is also present along the Puhinui Stream and Puhinui Creek, associated with the historic Matukuturua Pa on the eastern side of the Puhinui Creek. These waahi tapu are at risk of disturbance from development. Tangata whenua are the kaitiaki of the Manukau Harbour and adjoining lands. Following the recommendation of the Waitangi Tribunal on the Manukau Claim that the Pukaki Creek and tributaries be reserved for the exclusive use of the hapu of Pukaki marae, the Crown gazetted the creek as Maori reservation.</p> <p>The Auckland Regional Council's Regional Plan: Coastal recognises the cultural significance of this coastal area to tangata whenua, and the tangata whenua kaitiaki of the creek through a tangata whenua management area and relevant policies. The Tangata Whenua Management Area in the Pukaki Creek recognises the Maori reservation status of the Creek, for the purpose of a landing place, and place of historic, spiritual and cultural significance for the use and benefit of the hapu of te Akikai and Te Ahiwaru o Wai-o-hua.</p> <p>The Council has a duty under the Resource Management Act 1991 to not be inconsistent with the Regional Plan: Coastal. [AM89] The whole of the Pukaki crater, Tapuwae O Mataaho ki Pukaki, is ancestral Maori land of particular spiritual value to the tangata whenua.</p> <p>The lagoon is one of the sacred footsteps of Mataaho, the volc ano god. The central lagoon and urupa situated on the southern rim were returned tangata whenua from the Council and private ownership respectively, to be held by the Pukaki Maori Marae Committee, following the recommendations of the Waitangi Tribunal on the Manukau Claim.</p> <p>The ownership of the lagoon had been transferred to the Manukau City Council from the Auckland Harbour Board in 1989 as part of the Boards residual assets. The Council sought and obtained empowering legislation to enable it to transfer the land to the Pukaki Maori Marae Committee at no cost. Two papakainga housing areas and marae are located adjacent to the Mangere–Puhinui area, at Pukaki and Ihumatao. These areas are addressed in other Chapters of the District Plan. Activities neighbouring these settlements may give rise to adverse effects on the residential settlements, such as visual intrusion, noise, and air quality degradation.</p>							
	<p>Potential for land development to adversely affect water quality, visual amenity, ecological and cultural values.</p> <p>Land development can restrict public access to the coast.</p> <p>High visual amenity values and significant ecosystems and habitats exist in this area and are at risk from inappropriate subdivision, use and development.</p>	<p>Issue 17.3.2.7</p> <p>The natural coastal environment of the Manukau Harbour may be adversely affected by activities taking place in proximity to the coastline.</p> <p>Land modification and stormwater disposal associated with urban development may adversely affect water quality and the ecological, cultural, spiritual and cultural values of coastal areas. Building development in the coastal environment can detract from the visual amenity values of the area, and compromise ecological and cultural values.</p> <p>Development on land adjoining the coast also has the potential to remove public access to the coast. Specific ecological values are present in the coastal environment of the Mangere–Puhinui area, as discussed in the following paragraphs. The area adjoins the Manukau Harbour and borders streams which flow into the Harbour.</p> <p>The coastal environment encompasses the coastal marine area, administered by the Auckland Regional Council, and the landward side above mean high water spring. Much of the coastal marine area immediately adjoining the Mangere–Puhinui land area is identified in the ARC's Regional Plan: Coastal as Coastal Protection Area 1 and Coastal Protection Area 2. These are areas which have regional, national or international significance due to their ecological, landform or geological values. [AM89] The Pukaki–Waokauri Creek is identified in the ARC's Regional Plan: Coastal as a Tangata Whenua Management Area, in addition to the provisions of the Coastal Protection Area 2 applying in recognition of the high ecological values of the Creek. [AM89]</p> <p>The Puhinui Stream drains to the Puhinui Creek in the upper reaches of the Manukau Harbour. This area has special significance in that it is identified as a Coastal Protection Area 1 zone in recognition of the habitat values of the area, and it has also been declared a Wildlife Refuge (NZ Gazette 1964, p.1587). The rural lands surrounding the Manukau Harbour at Puhinui, Pukaki and Ihumatao also contribute to the open space character of the coastal environment which is of a high visual amenity.</p>	<p>Provide for relationship of tangata whenua with culture and traditions..</p>	<p>Objective 17.3.3.6</p> <p>To recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p> <p>This objective relates to Issue 17.3.2.6</p>	<p>Avoid any adverse effects on sites of historical, cultural or spiritual significance.</p>	<p>Policy 17.3.4.10</p> <p>Proposed development should avoid any adverse effects on any sites of historic, cultural or spiritual significance to tangata whenua.</p>	<p>Methods</p> <ul style="list-style-type: none"> • Rules — Development and Performance Standards • Matters for Control and Discretion • Assessment Criteria 		
18. Definitions		<p>Hapu means a group of families who have an ancestor in common, and who are the tangata whenua who have "te mana o te whenua" status over a particular area. Hapu are a sub-tribe of iwi.</p> <p>Iwi means major tribes who are tangata whenua.</p>							

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Chapter	Topic	Issues	Topic	Objectives	Topics	Policies	Methods	Anticipated Environmental Results	Monitoring provisions
		<p>Iwi Authority means the authority which represents an iwi and which is recognised by that iwi as having authority to do so.</p> <p>Kainga means place of abode.</p> <p>Kaitiaki means the tangata whenua guardian who exercises the ancestral responsibilities of Kaitiakitanga.</p> <p>Kaitiakitanga means the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.</p> <p>Kaumatua Housing means housing for elders.</p> <p>Kokiri Centre means any premises in which training and tuition is given in respect of any of the following matters: (a) any trade, profession, or occupation; (b) Maori language, Maori customs and traditions, Maori arts and handicrafts, and other aspects of Maori culture essential to the identity of Maori; (c) any skill, art, language, customs or traditions that promote the general social well-being of the community.</p> <p>Mana o te whenua status means the hapu which has the rangatiratanga rights and kaitiaki responsibilities over ancestral lands.</p> <p>Maori Land means Maori customary land and Maori freehold land.</p> <p>Mana whenua means customary authority exercised by an iwi or hapu in an identified area.</p> <p>Marae atea means open space before house, courtyard.</p> <p>Marae Complex means land and buildings generally associated with hapu or iwi, which are used for whanau, community, cultural, social and educational gatherings (including tangi hanga), and includes wharehau (meeting house), wharekai (kitchen/dining hall) and ablution facilities.</p> <p>Papa means earth floor or site of a native house.</p> <p>Papakainga means a traditional Maori settlement area on ancestral lands and includes activities associated with residential living such as urupa, agricultural activity, the exchange of goods and a marae complex.</p> <p>Papakainga Housing means the provision of housing (more than two household units) on Maori Land for the tangata whenua who have "te mana o te whenua" status.</p> <p>Place of Assembly means land and/or buildings used for the public and/or private assembly of people, primarily for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, and functions of a community character, and includes churches, church halls, church yards and a marae complex. Any charges for entry into or use of the facility may only be made by groups or organisations operating on a non-profitmaking basis.</p> <p>Rangatiratanga means full chieftainship, absolute authority over taonga.</p> <p>Tangata whenua in relation to a particular area, means the iwi, or hapu that holds mana whenua over that area.</p> <p>Tangata whenua's ancestral associational rights means the right of individuals to maintain an interest in a traditional area after having left it or the right of an iwi or hapu to maintain its connection or interest in an area formerly occupied for generations and from which they have moved and the right to speak at a place on account of ancestral land connections and includes spiritual associations.</p> <p>Taonga means everything that is held precious, including the less tangible aspects like culture and spirituality.</p> <p>Tikanga Maori means Maori customary values and practices</p> <p>Treaty of Waitangi (Te Tiriti o Waitangi)</p>							

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Chapter	Topic	Issues	Topic	Objectives	Topics	Policies	Methods	Anticipated Environmental Results	Monitoring provisions
		<p>has the same meaning as the word 'Treaty' as defined in Section 2 of the Treaty of Waitangi Act 1975.</p> <p>Tupapaku means corpse</p> <p>Urupa means a Maori burial ground.</p> <p>Waahi Tapu means an area or place sacred to Maori in the traditional, spiritual, religious, ritual, or mythological sense, for example pa, ara (tracks), urupa, battle sites and tauranga waka (canoe landings).</p>							

2. Papakura District Plan

Chapter Name	Papakura District Plan Issues	Papakura District Plan Objectives	Papakura District Plan Policies	Papakura District Plan Methods	Anticipated Environmental Results	Monitoring provisions
Section 1 Part 3 Maori Perspective on the District Plan	<p>Section 3.1</p> <p>Papakura is a name of relatively modern origin. The traditional name for the District is Wharekawa. It has been the home for a number of Maori iwi and hapu, including Ngati Tamaoho, Ngati Akitai, Ngai Tai and Ngati Pou. The people of Wharekawa derived mana from their association with the Manukau Harbour and also from Hunua which supplied all their needs and is a great taonga for them. It is said that in the old days the sound of the kereru in Hunua could be heard as far away as Whatapaka. Development in Aotearoa since the arrival of Europeans has wrought great changes which have diminished the mana of Wharekawa. Much of the natural environment on which this mana was based has been modified or destroyed.</p>					
	<p>Section 3.2</p> <p>In addressing the sustainable management of natural and physical resources as required by the Resource Management Act 1991 the District Plan is therefore also helping to preserve the mana of Wharekawa. Representatives of the tangata whenua have raised a number of matters which are of concern to them and which they would like to see addressed as far as possible in the District Plan in relation to development permitted in Wharekawa. Some of these points are common to all parts of Aotearoa. Others are specific to Wharekawa.</p> <p>The first is the matter of place names. The original name for the District, Wharekawa, has already been mentioned. In addition, a number of local features, e.g Red Hill, Slippery Creek, Hays Creek and Symonds Creek also have original Maori names. While the European names have historical connections the places were already named before the arrival of Europeans. It seems reasonable to consider whether the original names should be reinstated. However, this is not a matter which the District Plan can or should address directly.</p> <p>The second matter relates to the disposal of waste. The Maori view is that wastes should be returned to land. Thus in the rural area support is given by tangata whenua to measures such as on-site treatment and disposal of wastes. Emphasis should be given to purification rather than discharge of effluent.</p> <p>A third matter relates to the management of the margins of creeks and streams. The Maori view is that these should be left to revert to their natural state although it is accepted that control of weeds and other exotic vegetation will continue to be necessary. However, Maori consider that spraying (especially of herbicides) should not be permitted close to watercourses.</p> <p>The fourth matter relates to the need to maintain the rural character of the District. In the opinion of tangata whenua the country areas provide space for recreation and for people to escape the pressures of urban life. They are the "lungs" of the city. Thus support is also given to the concept of protecting the rural character of the area and providing public walkways around the edge of the harbour.</p>					
	<p>Section 3.3</p> <p>There are also specific areas of significance to Maori. The first is Puke-Kiwi-O-Riki (Red Hill) which is a Crown reserve administered by Papakura District Council. This is an ancient papakainga site which was confiscated and which Maori feel should be returned to Ngati Tamaoho. While this matter is outside the jurisdiction of the District Plan insofar as returning the land to its original owners is concerned, the Maori association with the reserve is significant in framing rules for its future management. section 33 of the Resource Management Act 1991 provides a means by which the Council could transfer its responsibility for the management of this reserve if it</p>					

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Chapter Name	Papakura District Plan Issues	Papakura District Plan Objectives	Papakura District Plan Policies	Papakura District Plan Methods	Anticipated Environmental Results	Monitoring provisions
	<p>Papakura District Plan Issues considers it is desirable to do so.</p> <p>The second area of great significance, as already mentioned, is Hunua. This is the area of greatest concern to tangata whenua and which they would like to see looked after (managed sustainably). Specifically, they wish to be involved in any process which is related to the approval of activities in the area.</p> <p>The third area is the Hingaia Stream and its catchment. This is an area which was, formerly, densely populated by Maori. Hingaia was a chieftainess who is buried at Maketu (near Stevenson's quarry). The stream which bears her name represents her. The stream and the surrounding area therefore have special meaning for Maori. Any further development in this catchment is not supported by tangata whenua who see it as further impacting on the value of traditional land.</p>					
	<p>Section 3.4</p> <p>According to the Huakina Development Trust, the tangata whenua have decided that waahi tapu should not be identified in the District Plan. Tangata whenua intend to protect their own interests in this regard by maintaining a close liaison with the Department of Conservation and by relying on the provisions of section 93(f) of the Resource Management Act 1991 which requires iwi authorities to be notified of resource consent applications. In the light of that decision, no waahi tapu sites are identified in this Plan.</p>					
Section 1. Part 4. The Environment and Resources of the District	<p>Issue 4.7.4</p> <p>The needs of the tangata whenua and the manner in which these needs are provided for in the District Plan is a matter of significance. Based on a deep, spiritual association with the land and the environment and, in particular, with the Manukau Harbour and the Hunua Ranges, the tangata whenua of Wharekawa (Papakura) have sovereign links with the District. The provisions of the District Plan, therefore, have significant implications for a substantial group of people. The people of Wharekawa derive mana from the harbour and the ranges. These elements of the environment supplied the physical and spiritual needs of those who occupied the District and are a great taonga for them. The modification of this environment has diminished this mana and this situation needs to be reversed.</p> <p>In accordance with the Resource Management Act 1991 the Council will work with the tangata whenua of the District to address the resource management issues facing Papakura. This process will be facilitated by methods and techniques of consultation which are appropriate to the scale and importance of any issue as it arises.</p> <p>In addressing the sustainable management of natural and physical resources, the District Plan will restore and preserve the mana of the tangata whenua. Matters such as water quality and the management of the margins of streams and the coast are fundamental issues to tangata whenua. The preservation and conservation of natural features and waahi tapu which are valued by the tangata whenua accords with the imperatives of the community of Papakura as a whole. So too does the active pursuit of high levels of environmental quality and local amenity.</p>					
Section 1 Part 5. Takanini Structure Plan	<p>5B2.2.4.1 Issue</p> <p>The Structure Plan Area is located within an established rural area, which has its own existing heritage values. Development within the Structure Plan Area has the potential to maintain these values. Conversely, urbanisation of the land also has the potential to adversely affect these values.</p>	<p>Objectives 5A.3</p> <p>1.7 Natural Environment and Resources 1.7. To protect views of the coast from the land and to secure public access around the coastline and waterways of the District, except where the Council is satisfied that restrictions on that access are necessary to protect Maori cultural values.</p> <p>2.2 Built Environment and Heritage 2.2 To protect and conserve significant items of cultural heritage.</p> <p>2.5 To give particular recognition to taonga.</p> <p>4.5 Community 4.5 To recognise the status of the tangata whenua and provide for their interests.</p>	<p>5B2.2.4.3 Policy</p> <p>Subdivision and development should be designed and located so as to avoid, remedy or mitigate significant adverse effects on significant existing heritage values.</p>	<p>5B2.2.4.5 Methods</p> <p>Methods will be adopted to implement this policy as and when land which contains significant heritage values is rezoned.</p>		
		<p>5B2.2.4.2 Objective</p> <p>To achieve subdivision and development which does not create significant adverse effects on significant heritage values.</p>		<p>5B2.2.4.5 Methods</p> <p>Methods will be adopted to implement this policy as and when land which contains significant heritage values is rezoned.</p>	<p>5B2.2.7 EXPECTED ENVIRONMENTAL RESULTS</p> <p>The expected environmental results for the Takanini Structure Plan Area are as follows :-</p> <ul style="list-style-type: none"> Maintenance and enhancement of significant heritage values. 	<p>5B2.2.8 PROCEDURES FOR MONITORING</p> <ul style="list-style-type: none"> Undertaking surveys of residents to ascertain the level of satisfaction with the facilities available in mixed use areas, choice of housing stock, the usability and quality of the public open space network, the level of amenity and environmental quality being achieved and the availability of transport options;
Section 1 Part 6. Environmental Protection	<p>6.9 RESOURCE MANAGEMENT ISSUES</p> <p>The resource management issues which arise from a consideration of environmental</p>					

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Chapter Name	Papakura District Plan Issues	Papakura District Plan Objectives	Papakura District Plan Policies	Papakura District Plan Methods	Anticipated Environmental Results	Monitoring provisions
	<p>protection and amenity matters and the occurrence of natural hazards include:</p> <p>the relationship between human activities and environmental quality and amenity.</p> <p>the relationship between land use and development and water quality, water quantity and soil conservation.</p> <p>the management of the coastline and the protection and enhancement of its ecological, recreational, visual and cultural values.</p> <p>the identification and recording of areas of natural hazards.</p> <p>the management and control of activities within known areas of natural hazards.</p> <p>the overall management and control of activities throughout the District in order to avoid and mitigate the adverse effects of natural hazards.</p> <p>the awareness of the community of the adverse effects of poor land management and natural hazards.</p> <p>the formulation of appropriate community responses to natural hazards.</p>					
	<p>6.10 RESOURCE MANAGEMENT STRATEGY</p> <p>The resource management strategy to address matters of environmental protection and amenity is:</p> <p>to formulate a resource management framework which recognises the effect of land-based activities of the coastal environment.</p> <p>to address the matter of natural hazards in the District through a combination of District Plan provisions, Annual Plan provisions, advice and education and monitoring and record keeping.</p> <p>to include in the District Plan provisions relating to the conduct of activities in identified flood-prone and unstable areas.</p> <p>to include provisions in the District Plan directed at the avoidance and mitigation of land erosion.</p> <p>to include provisions in the District Plan relating to noise, air pollution, glare, vibration, vegetation removal and water quality.</p> <p>to protect the relationship of Maori and their culture and traditions with their ancestral taonga, including cultural facilities, from inappropriate activities.</p>	<p>NOTE USE OF OUTCOMES SECTIONS</p> <p>6.11 OUTCOMES</p> <p>The expected outcome of the strategy is the retention and enhancement of the present levels of environmental quality and amenity. Through the careful management of the natural and physical resources of the District, it is expected that there will be a measurable improvement in the quantity and quality of water resources, vegetation and general amenity as well as increased understanding and awareness of the environmental effects of various activities. Further, it is expected that there will be increased awareness of potential results of natural hazards and the range of appropriate responses.</p>				
<p>Section 1 Part 7. Heritage Management</p>	<p>7.2 Overview</p> <p>The heritage of Papakura District consists of a range of both old and new attributes which contribute to community identity and sense of place that people wish to bequeath to future generations. It consists of built heritage, archaeological sites, historic sites and landscapes, Maori heritage, natural heritage and urban trees.</p> <p>Heritage of importance to tangata whenua can include sites, landscape and resources of archaeological, cultural and ancestral significance and other taonga. Ancestral lands may include those no longer in Maori ownership. The range of situations in which Maori interests may be considered can include any land issue within a tribal area.</p> <p>Waahi tapu are scheduled in the District Plan for protection. In addition to these sites, other waahi tapu exist throughout the District and, in consultation with tangata whenua, these may be identified for future inclusion in the Plan. As the concept of waahi tapu may relate to a specific site or may encompass whole areas, the extent to which the item is protected will be specified in the Schedules set out in Section Two, Rural Papakura, and Section Three, Urban Papakura, of the Plan. In some instances, alternative protective mechanisms may be seen as more appropriate than scheduling in the Plan.</p> <p>7.3 RESOURCE MANAGEMENT ISSUES</p> <p>The identification and recognition of the heritage of the District which makes a significant contribution to the character of the District, community identity and sense of place.</p> <p>The protection of the heritage of the District for the benefit and enjoyment of the present and future community of Papakura.</p> <p>The protection of the rights of landowners to use, protect and develop their resources according to sound resource management principles.</p>					
	<p>7.4 RESOURCE MANAGEMENT STRATEGY</p> <p>The resource management strategy for the preservation of the heritage of the District is:</p> <p>to schedule in the District Plan items of heritage value for preservation or conservation.</p>	<p>7.5 OUTCOMES</p> <p>The outcome of this strategy is the conservation, protection and enhancement of the heritage of the District and to retain those special qualities inherent in this heritage.</p> <p>Objective</p> <p>7.6.3 To protect waahi tapu as being central to the spiritual and cultural heritage of tangata whenua of Papakura District.</p>	<p>7.6.3.1 To list for protection those waahi tapu of particular significance to tangata whenua and the District at the request of tangata whenua and following consultation with relevant persons, groups and organisations.</p>			

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Chapter Name	Papakura District Plan Issues	Papakura District Plan Objectives	Papakura District Plan Policies	Papakura District Plan Methods	Anticipated Environmental Results	Monitoring provisions
	to control activities which may affect the special qualities of scheduled items. to establish and maintain a separate register of items to be protected.					
Section 1 Part 8. Monitoring and Review		Objective 8.5.2 To recognise and provide for the relationships of the Maori people with their ancestral land, culture and traditions.	Policies 8.5.2.1 The Council will, in line with its duties and responsibilities under the Resource Management Act 1991, consult with tangata whenua on a regular basis.			
			Policy 8.5.2.2 In order to give effect to the requirements of the Resource Management Act 1991 and to achieve Objective 8.5.2, the Council will, in consultation with tangata whenua, maintain a list of people with recognised expertise in tikanga Maori and Treaty of Waitangi matters so that, where appropriate, such a person will be asked to assist in hearings under the Resource Management Act 1991 where ancestral taonga or tikanga Maori is a significant issue to iwi or hapu.			
	9.11 HERITAGE ORDERS Heritage orders may be made by Heritage Protection Authorities in order to protect any place (and its surroundings) which is of special interest, character, intrinsic or visual or amenity value, or of special significance to tangata whenua. A heritage order is similar to a designation in that it is in addition to and takes precedence over the other rules and policies of the District Plan.					
Part 10. Definitions	Marae Includes land and buildings generally associated with a Maori sub-tribe, tribe or tribes which are used for family, community, cultural and educational gatherings (including tangi hanga) and can include whareniui (meeting houses), wharekai (kitchen/dining hall) and ablution facilities. Papakainga Housing Means the provision of housing (more than one household unit) on Maori land, and under a legal instrument that recognises that the land is not in European ownership and which may have multiple owners.					
Section 2 Part 3. Rural Papakura – Significant Resource Management Issues	The Rural Study identified a number of significant resource management issues in the rural area of Papakura. These are as follows: Urban expansionary pressure Maintaining a viable rural economy Flooding potential of low lying land Protection of areas of indigenous bush Rural runoff/water quality/effluent disposal Protection of productive capacity of rural land Providing opportunities for rural lifestyle Retaining the visual character of the rural area Coastal erosion Slope stability/erosion/geotechnical constraints on development Availability of water Water resource quality and quantity Minerals extraction Tangata whenua values Cultural heritage The need to provide for the efficient development, use, and maintenance of network utilities, commensurate with the needs of the District and region. Sustaining the operational capability and heritage value of Ardmore Aerodrome Regard for and where practicable the avoidance or mitigation of significant adverse effects of network utilities on the natural and physical resources of the District. These issues have been incorporated in the rural strategy, which resulted from the Rural Study, and are addressed by the objectives, policies and rules in this Plan.					
Section 2 Part 6. Rural Papakura – Objectives and Policies	6.2 MAORI CONCERNS The Maori people generally and tangata whenua groups in particular form an important part of the culture of the District. Their interests are required to be provided for in terms of the Resource Management Act 1991.	Objective 6.2.1 To recognise and provide for the relationship of the Maori people with their ancestral land, culture and traditions. Reasons for Objective This is a requirement of the Resource Management Act	Policies 6.2.2.a The Council will, in line with its duties and responsibilities under the Resource Management Act 1991 consult with tangata whenua on a regular basis. The Council will also consult with the tangata whenua and any other Maori interest group prior to any planning initiatives being taken			

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Chapter Name	Papakura District Plan Issues	Papakura District Plan Objectives	Papakura District Plan Policies	Papakura District Plan Methods	Anticipated Environmental Results	Monitoring provisions
		1991.	which may affect their interests.			
			<p>Policies 6.2.2.b</p> <p>The Council will require to be satisfied that consultation where appropriate has been carried out with Maori people in respect of any subdivision or development which may affect their interests.</p>			
			<p>Policies 6.2.2.c</p> <p>In accordance with the Resource Management Act 1991 the Council recognises and will provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Similarly, the Council will also take into account the principles of the Treaty of Waitangi in exercising its functions and powers under the Resource Management Act 1991.</p>			
			<p>Policies 6.2.2.d</p> <p>The Council recognises Ngai Tai, Ngati Tamaoho, Ngati Akitai, and Ngati Paoa as having particular interests in the area administered by Papakura District Council. It also recognises the Huakina Development Trust as the main point of contact in respect of issues which affect these iwi, with the exception of Ngati Paoa who have asked to be consulted separately and will consult Huakina Development Trust and Ngati Paoa on resource management issues as appropriate.</p>			
			<p>Policies 6.2.2.e</p> <p>Provision is made in this Plan for marae and ancillary uses such as kokiri centres, kaumatua housing, papakainga housing and cultural facilities.</p>			
			<p>Policies 6.2.2.f</p> <p>At the request of tangata whenua, waahi tapu are not specifically identified in this Plan but the Council will act to protect waahi tapu areas where they are brought to its attention.</p>			
			<p>Policies 6.2.2.g</p> <p>In order to give effect to the requirements of the Resource Management Act 1991 and to achieve objective 6.2.1, the Council will, in consultation with tangata whenua, maintain a list of people with recognised expertise in tikanga Maori and Treaty of Waitangi matters so that where appropriate such person will be asked to assist in hearings under the Resource Management Act 1991 where ancestral taonga or tikanga Maori is a significant issue to iwi or hapu.</p>		The legitimate interests of the tangata whenua will be upheld and protected insofar as they are communicated to the Council.	
		<p>Objective 6.6.1</p> <p>To promote the development of the mineral resources of the Hunua area in an environmentally and culturally sensitive manner and to ensure that the extraction of mineral resources is not unnecessarily compromised by other activities which would be detrimentally affected by extraction and processing activities.</p>	<p>Policies 6.6.2</p> <p>The Council will support the development of mineral resources in the Hunua area provided that:</p> <p>Any proposal is fully documented as to its likely effect on the environment and measures proposed to mitigate any adverse environmental effect;</p> <p>Any proposal recognises and provides for the relationship of Maori and their culture and tradition with their ancestral lands, water, sites, waahi tapu and other taonga;</p> <p>(c) Any proposal will not cause unreasonable extra demands or burdens on the community in terms of factors such as road construction or reconstruction, traffic safety, or provision of utility services;</p> <p>(d) Any proposal to develop mineral resources undertake a comprehensive assessment to determine whether or not historic places or areas, waahi tapu, or waahi tapu areas are present.</p>		Mineral exploitation in Papakura will occur only as a result of thorough investigation and assessment of its effects and a decision that these effects are acceptable or can be sufficiently mitigated. Important aggregate resources will not be compromised.	

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Chapter Name	Papakura District Plan Issues	Papakura District Plan Objectives	Papakura District Plan Policies	Papakura District Plan Methods	Anticipated Environmental Results	Monitoring provisions
			(e) Mineral resources shall not be compromised by the encroachment of activities which would be detrimentally affected by extraction and processing activities which would, in turn, unduly limit quarry operations of the ability to extract in the future.			
	<p>6.7.7 Coastal Environment</p> <p>The Pahurehure Inlet of the Manukau Harbour forms the District's western boundary. The easternmost part of the inlet has been severed from the Harbour by a causeway which forms part of the Auckland to Hamilton motorway.</p> <p>Although the Pahurehure Inlet comes within the territory administered by the Auckland Regional Council, its management is also of interest to the Papakura District Council, since activities on the land affect the inlet.</p> <p>An esplanade reserve and associated walkway has been provided around most of the foreshore of the urban part of Pahurehure Inlet. This will be continued in the rural area as subdivision of the coastal area proceeds.</p> <p>The Council considers that some form of management plan for the inlet and its surrounds is desirable and should be undertaken. The Plan identifies the locations or circumstances in which an esplanade reserve or an esplanade strip or access strip will be required. In developing an esplanade strategy the Council has been guided by the following matters:</p> <p>the location of existing esplanade reserves within the District – particularly where there are significant stretches or pockets of publicly owned land that could provide the basis for developing continuous and useable stretches of reserve.</p> <p>important conservation values associated with particular parts of the coastline or rivers and streams – including areas that are sensitive to degradation in water quality or subject to erosion.</p> <p>Papakura District Plan – Section Two, Rural Papakura 6/33 Section Two, Part 6 – Objectives and Policies</p> <p>the importance of public access to particular parts of the coastline and rivers and streams, taking into account their recreational value and usage.</p> <p>bodies of water that are of particular importance to local Maori for spiritual and cultural reasons – including the need to provide continued traditional access to gather food and plant resources.</p> <p>the need for Council to own the land in order to undertake recreational or reserves development or ensure the protection of conservation values.</p>	<p>Objective 6.7.7.1</p> <p>To provide for the sustainable management of the Pahurehure Inlet by controlling the landward activities that adversely affect the Inlet and to provide for the protection of its natural character, and to improve the recreational use and visual appearance of the inlet and its surrounding shoreline.</p>	<p>Policy 6.7.7.2</p> <p>The Council will promote and will consult with the Auckland Regional Council on the idea of a joint management plan for the Pahurehure Inlet and its surrounds</p>			
RULES FOR ZONES – RURAL PAKURA ZONE				<p>7.1.3 Controlled Activities</p> <p>Subject to assessment against the relevant criteria set out in Rule 8.13 and the controls for Rural Aerodrome Protection Areas as specified in Appendix 2.</p> <ul style="list-style-type: none"> • Papakainga housing on Maori land up to a maximum of 4 dwelling units at a density of not more than 1 unit per hectare complying with the special provisions stated in Rule 8.6. <p>7.1.4 Discretionary Activities</p> <p>Subject to assessment against the relevant criteria set out in Rule 8.14 and the controls for Rural Aerodrome Protection Areas as specified in Appendix 2.</p> <ul style="list-style-type: none"> • Papakainga housing on Maori land up to a maximum of 8 dwelling units at a density of not more than 1 unit per hectare complying with the special provisions stated in Rule 8.6. • Marae • Cemeteries and Urupa 		
8.0 Rules that Apply Throughout the Rural Area				<p>8.6 PAKAINGA HOUSING</p> <p>Papakainga housing shall be permitted on rural land which is multiple-owned Maori land under the jurisdiction of the Maori Land Court and subject to the Te Ture Whenua Maori 1993 except where such development may:</p> <p>(i) adversely affect significant biological and ecological resources.</p> <p>(ii) necessitate the reticulation of urban services.</p> <p>Papakainga housing and marae shall demonstrate that on-site disposal of effluent and wastewater can be secured which</p>		

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Chapter Name	Papakura District Plan Issues	Papakura District Plan Objectives	Papakura District Plan Policies	Papakura District Plan Methods	Anticipated Environmental Results	Monitoring provisions
				<p>will:</p> <ul style="list-style-type: none"> • maintain public health standards; • ensure land stability of the property and adjoining land; • safeguard the recreational, ecological values and water quality of natural water courses draining through and from the land; • protect any underground water resources <p>(iii) increase stormwater runoff levels so as to result in flooding.</p> <p>(iv) be intended to be, or is subsequently proposed to be, used as accommodation by people who are not part of the Hapu which owns the land. The reason for this rule is that Papakainga housing is a special case provision to provide for the well-being of tangata whenua groups. As such, the social effects of allowing Papakainga housing on Maori land in the Rural Papakura Zone are acceptable. The same acceptance of social effects is not necessarily the case if the Papakainga housing was to be used for purposes other than housing hapu members and for this reason the occupancy of Papakainga housing is restricted to members of the hapu which owns the land.</p>		
Section 3 Part 3. Urban Papakura		<p>Objective 3.6.2 To conserve trees, bush, plants or landscape of scientific, wildlife, botanical or historic interest or of visual appeal.</p>	<p>Policies 3.6.2.1</p> <p>To use any or all of the following methods of protection:</p> <p>inclusion of specific items for protection and conservation in Schedule 3B to this part of the Plan.</p> <p>application of other Conservation of Landscape controls – see Part 2.</p> <p>appropriate provision in any relevant management plan.</p> <p>3.6.2.2 To list for protection and conservation those trees, bush, plants, or landscape of significant scientific, wildlife, botanical or historic interest or of visual appeal.</p> <p>To use the following criteria for scheduling any tree or stand of trees:</p> <p>(a) Notable Trees and Stands of Trees</p> <p>any tree outstanding in the District for its large diameter, height or canopy spread.</p> <p>any trees of a species rare in the District, especially outstanding specimens.</p> <p>any tree that has value through its unique location or outstanding functional, strategic or aesthetic significance.</p> <p>any tree that has a significant association with other objects and places of scientific interest such that the preservation of the tree will aid the protection of the associated place or objects.</p> <p>a stand of trees conforming to the above.</p> <p>(b) Historic Trees and Stands of Trees</p> <p>any tree commemorating an important local event, either in Maori history or legend, or in European settlement and development.</p> <p>(ii) any tree that is regarded as an important landmark and has been acknowledged as such for a significant period of time.</p> <p>(iii) any tree that has historic association with a well-known public figure or has had strong public association for some reason.</p> <p>(iv) any tree that is strongly associated with a local historic feature and which now forms a significant part of that feature.</p> <p>(v) a stand of trees conforming to the above. In addition to the criteria above, any tree or stand of trees which is scheduled must be in a good state of health and be likely to remain so.</p>			
Section 3 Part 3. Urban Papakura		<p>Objective 3.6.4 To protect waahi tapu as being central to the spiritual and</p>	<p>Policy 3.6.3.3</p> <p>To use the following criteria for scheduling any</p>			

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Chapter Name	Papakura District Plan Issues	Papakura District Plan Objectives	Papakura District Plan Policies	Papakura District Plan Methods	Anticipated Environmental Results	Monitoring provisions
		<p>cultural heritage of tangata whenua of Papakura District.</p>	<p>archaeological site:</p> <p>(a) Scientific Importance. The site contains important scientific information in terms of section 2 of the Historic Places Act 1993.</p> <p>(b) Traditional Importance. The site is known to be of particular local, regional or national significance identified by the tangata whenua in accordance with Tikanga Maori, including waahi tapu, urupa and tauranga waka.</p> <p>(c) Regional Importance The site, in itself, in its form or in the information it contains, is of importance at a regional level.</p> <p>(d) Local Historic Interest The site is of importance to the local history of the area where it is situated.</p> <p>(e) Visual Appeal The site has outstanding visual quality.</p> <p>In addition to these criteria, sites must currently be in a good state of preservation and be likely to remain so. Where similar sites are held in both public and private ownership, those sites in public ownership (where access is readily available) will be selected in preference those in private ownership.</p>			
			<p>Policies 3.6.4.1</p> <p>To use any or all of the following methods of protection as appropriate:</p> <p>(i) listing of specific items for protection and conservation. These items will be identified in Schedule 3D and in silent files established after consultation with the tangata whenua to this part of the Plan. The extent to which the item is protected will generally be the whole of the item but this may vary.</p> <p>(ii) setting aside sites as reserves upon subdivision.</p> <p>(iii) physical protection of sites, e.g fencing.</p> <p>(iv) agreement between the Council, landowners and tangata whenua on management and protection, either informally or through appropriate provision in any relevant management plan.</p>			
<p>Section 3 Part 5. Resource Management Strategy</p>		<p>5A.3 THE OBJECTIVES</p> <p>The overall objectives of the Council directed at achieving the sustainable management of the resources of the District and which underpin the strategy are:</p> <p>1.0 Natural Environment and Resources</p> <p>1.1 To conserve, protect and enhance the natural environment of the District.</p> <p>1.2 To conserve the resources of the District in order to meet the present and on-going needs of the community.</p> <p>1.3 To protect the resources of the District from any adverse effects of activities and development.</p> <p>1.4 To protect, preserve and enhance significant habitats and flora.</p> <p>1.5 To conserve significant landscape features of the District.</p> <p>1.6 To conserve significant features of the coastline.</p> <p>1.7 To protect views of the coast from the land and to secure public access around the coastline and waterways of the District, except where the Council is satisfied that restrictions on that access are necessary to protect Maori cultural values.</p> <p>1.8 To protect the quality of water from the catchment areas of the District.</p> <p>2.0 Built Environment and Heritage</p> <p>2.1 To retain and enhance the amenity of the District.</p> <p>2.2 To protect and conserve significant items of cultural heritage.</p> <p>2.3 To improve the quality of the built environment while providing for further growth in activities.</p> <p>2.4 To maximise the use of the existing built environment.</p> <p>2.5 To give particular recognition to taonga.</p> <p>2.6 To provide a range of residential and mixed use</p>				

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Chapter Name	Papakura District Plan Issues	Papakura District Plan Objectives	Papakura District Plan Policies	Papakura District Plan Methods	Anticipated Environmental Results	Monitoring provisions
		zonings in the District to enhance the variety of living environments, especially in the Central Area, Takanini and Hingaia. 2.7 To enable development which supports transportation and travel efficiency, including a reduction in the number of vehicle trips, the efficient use of main transport corridors, and is supportive of a variety of transport modes.				

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3. Franklin District Plan

Chapter	Franklin District Plan Issues	Franklin District Plan Objectives	Franklin District Plan Policies	Franklin District Plan Methods	Anticipated Environmental Results	Monitoring provisions
Part 4. Partnership with Tangata Whenua	<p>Issue</p> <p>In terms of broader concerns of Tangata Whenua the District Plan addresses the following issues:</p> <p>Tinorangatiratanga (or 'self management')</p> <p>In the wider sense this is more appropriately an issue for Central Government. However the District Plan addresses matters such as Papakainga housing. In recognising the rightof "self-management" the District Plan provides for papakainga housing in rural and coastal areas subject to the relevant performance standards and assessment criteria and health and building requirements.</p> <p>Kaitiaki (or 'stewardship')</p> <p>The term kaitiakitanga is defined in the Resource Management Act 1991 as: the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.</p> <p>The sustainable management of Franklin's natural and physical resources is an issue of common concern to the Treaty partners. The Council acknowledges its responsibility to cooperate with Tangata Whenua in this matter, and aims to ensure that this Plan's objectives,policies and assessment criteria (not just those listed in this section) reflect Tangata whenua perspectives on sustainable management.</p>	<p>4.1.1 OBJECTIVE - TRADITIONAL RELATIONSHIP</p> <p>To protect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p>	<p>Policies:</p> <ol style="list-style-type: none"> Adverse effects on Tangata Whenua's ancestral lands, water, sites, waahi tapu, and other taonga and on their relationship with such should be avoided, remedied or mitigated. The assessment of effects on Tangata Whenua should occur in a way that respects Maori customary values and practices. Tangata Whenua should be consulted where activities have the potential to adversely affect ancestral lands, water, sites, waahi tapu, and other taonga. 	<p>Methods:</p> <p>Involvement of Tangata Whenua in vetting resource consent applications.</p> <p>Assessment of resource consent applications.</p> <p>The protection of sensitive information as it relates to Tangata Whenua and only using this information in a way that is acceptable to Tangata Whenua.</p> <p>Identification of sites of importance to Tangata Whenua subject to the above.</p>		
		<p>4.1.2 OBJECTIVE CULTURAL HERITAGE</p> <p>To protect, restore and enhance the natural and cultural heritage resources of the District. (Note no associated policies, explanation or methods)</p>				
5.2 OBJECTIVES POLICIES AND METHODS		<p>5.2.2 OBJECTIVE - BODIES OF WATER</p> <p>To preserve the features, elements and systems which contribute to and maintain the natural character of the West Coast, Firth of Thames and Manukau Harbour coastal environments, and wetlands, lakes and rivers, and their margins, and to ensure that they are protected from inappropriate subdivision, use and development.</p>	<p>Policies:</p> <p>Activities within the COASTAL ENVIRONMENT should:</p> <ol style="list-style-type: none"> Avoid adversely affecting the areas and or features identified in Schedule 5A. Avoid, remedy or mitigate adverse effects on the following areas or features: <ul style="list-style-type: none"> (iv) the identified characteristics of special spiritual, historical or cultural significance to Maori. <p>COASTAL ENVIRONMENT AND WETLANDS, LAKES AND RIVERS, AND THEIR MARGINS:</p> <ol style="list-style-type: none"> To provide for public access where practicable: Public access may not be practicable where it is necessary to: <ul style="list-style-type: none"> protect Maori cultural values 	No Māori issues related methods	<ul style="list-style-type: none"> The coastline, wetlands, lakes and rivers are not visually compromised or otherwise adversely affected by activities; Continued public access to bodies of water where this will not compromise conservation values. 	
5.2.3 OBJECTIVE - SUSTAINABLY MANAGING NATURAL HERITAGE RESOURCES				<p>Outstanding natural features are listed in Schedule 5A - Further items be added to Schedule 5A by way of a plan change when sites meet the specified criteria or are from recognised data sources. The specified criteria include:</p> <ul style="list-style-type: none"> the importance of an area to Tangata Whenua (last of 10 criteria listed) 		
Part 6. The Waikato River	<p>6.1.1 MANAGEMENT</p> <p>Huakina Development Trust, on behalf of the Tainui people, has lodged a series of claims over the Waikato River. These include a taiapure local-fishery application, seeking an interest in the management of the River's fisheries, a Heritage Protection Order application and a request for the River to be declared a Maori Reservation. At the same time there is a claim for ownership of the River bed lodged with the Waitangi Tribunal.</p>	<p>6.2.2 OBJECTIVE - TANGATA WHENUA</p> <p>To recognise the Waikato River, its islands and associated wetlands as being central to the spiritual and cultural well-being of tangata whenua of Franklin District.</p>	<p>Policy:</p> <ol style="list-style-type: none"> That the Plan provides for the continuation of tangata whenua's traditional access to food and plant resources and select species of timber appropriate for carving, subject to landowner approval. 	<p>Method of Implementation of Policy:</p> <p>Refer to the Permitted activities of the Wetland Conservation Zone (Part 24).</p>	<ul style="list-style-type: none"> Tangata whenua's continued traditional access to the Waikato River's plant and animal resources. 	
		<p>6.2.3 OBJECTIVE - RIVER MANAGEMENT</p> <p>To promote an integrated approach to the management of the Waikato River.</p>	<p>Policy:</p> <ol style="list-style-type: none"> That the Council works towards a joint management approach to the Waikato River with the Tainui people and relevant central, regional and local government agencies. 	<p>Methods of Implementation of Policy:</p> <p>Funds will be requested via the District Council's Annual Plan process to assist with implementing a joint management approach.</p>	<ul style="list-style-type: none"> Integrated management of the Waikato River and its environs. 	

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Chapter	Franklin District Plan Issues	Franklin District Plan Objectives	Franklin District Plan Policies	Franklin District Plan Methods	Anticipated Environmental Results	Monitoring provisions
PART 8 CULTURAL HERITAGE		<p>8.1.1 OBJECTIVE - SAFEGUARDING HERITAGE FEATURES</p> <p>To protect known places, areas, trees and objects having heritage significance in the District from inappropriate subdivision, use, and development.</p>	<p>Policies:</p> <p>1. All persons shall avoid the modification, damage, or destruction of archaeological sites, heritage items, historic places, trees or objects listed in Schedule 8.A, and other resources subject to a Heritage Covenant or a Heritage Order whether or not they are identified in this Plan, except where consent has been granted by the NZ Historic Places Trust and Tangata Whenua.</p> <p>2. That all activities for which a resource consent is required be assessed in terms of any effects on known or significant heritage places, trees or objects in the District, and that where appropriate, conditions be used to avoid or minimise any direct or indirect loss of heritage value, or to ensure that there is sufficient and reasonable compensation to the community for any significant loss.</p> <p>3. That in general the extent of protection required be limited to the exterior of a building or object and to an area around the "item" which is relative to its size and scale; that in respect of trees the protection extend at least to the drip line and that no activity which would threaten the life or health of the tree, such as building too close or excavating for driveways or foundations, be allowed, unless a resource consent has been granted.</p>	<p>Methods of Implementation of Policies:</p> <p>The following methods are to be read together as methods of implementing the policies of Objective 8.1.1:</p> <p>1. That the Plan reminds people of the need to obtain an authority from the New Zealand Historic Places Trust or the relevant Heritage Protection Authority in respect of any such activity.</p> <p>2. That notice be served on, or written consent be required of, the New Zealand Historic Places Trust or other affected Heritage Protection Authority in respect of every resource consent application that relates to or affects a listed or identified place, tree or object.</p> <p>3. That a resource consent be required for activities that would modify, damage, or destroy any area or item identified in Schedule 8.A of this Plan but only where an authority is not required or has not been obtained from the New Zealand Historic Places Trust or a Heritage Protection Authority.</p>	<p>• Significant 'items' having heritage value are protected with certainty.</p>	
		<p>8.1.2 OBJECTIVE – INFORMATION</p> <p>To record historic places and areas and other resources having heritage value within the District, monitor the condition of the most significant or most vulnerable ones, and inform landowners and the general community as to the significance, vulnerability, and the methods and incentives available to protect these resources.</p>	<p>Policies:</p> <p>1. That a joint monitoring programme be implemented with Tangata Whenua, the New Zealand Historic Places Trust, the Department of Conservation, Regional Councils and other relevant public agencies and interest groups, to assess the condition of those heritage items listed in Schedule 8A during the term of this Plan.</p> <p>2. That further items be added to Schedule 8A where the criteria specified in Part 8.2 of this Plan are satisfied in response to the work of any agency, including the Franklin District Council, with the Council's priority being those areas which are considered most under threat.</p> <p>3. That an ongoing liaison programme be established whereby current and prospective owners of scheduled items are informed of the nature and significance of them, the methods and incentives available for protection and the implications of the policies and rules of the Plan.</p> <p>4. That a range of 'alternative' methods be used to disseminate information to the community to raise the public's awareness of heritage issues and values of the District.</p> <p>5. That landowners be encouraged to protect heritage features through incentives to offset any penalty incurred for owning a heritage resource.</p>	<p>Methods of Implementation of Policies:</p> <p>1. Requesting funds during the term of this Plan via the District Council's Annual Plan process; liaison with these agencies at a staff level.</p> <p>2. Refer to Section 8.2. These new 'items' will be included in Schedule 8A by Plan Change as and when appropriate.</p> <p>3. This will be subject to funds being made available via the Annual Plan. Methods include advice notices accompanying Land (Project) Information Memorandums, and special notices accompanying rates demands or in response to notification from other agencies of changes of property ownership.</p> <p>4. This will also be subject to funds being made available via the Annual Plan. Methods include the use of community newspapers and newsletters, public displays and information leaflets, and 'heritage kits' for landowners, local schools and interest groups. Awards for excellence in conservation, the construction of further structures commemorating events, features etc. and the introduction of the Heritage Trails concept are other methods that can be used to raise heritage awareness and develop new attractions of interest to locals and visitors.</p> <p>Where appropriate the Council may consider:</p> <p>waiving resource and building consent fees associated with works on scheduled heritage items by a minimum of 50%.</p> <p><input type="checkbox"/> providing technical advice on the maintenance and preservation of scheduled heritage items including arboricultural and design expertise.</p> <p>considering more creative solutions to building consent issues through Section 47 of the Building Act.</p> <p><input type="checkbox"/> relaxing other provisions of the District Plan.</p>	<p>A greater public awareness of the type, location, significance and vulnerability of historic places and areas and other 'items' having heritage value, and of available methods of protection or enhancement.</p> <p>• Current and comprehensive information on the type, location, significance, vulnerability and condition of places, areas, objects and trees within the District.</p>	
8.2 CRITERIA FOR SCHEDULING CULTURAL HERITAGE RESOURCES			<p>The Council will use the following criteria for inclusion in the District Plan (Schedule 8.A) of buildings, places, trees, objects or any other resource having heritage value or potential:</p> <p>a. The extent to which the place or resource reflects important or representative aspects of Franklin's and/or New Zealand's history.</p> <p>b. The community association with, or public esteem for, the place or resource.</p> <p>c. The potential of the place or resource for scientific interest and</p>			

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			<p>public education.</p> <p>d. The technical accomplishment or value, or design of the place or resource. Whether a building, structure or object is a notable example of a particular style, designer or period of architecture, or shows special craftsmanship and technology.</p> <p>e. The symbolic or commemorative value of the place or resource.</p> <p>f. The importance of identifying historic places or areas known to date from early periods of Franklin's and/or New Zealand's settlement.</p> <p>g. The importance of identifying rare types of historic places or resources.</p> <p>h. The extent to which the place or resource forms part of a wider historical and cultural complex or historical and cultural landscape. A particular place or resource may not be of such significance in itself that it warrants inclusion in Schedule 8.A, but its value may be such that its modification or destruction would diminish the significance of the complex or landscape as a whole.</p> <p>i. The significance of the place or resource to Tangata Whenua.</p>			
RULE 8.3 - HERITAGE PROTECTION				<p>8.3.1. Notwithstanding the controls or standards in any other part of the Plan, the following activities are deemed to be Discretionary (Restricted Assessment) activities in respect of any resource or item listed in Schedule 8A of the District Plan:</p> <ul style="list-style-type: none"> • any external modification, except re-painting, of any building or object; • any removal, relocation or demolition; • any work within the drip line of a tree; • any work (including underground) within 6 metres of the trunk of a tree; • any work within 6 metres of the exterior surface of any building or object except: <ul style="list-style-type: none"> – where the building or work is on a public road or reserve; – where such work is on a different SITE and that SITE was in existence as at 31 May 1994; • any activity which would offend tangata whenua in terms of the known spiritual or cultural associations; <p>8.3.3. The Council will only assess the application and, if granting consent, impose conditions in respect of the matters set out below, over which it has restricted the exercise of its discretion. Where appropriate, the opinion of a Architectural Conservator, Archaeologist, Historian, Tangata Whenua representative, or other suitably qualified or experienced person will be sought by the Council:</p> <ul style="list-style-type: none"> • The criteria for scheduling outlined in Part 8.2 and the extent to which they would be compromised or lost, or could be compensated for if consent were granted whether by conditions or otherwise. • The nature and extent of any work or proposal, and how conspicuous or significant it would be in the context of the maintenance of the integrity and intrinsic value of the scheduled item. • The height and the location, design and external appearance of buildings, structures and other objects. • The Council may require the preparation of a Conservation Plan prepared by a suitably qualified or experienced person, where it is considered necessary to ensure the proper management of a heritage item listed in Schedule 8A. 		
Part 10. Financial contributions	10.1 OBJECTIVES POLICIES AND METHODS		<p>10.1.2 GENERAL POLICIES</p> <p>7. That a financial contribution be required where this would be the most appropriate method in the circumstances of ensuring that positive effects result from an activity (to offset any adverse effect), such as ensuring or achieving:</p> <ul style="list-style-type: none"> • the greater efficiency of use of natural and physical resources; • the protection or enhancement of cultural, heritage, or amenity values and of sites of special value to Tangata Whenua; • the enhancement of the quality of the environment; • the extension of the life of any natural or physical resources having finite characteristics. 			

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			<p>10.2.11 OTHER PURPOSES Where contributions of other types are required, they shall not exceed the following limits:</p> <p>b. For the protection, restoration or enhancement of any significant physical resource (in which case the works shall be confined to the external appearance of the resource and its immediate surrounds), or for the protection or enhancement of any site or area of special value to Tangata Whenua, "financial contributions" shall not exceed* in value the total cost of avoiding, remedying or mitigating the identified adverse effects associated with the activity.</p>			
Part 11. Recreation and Reserves		<p>11.4.1 OBJECTIVE - ACCESS AND RECREATION</p> <p>To maintain and improve public access to, and recreational opportunities along, the margins of the coastal area, rivers and lakes.</p>	<p>Policies:</p> <p>1. Esplanade reserves or esplanade strips shall be required where access will provide the greatest public benefit. In particular they shall be set aside or created where the reserve or strip is required to enlarge, or to enable public access to an existing reserve.</p> <p>2. Public access over esplanade reserves or esplanade strips shall be restricted where it is necessary to:</p> <ul style="list-style-type: none"> • protect areas identified in Schedule 5A; • be consistent with conservation values; • protect Maori cultural values; • protect public health and safety; • ensure a level of security consistent with the purpose of a resource consent and in other exceptional circumstances. 	No Māori-related methods	<ul style="list-style-type: none"> • Meaningful areas of esplanade reserve and the maintenance and enhancement of both the conservation and recreation values of the land/water interface. 	
PART 13 MONITORING AND INFORMATION		<p>13.1.1 OBJECTIVE - ENVIRONMENTAL MONITORING To monitor the state of the District's environment.</p> <p>13.1.2 OBJECTIVE – PLAN MONITORING To monitor the suitability and effectiveness of resource management objectives, policies and methods.</p>	<p>4. That where appropriate, the District Council works in partnership with tangata whenua, Regional Councils, Central Government organizations and community groups in carrying out monitoring.</p>			
		<p>13.1.4 OBJECTIVE - INFORMATION</p> <p>To provide public information on the administration of policy statements and Plans, the monitoring of resource consents, natural and physical resources and current issues relating to the District's environment.</p>	<p>Policies:</p> <p>1. That relevant information from the environmental monitoring programme be published in the Council's Annual Reports.</p> <p>2. That community newspapers and newsletters, information leaflets and information kits be used as appropriate to disseminate information on policy statements and Plans, natural and physical resources, and current issues relating to the District's environment.</p> <p>3. That the information bases established by the Council be made available to the public except where this would prejudice the conservation or preservation of resources or conflict with Maori cultural and spiritual values.</p>			
16. Rural Issues	<p>16.1.3 WATER</p> <p>Issue: 5 other issues, then...</p> <p>Discharge of sewage and other wastes into water is undesirable and unacceptable, as well as being culturally offensive to local Maori. While on-site wastewater disposal methods may be appropriate, and will be required in some cases, these must be able to be designed, installed and maintained so as not to pollute or otherwise compromise groundwater resources.</p> <p>While water resource management is predominantly a Regional Council function, in order to achieve integrated management the District Plan must recognise the relationship between water and land use activities.</p> <p>Adverse effects:</p> <ul style="list-style-type: none"> • Limitations on water availability; • Water pollution; • Water runoff; • Reduction in groundwater recharge. 	<p>17.2.1 OBJECTIVE - PROTECTING WATER RESOURCES To avoid, remedy or mitigate the adverse effects of land use activities to ensure that the life-supporting capacity of ground and surface water resources is safeguarded.</p>	No Māori issues, objective, policies or methods re water		Natural water resources retain their life supporting capacity.	
	<p>16.4 PUKEKOHE HILL</p> <p>Issues: Large number of non-Māori issues discussed, and finally...</p>	<p>17.2.7 OBJECTIVE - PUKEKOHE HILL</p> <p>To protect the significant heritage and amenity values of the summit and the northern slopes</p>	<p>9. That the importance of the upper slopes and summit of Pukekohe Hill to local hapu and as a geological feature of scientific importance warranting conservation be recognised by its</p>			

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	<p>From consultation with tangata whenua representatives and related investigations it is apparent that the Hill comprises ancestral Maori land in terms of Section 6 of the Act. Local hapu identify strongly with the Hill and consider it to be waahi tapu. A clear preference has been expressed by those consulted that the summit and upper slopes of Pukekohe Hill in particular be preserved and protected from inappropriate development. The absence of recorded archaeological sites does not detract from these considerations.</p> <p>This concern has been taken into account as a basis for the Special Policy Area below the summit, and in the North Pukekohe Hill Structure Plan.</p> <p>Potential Adverse effects:</p> <ul style="list-style-type: none"> • Irreversible loss of elite (highly versatile) land to indiscriminant residential subdivision; • Adverse visual effects of both continued urban development and by other activities which are incongruous with the Hills' natural character; • Conflict between rural and urban activities; • Adverse effects on water resources; • Loss of cultural values if urbanised. 	<p>of Pukekohe Hill from inappropriate development.</p>	<p>scheduling within Schedule 5C: Other Important Sites, and the adoption of appropriate development controls.</p>			
18. Urban Issues	Not a mention of Māori					
19. Urban Objectives		<p>19.3.4 OBJECTIVE - DIVERSE NEEDS To provide appropriately for the diverse needs of people and communities to be satisfied within the residential areas of the District.</p>	<p>3. That special provision be made for those well-established activities such as schools, maraes or churches that have previously been the subject of designations, identifications, or resource consents and which can continue to operate without causing adverse effects.</p>			
		<p>19.3.6 OBJECTIVE - IMPROVE RESIDENTIAL AMENITIES To improve or enhance the amenities and infrastructural resources of the residential areas of the District in consultation with affected communities.</p>	<p>Policies: 1. That Council continues to investigate new (or upgraded) sewage treatment, stormwater treatment and control, and water supply systems taking into account tangata whenua perspectives, general environmental health concerns, and annual financial priorities. (1 of 7 has any mention of Māori)</p>	<p>Methods of Implementation of Policies: Annual/Strategic Plan processes involving tangata whenua and community consultation.</p>	<ul style="list-style-type: none"> • Improved living environments reflecting agreed objectives; • A balance between environmental concerns, tangata whenua perspectives, and financial constraints (reflecting ability to pay). 	
20. Other Issues	<p>20.4.1 MAIORO SAND MINE (WAIKATO NORTH HEAD)</p> <p><input type="checkbox"/> Interference with sites of significance to Maori:</p> <p>There is a protected urupa in the centre of the mining site, and a strip of protected "esplanade" land on the eastern (river) boundary, but there is the possibility of other historic sites being interfered with (as has already occurred). The company is aware of the need to speak with local Maori, and of its statutory duties under the Historic Places Act 1993. It has resolved not to mine in certain areas, and tangata whenua are welcome to visit the site and inspect current and planned mining areas. The Plan can identify those sites which tangata whenua wish to highlight so as to reinforce the need for protection. However, the Council may need to respect a desire for non-disclosure of certain sites.</p>	<p>21.3 OBJECTIVE - MAJOR ISOLATED SITES MAIORO SAND MINE</p>	<p>5. That no new controls be put into the Plan at this time but that the sand mining activity be subject to the following "general duty" policies: • that all necessary precautions be taken to ensure that sites of known or suspected significance to Maori are kept free from damage and only modified with consent from all affected parties and in terms of the relevant provisions of the Historic Places Act.</p>		<ul style="list-style-type: none"> • Ongoing dialogue and cooperation with the managers of these significant activities towards ensuring appropriate environmental outcomes both for the present and for the future; • Improved environmental performance from these activities notwithstanding compliance with current consent conditions or Zone requirements; • Avoidance or remediation of contamination of land, soils or water, or other unacceptable loss of natural resource quality. 	
22.7 GENERAL ASSESSMENT CRITERIA			<p>Each subdivision proposal shall be assessed against the relevant matters specified in the Act and the following matters:</p> <p>4. The Council will have regard to the effect that the subdivision and subsequent development will have on, or in terms of:</p> <ul style="list-style-type: none"> • Heritage features as identified in Appendix Two; • Identified archaeological features on the property; <p>(2 of 8)</p>			
PART 23 RULE 23 - RURAL ZONE				<p>Rule - 23.1 PERMITTED ACTIVITIES The activities listed below are Permitted, and do not require a resource consent, if they comply in all respects with Rule 23.6 (GENERAL PERFORMANCE STANDARDS) and Rule 23.7 (PARTICULAR ACTIVITY STANDARDS), • MARAE;*</p>		

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				<p>• PAPAINGA HOUSING;*</p> <p>23.3 DISCRETIONARY (R A) ACTIVITIES</p> <p>• PAPAINGA HOUSING not complying as a Permitted activity; • In the Pukekohe Hill Special Policy Area the following activities: - MARAES and PAPAINGA</p> <p>23.7 STANDARDS FOR PARTICULAR PERMITTED ACTIVITIES</p> <p>In addition to complying with Rule 23.6 (GENERAL PERFORMANCE STANDARDS), the Permitted activities stated below (of Rule 23.1) are required to comply with the performance standards that follow: 23.7.6 PAPAINGA HOUSING The site is within one kilometre of an existing MARAE or has the written approval of the relevant MARAE Committee. Where the site of the Papakainga housing is not part of or adjoining the MARAE area then the individual house sites shall not be subdivided into separate titles.</p> <p>23.9 ASSESSMENT OF DISCRETIONARY (R A) ACTIVITIES In assessing an application for a Discretionary (R A) activity the Council will assess the activity in terms of the following matters over which it has restricted the exercise of its discretion, and conditions of consent will only relate to these matters. 23.9.1 GENERAL MATTERS FOR ALL ACTIVITIES 23.9.1.8 Coastal environment • The extent to which the activity recognises and protects known heritage values including tangata whenua values; • The effects on the natural character of and public access to the coastal environment and the margins of lakes and rivers. 23.9.1.9 Heritage items The extent to which the activity adversely affects known heritage items including items of significance to tangata whenua.</p>		
27 - RESIDENTIAL ZONE				<p>27.2 CONTROLLED ACTIVITIES</p> <p>• PAPAINGA HOUSING where not provided for as a <i>Permitted</i> activity; • MARAE where not provided for as a <i>Permitted</i> activity;</p>		
PART 35 RULE 35 AGGREGATE EXTRACTION ZONE				<p>35.8 ASSESSMENT OF DISCRETIONARY (RESTRICTED ASSESSMENT) ACTIVITIES In assessing applications for consent to Discretionary (RA) activities, the Council will, in making a decision, restrict the exercise of its discretion to the following matters and conditions of consent will only relate to these matters: a. Site Layout; b. Landscape Treatment and Screening; c. Natural and Cultural Heritage; d. Traffic Safety and Movement; e. Natural Hazards; f. Noise, Lighting and Vibration; g. Utility Services and Hazardous Substances; h. Monitoring and Review; i. Financial Contributions.</p> <p>c. Natural and Cultural Heritage: The extent to which the proposal will have adverse effects on: i. the natural character of the coastal environment, wetlands, lakes and rivers and their margins; ii. the protection of outstanding natural features and landscapes;</p>		

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				<p>iii. areas of significant indigenous vegetation, and significant habitats of indigenous fauna;</p> <p>iv. the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p>		
PART 36 RULE 36 - KINGSEAT SPECIAL ZONE				<p>36.1 PERMITTED ACTIVITIES</p> <p>• MARAE and KOKIRI CENTRES;</p>		
PART 50 RULE 50 - DEFINITIONS				<p>KOKIRI CENTRE is included in the definition of SCHOOL and means any premises in which training and tuition is given in respect of the following matters:</p> <ul style="list-style-type: none"> • any trade, profession or occupation; • any skill or art that promotes the general well-being of the community; • Maori language, Maori customs and traditions, Maori arts and handicrafts and other aspects of Maori culture essential to the identity of the Maori race; • Language, customs and traditions and arts and handicrafts of members of other races. <p>MARAE means the whole complex of meeting house (wharehui), open area for ceremonial occasions, dining hall (wharekai) and other traditional 'community facilities' generally associated with a MARAE community or hapu (sub-tribe), or whanau (extended family), and which is used for community and family gatherings. It may include PAKAINGA and KOKIRI CENTRES.</p> <p>PAPAKAINGA HOUSING means residential occupancy on any ancestral land owned by Maori (see also MULTI-UNIT HOUSING).</p> <p>WAAHI TAPU and WAAHI TAPU AREA have the meanings given by the Historic Places Act 1993.</p>		
PART 52 RULE 52 - INFORMATION REQUIREMENTS FOR RESOURCE CONSENT APPLICATIONS				<p>52.1 INFORMATION TO BE SUBMITTED</p> <p>In particular, the site plan shall also show:</p> <ul style="list-style-type: none"> • The location of any known archaeological or historical sites, or any geopreservation site identified in Schedule 5A; 		
PART 53 RULE 53 - ASSESSMENT CRITERIA FOR RESOURCE CONSENT APPLICATIONS				<p>In addition to the provisions of Section 104 of the Act, all applications for a resource consent for a <i>Discretionary (RA), Discretionary</i> or <i>Non-complying</i> activity shall be assessed in terms of the following criteria:</p> <p>1. How the proposed activity will affect:</p> <p>a. People in the neighbourhood and, where relevant, the wider community - including any socio-economic and cultural effects. In particular, whether the activity will:</p> <ul style="list-style-type: none"> <input type="checkbox"/> conflict with the cultural and social values of the community, including those of tangatawhenua; or <p>3. Natural and physical resources. In particular, whether the activity will:</p> <ul style="list-style-type: none"> <input type="checkbox"/> compromise tangata whenua's traditional access to resources that are of spiritual, cultural and historical significance to them; or <input type="checkbox"/> damage or destroy any known archaeological or historical sites; or 		
54.4 STRUCTURE PLAN				<p>The procedure to be adopted for the preparation of a STRUCTURE PLAN shall be as set out</p>		

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<p>PREPARATION PROCEDURE</p>				<p>below provided always that the complexity of any plan and the assessment of effects that accompanies it shall correspond with the nature and range of the issues, and the scale and significance of the effects likely to be associated with development of the area, taking account of such things as the number and size of the properties to which the STRUCTURE PLAN relates, the quality (or need for restoration or enhancement) of the resources affected, community aspirations, and the cost-implications for any existing or prospective users of utilities or services.</p> <p>All steps or components of the procedure shall be documented, but need not occur in this order:</p> <ol style="list-style-type: none"> 1. Consultation with and identification of issues of concern to relevant iwi. 		

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4. Rodney District Plan – Operative 2000

Chapter	Rodney District Plan issues	Rodney District Plan Objectives	Rodney District Plan Policies	Rodney District Plan Methods	Anticipated Environmental Results	Monitoring provisions
3. Definitions	<p>Hapū means a sub-tribe of MAORI people with close family ties.</p> <p>Iwi means a tribal group of MAORI people.</p> <p>Kokiri Centre means a skills training centre usually associated with a MARAE.</p> <p>Māori means a person of the Maori race of New Zealand including a descendant of any such person.</p> <p>Maori Land means land owned by MAORI people and under the jurisdiction of the MAORI LAND Court under the Te Ture Whenua MAORI Act 1993, or any Act in substitution therefore.</p> <p>Marae means an area of land set apart for the common use of a hapu or MAORI groups for community and family gatherings including any associated BUILDINGS such as a meeting house, dining hall and kitchen facilities.</p> <p>Mauri means life force, life essence of land and WATER.</p> <p>Taonga means highly prized or treasured, intangible or tangible items (living and non-living) that contribute to the MAORI physical, mental and spiritual wellbeing.</p> <p>Urupa means burial place of MAORI people.</p> <p>Waahi Tapu means sacred place of MAORI people.</p>					
6.2 Resource Management Issues	<p>Issue 6.2.2 Subdivision, land use and development can have adverse effects, (including cumulative effects) on, or result in, the loss of highly valued vegetation, wetlands, watercourses and wildlife habitats.</p> <p>Maori values Maori see themselves as part of the environment and the environment as part of them. Within that inter-relationship humans have certain responsibilities, and the proper discharge of these will ensure their mutual survival.</p> <p>The land is recognised by Tangata Whenua as the Mother of Creation, and is considered to be amongst the most important taonga (treasures) handed down for our guardianship. Native forests, shrubs, bird-life, and forest animals are the cloak that covers Earth Mother. Therefore it is important that the land not be stripped of native trees, causing erosion and flooding.</p> <p>Any land development has the potential to affect the environment and consequently the relationship of Maori to the environment. Also, many of the highly valued vegetation and habitat areas are waahi tapu. Their destruction affects the spiritual and cultural well-being of Tangata Whenua, as well as their ability to exercise Kaitiakitanga. Therefore the protection of forests and habitats is important to Tangata Whenua.</p>					
7. Rural	<p>Issue 7.2.10 Matters of significance to Tangata Whenua can be adversely affected by subdivision and land use.</p> <p>The issues identified by Tangata Whenua during the consultative process of the District Development Strategy and in subsequent representations are the despoliation of ancestral taonga and waahi tapu; inability of Tangata Whenua to exercise Kaitiakitanga in the traditional manner handed down through generations; the effects on traditional customary practices and implementation of iwi management plans. Rating levels is an issue raised which cannot be directly addressed by the District Plan. Waahi tapu are sacred places held in the highest regard by Maori people. Throughout the District there are a number of waahi tapu including:</p>	<p>Objective 7.3.12</p> <p>To promote the sustainable management of natural and physical resources in a manner which recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, significant sites, waahi tapu and other taonga.</p> <p>(This objective relates to Issue 7.2.10)</p>	<p>Policy 7.4.18 Tangata Whenua Subdivision and land use activities should be carried out in a manner which avoids, remedies or mitigates adverse effects on:</p> <p>(a) waahi tapu, wai tapu, toanga and other heritage resources considered to be significant by Tangata Whenua as identified through Iwi Management Plans or similar documents and / or consultation with the recognised Iwi organisation or listed or identified New Zealand Historic Places Trust registers, or the Heritage Inventory or related documents;</p> <p>(b) the coastal environment including ecosystems unique to the coastal environment and vulnerable to modification such as estuaries, coastal wetlands, mangroves and dunes;</p>			

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Chapter	Rodney District Plan issues	Rodney District Plan Objectives	Rodney District Plan Policies	Rodney District Plan Methods	Anticipated Environmental Results	Monitoring provisions
	<p>(a) Urupa;</p> <p>(b) Pa sites - fortified (terraces, ditches, shell midden etc.);</p> <p>(c) Pa sites - papakainga (terraces, house sites, gardens, shell midden, etc.);</p> <p>(d) Battle sites (where significant slayings occurred);</p> <p>(e) Places where tupapaku (bones) were cleaned and rested;</p> <p>(f) Tapu trees, caves etc;</p> <p>(g) Mountains or rivers from which territory was claimed;</p> <p>(h) Place where a vision occurred, a famous song or chant was first recited, a place where a waka landed. Tangata whenua have been alienated from such sites over time as many are now in private ownership. As land continues to be subdivided more waahi tapu are subject to interference of one kind or another eg. From earthworks, development and lack of access.</p> <p>Effect of development Land development of all kinds can destroy or modify waahi tapu sites, and the greater the density of sites, the greater the chances are of this occurring. Concentrations of waahi tapu and archaeological sites generally occur in all of the District's coastal areas, although particularly around the Kaipara Harbour.</p> <p>Indirect effects of activities too, are of concern: the siltation and pollution of the Kaipara Harbour resulting from land development, including effluent discharge from sewage treatment plants and cowsheds, are all examples of adverse effects on areas or places considered waahi tapu.</p> <p>Maori are not opposed to development, as long as the potentially adverse effects are sufficiently controlled. The environmental effects of land uses resulting in siltation and contamination of coastal and inland waters, the application of chemicals and fertilisers, the dust and threat to pedestrian safety of heavy traffic on rural roads, and septic tank sludge disposal sites are all examples of activities which Maori consider have not been adequately controlled and monitored in the past. Kaitiakitanga With the concept of kaitiakitanga, Maori consider that all of these effects need to be adequately controlled or avoided, so that the "mauri" or life force of the land is protected.</p> <p>One other component of this issue is the protection of the "mauri" through the concept of ahi ka roa, or long burning fires. The marae houses the mauri or "life force" of the community and normally because of long term occupation it often provides a tangible link with the events and personages of the past. The marae is the focus of Maori community life. However it flourishes only when there is a core of people associated with it. The continued presence of people is necessary to "keep the marae warm" and to keep the fires of occupation burning. This concept is called ahi ka roa or long burning fires, and under the traditional system of tenure, a lack of a core of people on the marae results in the "fires becoming cold" and the rights to the land would be lost. To this day therefore, maintaining a continued presence of people is important to the Maori. The often expressed desire for housing around the marae is a consequence.</p> <p>However, by increasing the housing density on the marae or papakainga, rural characters and amenity can be adversely affected. Therefore, there is a balance to keeping ahi ka roa.</p>		<p>(c) the natural character of wetlands, lakes, rivers and their margins and mauri or life force of these areas;</p> <p>(d) traditional food gathering sites or localities;</p> <p>(e) the concept of kaitiakitanga / stewardship, recognising the view that people are guardians of the land and its natural resources and toanga, with the role of ensuring that all resource use is carried out on a sustainable basis.</p> <p>Explanation and Reasons (This policy seeks to achieve Objective 7.3.12) Waahi Tapu means sacred place or precincts, a particular category of ancestral land which is held in the highest regard by Maori people. The term "tapu" is used to refer to something which is sacred or forbidden, while the term "waahi" refers to a particular location. Numerous categories of waahi tapu exist, some of the most common being Urupa; land associated with marae, traditional fishing grounds; and areas which contribute to spiritual and cultural heritage (eg. battle sites). Kaitiakitanga means guardianship, preservation, conservation, fostering, protecting or sheltering. The use of land, waters, forests, and fisheries was a communal or tribal right. All natural resources and life were birthed from Mother Earth. Thus the resources of the earth did not belong to man but rather, man belonged to the earth. Man as well as animal, bird, fish could harvest the bounty of Mother Earth's resources but did not own them. The ancient ones (tawhito), the spiritual sons and daughters of Rangi and Papa were the "Kaitiaki" or guardians. Tane was the Kaitiaki of the forest, Tangaroa of the sea, Rongo of herbs and root crops, Hine Nui Te Po of the portals of death and so on. Different tawhito had oversight of the various departments of nature. And while man could harvest those resources they were duty bound to thank and propitiate the guardians of those resources (eg. when fishing, the first fish caught was set free as an offering to Tangaroa; and when felling a tree the first chips were burnt and their essence offered to Tane). Only then could man use the substance. In practical terms this means viewing the environment holistically and using resources only in a manner that is sustainable.</p>			
	<p>7.6.2.2 Statutory Acknowledgements and Statutory Areas (Note: This section is not part of the District Plan. It has been inserted for information in accordance with the requirements of Section 63 of the Te Uri o Hau Claims Settlement Act 2002.)</p> <p>A Statutory Acknowledgement is an acknowledgement by the Crown of a particular Maori entity's cultural, spiritual, historical and traditional associations with specified Statutory Areas. By the Te Uri o Hau Claims Settlement Act 2002, the Crown has acknowledged Te Uri o Hau's association with three such Statutory Areas in Rodney District. The Act requires the Council to serve on Te Uri o Hau summaries of applications for resource consent for activities within, adjacent to or directly impacting on these Areas, unless Te Uri o Hau has agreed otherwise. (See Appendix 7G for further information.)</p>		<p>Policy 7.4.19 Tangata Whenua Recognition of the concept of ahi ka roa ("long burning fires") and the protection and preservation of the mauri of the community through provision of housing on Maori land associated with a marae.</p> <p>Explanation and Reasons (This policy seeks to achieve Objective 7.3.12) This policy is part of an integrated approach to recognising and providing for "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga" as set out in section 6(e) of the Resource Management Act 1991. The marae houses the Mauri or life force of the community and normally because of long term occupation it often provides a tangible link with the events and personages of the past. It is the focus of Maori community life. The marae, however, only flourishes when there is a core of people associated with it. The continued</p>		<p>7.7 ANTICIPATED ENVIRONMENTAL RESULTS</p> <p>The anticipated environmental results from the implementation of the above objectives, policies and methods are:</p> <p>(i) The sustainable management of natural and physical resources in a manner which recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p>	

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7.8.2.3 East Coast Rural Zone Description	<p>(c) Mahurangi-Waiwera</p> <p>(one paragraph in 2 pages)</p> <p>These are also sites of huge significance to Tangata Whenua in this Zone because of the historic linkages to areas, such as, Mahurangi Estuary, Puhoi and Waiwera Estuaries, with many of these areas having been settled for at least 1,000 years by Maori. There are many taonga and waahi tapu sites within this Zone. Additionally, there are European historical associations dating back to the 1830's in this Zone.</p>		<p>presence of people is necessary to "keep the marae warm" and to keep the fires of occupation burning. This concept is called "ahi ka roa" or long burning fires and under the traditional system of tenure, a lack of core people on a marae results in the fires becoming cold and the rights to the land would be lost. To this day therefore, maintaining a continued presence of people is important to the Maori. The often expressed desire for housing around the marae is a consequence.</p>	<p>Rule 7.9.2 Activity Table 1 General Rural Zone, Countryside Living Rural Zone (excluding the Okura Policy Area), Countryside Living Town Zone</p> <p>HOUSEHOLD UNITS on MAORI LAND up to 6 units and not exceeding 1 unit per hectare NET SITE AREA, where the applicant belongs to the same HAPU as the trustees of the associated MARAE.</p> <p>Permitted activity on General Rural Zone (GRZ) (except in areas identified as a SNA), Non complying activity in Countryside Living Rural Zone (CLRZ) and Countryside Living Town Zone (CLTZ).</p> <p>Use of MARAE (existing) including associated existing BUILDINGS as childcare, craft, KOKIRI, cultural, vocational, recreational and religious centres by HAPU members - RD in GRZ, NC in other 2</p> <p>MARAE extensions and new BUILDINGS for MARAE existing on 12 October 1995, including whare hui, wharekai, childcare centres, KOKIRI and craft centres, community halls, churches, dwellings and kaumatua housing is discretionary, NC and NC</p> <p>New MARAE and associated BUILDINGS including wharehui, wharekai, childcare centres, KOKIRI and craft centres, community halls, churches, dwellings and kaumatua housing = Discretionary in GRZ and NC for other 2 zones</p> <p>See plan for activity status for other zones.</p> <p>Activity Table 2 Landscape Protection Rural Zone; Dune Lakes Zone; East Coast Zone; Kawau Island Zone (Bush And Settlement Policy Areas) (KI); and Islands General Zone</p> <p>Extention of Urupa is permitted activity in 5 zones, D in other</p> <p>HOUSEHOLD UNITS on MAORI LAND: up to 6 units and not exceeding 1 unit per hectare NET SITE AREA, where the applicant belongs to the same HAPU as the trustees of the associated MARAE (except in areas identified as a SNA). = RDx3, Dx2, NC.</p> <p>HOUSEHOLD UNITS on MAORI land other than MARAE, where the applicant belongs to the same HAPU as the Trustees of the associated MARAE and subject to the following limitations: (a) More than 1 HOUSEHOLD UNIT and not exceeding 6 HOUSEHOLD UNITS, and at a density exceeding 1 HOUSEHOLD UNIT per hectare NET SITE AREA; (b) More than 6 HOUSEHOLD UNITS and not exceeding 25 HOUSEHOLD UNITS, and at a density not exceeding 1 HOUSEHOLD UNIT per hectare. = Dx5, N/A on Islands zone</p> <p>Use of MARAE (existing) including associated existing BUILDINGS as childcare, craft, KOKIRI, cultural and vocational, recreational centres by HAPU members = RDx3, NA x3</p> <p>MARAE extensions and new BUILDINGS for MARAE existing on 12 October 1995, including whare hui, wharekai, childcare centres, KOKIRI and craft centres, community halls, churches, dwellings and kaumatua housing = Dx3, N/Ax3</p> <p>New MARAE and associated BUILDINGS including wharehui, wharekai, childcare centres, KOKIRI and craft centres, community halls, churches, dwellings and kaumatua housing = D, NC, D, NCx3</p>		
7.8.3.3 Landscape	<p>(a) Muriwai-Bethells</p> <p>The area has been settled by Maori for possibly 1,000 years and contains</p>					

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Protection Rural Zone Description	many sites of cultural significance including villages, pa and cultivation sites. Despite the long history of both Maori and European settlement the area retains a "remote" and "wild" character. Much of the area is retained in bush or regenerating scrub but there are some areas devoted to pastoral activities within the Zone.					
				<p>Rule 7.9.4 Earthworks, Vegetation Removal and Wetland Modification Activities</p> <p>Note - loads of different permitted, restricted, and discretionary activities listed for vegetation removal but no cultural purposes mentioned</p>		
Rule 7.12 Restricted Discretionary Activities : Matters for Discretion and Assessment Criteria	<p>7.12.7 Household Units on Maori Land</p> <p>7.12.9 Marae Use</p> <p>7.14.8 Subdivision for Household Unit Sites on Maori Land</p> <p>7.15.8 Subdivision for the Creation of Household Units sites on Maori Land</p>			<p>Rule 7.12.7 - Household Units on Maori Land</p> <p>Household Units on Maori Land: Up to 6 Units and Not Exceeding 1 Unit per Hectare Net Site Area, where the Applicant Belongs to the Same Hapu as the Trustees of the Associated Marae</p> <p>In order to exercise its discretion the Council requires any applicant to provide an Outline Plan showing access, location of buildings, service areas, landscaping and screening and methods and design of water supply, sewage disposal and drainage.</p> <p>Rule 7.12.9 Marae Use</p> <p>The Use of Marae (existing) including Associated Existing Buildings as Child Care, Craft, Kokiri, Cultural, Vocational, Recreational and Religious Centres by Hapu Members</p>		
				<p>Rule 7.12.12 Earthworks, Tree and Bush Removal, Riparian Vegetation Removal and Wetland Modification</p> <p>Earthworks, Tree and Bush Removal, Riparian Vegetation Removal and Wetland Modification</p> <p>7.12.12.2 Assessment Criteria - When considering an application the Council will have regard to the following criteria:</p> <p>Whole range of positive and negative considerations, none for whether cultural benefits or effects result, except for - (k) Whether the works will adversely affect the mauri of water.</p>		
Rule 7.13 Assessment Criteria For Discretionary Activities				<p>7.12.1.2 Assessment Criteria</p> <p>Without limiting the exercise of its discretion for all Discretionary Activity resource consent applications in the Rural Zones, the Council will have regard to the following Assessment Criteria, and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act:</p> <p>(n) Whether the activity will adversely affect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p>		
7.14 Subdivision				<p>Rule 7.14.1.1 Restricted Discretionary Activity</p> <p>Where any subdivision involves Maori land under the Te Ture Whenua Māori Land Act 1993 the application for subdivision shall be accompanied by the written approval of all persons legally and beneficially interested in the land, and in the absence of such approvals, the application will require notification.</p> <p>Rule 7.14.8 - Subdivision for Household Unit Sites on Maori Land: Specific Subdivision Requirements</p> <p>The Council may consent to the subdivision of land where the proposed site(s) where the subdivision will occur on Maori freehold land as defined in the Te Ture Whenua Maori Act 1993 where the following requirements are met:</p> <p>Rule 7.14.8.1 - General Requirements</p> <p>Subdivision under this Rule shall comply with rules in Chapter 23 - Subdivision and Servicing.</p> <p>Rule 7.14.8.2 - Maori Land Requirement</p>		

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				<p>The subdivision shall occur on "Maori freehold land" as defined in the Te Ture Whenua Maori Act 1993.</p> <p>Rule 7.14.8.3 Other Requirements (a) Subdivision shall only occur to the extent necessary to accommodate household units listed as Permitted Activities within the Zone, or in accordance with any resource consent granted for household units on Maori land. (b) The maximum size of any site shall be 1 hectare. (c) The applicant shall belong to the same hapu as the trustees of the associated marae. (d) Access to any residential site shall be over the remainder of the parent site of Maori land, and the owner of the residential site maintains sufficient shares in the parent site to provide legal access across the parent site to its boundary with a legal road.</p> <p>Rule 7.14.8.4 - Design of Subdivision (a) The subdivision shall be designed in accordance with any resource consent to establish household units on the parent site. (b) Any rural residential site shall be located so that a household unit can be erected upon it without unduly limiting quarry operations or future extraction at sites identified on the Planning Maps as Significant Mineral Extraction Resources.</p> <p>Explanation: The desirable buffer distance between a mineral extraction and processing site and an activity that could potentially conflict with extraction and processing activity is 500 metres for rock extraction using blasting, and 200 metres for other extraction. Exceptions to this desirable buffer distance from the mineral extraction and processing site are shown in the Planning Maps where the "Quarry Effects Management Area" on the map may vary to reflect different local circumstances.</p> <p>Explanation and Reasons The Council can consent to the subdivision of land owned by Maori's as part of allowing the use of Maori land for residential living of the hapu in association with a Marae in order to continue the connection with ancestral lands, in recognition of the concept of ahi ka roa ('long burning fires') and the protection and preservation of the mauri of the community.</p> <p>The number of sites is limited so as to retain the rural character and natural environmental values of an area.</p>		
7.15	SUBDIVISION : RESTRICTED DISCRETIONARY ACTIVITIES : MATTERS FOR DISCRETION AND ASSESSMENT CRITERIA			<p>Rule 7.15.2 Assessment Criteria: All Subdivision</p> <p>(y) Whether the activity will adversely effect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p> <p>7.15.7 Subdivision for the Creation of Household Units sites on Maori Land</p> <p>In addition to the criteria in 7.15.2 and 7.15.3 as appropriate, when considering an application for Household Units on Maori Land subdivision the Council will have regard to the following criteria:</p> <p>Relationship of Maori (a) Whether the subdivision will provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p> <p>Alienation (b) Whether the subdivision will assist in avoiding the unnecessary alienation of Maori land.</p> <p>Consistent site layout (c) Whether the arrangement of sites is consistent with any layout in any granted resource consent.</p> <p>Intensity (d) Whether the arrangement and intensity of sites prevents or inhibits the ability of neighbouring sites to be used for rural productive purposes authorised by the District Plan.</p>		
APPENDIX 7G	STATUTORY ACKNOWLEDGEMENT AND STATUTORY AREAS - TE URI O HAU CLAIMS SETTLEMENT ACT 2002 Te Uri o Hau, a hapu of Ngati Whatua with an area of interest covering the north of Rodney District and part of Kaipara District, settled its Treaty of Waitangi claim with the Crown in 2002. The settlement, which was formalized by the Te Uri o					

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	<p>Hau Claims Settlement Act 2002, includes a formal Statutory Acknowledgement by the Crown that Te Uri o Hau has a particular cultural, spiritual, historical and traditional association with six specified Statutory Areas that are controlled by the Crown. The Statutory Areas in Rodney District comprise the Kaipara Harbour, an area of land on the north side of the Oruawharo Peninsula, and a strip of coastline at the northern end of Pakiri Beach.</p> <p>One effect of the Statutory Acknowledgement is that when an application for resource consent is made for an activity that is proposed within, adjacent to or directly impacting on one of the Statutory Areas, the Council is required to serve a summary of the application upon the Te Uri o Hau Settlement Trust as an affected party, unless the Trust has agreed otherwise. The corollary is that the Council must take into account any adverse effect that granting consent may have on Te Uri o Hau. A second effect is that when making representations to consent authorities, the Historic Places Trust or the Environment Court, the Te Uri o Hau governance entity or any individual member of Te Uri o Hau is able to quote the Statutory Acknowledgement as proof that their interest in the areas has been formally established.</p> <p>The Statutory Areas are indicated on Planning Maps 2, 4, 5, 10, 11, 12, 19, 23, 24, 42 and 100. Note that their boundaries indicate "the general location of the statutory areas, and are not intended to establish the precise boundaries of the statutory areas" (Section 57(2), Te Uri o Hau Claims Settlement Act 2002). Further information may be obtained by referring to the Te Uri o Hau Claims Settlement Act 2002, in particular Sections 57 to 65 and Schedules 6,7 and 9, and the Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003.</p> <p>(Note: This Appendix is not part of the District Plan. It has been inserted for information in accordance with the requirements of Section 63 of the Te Uri o Hau Claims Settlement Act, 2002.)</p>					
10 Open Space And Recreation	Note - not a single mention of Māori cultural values re open space - no reference to RMA provisions that state coastal public access can be restricted to protect Māori cultural values except as identified here			<p>10.13 DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA</p> <p>10.13.1 General Assessment Criteria - Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in the Open Space Zones, the Council will have regard to the following criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act:</p> <p>(k) Whether the activity will have an adverse effect on the cultural heritage resources of the open space area.</p> <p>10.13.2.4 Temporary Use of a Site (f) Whether the activity will have an adverse effect on cultural heritage resources.</p>		
Inland Waters	<p>Issue 11.2.4 Activities, landuse and development can adversely affect the cultural values of inland waters.</p> <p>Maori people view water as the life blood of the land. Any activity which adversely affects water affects the mauri of water. Traditionally, Maori have used waterways and the associated vegetation as a food source, and for crafts and medicinal purposes. Waterways have also been used for access.</p> <p>The issues of most concern to Maori in relation to inland waters are siltation and the resultant destruction of habitats; the decline in water quality through sewerage inputs into waterways, both from land and septic tanks; and the loss of access to plants used for crafts and medicinal purposes.</p> <p>Issues from other Chapters</p> <p>Readers should note that issues from the following chapters are also relevant:</p> <p>Chapter 6 - Highly Values Natural Resources Chapter 7 - Rural Chapter 10 - Open Space and Recreation Chapter 18 - Urban Land Modification and Vegetation Protection</p>	<p>Objective 11.3.5 To avoid or minimise the adverse effects of the use and development of inland waters on cultural values.</p> <p>(This objective relates to Issue 11.2.4)</p> <p>Objectives from other chapters</p> <p>Readers should note that Objectives from the following chapters are also relevant:</p> <p>Chapter 6 - Highly Values Natural Resources Chapter 7 - Rural Chapter 10 - Open Space and Recreation Chapter 18 - Urban Land Modification and Vegetation Protection</p>	<p>Policy 11.4.6 Cultural values Activities and development should be designed, sited and operated in a manner that avoids, remedies or mitigates adverse effects on the cultural values of inland waters, including the mauri (life sustaining capability) of wetlands, lakes, rivers and their margins; and on traditional food gathering sites for domestic use and traditional plant gathering sites for domestic, craft and medicinal use.</p> <p>Explanation and Reasons This policy seeks to achieve Objective 11.3.5.</p> <p>Activities can adversely affect water values of importance to Maori, such as food gathering, medicinal plant gathering and the mauri of water, if they are not designed, sited and operated in a manner which is sensitive to their traditional values.</p> <p>The appropriate siting, design and operation of activities, away from areas of traditional value for food and medicinal plant gathering, can avoid or reduce these adverse effects. Also, siting activities away from banks and shores can reduce the adverse effects on cultural values.</p>	<p>Rule 11.12 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS FOR DISCRETION AND ASSESSMENT CRITERIA In accordance with sections 76(3B) and 105(3A) of the Act, the Council will restrict its discretion to the matters listed against each specified activity, when considering resource consent applications for Restricted Discretionary Activities.</p> <p>11.12.1.2 Assessment Criteria</p> <p>(j) Whether the work, structure or use of the structure is likely to have an adverse effect on Maori spiritual values or traditional Maori access to the water area concerned, or to interfere with traditional Maori fishing and shellfishing rights.</p>		
Special Areas		<p>Objective 12.8.16.1.2.2</p> <p>To recognise, respect and protect all cultural values and the relationship of Tangata Whenua with the Omaha Spit and its coastal environs.</p>	<p>Policy 12.8.16.1.3.1</p> <p>(a) Development should not destroy, alter or damage any site that is identified as being of significance to Tangata Whenua.</p> <p>(b) Development should comply with an agreed protocol</p>			

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			<p>between Tangata Whenua and development interests.</p> <p>(c) Development and subdivision should be designed to protect and enhance sites, historic resources, and taonga which are identified as being significant.</p> <p>Explanation and Reasons This policy seeks to achieve Objective 12.8.16.1.2.1 and 12.8.16.1.2.2. Omaha South accommodates several sites and values of significance to Tangata Whenua. The policies seek to ensure that the significant sites and values identified by Maori are protected from the effects associated with development, and that an appropriate protocol/agreement is established between Tangata Whenua and the developer to ensure site development practices meet the concerns raised by Iwi.</p>			
12.8.18	SPECIAL 18 (GULF HARBOUR) ZONE			<p>12.8.18.6.1 General Assessment Criteria: All Discretionary Activities</p> <p>Cultural Heritage (h) Whether any adverse effects on cultural heritage resources on or near the site will be avoided or mitigated. (i) Whether any adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, will be avoided or mitigated.</p>		
12.8.27	SPECIAL 27 (RODNEY DISTRICT THERMAL ENERGY GENERATION RURAL) ZONE			<p>Rule 12.8.27.3.53 Archaeological Features (a) During earthworks, an archaeologist shall be retained by Genesis and shall include periodic visits to the site during this period. (b) During any construction activities related to the generation, transformation, transmission or distribution of electricity, in the event that: (i) Any unrecorded subsurface archaeological evidence is discovered, work shall cease in the immediate vicinity of the discovery and the Historic Places Trust shall be contacted. Work shall only continue in the immediate vicinity of the discovery pursuant to a Historic Places Trust approval. (ii) Any koiwi (human remains) are discovered, work shall cease in the immediate vicinity of the remains and the Historic Places Trust, NZ Police and tangata whenua shall be contacted so that appropriate arrangements can be made. Work shall only continue once such remains are removed and the Historic Places Trust approval is given. Explanation and Reasons — Rule 12.8.27.3.53 The wider Kaukapakapa-Helensville area is archaeologically and historically significant, with evidence (both archaeological and traditional) of both Maori and early European settlement. In any area where archaeological sites have been recorded in the general vicinity it is possible that unrecorded subsurface remains may be exposed during development. While it is considered unlikely in this situation, the possibility of such discoveries being made will be addressed by putting procedures in place to ensure that the Historic Places Trust, tangata whenua and NZ Police are contacted and involved should this occur.</p>		
12.9	DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA			<p>12.9.1 - All Discretionary Activities in Special Zones</p> <p>Cultural Heritage (s) (i) Whether the activity will have an adverse effect on the cultural heritage resources on or near the site. (ii) Whether the activity will adversely affect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p>		
13	FUTURE DEVELOPMENT AND STRUCTURE PLANS			<p>13.8.1.8.1 General Assessment Criteria</p> <p>(g) Whether the activity will have an adverse effect on any cultural heritage resources on the site or on neighbouring sites.</p> <p>(j) Whether the activity will adversely affect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p>		
APPENDIX 15F	MOTORWAY AND LIMITED ACCESS HIGHWAY AND ASSOCIATED INTERCHANGE			<p>3. SOCIO-CULTURAL IMPACT MITIGATION ACTIONS/CONDITIONS</p>		

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	STRUCTURES - CONDITIONS OF DEVELOPMENT (Designation 401)			<p>Note - these are essentially consent conditions - but are included here as they are included in full on the Plan as an appendix</p> <p>3. SOCIO-CULTURAL IMPACT MITIGATION ACTIONS /CONDITIONS</p> <p>3.1 Prior to the commencement of construction, a detailed archaeological study of the provisionally identified route shall be undertaken, including field survey, completion of archival searches and subsurface testing where appropriate.</p> <p>3.2 Appropriate provision is to be made to protect historical/archaeological sites in situ during construction. This will include the fencing off of sites adjacent to the route.</p> <p>3.3 Transit NZ shall ensure that roading contractors are briefed regarding the location and significance of archaeological sites on or close to the selected route.</p> <p>3.4 An archaeologist shall be appointed by Transit NZ to monitor the roadworks, particularly in those areas which cannot be adequately surveyed owing to dense bush cover. The role of the archaeologist will be to record archaeological evidence from any sites not located during the survey.</p> <p>3.5 Transit NZ shall use its best endeavours to consult with the Tangata Whenua to achieve the implementation of the recommendations of the cultural impact assessment (Section 8.4 of the EIA).</p> <p>The following recommendations were made by Iwi:</p> <p>3.5.1 That Transit New Zealand continue ongoing dialogue and liaise with Tangata Whenua during the detailed design phase.</p> <p>3.5.2 That Transit New Zealand take on board the concerns expressed by Tangata Whenua with respect to safeguarding the violation of Waahi Tapu and other sacred sites.</p> <p>3.5.3 That Transit New Zealand employ representatives of Tangata Whenua at the construction stage to act as Kaitiaki during earthworks, to ensure that no Waahi Tapu are violated.</p> <p>3.5.4 That Transit New Zealand give an undertaking that no Urupa will be disturbed.</p> <p>3.5.5 That Transit New Zealand purchase land in the vicinity of the alignment in consultation with Tangata Whenua, for the reburial of remains accidentally unearthed, and that this process be carried out according to Maori ceremony and kaupapa.</p> <p>3.5.6 That areas defined by Tangata Whenua as being places of Mauri adjacent to the final route be set aside as reserve, and treated appropriately in conjunction with Tangata Whenua.</p> <p>3.5.7 That traditional Maori names for the area, including geographic features along the final route, be reused and expressed in plans, road signs and maps.</p> <p>3.5.8 That the Maori history of the area as defined by Tangata Whenua be promoted in any newsletter, publications or periodicals to do with the works.</p> <p>3.5.9 That Transit New Zealand ensure that Maori spiritual values, especially of water are recognised and catered for in the design of the final route of road water, discharge and seepage.</p> <p>3.5.10 That Transit New Zealand ensure that no nett effects of the new roadway as a result of design, construction or utilisation, will detrimentally affect kaimoana or fishing grounds along the rivers, estuaries or foreshore of local waterways.</p>		
Rule 16.13	COASTAL DEFENCE AND FLOOD MITIGATION WORKS IN ALL ZONES			<p>16.13.2 Assessment Criteria Maori values (k) Whether the work or structure is likely to have an adverse effect on Māori spiritual values or traditional Maori access to the water area concerned, including: (i) Waahi tapu — sacred areas where general public access is forbidden (ii) Tauranga Waka — landing place of a waka; (iii) Mahinga Maataitai — gathering areas of kai moana; (iv) Taonga Raranga - areas of vegetation containing fibres that are used for weaving.</p>		
17. Cultural Heritage	<p>17.2 SIGNIFICANT RESOURCE MANAGEMENT ISSUES</p> <p>Issue 17.2.1</p> <p>Cultural Heritage Resources (CHRs) can be modified or destroyed because owners wish to use the site for some other purpose, or to modify the site or building to make it more suitable for a present or intended purpose.</p>	<p>Objective 17.3.1</p> <p>Avoid, remedy or mitigate adverse effects on a diverse and representative range of the District's Cultural Heritage Resources.</p> <p>(This objective relates to Issues 17.2.1 to 17.2.5)</p>	<p>Policy 17.4.1</p> <p>Retention of heritage values whilst enabling sympathetic proposals</p> <p>Recognise and protect the heritage values of the District's Cultural Heritage Resource.</p> <p>Explanation and Reasons This policy seeks to achieve Objective 17.3.1.</p>	<p>District Plan Regulatory Methods</p> <p>Implementation of the strategy relies primarily on the listing of CHRs in four lists, and requiring resource consent to alter or destroy them.</p> <p>The lists have been drawn up using set criteria, which ensure that the items selected for protection are of a uniform minimum quality and that important items are not overlooked.</p> <p>The first list, at Appendix 17B, comprises a representative range of the District's historic (ie. post European) structures, sites and fixed</p>	<p>17.7</p> <p>The anticipated environmental results of the above objectives, policies and methods are: (a) A diverse and representative range of the District's cultural heritage resources is retained. (b) Significant cultural heritage resources that undergo alteration and modification retain most or all of their heritage value.</p>	

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	<p>An archaeological site that occupies land that an owner wishes to use as a house site or driveway to a house site, a heritage building that an owner wishes to modernise, or a historic tree that inhibits development of a site or shades buildings on a site are all examples of CHRs, that are liable to be destroyed or modified through development pressures.</p> <p>Frequently, buildings of greatest heritage value are those located in what always was, or has subsequently become, the central part of a town or city, where land values are highest. This puts great pressure on CHRs since they seldom represent the highest economic use of their sites. Failing some intervention by the community they are likely to be demolished, unless their owners are willing to put history before financial advantage.</p> <p>Likewise, many archaeological sites are to be found close to the sea, rivers or lakes, settings which are attractive for contemporary residential and tourist developments.</p>		<p>It is desirable to put in place mechanisms to prevent the loss of CHRs. Proposals to modify a CHR that retains its heritage values and ensures its long-term retention, will be viewed sympathetically. Putting in place mechanisms to prevent the loss of the District's significant CHRs is therefore the most obvious way of preventing the loss of the heritage values which are embodied in these CHRs. At the same time the concern to retain CHRs also justifies sympathetic consideration of proposals which would offset these pressures to destroy the CHR where the result will not be unduly detrimental to the heritage value of the CHR</p>	<p>objects that are CHRs, with a brief explanation of the heritage value of each item listed. The criteria for their selection are closely modelled on those set out in clause 6.4.16 of the Regional Policy Statement, and thus have the advantage of region-wide acceptance. They are given at Part I of Appendix 17A.</p> <p>The second list, at Appendix 17C, comprises culturally significant trees, the criteria for their selection being the same as those for the CHRs in the first list.</p> <p>The third list, at Appendix 17D, comprises significant archaeological sites in recognition of the requirements of Section 6(e) and 6(f) of the RMA, 1991 and the HPA, 1993. The Trust has the ability to prevent the destruction of sites, however this ability is enhanced by the sharing of responsibility for the identification of sites which require protection, and which are in danger of destruction.</p>	<p>(c) Public awareness of cultural heritage resources is increased.</p> <p>(d) When appropriate mechanisms have been developed with the tangata whenua, the relationship between them and those of their ancestral taonga that relate to land is recognised and safeguarded.</p> <p>Notes:</p> <p>(a) At the time of the public notification of this Plan the legislation affecting cultural heritage was being reviewed by Central Government. The Plan may need to be changed if legislative arrangements are altered.</p> <p>(b) The items listed at Appendix 17B, 17C, 17D and 17E comprise CHRs from the lists identified in the surveys undertaken for the Council in 1998/99, plus others that may be suggested by members of the public or iwi that meet the criteria for inclusion outlined in Appendix 17A. A variation or change to the plan will be made to include additional CHRs which meet the criteria in Appendix 17A.</p> <p>(c) Appendix 17E currently contains no Waahi Tapu sites, however, as information on these CHR becomes available, they will be added to the Appendix by way of a variation or plan change.</p>	
	<p>Issue 17.2.2</p> <p>Cultural Heritage Resources (CHR) can be modified or destroyed because they are not maintained. Built structures, in particular, have both a physical and economic lifespan which it requires effort to extend. Typical early wooden buildings, which comprise a large proportion of the District's heritage buildings, can often be costly to maintain. Owners of heritage buildings who find the maintenance burden too high are likely to allow the buildings to become run down, ultimately to the point where they are beyond restoring and consequently of negligible heritage value. This process applies not only to buildings but also to archaeological sites. For example, self-sown tree seedlings not cleared away from archaeological sites develop roots which can in time modify or even destroy the sites. Similarly, lack of protection of archaeological sites on farmland from stock can lead to accelerated erosion and destruction of the sites.</p>	<p>Objective 17.3.2</p> <p>To develop a process for protecting Maori archaeological sites and waahi tapu that is acceptable to both the Council, iwi and the community.</p> <p>(This objective relates to Issue 17.2.6)</p>	<p>Policy 17.4.2</p> <p>Appropriate modification Structures, fixed objects, trees and landscapes that are significant Cultural Heritage Resources of the District should not be modified or altered in way that results in significant loss of or damage to their heritage value.</p> <p>Explanation and Reason</p> <p>This policy seeks to achieve Objective 17.3.1. CHRs that are structures may have their heritage value eroded or destroyed by alterations that are out of character. Whether in a particular case a modification is out of character is sometimes difficult to say, and the issue can also arise of whether an addition should try to replicate the style of the original, or try instead to follow the proportions and the scale of the original in a modern design.</p> <p>Nevertheless, it is often obvious when a modification or a new building is quite out of character with the building of heritage value, and in such cases the community frequently expresses resentment at the fact that the modification was permitted. Recognition of the pressure to modify CHRs justifies rules aimed at preventing their modification being undertaken without consideration of its effect.</p>	<p>The fourth list, at Appendix 17E, comprises waahi tapu that do not appear in Appendix 17B, 17C or 17D, even though they may be structures, sites or trees that would also merit inclusion in those lists. At the time of public notification of the District Plan, sites listed in Appendix 17E were limited to waahi tapu included in the Historic Places Trust's register. The best method of evaluating and protecting sites of spiritual significance to Maori was still at that time being explored in discussions between tangata whenua representatives and the Council, and it can be anticipated that in due course the Council will seek to change the Plan to include more sites on the waahi tapu list.</p> <p>The rules relating to CHRs fall into two groups. These are:</p> <p>(a) Rules restricting development, comprising:</p> <p>(i) Rules requiring consent to be obtained for the alteration, removal or destruction of the buildings, structures, sites, fixed objects, trees and waahi tapu appearing on the lists at Appendix 17B, 17C, 17D and 17E.</p>		
	<p>Issue 17.2.3</p> <p>Cultural Heritage Resources (CHR) can be damaged, modified or destroyed through ignorance of their existence or value. While many heritage buildings have a high profile as structures of heritage significance, the heritage value of some buildings or structures is not widely recognised. This is even more the case with archaeological sites, which may require an expert eye even to recognise. This phenomenon reflects several factors.</p> <p>First and foremost, particularly in relation to archaeological sites, the field work necessary to locate and describe the items of heritage interest has not been done, or has not been brought to the owner's attention. Therefore, for example, a farmer may allow an archaeological site to be destroyed by stock without being aware of it.</p> <p>A further and quite distinct aspect of this issue relates to waahi tapu. While some waahi tapu are well known, the existence and location of others are either known only to the kaumatua, or are more widely known amongst Maori but are not publicised. The wish of the Maori people for whom the waahi tapu are important has to be respected. However, it is difficult to mesh this wish to protect waahi tapu from destruction by keeping their location secret, with the very public process of protecting CHRs by way of rules in a District Plan.</p>		<p>Policy 17.4.3</p> <p>Prevention of destruction of archaeological and waahi tapu sites. Significance for some archaeological and waahi tapu sites determined on a case by case basis Destruction, damage or modification of archaeological, historic or waahi tapu sites should not be undertaken where there are adverse effects, including effects on spiritual values, that cannot be avoided, remedied or mitigated.</p> <p>Explanation and Reasons</p> <p>This policy seeks to achieve Objective 17.3.1. The heritage value of archaeological sites and waahi tapu is vulnerable to damage and destruction, most commonly through either earthworks or activities which disturb, erode or obliterate part or all of the archaeological site. Waahi tapu that are archaeological sites can be vulnerable to the same actions, but they are also vulnerable to development or activities that are incompatible with their spiritual significance. These threats to archaeological sites and waahi tapu justify rules aimed at preventing potentially destructive acts or activities without prior assessment of their effects.</p> <p>Whether a particular archaeological site or waahi tapu is significant may have to be determined, in respect of sites that do not appear on the list, on a site by site basis. This is because the archaeological sites and waahi tapu scheduled for protection by the Plan are not drawn from comprehensive lists of sites. This in turn is because the data for such lists has not been assembled, partly because it is certain that many archaeological sites have yet to be discovered, and partly because iwi do not wish to put forward a comprehensive list of waahi tapu. When assessing risk of</p>	<p>(ii) A requirement that conservation plans be developed for properties listed in Appendix 17B, 17D or 17E that are expected to undergo major change or renovation, to provide a blueprint for conservation work.</p> <p>(iii) A rule requiring consent to be obtained to change the use of a waahi tapu.</p> <p>(iv) Rules relating to the development of sites within or close to clusters of CHRs, for the purpose of retaining the character of these clusters.</p> <p>These clusters are defined in these rules as "historic precincts", and the rules relating to them are contained in the Residential chapter.</p> <p>The defined historic precincts are at Helensville and Puhoi.</p> <p>(b) Rules facilitating preservation of CHRs, comprising:</p> <p>(i) A rule relating to proposals to use listed buildings etc for purposes not provided for as Permitted Activities in the rules for the zone in which they are situated. This rule provides that such proposals be given a weighting favouring approval, if the result would be to preserve or protect the CHR.</p> <p>(ii) A rule providing for the subdivision of the site of a CHR where the effect would be to appropriately preserve the CHR.</p>		

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	<p>Issue 17.2.4</p> <p>Cultural Heritage Resources (CHRs) may be damaged or modified by being altered in ways that do not recognise their heritage value.</p> <p>It often requires an understanding of the history of a CHR - either its unique history, or a history of, for example, building design - to enable it to be modified in a way that is in keeping with the remaining original structure. The consequence of making unsympathetic changes may be to destroy or downgrade the heritage value of a site or structure</p>		<p>damage or modification to an archaeological or waahi tapu site, this should be carried out in conjunction with the iwi.</p> <p>Policy 17.4.4</p> <p>Where location is important, relocation to be avoided Structures, fixed objects and trees whose cultural heritage value is significantly dependent on where they are located should not be removed from that location, except as a last resort.</p> <p>Explanation and Reasons This policy seeks to achieve Objective 17.3.1. It has been a common practice to relocate buildings of cultural heritage value as an alternative to demolishing them, when there has been pressure to use their sites for other purposes. This has resulted in many structures being saved that would otherwise have been lost. However, the heritage value of some buildings is very much related to their original setting. For example, a building may be a tangible reminder of a significant event or era in the development of a settlement. Alternatively, the architectural quality of the building may be an important element in a particular part of an urban area. In such circumstances the compromise of removing the building to another site should be avoided if possible.</p>	<p>Rule 17.9.1 Exceptions No consent shall be required under Rules 17.9.3 and 17.9.4 where the proposed work on land owned or administered by New Zealand Historic Places Trust, the Department of Conservation and Auckland Regional Council's Parks Committee, provided a conservation plan in accordance with ICOMOS charter principles has been prepared</p> <p>Rule 17.9.4 Restricted Discretionary Activities For the purposes of this chapter, the following shall be Restricted Discretionary Activities where not provided for in this chapter as Permitted, Controlled or Discretionary Activities.</p> <p>(d) Modification of an archaeological site listed at Appendix 17D. (e) Modification of a waahi tapu listed at Appendix 17E, or its use for any purpose other than a purpose authorised by sections 10 or 10A of the Act.</p>		
	<p>Issue 17.2.5</p> <p>The heritage and amenity value of Cultural Heritage Resources (CHRs) can be reduced or destroyed as a result of changes to their physical context.</p> <p>Sometimes the heritage or amenity value of CHRs is dependent on their physical context. For example, a wooden Gothic church may lose part of its value if the original wooden houses around it are replaced by large concrete factory buildings, and conversely a heritage building may lose much of its heritage value if it is removed to another site. Similarly, the development of land adjoining a waahi tapu site may be quite disturbing for those for whom the waahi tapu is meaningful.</p> <p>Guidelines for what is appropriate adjacent to a single heritage site or structure are not easy to develop. As a result, a community that is keen to ensure that the heritage or amenity value of such sites or buildings is not diminished, will probably have to rely on one-off assessments when trying to evaluate the impact of development proposals on adjoining land, as those proposals are made. There is a further complication in that there is often a reluctance to restrict development of sites that do not themselves contain CHRs.</p> <p>These problems may be a little easier to solve where the CHRs are concentrated in a group, and the CHRs are all of similar character</p>		<p>Policy 17.4.5</p> <p>Development of surround land should not adversely affect heritage values The heritage value of Cultural Heritage Resources should be protected, where possible, by ensuring that the adverse effects of surrounding development on these values are avoided, remedied or mitigated.</p> <p>Explanation and Reasons This policy seeks to achieve Objective 17.3.1. The policy is applicable in relation to both structures and sites, including archaeological sites, of cultural heritage value. In relation to CHRs that are structures the same difficulties arise with deciding what is in character as arise with alterations to structures (see the explanation and Reasons for Policy 17.4.2). The Council nevertheless believes that the community is concerned that development in the vicinity of CHRs should not downgrade the heritage value of the CHRs themselves, or the amenity value of the immediate area where it is dependent on retaining an "historic" character. The Council does not generally consider it practical to protect the environment of CHRs beyond the limits of their sites. The only instances where it is likely that a concern for a wider area can be practically expressed are where there is a group of buildings or archaeological sites of cultural heritage value as, for example, at Helensville and Puhoi. Some unsympathetic modifications to buildings' surroundings arise from requirements of the Council made under either RMA or the Building Act. The Council may be prepared to waive full compliance with normal requirements (eg, on-site parking requirements), where there is an offsetting benefit in terms of retaining the heritage value of the CHR - see Policy 17.4.7.</p>	<p>Rule 17.12.3 Modification of an Archaeological Site Listed at Appendix 17D Matters for Discretion The Council will restrict its discretion to the following matters: (a) The extent and nature of the modification. (b) Impact on tangata whenua values where the site is of Maori origin or interest. Assessment Criteria (a) Whether the proposed work will have an adverse effect on those heritage values which justified inclusion of the archaeological site in Appendix 17D, including any tangata whenua, landmark or amenity value. (b) Whether the features of the affected part of the item will be excavated and recorded. (c) Whether alternative options for achieving the reasonable objectives of the applicant while retaining the heritage values of the item have been considered.</p> <p>Explanation and Reasons The information assembled when the site was selected for inclusion in Appendix 17D will have described why the site was thought to be important at that time, and will provide a good starting point in an evaluation of the effect of the modification on cultural heritage values. If the modification is agreed to, loss of information consequent on the modification can be minimised by excavating the affected part of the site and recording the details.</p>		
	<p>Issue 17.2.6</p> <p>The ranking of Cultural Heritage Resources (CHRs) on the basis of significance is acceptable to Pakeha but is rejected by Maori.</p> <p>The Pakeha concept of ranking has practical value, in that it enables the Council to focus its efforts and limited resources on preserving and protecting a limited number of CHRs. But for Maori, all sites indicative of their past are significant, so ranking is not a valid technique The Council will have to try, with the help of iwi, to find some way of providing protection that both parties are able to support.</p> <p>Council is required as a matter of national importance under the RMA, 1991, to recognise and provide for the protection of historic heritage. The definition of historic heritage includes archaeological sites. In addition to meeting District Plan requirements it is also necessary to obtain an authority from Historic Places Trust to damage, modify or destroy any archaeological site.</p>		<p>Policy 17.4.6</p> <p>Restrictions balanced with incentives Incentives should be provided for protection and preservation of Cultural Heritage Resources, where this is sustainable.</p> <p>Explanation and Reasons This policy seeks to achieve objective 17.3.1. Protection and preservation of CHRs by rules requiring consent to modify or destroy CHRs are necessary, to provide a degree of certainty that CHRs subject to these rules will not be destroyed or damaged. However, it is widely recognised that there is a place for incentives as well as restrictions, and the Council is in a position to provide encouragement to the owners of CHRs to preserve them, through rules in the Plan. Two areas where this encouragement can be provided are in the exercise of discretionary powers to allow standard requirements to be relaxed (eg, parking standards), and in allowing CHRs to be used for activities which in normal circumstances would not be regarded as acceptable. Exercising discretion in this way can be justified in terms of the overall benefit to the environment and the community.</p>	<p>Rule 17.12.4 Modification to a Waahi Tapu listed at Appendix 17E Matters for Discretion The Council will restrict its discretion to the following matters: (a) The extent and nature of the modification. (b) The use to which the waahi tapu or its site is to be put.</p> <p>Assessment Criteria When considering an application the Council shall have regard to the following criteria: (a) Whether the proposed work or activity will have an adverse effect on those heritage including spiritual values that justified the inclusion of the waahi tapu in Appendix 17E. (b) In the case of a listed waahi tapu which is also a structure, tree or archaeological site that might otherwise have merited listing in Appendix 17B, 17C or 17D, the Assessment Criteria listed at 17.12.1.2, 17.12.2.2 or 17.12.3.2. (c) Whether alternative options for achieving the reasonable objectives of the applicant while retaining the heritage values of the item have been considered.</p> <p>Explanation and Reasons</p>		

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				The information assembled when the waahi tapu was selected for inclusion in Appendix 17E will have described why the waahi tapu was thought to be important at that time, and will provide a good starting point for evaluation of the effect of the modification on cultural heritage values. However, where the waahi tapu might also qualify as an item listed in Appendix 17B, 17C or 17D it is important that the Assessment Criteria relevant to modification of items on those lists be applied also.		
			<p>Policy 17.4.7 Increasing public awareness Opportunities should be taken for increasing public awareness of Cultural Heritage Resources, and encouraging appropriate development that would retain these Cultural Heritage Resources.</p> <p>Explanation and Reason This policy seeks to achieve Objective 17.3.1. What is not known about is easily lost. Therefore there is a case for raising public awareness of and appreciation for what the community has in the way of CHRs as a means of combating loss of and damage to CHRs. Awareness and appreciation can come about by a variety of means. At one end of the scale are publications describing CHRs, ranging from complete books to pamphlets provided for selfguided walks. Direct experience can include simply being able to see the outside of buildings from the street - the commonest form of direct experience - to physical access to the sites of CHRs, including access to their interiors. While increased public access is an ideal, it has to be recognised that there are situations where it is not appropriate, for example, where public access is incompatible with an owner's privacy, where general public access infringes on spiritual values, or where greater access will lead to damage to the CHR.</p>	<p>APPENDIX 17A CRITERIA FOR THE EVALUATION OF STRUCTURES AND FIXED OBJECTS OF CULTURAL HERITAGE SIGNIFICANCE</p> <p>PART 1 - CRITERIA FOR THE EVALUATION OF HISTORIC STRUCTURES, SITES AND FIXED OBJECTS</p> <p>1. HISTORICAL "The extent to which the place reflects important historical aspects or is representative of the history of the district, region or New Zealand." 1. The place is important as a representative example of its type. 2. The place is a representative example in terms of age, historical aspects, time period, patterns or themes. 3. The place is associated with important persons, groups, individuals, organisations or institutions who have owned, lived in, worked in, or carried out activities in or on the place. 4. The place is associated with important historic events or actions. 5. The association of the place with important events or actions is reflected in place names or events associated with the place. 6. The place is associated with important ideas or beliefs which symbolise or illustrate historic change in Auckland or New Zealand. 7. The place dates from an early period of Auckland or New Zealand's settlement.</p> <p>2. TANGATA WHENUA "The importance of the place to Tangata Whenua." This evaluation needs to be made by, or in full consultation with, Iwi Maori. It includes such matters as the historical, traditional (place names, people and events), cultural, spiritual, religious, symbolic, commemorative, social, educational, economic and contextual importance of a place. The importance may be at iwi, hapu, and whanau level. (In relation to this criterion, see note at the end of this part of the Appendix.)</p>		
			<p>Policy 17.4.8 Discussions with iwi for the protection of sites Discussions should be held with iwi representatives to work out a process for protecting sites of significance to Maori.</p> <p>Explanation and Reasons This policy seeks to achieve Objective 17.3.2. The protection of Maori archaeological sites and waahi tapu that can be characterised as significant in Pakeha terms presents few procedural problems. But the development of a procedure for protecting the wider range of Māori archaeological sites and waahi tapu, including sites yet to be formally identified, will require considerable effort because of the diverse factors to be taken into account. These factors include: iwi aspirations in this field, including tikanga Maori, and their concern not to publicise the location of some sites; the length of time to be taken in assessing sites subject to applications for resource consent; what the Council considers it is able to fund and manage administratively; the powers available to the Historic Places Trust or any other body under the Historic Places Act 1993 or its successor; and any non-regulatory mechanisms that are likely to be effective.</p>			
Urban Land Modification and Vegetation Protection	<p>Issue 18.2.1</p> <p>Urban land modification, including earthworks and vegetation removal, relating to development and subdivision, particularly in the coastal environment, can cause adverse effects on the environment, including degradation and loss of habitats, water quality and quantity, wetlands, landscape quality and amenity values, as well as the mauri (life force) and taonga of Maori.</p> <p>All development requires some modification to the natural environment, in order to allow for the establishment of roads, infrastructure and building sites. In the past, large urban subdivisions have been the focus of most concern because of the large scale environmental effects. However, with the strict controls placed on the way larger developments can occur (eg. requirements for sediment ponds,</p>	<p>Objective 18.3.1</p> <p>To avoid, remedy or mitigate the adverse effects of earthworks and vegetation removal on:</p> <p>(a) natural resources, including soils, waterways, native vegetation, wetlands and habitats of native animals;</p> <p>(b) the natural character, water quality and ecology of the coastal environment and landscapes of high value;</p> <p>(c) the visual amenity values of neighbourhoods and coastal areas;</p>	<p>Policy 18.4.4 Archaeological sites</p> <p>Prior to undertaking land modification, sites should be assessed to determine whether archaeological sites exist. Where archaeological sites are identified, they should be assessed and adverse effects avoided where possible.</p>		<p>The environmental results anticipated from the implementation of the above objectives, policies and methods are:</p> <p>(a) Sediment runoff from sites is minimised. (b) Increases in the volume and speed of overland water flows are minimised. (c) Significant landforms are retained. (d) Native trees and bush and significant exotic trees are retained for their habitat, visual amenity values and landscape values, and for their role in reducing erosion, water runoff and instability. (e) Water courses, waterbodies and wetlands are retained for their habitat, visual amenity and landscape</p>	

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	<p>and silt fences), many of the adverse environmental effects are being mitigated. It is the smaller site developments (such as building platforms for a house) on sites of less than 1 hectare which, although they individually have a small effect, cumulatively can result in substantial adverse effects. The adverse effects on the environment of both large and small scale land modification are detailed below. Loss of vegetation (both native and exotic) Development inevitably results in the removal of both exotic and native vegetation, including grass. The result of this is increased exposure of soils, and therefore the potential for soil erosion, and loss of habitat for birds and other animals. There is a decline in amenity values, because vegetation is important in providing visual buffers and shading. Changes in landscape values also occur, as vegetation is a key component in landscapes. The clearance of vegetation adjacent to waterbodies is of special significance, because of the loss of the vegetative filter and the resultant direct inputs of sediments to waterbodies. Accelerated soil/sediment runoff Although soil erosion is a natural process, land modification has the potential to cause erosion at a much faster rate than would normally occur. The longer soils are exposed during earthworks, the greater the risk of sediment runoff. The steeper the slope, the greater the sediment runoff. Large infrequent storms generate a disproportionate amount of sediment from earthworks by comparison with more frequent but gentler rainfall. Land modification which occurs in waterways (eg. channelling and piping), also produces a disproportionate amount of sediment. The result of sediment runoff is damage to neighbouring properties, the blocking of drains, and the sedimentation of waterways.</p> <p>Degradation of water habitats Land modification can result in the degradation of aquatic habitats through increased sediment discharge. Sediment reduces light penetration and therefore aquatic plant growth, physically smothers aquatic insects and crustaceans, damages fish gills and filter feeders, leads to loss of habitats, and helps transport contaminants to waterbodies. Documented and anecdotal evidence suggests that many of the District's waterways experience siltation.</p> <p>Effects on estuaries, beaches and seabeds Sediment can adversely affect seabed and beach qualities, by making them muddy rather than sandy. In estuaries increased sediment can provide a substrate for mangroves to expand into, which may reduce the navigability of, and access to waterways. Shellfish and bottom living animals are also adversely affected by sediment. Increased volume and speed of overland freshwater flows Increased volumes and speed of overland freshwater flows occur, because runoff from bare soil yields larger volumes of freshwater runoff. This can cause localised flooding at the lower end of the catchment, which can be further exacerbated if overland flow paths and stream and river channels are filled in and wetlands are drained. In addition, increased stormwater flows can result in changes in salinity in estuary areas, affecting fish, molluscs and crustaceans. They can also cause erosion of freshwater flow paths and estuary channels, generating additional quantities of sediment. Studies have shown that urban stream channels adjusting to increased flows can widen 2-4 times more than would naturally occur if urban development did not occur. Changes in landscape amenity values Landscapes are made up of a combination of landform, vegetation and other elements. This creates a diversity. Land modification, especially the removal of both exotic and native vegetation, large cuts on hillsides, and the alteration of geological landforms through recontouring, filling and the realignment of watercourses (including channelling), can result in a loss of landscape and amenity values, and diversity. Effects on the mauri and taonga of Maori people Maori regard the natural world holistically, and consider themselves to be an integral part of it. The adverse effects of land modification may affect the mauri (life force) of the environment.</p>	<p>(d) the stability and erosion of coastal, river and lake margins;</p> <p>(e) neighbouring properties and communities, including privacy and infrastructure;</p> <p>(f) cultural heritage sites;</p> <p>(g) ancestral lands, sites, waahi tapu, and other taonga, and the mauri of water in waterbodies.</p> <p>(This objective relates to Issues 18.2.1, 18.2.2, 18.2.3 and 18.2.4.)</p>			<p>values, and their role in minimising flooding.</p> <p>(f) Highly valued landscapes and the natural character of the coastal environment are maintained.</p> <p>(g) Waterways and coastal areas are not polluted by sediment inputs.</p> <p>(h) Services are not damaged or destroyed.</p> <p>(i) The rate of damage and destruction of cultural heritage sites, especially archaeological and waahi tapu sites, is reduced during development and earthworks.</p> <p>(j) The adverse effects on water quality, waterbodies, ancestral lands, waahi tapu sites, other taonga and the mauri of water in waterbodies are avoided, remedied or mitigated.</p> <p>(k) Risks to public health are minimised.</p>	
	<p>Issue 18.2.3</p> <p>Earthworks and vegetation removal, relating particularly to development and subdivision, can cause adverse effects on cultural heritage sites. Scientific, cultural and historic values Land disturbance, including earthworks and vegetation clearance, can destroy or reduce the scientific, cultural and historic value of sites, structures and other objects by altering the site. Archaeological sites are particularly affected by excavation and filling, which result in the removal of artefacts and the destruction of structures and remains of structures, including pits. Excavations can also result in the destruction of historical evidence and the relocation of objects. Waahi tapu Earthworks and vegetation clearance can affect waahi tapu (eg. urupa, pa sites, battle sites, places where tupapaku (bones) were cleaned and rested, tapu trees and other ancestral taonga).</p>					
APPENDIX 19B	Interpretation	<p>historic heritage area–</p> <p>(a) means an area that is protected by a rule because of its historic heritage; and</p> <p>(b) to avoid doubt, includes an area that is protected by a rule because it is a site of significance to Māori</p>				
22	FINANCIAL CONTRIBUTIONS AND WORKS				Outcomes (a) The provision of adequate public services enabling	In respect of this chapter the Council will monitor the extent to which the adverse effects of growth on

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Chapter	Rodney District Plan issues	Rodney District Plan Objectives	Rodney District Plan Policies	Rodney District Plan Methods	Anticipated Environmental Results	Monitoring provisions
					development within the District without significant adverse effects on: (i) water quality and quantity (ii) air quality (iii) ecosystems and their constituent parts (iv) traffic safety and efficiency (v) health and safety (vi) energy efficiency (vii) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. (b) The provision of adequate areas for both active and passive recreation, and of community facilities, for the well being of the District's inhabitants.	infrastructure are being managed effectively through these rules.

5. Waitakere District Plan

Chapter Name	Waitakere District Plan Issues	Waitakere District Plan Objectives	Waitakere District Plan Policies	Waitakere District Plan Methods	Anticipated Environmental Results	Monitoring provisions
A sustainable future	Strategic Platforms In relation to tangata whenua <ul style="list-style-type: none"> identify and respond to issues arising from the Treaty of Waitangi and relevant legislative obligations to Maori as they affect the City; recognise Te Kawerau A Maki and Ngati Whatua as having tangata whenua status within Waitakere City; liaise to ensure services are provided equitably to the Maori community; consolidate the role of Te Taumata Runanga (Maori Perspectives Committee); include in the systematic annual review of services, a review of services to the Maori community. 		Policy 2.11 Harvesting of native plants for medicines, weaving and ritual purpose shall be undertaken in a way that minimises any adverse effect on the physical and spiritual health of these resources, provided that any harvest is carried out in a way that is consistent with other objectives and policies and with joint management protocols drawn up by Council and iwi.	From Rules section of the Plan - Issues to be considered - Effects on: Water (Quality and Quantity) General <ul style="list-style-type: none"> degradation of waterways as a food source. The Spiritual Dimension (Mauri) General <ul style="list-style-type: none"> degradation of the mauri of parts of the City, in particular waterways degradation of some areas to the point that the effects on mauri have become dangerous and indiscriminate in their impacts Specific <ul style="list-style-type: none"> absence of appropriate protocols undermining of mana of iwi/hapu kaitiaki responsibilities degradation of water, soils, air quality, extent, and variety of native vegetation and fauna habitat Heritage Specific <ul style="list-style-type: none"> disturbance to and removal of buildings, structures, trees, materials as associated with waahi tapu and archaeological sites trampling of sites by stock use of materials, joinery, ornamentation on heritage buildings and structures in a way that is in conflict with key elements that contribute to the heritage value of the structure additions to and modifications to the basic, scale, form and layout and roofline of any structure in a way that is in conflict with the key elements that contribute to the heritage values of the building removal of buildings, structures, trees and materials associated with heritage items the placing of new structures, objects or plenty of vegetation on or over any waahi tapu or other heritage site in a way that undermines the spiritual and heritage significance of that site the undermining of the integrity of any heritage site through the construction of inappropriate structures on adjoining sites loss and degradation of natural resources modification to key landscape elements 		Council will undertake monitoring of its delegated functions, powers and duties under the Act, in relation to provisions in the Plan. This will be carried out on an annual basis, parallel to the annual planning processes. This monitoring strategy will include, but not be limited to: <ul style="list-style-type: none"> timeliness of resource consent processing quality of advice and information given on the Plan quality of resource consent processing quality of advice and information given on the Plan timeliness and effectiveness of enforcement procedures scope and effectiveness of monitoring strategies and responses to issues raised through monitoring effectiveness of delegated functions under the Act. Resource Consent Monitoring An annual report will be provided on resource consent monitoring. This report will include, but not be limited to: <ul style="list-style-type: none"> compliance with conditions of resource consents; the cost of processing resource consents; the effectiveness of consultation with affected parties, including tangata whenua. Responsibilities for Monitoring The primary responsibility for Plan monitoring lies with the Council. However, the Council will encourage input from other Councils, other agencies, tangata whenua, interest groups, applicants and the community in general. Other environmental monitoring will be carried out in conjunction with, for instance, the Auckland Regional Council, on matters of shared responsibility or concern.
3.6.1.1 Landscape & Tangata Whenua	Landscape is the drawing together of a range of elements which are understood as a whole and appreciated as a totality. This concept of landscape is also true for tangata whenua. However, although the visual coherence and landscape elements of the City's landscapes are important to iwi, other aspects are also equally important. The spiritual significance of a particular landform or stream, for example, which is not necessarily visually important, will mean that it becomes an essential landscape element. In terms of area, iwi have indicated that the key general landscapes are the coastal areas and the Waitakere Ranges - both in terms of natural features, sense of wilderness, bush and streams and, also, the particular way in which iwi have occupied those landscapes in the past. The particular sites, for example, burial areas, places of ritual and battlegroun.ds, combine to form a web of spiritual			RULE 3 BUILDING LOCATION - NATURAL LANDSCAPE ELEMENTS ASSESSMENT CRITERIA 3(c) The extent to which development adversely affects the visual, historical, cultural and spiritual significance for iwi of sensitive ridges. RULE 2 VEGETATION ALTERATION ASSESSMENT CRITERIA 2(g) The extent to which vegetation alteration adversely affects the		

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Chapter Name	Waitakere District Plan Issues	Waitakere District Plan Objectives	Waitakere District Plan Policies	Waitakere District Plan Methods	Anticipated Environmental Results	Monitoring provisions
	<p>significance that lies over these areas and makes them especially important. Therefore, their significance to iwi is seen as being a further major factor in identifying these landscapes as outstanding.</p>			<p>historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi or archaeological site.</p> <p>(Note - there are several equivalent criteria relating to various activities)</p>		
<p>Tangata Whenua</p> <p>4.1.3 Resource Management Concerns</p>	<p>The following summarises matters set out in T e Kawerau a Maki's Resource Management Statement which are of direct relevance to Council in developing its District Plan.</p> <p>Water: T e Kawerau a Maki Trust concerns are: that the mauri of all natural waterways is protected, and that the food producing capacity of natural waterways is protected and enhanced, as is their life supporting capacity. The iwi advocates water conservation and efficient use of water, opposes the direct disposal of any waster into waterways and requires that waste pass through the soils before discharge. The iwi wants waterways to be managed to a level that ensures their use as a food source and supports active restoration programmes, including stream edge planting. Above all the iwi requires that spiritual and cultural concepts should be recognised as key issues in water management.</p> <p>Coastal Marine Area: T e Kawerau a Maki' s concerns in this area are to ensure protection of heritage sites, water quality, the quality and availability of kaimoana (seafood), to limit the disposal of wastes from boats and to manage any development and use of coastal space to avoid adverse effects on water quality and coastal character. In particular T e Kawerau a Maki Trust has an interest in any increase in access to areas on the coast that bring impacts on significant sites; ensuring that spiritual and cultural concepts are recognised as key issues in managing this area; supporting active programmes to enhance the coastal area and the ecology of the Manukau and Waitemata Harbours, and the west coast area known as Nga Tai Whakatu a Kupe.</p> <p>Waste Management: As stated above, direct disposal of wastes into waterways is opposed by Te Kawerau a Maki. The iwi is also concerned that in the selection of sites for waste water and solid waste treatment or disposal, cultural and spiritual values are not harmed. The iwi also opposes the generation, entry or disposal of toxic or hazardous waste within their tribal area. It also advocates the treatment of stormwater before it is discharged into waterways.</p> <p>Land and Landscape: Te Kawerau a Maki is concerned with the promotion of sustainable land management and the protection of its productive capacity ensuring that native bush and fauna are protected and that the cultural meaning, amenity and aesthetic values of the landscape are protected. In terms of landscape, a particular concern is the protection of important sites and places associated with ancestors. The iwi also has as a pre-eminent concern, that a land-base and marae complex for Te Kawerau a Maki is re-established.</p> <p>Flora and Fauna: Te Kawerau a Maki's key concerns in relation to native plants and wildlife are: having access to flora and fauna for cultural harvest and craft; protecting and enhancing indigenous flora and fauna and their ecosystems, eradicating exotic plants and animals that are damaging, destroying or competing with native species or their ecosystems; participating in decisions on the introduction of new plants and animals to the country; ensuring that property rights (patents, licenses) are not given to native species in breach of Treaty rights. The Trust supports the protection of regenerating bush and regulations that limit native vegetation clearance during development to the minimum necessary for an allowed activity.</p> <p>Heritage Sites: In terms of heritage, the Trust wishes to: ensure protection without necessarily prohibiting all use and development in areas associated with the iwi's heritage; ensure recognition of and provision for, cultural and spiritual values in decision-making; to have opportunities to manage, enhance and monitor heritage concerns relating to waahi tapu.</p> <p>Note: Te Kawerau a Maki have identified those areas in the City that it sees as particularly significant in terms of cultural heritage and waahi tapu, and which it would wish to see acknowledged as areas that have a special significance in the iwi's relationship with their ancestral lands and other taonga. Any land within these areas has a general significance for the iwi, but in particular, the iwi requires particular protection of significant sites (waahi tapu) found in these areas under Council's resource management provisions.</p>			<p>RULE 1 GENERAL</p> <p>1.1 Notification/Non-Notification In relation to Controlled Activities and Limited Discretionary Activities under the following Rules 2 to 20 28 applications for consent need not be notified and the written approvals of affected persons will not be required, nor in terms of limited notification under the Act, will notice to adversely affected persons need to be served.</p> <p>1.2 Special Area Definitions {A221}</p> <p>"Marae Activities" means the use of land and buildings for whare nui (wharepuni) or meeting House, carved or otherwise; whare karakia (place of prayer/worship); whare kai (Dining Hall), Kaauta (Cookhouse/Kitchen); tangihanga, hura kohatu, hui-a-iwi; kaumatua housing (housing for the elderly); employment facilities; places of learning - including pura pura (pre-school), kohanga-reo (language nests) kurakaupapa (schools for older children), takanga wanaga (advanced learning institutions); healing and health services; tangi hanga; and Residential Activities subsidiary to the foregoing.</p>		

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Chapter Name	Waitakere District Plan Issues	Waitakere District Plan Objectives	Waitakere District Plan Policies	Waitakere District Plan Methods	Anticipated Environmental Results	Monitoring provisions
4.2.2 Te Taiao (The Environment)	<p>Some of these areas of particular significance are shown on Map 4.1.</p> <p>Traditional approaches to resource management focus on maintaining and enhancing the mauri (life force) of ancestral taonga. Taonga generally refers to something highly prized and treasured, tangible or intangible, that contributes to Maori intellectual, physical or spiritual well-being. The term roughly equates to the concept of a resource, but incorporates a range of social, economic and cultural associations. Mauri is normally described as the lifeessence, life force or power which, through the creation of the natural world, exists in all things.</p> <p>Taonga are intimately linked by mauri. Mauri binds the spiritual and physical elements of taonga together, enabling their existence within the bounds of their own creation. When something dies, the mauri is no longer able to bind the physical and spiritual elements together and thereby give life. Without mauri nothing can survive. Tikanga - customary values and practices - have been developed and observed over many centuries to sustain the mauri of all things, and still provide the basis for traditional approaches to resource management.</p> <p>Maori regard the natural world holistically, and consider themselves to be an integral part of it. All things are interrelated and interconnected Via whakapapa (genealogy). All taonga must be managed as a whole and cannot be separated. Adverse effects on ancestral taonga damage the well-being of tangata whenua as kaitiaki of those taonga.</p>					
4.2.3 Resource Management Concerns	<p>The following summarises matters set out by Te Hao o Ngati Whatua as the iwi resource management statements which are of relevance to the development of the District Plan.</p> <p>A general concern of Ngati Whatua is that resource management systems that are enshrined in statute and customarily carried out by government at all levels run counter to holistic views of the environment and, most importantly, do not easily recognise and provide for the spiritual as well as physical dimension of resource management.</p> <p>Similarly, the approach taken under the legislation is fundamentally different from a system of resource management based on duty and obligation to protect the environment, which is enshrined in kaitiakitanga. Without such an integrated approach, Government, including territorial local authorities, cannot easily provide for their responsibilities under Section 6 of the Resource Management Act.</p> <p>Specific concerns of Ngati Whatua are;</p> <p>Whenua (land)</p> <ul style="list-style-type: none"> removal of ngahere (bush) in an unsustainable manner is considered to be detrimental to the mana of Ngati Whatua. The mauri of the ngahere and its ability to sustain life is an integral part of the survival of humanity: erosion as a result of the removal of bush is a major concern: a precautionary approach to the planting of exotics such as pines in place of native bush needs to be taken: the effects of stormwater runoff, septic tanks, landfills, noxious plants and pests, and construction of buildings in areas of instability need to be undertaken with great caution: Ngati Whatua would wish to see the retainment and enhancement of natural native forests and the replanting of vegetation alongside the waterways. <p>Water</p> <p>Water represents the tears of Ranginui, the life blood of Papatuanuku and is the domain of Tangaroa. Water must be managed holistically and nurtured as a living entity. Matters of concern are:</p> <ul style="list-style-type: none"> sewage and stormwater discharges to the waterways: industrial and urban discharges and runoff: leachate from landfills: sedimentation and erosion: dumping of animal carcasses near waterways; mixing of waters from different sources, which is spiritually offensive: noxious weeds in waterways; 	<p>The objectives of Ngati Whatua in relation to the environment are:</p> <ul style="list-style-type: none"> the enhancement of the mauri of the waterways; the stimulation in numbers of native birds: the protection of property rights for native flora and fauna for tangata whenua traditional medicinal purposes; the use of naturally felled trees for carvings; the protection of small stands of native species including manuka, kanuka and also the numerous native species of flax and ngahere; the protection and enhancement of all native ecosystems; the eradication of noxious plants with controlled use of environmentally friendly chemicals; the careful planning of walking tracks and the introduction of boardwalks to protect the root systems of native trees. <p>Waahi tapu</p> <p>Wahi tapu sites include:</p> <ul style="list-style-type: none"> urupa (burial place); pa sites; battle sites; a place where tupapaku (corpses) rested - (tapu trees, caves etc); a place of refuge a place where a vision occurred; a place where a ritual was performed; a mountain from which territory was claimed; where a famous song or chant was first recited; a place where a waka was landed. Ngati Whatua do not wish to alienate any waahi tapu sites within the City and wish to pursue their full responsibilities as kaitiaki of these sites. <p>Note: Ngati Whatua have identified those areas in the City that it sees as particularly significant in terms of cultural heritage, and waahi tapu and which it would wish to see acknowledged as</p>				

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	<ul style="list-style-type: none"> the need to reintroduce and retain natural wetlands. All wastes derived from the land should be returned to the land rather than directly into the waterways on order to protect the mauri. <p>Air Ngati Whatua have concerns about the discharges of wastes into the air.</p>	<p>areas that have a special significance in the iwi's relationship with their ancestral lands and other taonga. Any land within these areas has a general significance for the iwi, but in particular the iwi requires protection of significant sites (waahi tapu) found within these areas under Council's resource management provisions.</p> <p>These areas of particular significance are shown on Map 4.2.</p>				
	<p>4.3.1 Pan-tribal Maori: Resource Management Concerns All other Maori living in the City as residents, have a range of concerns about the general development and direction of the City. However, in addition, there are three major concerns that centre on a particular Maori cultural perspective.</p> <p>These are:</p> <ul style="list-style-type: none"> provision for marae, and the full expression of the place marae have in Maori life – including the range of housing, health, employment and recreational facilities associated with marae; provision for kohanga reo and other places of learning as a way of protecting te reo Maori as a central treasure of Maori life; protection of natural and physical resources, in particular, water quality; the avoidance of discharge of wastes (treated or untreated) into waterways. 					
5. Significant Resource Management concerns						
5.1 Issue - Effects On Water: Quality And Quantity		<p>Objective 1 To manage the effects of landuse on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource, including maintaining:</p> <ul style="list-style-type: none"> the life-supporting capacity of water; the ability to use aquatic ecosystems as a food source; the availability of water as a healthy place of recreation. 				
5.2 ISSUE - EFFECTS ON NATIVE VEGETATION AND FAUNA HABITAT		<p>Objective 2 To protect the City's native vegetation and fauna habitat, including protecting:</p> <ul style="list-style-type: none"> the quality and resilience of the resource; the variety and range of species and their contribution to the biodiversity of the City; their ecological integrity; their healthiness as a potential source of harvest for cultural purposes. 	<p>Policy 2.11 Harvesting of native plants for medicines, weaving and ritual purpose shall be undertaken in a way that minimises any adverse effect on the physical and spiritual health of these resources, provided that any harvest is carried out in a way that is consistent with other objectives and policies and with joint management protocols drawn up by Council and iwi.</p> <p>Explanation Te Kawerau A Maki, Ngati Whatua, pan-tribal Maori, Pacific Island groups and residents have an interest in being able to harvest plants for cultural purposes. Such groups acknowledge that this must be done within the wider context of policies to protect the environment. For these reasons, the District Plan adopts a policy that provides for the managed harvest of plants - in a way that is consistent with wider responsibilities and with the practice of kaitiakitanga by iwi</p>	<p>District Plan Rules: The harvesting of plants for medicines, weaving and ritual purposes requires a resource consent. Assessment criteria include impacts on the resource itself, ecosystem stability and the Green Network, and consistency with the Joint Harvest Protocols.</p> <p>Other Methods: provision of information about harvest methods and protocols.</p>	<p>The Objectives and Policies seeking sustainable management of the City's significant native vegetation and fauna habitat are expected to achieve the following:</p> <ul style="list-style-type: none"> retention of areas of Outstanding Vegetation including wetland vegetation and mangroves; retention of all native riparian and coastal edge vegetation; retention of native vegetation in the Green Network, sufficient to ensure that the significance of the vegetation is retained and that fragmentation of native fauna habitat is avoided; extended protection of existing native fauna habitat; stable or increased populations of vulnerable native fauna; protection of the quality of native bush to a level that satisfies the concerns of tangata whenua as set out in their Resource Management Statements. 	<p>Surveys of tangata whenua/iwi to ascertain their satisfaction with the level of protection of the amount and quality of native vegetation and fauna habitat;</p>
	<p>5.8 ISSUE - EFFECTS ON THE SPIRITUAL DIMENSION (MAURI)</p> <p>Adverse effects on the mauri or life force that is considered by Maori to exist within all aspects of life and the environment, have occurred within the City. This spiritual dimension (te wairua) of the environment is considered by tangata whenua to be severely degraded in many parts of the City. Contamination of the City's waters is a clear and continuing example of this, as is the loss of bush and the contamination of the soils. The effects of different pressures on various resources have been documented in previous sections.</p> <p>These changes to the City's environment have resulted in the following significant resource management issues:</p> <p>General:</p> <ul style="list-style-type: none"> the degradation of the mauri of some parts of the city, in particular some waterways; degradation of other areas to the point that the mauri has become dangerous and indiscriminate in its impacts. 	<p>Objective 8 To protect and maintain those aspects of the environment that are of significance to tangata whenua, including:</p> <ul style="list-style-type: none"> protecting the spiritual dimension and the mauri (life force) of natural and physical resources and of humans; recognising and protecting the kaitiaki of these resources and significant sites and waahi tapu within the City; providing for those institutions that are integral to the relationship of tangata whenua with their environment; in a way that promotes the expression and practice of kaitiakitanga (guardianship). 	<p>Policy 8.1 Any activity that takes place within the City's coastal edges or riparian margins must be carried out in a way that adverse effects on the quality of the water resource, and the mauri of that waterway, taiapure or mahinga maataitai are avoided or, where unavoidable, are remedied or mitigated.</p> <p>Explanation As noted above, the quality of the City's waterways is a central concern to tangata whenua, and the obligations to protect water systems play a key part in the duties of kaitiaki. This policy recognises this importance. It provides for involvement of tangata whenua in assessing the effects of any proposed activity on the physical and spiritual health of the City's water resource, and on the margins of the City's waterways. It also recognises the importance of the City's waters as a food source, and any management systems that might be adopted by iwi in relation to mahinga maataitai (seafood gathering areas) and taiapure (tangata whenua fisheries management areas).</p>	<p>District Plan Rules:</p> <ul style="list-style-type: none"> Riparian Margins/Coastal Edges Natural Areas Rules <p>Other Methods:</p> <ul style="list-style-type: none"> conduct of Council operations and services to take account of iwi concerns about water quality; development of planting programmes within reserve management plans. 	<p>The preceding Objective, Policies and Methods relating to the provision for the concerns of tangata whenua are expected to achieve the following:</p> <ul style="list-style-type: none"> a quality of natural resources that satisfies the particular concerns of tangata whenua; strengthening of iwi role as kaitiaki; provision within the City for marae and associated activities. 	<p>In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results relating to tangata whenua, the Council will develop and maintain a monitoring programme which may include the following monitoring indicators:</p> <ul style="list-style-type: none"> monitoring resource consents relating to earthworks, land modifications, development, subdivision, modification or use of natural water resources, vegetation clearance, including the number of applications granted consent, compliance with consent conditions and the effectiveness of those conditions; independent auditing of whether Council is meeting its obligations to tangata whenua as kaitiaki and under Sections 6(e), 7(a) and 8 of the Resource Management Act; a statement from iwi about the state of the

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Chapter Name	Waitakere District Plan Issues	Waitakere District Plan Objectives	Waitakere District Plan Policies	Waitakere District Plan Methods	Anticipated Environmental Results	Monitoring provisions environment.
	<p>Specific:</p> <ul style="list-style-type: none"> • degradation of water, soils, air quality and the extent and variety of native vegetation and fauna habitat; • absence of appropriate protocols; • undermining of mana of iwi/hapu kaitiaki, and the practice of kaitiakitanga. 		<p>8.2 Activities involving the clearance of native vegetation and fauna habitat within the Green Network should be carried out in a way that the mauri of that resource is not adversely affected.</p> <p>Explanation The retention of remaining native vegetation is seen as essential by tangata whenua. Protection of this natural resource is a key responsibility for kaitiaki. This policy recognises this importance and provides for ensuring that activities avoid harm to the physical and spiritual health of bush and fauna habitat.</p> <p>Policy 8.3 Any activity involving the intensification of settlement or subdivision within the Green Network, the Waitakere Ranges, Bush Living, Foothills and Countryside Environments, should be managed in a way that avoids, remedies or mitigates adverse effects on the quality of water, soils and native vegetation and fauna habitat, and the mauri of those resources.</p> <p>Explanation These areas of the City are highly valued by tangata whenua, for both the resources they contain and also because of their wilderness character and landscape values. For Te Kawerau a Maki, the Waitakere River Valley and the area around Bethells/Te Heoga has special significance as the main place of settlement. Tangata whenua have identified that intensification of settlement in these areas is a particular concern, both in terms of impacts on natural and physical resources and also on landscape values, and particularly the wilderness qualities of these areas. This policy requires that any proposed increase in population and buildings should be assessed in terms of impacts on those matters of concern to both iwi.</p> <p>Policy 8.4 Any activity within the Riparian Margins/ Coastal Edges Natural Areas, Coastal Natural Areas and Protected Natural Areas that involves: disturbance of soils and removal of rock; alteration to the natural character of the coastal area or impeding of any natural process that forms that character; alteration to the interface between land and water; removal of vegetation; should be managed in a way that avoids, remedies or mitigates adverse effects on the natural character and mauri of the coastal area.</p> <p>Explanation Te Kawerau a Maki and Ngati Whatua both identified that the alteration and disruption of natural processes, and the degradation of the coastal environment, are issues of particular concern to them, and that the coastal areas are of particular importance in the history and culture of both iwi. This policy requires that any disturbance of soil, rock and vegetation within these areas should not have an adverse impact on the physical and spiritual health of the area, as assessed by iwi.</p> <p>Policy 8.5 Any activity (including subdivision design and placement of structures), should be carried out in a way that avoids adverse effects on the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi. The effect of activities which facilitate the direct relationship of iwi with their waahi tapu should also be taken into account. Particular regard should be had for the effect of activities within the iwi heritage areas.</p> <p>Explanation This policy has been adopted in response to the requirements of the Resource Management Act to recognise the relationship of iwi with their waahi tapu and other taonga as a matter of national importance, and to have particular regard for their protection. Throughout the City, but primarily within the coastal environment, there is a range of sites that are highly significant to tangata whenua as waahi tapu or sacred sites. These include</p>	<p>District Plan Rules: Vegetation Clearance Rules</p> <p><i>District Plan Rules:</i> Subdivision Rules</p> <p>District Plan Rules: Vegetation Clearance Rules Earthworks Rules Impermeable Surfaces Rules Buildings Rules Stock Rules Other Methods: conduct of Council operations and services to take account of iwi concerns about water quality.</p> <p>District Plan Rules: • Subdivision Rules All subdivisions pass through a resource consent process which allows assessment of impacts on a range of matters, including impact on waahi tapu and other sites of significance. Where the application provides for the return of waahi tapu to iwi, the positive effects on iwi will be taken into account.</p> <p>• Heritage Rules</p>		

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			<p>urupa (burial grounds), battle fields, places where visions have occurred, places of agreement between tribes and hapu (subtribe), and landing sites for waka (canoes). In some cases no physical evidence remains, in others the middens, pa and storage pits are the remaining evidence of events and settlements.</p> <p>Policy 8.6 Any activity involving landfills and cleanfills should be carried out in a way that avoids adverse effects on the mauri of the City's soils and waters.</p> <p>Explanation: The District Plan has adopted this policy in acknowledgement of the concerns stated by Te Kawerau a Maki and Ngati Whatua about the impacts of landfills and cleanfills on soils, and the long term issues related to possible leaching and pollution of surrounding soils and waters.</p> <p>Policy 8.7 Structures and driveways should not be placed on any Outstanding Natural Feature (landforms) or Natural Landscape Element in a way that detracts from the significance of these landforms and landscape elements for iwi.</p> <p>Explanation Te Kawerau a Maki and Ngati Whatua have indicated a particular concern for the way in which structures have been placed on the ridgelines of the Waitakere Ranges. This concern is not simply for the visual effects but, in some cases, is also for the placement of structures on peaks that are considered to be tribal tupuna or ancestors.</p> <p>Policy 8.8 Harvesting of plant materials for medicines, food, weaving and ritual purpose shall be undertaken in a way that avoids remedies or mitigates any adverse effect on the physical and spiritual health of these resources, provided that any harvest is carried out in a way that is consistent with other District Plan Objectives and Policies, and with joint management protocols drawn up by Council and iwi.</p> <p><i>Explanation</i> Te Kawerau a Maki, Ngati Whatua, pan-tribal Maori, Pacific Island groups and residents have a strong interest in having the ability to harvest resources for cultural use. In particular, there is interest in the planting of productive plants, such as fruit trees and flax, on public lands. It is acknowledged that this must be done within the wider context of policies to protect the environment. This policy provides for the managed harvest of plants in a way that is consistent with the District Plan's wider responsibilities, and with the practice of kaitiakitanga.</p> <p>Policy 8.9 Marae may be established in any part of the City, provided that adverse effects on: <ul style="list-style-type: none"> • water quality and quantity; • significant and outstanding indigenous vegetation and fauna habitat and ecosystems; • vegetation biomass; • soils; • natural hazards ; are avoided, remedied or mitigated, and the proposal is compatible with the protection of those physical and natural characteristics identified as contributing to the health and safety of occupants of neighbouring sites, and road users.</p> <p><i>Explanation</i> Marae are considered by iwi and pan-tribal Maori groups as central to any relationship with the environment. Marae are</p>	<p>District Plan Rules: • Earthworks Rule</p> <p>District Plan Rules: • Earthworks Rules • Building Location - Natural Landscape Elements Rules</p> <p>Other Methods: • conduct of Council operations and services to take account of iwi concerns about water quality.</p> <p>District Plan Rules: Harvesting of native plants for cultural purposes must pass through a resource consent process. Assessment criteria include: a requirement that the plants used for harvesting can absorb any impacts and continue to function as a healthy component of the surrounding ecosystem, in the short and long term; impacts on the ecological integrity of the Green Network (including fauna habitat); seasonal conditions of the resource; heritage status of any listed heritage trees; and other criteria set out under the harvest protocol.</p> <p>Assessment of the resource consent is carried out by the iwi under the delegation powers set out in Section 34 of the Resource Management Act. The delegation of such powers is made in accordance with the conditions set down in the joint harvest protocol.</p> <p>Other Methods: development of planting programmes on City reserves; joint Harvest Protocols.</p> <p>District Plan Rules: • Marae Special Area Rules</p>		

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			<p>defined in the District Plan as providing for the following:</p> <ul style="list-style-type: none"> - whareniui (wharepuni) or Meeting House, carved or otherwise; - whare karakia (place of prayer/worship); • wharekai (Dining Hall), Kaaouta (Cookhouse/ Kitchen); • tangihanga, hura kohatu, hui-a-iwi; • kaumatua housing (housing for elders); • general housing; • employment facilities; • places of learning - including purapura (preschool), kohanga reo (language nests), kura kaupapa (schools for older children), takanga wananga (advanced learning institutions); • healing and health services; • the ability to carry out tangihanga. <p>The concept encompasses marae as a general activity, similar in breadth of activities and buildings to the concept of a village. The marae as the area of main communal buildings is still pre-eminent, but it also involves the wider idea of kainga or village.</p> <p>As such, the concept has evolved to encompass a way of settlement that differs from that which has occurred in many New Zealand towns and cities.</p> <p>This policy avoids past approaches that confine marae to particular parts of the City, simply on the basis that they differ from mainstream settlement patterns. It ensures that marae, as with any other activity, avoid or mitigate adverse effects on the environment. This includes addressing effects on natural and physical resources and compatibility with the need to protect the health of residents and road users in an area.</p> <p>The policy does not include the requirement to have particular regard for the visual amenity an neighbourhood character of an area. Marae buildings differ markedly from most existing residential buildings in terms of bulk and form. To require these to be in keeping with character, would be to provide an indirect way of excluding them from certain parts of the City. However, the most important argument for this approach is that provision for marae, which are a central focal point for the relationship of Maori with their taonga, is a matter of national importance, which must be recognised and provided for. Although amenity values must be paid particular regard, they cannot outweigh the considerations of Section 6(e).</p>			
Issue - Effects on Amenity Values - Landscapes, Local Areas and Neighbourhood Character			<p>Policy 11.7 {A204, A217}</p> <p>Infrastructure should be designed and managed in a way that:</p> <ul style="list-style-type: none"> • will maintain, and not adversely affect the amenity values and neighbourhood character of the surrounding area, including streetscape character; • placement on sensitive ridgelines in a way that visual intrusion above that ridgeline when viewed from a public place is avoided, or where unavoidable, remedied or mitigated; • does not detract from the significance to tangata whenua of any ridgeline; • minimises disturbance of natural and physical features; • does not physically dominate adjoining sites. • minimises adverse effects on the Upper Waitemata Harbour Δ15 	<p>Methods</p> <p>District Plan Rules:</p> <ul style="list-style-type: none"> • Vegetation Clearance Rules • Earthworks Rules • Impermeable Surfaces Rules • Buildings Rules • Stock Rules <p>Other Methods:</p> <ul style="list-style-type: none"> • conduct of Council operations and services to take account of iwi concerns about water quality. 		
5.12 ISSUE- EFFECTS ON HERITAGE	<p>These changes to heritage sites, objects and buildings, result in the following significant resource management issues for the City:</p> <p>General: the loss/ destruction of places, buildings, trees and objects which are part of the environment's heritage values; the modification of structures and sites to a degree that the integrity of the heritage values is lost.</p> <p>Specific: earthworks and removal of materials from a heritage site; coverage of a site by buildings or impermeable surfaces;</p>	<p>Objective 12</p> <p>To manage the effects of activities on the City's valued heritage in a way that: maintains its variety and complexity; recognises and protects its national, regional and local significance; protects the links between particular heritage objects and the surrounding context; integrates that heritage with people's everyday lives; where possible and appropriate.</p>	<p>Policy 12.1</p> <p>Activities should be carried out in a way that avoids or minimises adverse effects on the City's valued natural heritage, including the extent and range of species. Particular regard shall be had for protecting native vegetation and fauna habitat, and rare or threatened fauna species.</p> <p>Policy 12.2</p> <p>Activities must be carried out in a way that avoids demolition or partial demolition of a Listed Heritage site, building or object. If an applicant will suffer unreasonable hardship by reason of restrictions on demolition or partial demolition, Council may</p>	<p>RULE 5 ALTERATION OF WAAHI TAPU</p> <p>5.0 General</p> <p>The following rules shall apply to Any Activity involving a waahi tapu known to the Council.</p> <p>5.1 Limited Discretionary Activities Activities meeting the following Performance Standards are Limited Discretionary Activities:</p> <ul style="list-style-type: none"> • Any Activity and any Temporary Activity which involves the alteration of a waahi tapu known to the Council. <p>Assessment of Limited Discretionary Activity applications will be limited to the matters of conservation, design, scale and location and will be assessed in accordance with Assessment Criteria</p>	<p>The preceding Objective and Policies relating to the protection of the City's heritage are expected to achieve the following: retention of the qualities of each heritage item that contributes to its heritage value;</p> <ul style="list-style-type: none"> • retention of the number, range and quality of items that have been identified as contributing to the City's heritage value 	<p>In order to assess the suitability and effectiveness of the Objectives, Policies and Methods in achieving the anticipated environmental results relating to heritage, the Council will develop and maintain a monitoring programme which will include the following monitoring indicators:</p> <ul style="list-style-type: none"> • monitoring Council's register of heritage sites by reviewing the heritage resource data base as appropriate; • surveying people's perceptions of the effectiveness of heritage protection mechanisms and the amenity value of heritage sites;

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	<p>trampling of heritage sites by stock; removal of buildings, structures, trees and materials associated with waahi tapu; use of materials, joinery and ornamentation on heritage buildings, in a way that is in conflict with the key elements that contribute to the heritage values of the building; additions to and modification to the basic scale, form, layout and roof line of any structure, in a way that is in conflict with the key elements that contribute to the heritage values of the building; the placing of new structures, objects or vegetation on or over any waahi tapu or other heritage site, in a way that undermines the spiritual and heritage significance of that site; loss and degradation of natural resources; modification to key landscape elements.</p>		<p>adopt one of the following courses of action: • take steps to acquire any scheduled item and any land on which it is situated; • enter into any other agreement which is mutually acceptable to the Council, the applicant and/or owner of the listed item, and the Historic Places Trust as appropriate; • offer any other suggestions or assistance which would be likely to reduce any hardship suffered by the applicant or owner.</p> <p>and will take account of: • whether there is any change in the circumstances that has resulted in a reduction of significance since the item was listed in the District Plan; • whether any building can be economically adapted for re-use; • whether any item can be relocated on or offsite, and the impact that relocation would have on the heritage significance of the object; • whether any alteration to the area can be made that retains the heritage significance of the object; • whether any alteration to the area can be made that retains the heritage significance of the item while accommodating the objectives of the applicant.</p> <p>Policy 12.8 Activities should not cause adverse effects to the physical structure and integrity of any archaeological site listed in the District Plan, including adverse effects arising from: • the removal, addition, excavation or compaction of any soil, rock or other materials, on or in the vicinity of the listed archaeological site; • the planting of vegetation on or in the vicinity of any listed archaeological site; • the removal of vegetation from a listed site in a way that causes adverse effects on the stability of the site, the form, structure, and materials of the site, and the overall integrity of its heritage values; • subdivision of the site or adjoining sites in a way that causes adverse effects on the value or significance of the listed archaeological site.</p> <p>Explanation There are a limited number of archaeological sites which are listed in the District Plan. Key impacts on these sites arise from earthworks (including quarrying), and the placement of inappropriate structures in the vicinity. This policy is concerned with protecting the actual structure of the site and its integrity in terms of heritage values. This involves consideration of the way a site might be modified and the extent of any proposed modification.</p> <p>Policy 12.9 Natural and cultural resources of national, regional or local significance that are located on public open space must be sustainably managed to ensure their long term protection.</p> <p>These resources on public open space are: • Outstanding natural features, landforms, geological sites and soils • Outstanding landscapes • The natural character of the coast and margins of lakes, rivers and wetlands • Significant and outstanding native vegetation and fauna habitat • Rare and threatened plants • Waahi tapu and other archaeological sites of significance to Maori • Buildings, sites, artefacts and trees of historical significance</p> <p>They are identified on the Maps (City and Tangata Whenua) and Appendices in the Policy Section to the District Plan.</p>	<p>5(a)-5(e). ASSESSMENT CRITERIA 5(a) The extent to which development can be designed so as to avoid the need to alter the site, or where this is not possible, the extent to which the proposal has regard to: (i) the significance of the place for tangata whenua; (ii) the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value attached as an Appendix to these Rules; (iii) the policies of any conservation plan and heritage inventory relating to the heritage resource; (iv) the integrity/value of the heritage resource; (v) the associated significance (if any) of the land surrounding the heritage resource; (vi) any recommendations made by the New Zealand Historic Places Trust and any other professionally recognised party in heritage conservation issues.</p> <p>5(b) A Conservation Plan will be required for any activity involving the alteration of a waahi tapu. The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following: • a statement of the significance of the waahi tapu; • the condition of the waahi tapu; • the physical conservation, action and care necessary for returning or revealing the heritage significance; • activities which may be compatible with the waahi tapu; • measures to enable the cultural significance of the waahi tapu to be retained.</p> <p>5(c) The extent to which activities on or in the vicinity of a waahi tapu known to the Council, including structures, the grazing of stock, physical investigation, the removal of soil, structures of trees, and the reconstruction of any site, modify, damage or destroy the site in a way that is unacceptable to iwi.</p> <p>5(d) The extent to which any activity or subdivision adversely affect the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi.</p> <p>5(e) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution.</p> <p>5(f) The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan. PPCΔ35 See also Policies 8.4, 9.14, 10.27, 12.1, 12.5, 12.8, 5B.1, 5B.3 (Policy Section of the Waitakere District Plan)</p> <p>RESOURCE CONSENT CONDITIONS In granting a resource consent the Council may impose conditions. Conditions may include any one or more of the following matters: • requiring maintenance of the waahi tapu in accordance with the Conservation Plan • requiring limitations on uses which may create adverse effects on the waahi tapu • the imposition of a bond to ensure satisfaction of conditions of consent • requiring financial contributions in accordance with the Plan • requiring on-site or off-site works and services to avoid, remedy, mitigate or offset adverse effects • such other matters provided for in section 108 of the Act • requiring that an archaeological site survey be undertaken prior to any work being undertaken on site • requiring a heritage covenant to be registered in respect of an archaeological site or waahi tapu. Provided that, in the case of Limited Discretionary Activities, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.</p> <p>District Plan Rules: • Heritage Rules</p>	<p>NOTES (from Rule 5 section) 1. If an activity is not controlled or restricted in any way by any part of the <i>Plan</i> it is permitted, but may require consents under other legislation/ plans. 2. Council will seek advice and consult with <i>tangata whenua</i> representative(s) prior to making a decision on any <i>resource consent</i>. 3. Whether or not any particular <i>waahi tapu</i> is known to the Council is a matter of Council record at the relevant time an activity or a <i>subdivision</i> is proposed to be established. The Council has records showing <i>waahi tapu</i> which can be referred to for guidance. Other <i>waahi tapu</i> may be indicated on consideration of any proposal by <i>tangata whenua</i>. 4. Activities must comply with all other relevant rules of the <i>Plan</i> or be the subject of a <i>resource consent</i>. Check all <i>Human Environment Rules</i>, <i>Natural Area Rules</i> and <i>City-Wide Rules</i>. 5. Words in <i>italics</i> are defined - see the Definitions part of the <i>City-Wide Rules</i>. 6. Words in bold are explained - see the Explanations part of the Introduction to the Rules. 7. For <i>resource consents</i> see the Information Requirements in the <i>City-Wide Rules</i>. 8. Applicants will require approval from the Historic Places Trust in accordance with the requirements of the Historic Places Act.</p>	<p>monitoring resource consents on heritage sites relating to earthworks, vegetation removal, development and building modification, including the number of applications granted consent, compliance with consent conditions and the effectiveness of those conditions.</p>

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				<p>• Subdivision Rules Natural Areas Rules - Vegetation Clearance Earthworks and Establishment of Vegetation Open Space Environment Rules Policy Maps and Appendices</p> <p>The Historic Places Trust has primary responsibility for the regulation of activities relating to the protection of archaeological sites. The District Plan does not duplicate this process, except where particular sites have been identified as being of particular heritage value to the City. In those cases, resource consent is required to assess, amongst other matters, impacts on the site's heritage values.</p> <p>This approach does not, in any way, imply that other archaeological sites protected via the Historic Places Trust are not of intrinsic value to the City. Rather, the duplication of regulatory processes carried out by the Historic Places Trust is recognised, and Waitakere City Council's own resource consent processes ensure that the issuing of a resource consent for any activity on a site that has not received consent from the Trust is prevented.</p> <p>Waitakere City Council will continue to monitor the effectiveness of this process.</p> <p>Other Methods Reserve Management Plans Management Protocols between public agencies/organisations Public education programmes Pest eradication Fencing or excluding public access for short periods to allow restoration or breeding programmes to be implemented Non-regulatory support to voluntary organisations involved in projects</p>		
The Waitakere Ranges Heritage Area		<p>Heritage Area The objectives of establishing and maintaining the Waitakere Ranges Heritage Area are:</p> <p>5B.1.2.1</p> <p>To protect, restore, and enhance the nationally significant Waitakere Ranges Heritage Area and its heritage features, which individually or collectively contribute to its significance. The heritage features of the Waitakere Ranges Heritage Area are:</p> <p>(a) its terrestrial and aquatic ecosystems of prominent indigenous character that:- (i) include large continuous areas of primary and regenerating lowland and coastal rainforest, wet land, and dune systems with intact ecological sequences; (ii) have intrinsic value; (iii) provide a diversity of habitats for indigenous flora and fauna; (iv) collect, store, and produce high quality water; (v) provide opportunities for ecological restoration; (vi) are of cultural, scientific, or educational interest; (vii) have landscape qualities of regional and national significance; (viii) have natural scenic beauty.</p> <p>(b) the different classes of natural landforms and landscapes within the Waitakere Ranges Heritage Area that contrast and connect with each other, and which collectively give the area its distinctive character; (c) the coastal areas which:- (i) have a natural and dynamic character and; (ii) contribute to the area's vistas and; (iii) differ significantly from each other.</p> <p>(d) the naturally functioning streams that rise in the eastern foothills and contribute positively to downstream urban character, stormwater management, and flood protection; (e) the quietness and darkness of the Waitakere Ranges and the coastal parts of the Waitakere Ranges Heritage Area; (f) the dramatic landform of the Ranges and foothills, which is</p>		<p>(Note - the following is a standard clause relating to discovery found under the Earthworks sections, under activity status. In each instance these are found relating to permitted activity status and only relating to Earthworks within the Transport Environment)</p> <p>• In the event of archaeological features being uncovered (e.g. shell middens, hangi or ovens, pit depressions, defensive ditches, artefactual material or human bones) work shall cease in the vicinity of the discovery and the area shall be secured. The Manager Resource Consents, the New Zealand Historic Places Trust, Auckland Regional Council Archaeologist and the appropriate Iwi authorities shall be contacted so that appropriate action can be taken.</p> <p>The Manager: Maori Issues can advise on appropriate Iwi authorities. This includes such persons being given a reasonable time as determined by the Council to record and recover archaeological features discovered before work may recommence.</p>		

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		<p>the visual backdrop to metropolitan Auckland, forming its western skyline;</p> <p>(g) the opportunities that the area provides for wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland;</p> <p>(h) the eastern foothills, which:-</p> <p>(i) act as a buffer between metropolitan Auckland and the forested ranges and coasts; and</p> <p>(ii) provide a transition from metropolitan Auckland to the forested ranges and coast;</p> <p>(i) the subservience of the built environment to the Waitakere Ranges Heritage Area's natural and rural landscape, which is reflected in:-</p> <p>(i) the individual identity and character of the coastal villages and their distinctive scale, containment, intensity, and amenity; and</p> <p>(ii) the distinctive harmony, pleasantness, and coherence of the low density residential and urban areas that are located in regenerating (and increasingly dominant) forest settings; and</p> <p>(iii) the rural character of the foothills to the east and north and their intricate pattern of farmland, orchards, vineyards, uncultivated areas, indigenous vegetation, and dispersed low density settlement with few urban scale activities.</p> <p>(j) the historical, traditional, and cultural relationships of people, communities, and tangata whenua with the Waitakere Ranges Heritage Area and their exercise of kaitiakitanga and stewardship;</p> <p>(k) the evidence of past human activities in the Waitakere Ranges Heritage Area, including those in relation to timber extraction, gumdigging, flax milling, mineral extraction, quarrying, extensive farming, and water impoundment and supply;</p> <p>(l) its distinctive local communities;</p> <p>(m) the Waitakere Ranges Regional Park and its importance as an accessible public place with significant natural, historical, cultural, and recreational resources;</p> <p>(n) the public water catchment and supply system, the operation, maintenance, and development of which serves the people of Auckland.</p>				
		<p>vi) Significance to Tangata Whenua</p> <p>Oratia is significant to Tangata Whenua, notably Te Kawerau a Maki who have a long history of occupation and use of the land. These relationships endure through recognition of Te Kawerau a Maki as kaitiaki of the resources of the Heritage Area, and are reflected in the naming of places, streams and other features in Oratia.</p>				
		<p>vi) Strengthening Tangata Whenua Relationship with the Local Area</p> <p>The natural environment will be protected and restored and the kaitiaki role of Tangata Whenua in achieving this will be acknowledged. The history of occupation by Tangata Whenua will be reflected through the protection of archaeological sites, and the establishment of interpretation signage and statements.</p>				
		<p>(v) Significance to Tangata Whenua</p> <p>Waiatarua is significant to Tangata Whenua, notably Te Kawerau a Maki who have a long history of occupation and use of the land. These relationships endure through recognition of Te Kawerau a Maki as kaitiaki of the resources of the Heritage Area, and are reflected in the naming of places, streams and other features in Waiatarua.</p>				
		<p>v) Strengthening Tangata Whenua Relationship with the Local Area</p> <p>The natural environment will be protected and restored and the kaitiaki role of Tangata Whenua in achieving this will be</p>				

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		<p>acknowledged. Archaeological sites will be protected.</p> <p>(iv) Significance to Tangata Whenua</p> <p>Titirangi is significant to Tangata Whenua, especially Ngati Whatua who fought a battle in the area, and who along with Te Kawerau have a long history and relationship with this area. These relationships endure through recognition of their role as Tangata Whenua and as kaitiaki of the resources of the Heritage Area. This is also reflected in the naming of places, streams and other features in Titirangi.</p>				
Glossary	<p>IWI Maori tribe, usually a number of hapu with a common ancestor.</p> <p>KAITIAKI The tangata whenua guardian who exercises the ancestral responsibilities of kaitiakitanga.</p> <p>KAITIAKITANGA The exercise of custodianship by iwi who hold manawhenua, in order to protect the physical health of the resource and its mauri of life-force.</p> <p>MAHINGA MAATAITAI means a seafood gathering area</p> <p>MANA Prestige, power, authority.</p> <p>MANAWHENUA This is the customary authority exercised by iwi or hapu in an identified area</p> <p>MAURI Mauri can be described as the life force present in all things and all people. Mauri generates, regenerates and upholds creation, binding physical and spiritual elements of all things together. Recognition of the spiritual aspects of reality is central to a definition of sustainable management. Note: see also the Tangata Whenua Statements, Part 4 of the Policy Section for further explanations.</p> <p>TAIAPURE means a fisheries management area</p> <p>TANGATA WHENUA means, in relation to a particular area, the iwi or hapū that holds mana whenua over that area</p> <p>TIKANGA This relates to customary values and practices.</p> <p>TE TAIAO This is the natural world or environment.</p> <p>TAONGA 1bis is something highly prized or treasured, tangible or intangible, that contributes to Māori wellbeing. The term equates roughly to the concept of a resource, but incorporates a range of social, economic and cultural associations. Included, for example, are te reo (the Maori language), waahi tapu (sacred sites), waterways, fishing grounds, mountains and place names.</p> <p>WAAHI TAPU means a place, site or object sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense</p>					

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6. Auckland Isthmus District Plan

Chapter Name	Auckland Isthmus District Plan Issues	Auckland Isthmus District Plan Objectives	Auckland Isthmus District Plan Policies	Auckland Isthmus District Plan Methods	Anticipated Environmental Results	Monitoring provisions
Part 2 Resource Management		Objective 2.3.1 – Natural Environment and Resources •To give recognition to the status of the tangata whenua and provide for their interest. ...				
		Objective 2.3.2 – Heritage •To retain and enhance the amenity of the district. •To protect and conserve significant items of cultural heritage. •To provide for further growth in activities while maintaining the quality of the built environment. •To give particular recognition to taonga. •[To protect the natural and physical environment of features with significant natural and cultural heritage values.]				
		Objective 2.3.3 – Community •To take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).				
5B	Issue 5B.3.5 For Maori, particularly the iwi who have mana whenua, the physical environment is highly personalised. Certain values are applied to particular areas of land and water according to traditional associations, utilisation of food production and gathering, and their potential for satisfying social and cultural needs. Long before the arrival of the European, Maori had realised the value of the coastal waters, intertidal waters, harbours, rivers and streams for communication, fishing and cultural purposes. The coastal environment of the Isthmus and its conservation has a dual significance to the Maori. In particular there is the conservation of the historically and spiritually significant places, sites and objects associated with the occupation of the land by the iwi who have mana whenua. Underpinning this is a broad-based attitude towards general conservation of the natural landscape, air and the sea. There are a number of sites of cultural significance to the iwi who have mana whenua in the coastal environment, including the sites of ancient settlements. These will be recorded and protected in an appropriate manner in the Plan.	Objective 5B.4.4 To facilitate public access to and the enjoyment of the Coastal Management Area and the coastal marine area in locations and at a level which does not adversely affect the natural character of the coastal environment.	Policies •By maintaining and enhancing public access to the foreshore except where restrictions are necessary because of safety, security, damage to vegetation and wildlife or conflict with traditional Maori sites, or other exceptional circumstances. •By using various measures including esplanade areas to achieve public access to the coast, rivers and streams. •By providing for shoreline walkways and boardwalks where these do not conflict with environmental and cultural values or lead to the erosion of sensitive landforms. •By controlling business activity on public reserves, streets and other public places within the Coastal Management Area. •By investigating the feasibility of stopping unformed roads in the Coastal Management Area and seeking appropriate reserve classifications where this does not interfere with the provision of vehicular access to private property which fronts such roads. •By working with neighbouring local authorities to achieve an integrated network of public access points to and along the coast.		It is expected that the measures adopted for the resource management of the Coastal Management Area will ensure the protection and enhancement of the unique environmental qualities of this part of the district. It is intended that future development be in sympathy with valued natural and built features of the coastal landscape. Further the quality of land based and aquatic habitats will be maintained while at the same time preserving and enhancing public access to and recreational use of the foreshore. The significance of the coastal environment to Maori will be recognised and provided for. The Council will work with iwi who are mana whenua to facilitate the appropriate recognition and protection of waahi tapu and taonga. Such exchange of information will enhance the awareness of all citizens of the district in matters of significance to the iwi who are mana whenua. Requiring esplanade reserves or esplanade strips in accordance with the strategy outlined above will meet the purposes of the Act. This will protect conservation values, enable public access to and along the sea and rivers, and enable public recreational use of the esplanade reserves.	
		Objective 5B.4.5 – Maori To recognise and provide for Maori values and principles with regard to matters affecting the coastal environment, including those of ecological or natural environmental concern and to recognise the historical and contemporary place of Maori in the coastal environment	Policies •By developing procedures which ensure that identification and protection of the characteristics of the coastal environment of special value to the tangata whenua are carried out in accordance with tikanga maori. •By compiling a register of those waahi tapu, and other historic sites within the Coastal Management Area identified as significant by the iwi who have mana whenua and by identifying appropriate means for their protection. •By considering proposals from the iwi who have mana whenua for the establishment of appropriate facilities which provide tangible recognition of Maori occupation of the coastal environment. •By fostering access for gathering of kai moana.			
		Objective 5C.2.2 – Cultural Resources				

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		<p>Buildings and Objects:</p> <p>A primary consideration in heritage resource management is the need to safeguard heritage buildings and objects from neglect, decay or in the extreme, their destruction. Unsuitable development or use may contribute to this process. Most heritage resources are in private ownership. They may be scheduled in the Plan or subjected to Heritage Orders.</p> <p>The prime issue here arises from the relative fragility of such heritage resources in dynamic and evolving urban situations, their susceptibility to change through renewal or neglect, and the prohibitive cost of public acquisition for conservation of all but a relative few of the privately owned heritage resources. Consequently, an important issue is the need to provide mechanisms in the Plan to encourage and promote the conservation of identified heritage resources, while avoiding the prospect of outright and extravagant public acquisition or, in the alternative, the diminution or loss of the resource. Effective incentives or compensatory measures should encourage the maintenance, restoration and refurbishment of valued items and assist the sustainability of these elements of the heritage resource.</p> <p>Heritage Areas: Certain developed parts of the district display special built heritage characteristics. These qualities range from common building styles, derived from a particular era, to exceptionally well-planted urban environments. Appropriate planning techniques are required to conserve these qualities. Areas of particular consequence to the preservation of Maori heritage must also be protected.</p> <p>Heritage Sites: Significant archaeological and heritage features and waahi tapu sites have been identified on the Isthmus. These generally, but not exclusively relate to items of particular social and cultural heritage value to Maori. Where preservation of these can be ensured and disclosure will not put the items at risk, these should be scheduled for protection</p>				
		<p>Objective 5C.3.1</p> <p>To recognise and protect resources of natural, cultural and scientific heritage value.</p>	<p>Policies</p> <ul style="list-style-type: none"> •By identifying, assessing, and protecting important heritage buildings, objects and places including landscape, ecological areas, trees, landforms, historic places and waahi tapu by scheduling such features in the Plan. •By encouraging an awareness that the City's existing heritage is a finite and sensitive resource. •By increasing public access to heritage features where this is reasonably compatible with the physical welfare of the feature. •By defining, identifying and promoting the economic advantages of conservation of heritage places in public or private ownership. •By developing and introducing incentives for the conservation of heritage places. 	<p>Scheduling</p> <ul style="list-style-type: none"> • Schedule of Archaeological Features; • Schedule of Maori Heritage Sites (including Waahi Tapu Areas) <p>Conservation Areas Character Overlay Development Controls and Activities</p> <p>The development controls applied are specific to the heritage items they seek to protect. Exceptions are Conservation Areas and Waahi Tapu Areas. In the former, it is the particular character of a collection of sites or properties which the Plan seeks to protect; in the latter, the avoidance of unnecessary disturbance or interference to significant and sensitive waahi tapu sites is the main intent. In recognition of the limitations that the heritage provisions may place on the development or use of heritage buildings, the Plan anticipates flexibility in the activities which can occur in these buildings.</p> <p>Additional Measures Financial Contributions</p>		
	<p>5C.7.4 ARCHAEOLOGICAL FEATURES</p>	<p>5C.7.4.1 OBJECTIVE</p> <p>To protect valuable archaeological features which contribute to the City's heritage.</p>	<ul style="list-style-type: none"> • By identifying and scheduling archaeological features significant for their historic, cultural, scientific, educational and visual amenity value. • By identifying other recognised archaeological features as a matter of public information. 	<p>5C.7.4.3 RULES :</p> <p>ARCHAEOLOGICAL FEATURES</p> <p>A. Scheduled Archaeological Features</p> <p>(a) No person shall without a resource consent, excavate, physically investigate, damage or alter any scheduled archaeological feature or part thereof. This includes the removal of soil, structures or trees; the reconstruction of any feature; or any other activity, use or work in the vicinity of the scheduled feature which is likely to endanger, damage or destroy, or detract from, the scheduled feature.</p> <p>(b) No person shall plant any vegetation on or in the vicinity of any scheduled archaeological site, which in the opinion of Council is likely to cause damage to or detract from the feature(s) for which the item has been scheduled.</p> <p>Except that the foregoing provisions shall not preclude:</p> <ul style="list-style-type: none"> • Routine maintenance and repair of existing lawns, gardens, structures and signage; • The carrying out of minor works which in Council's opinion would not endanger, damage, destroy or detract from the values for which the site or feature has been scheduled. In assessing the effect of the works proposed, the Council may consult with the New Zealand Historic Places Trust or other heritage authority with an interest in the site or feature unless they are a party to any proceedings before Council. <p>B. Alteration and Destruction of Scheduled Features An application for the excavation, damage, alteration,</p>		

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				reconstruction or destruction of any scheduled archaeological feature will be considered as a discretionary activity. Such an application will be assessed against the following: <ul style="list-style-type: none"> • The nature, form and extent of the proposed modification and its effect on the feature or features for which the item was listed; • The necessity for the modification and any alternative methods and locations available to the applicant for carrying out the work or activities; • The Plan objectives and policies for heritage; • The purpose of the proposed modification, and whether there is sufficient time, and expertise to record the features to be modified; • The provisions of any relevant management plan; • Provisions of the ICOMOS NZ Charter where appropriate. In considering an application to modify any archaeological feature the Council may impose any condition considered appropriate to the particular application, including conditions relating to a requirement for a formal archaeological excavation and site recording of any feature before the work commences. A condition relating to the provision of time for such activity may also be imposed. In addition to the requirements of the District Plan, it should be noted that the Historic Places Act 1993 requires all applicants to obtain consent from the New Zealand Historic Places Trust before any archaeological site is excavated, modified, destroyed or any condition imposed by Council in relation to the site is implemented. The Historic Places Trust has particular statutory responsibility under the Historic Places Act 1993 for all archaeological sites, whether recorded or not.		
5C	5C.7.4A GEOLOGICAL FEATURES	5C.7.4A.1 OBJECTIVE To protect valuable geological features which contribute to the City's heritage.	Policies <ul style="list-style-type: none"> •By identifying and scheduling geological features significant for their scientific, historic, cultural, educational and visual amenity value. •By identifying other recognised geological features as a matter of public information. 	A. Criteria for Scheduling Geological Features (a) Historic and Cultural Value Whether the feature or material is: <ul style="list-style-type: none"> • Of particular significance to the Maori, or other ethnic groups for its religious, mythological, spiritual or other symbolic significance. 		
	5C.7.5 MAORI HERITAGE SITES 5C.7.5.2 STRATEGY The recognition and protection of Maori heritage sites is considered by the Act as a matter of national importance. The Plan therefore will identify and schedule in consultation with the iwi who have mana whenua significant Māori heritage sites. These may include: Waahi Canoe boarding places, burial grounds (urupa) Tapu battlefields, areas of spiritual significance. Waitapu Sacred waters including mudflats, lakes, rivers, streams and swamps. An important concern in the recognition of Maori heritage sites is the need to ensure protection from accidental or intentional disruptive interference. This is particularly true with some waahi tapu sites where the precise locality of certain features (eg burial caves) is carefully guarded information. The Plan therefore will only record and schedule for public information those sites which the iwi who have mana whenua have indicated are not of such a highly sensitive nature. However, in order to protect any significantly sensitive sites, the Council, in consultation with iwi will identify the general area in which these significant waahi tapu are located. Any activity proposed for that defined area will be required to apply for a discretionary activity consent so that the Council may be sure the specific waahi tapu is not disrupted or interfered with.	5C.7.5.1 OBJECTIVE – Maori Heritage Sites To protect sites of heritage value to the Maori	Policy <ul style="list-style-type: none"> •By identifying and protecting, in consultation with the iwi who have mana whenua, significant heritage sites of the Maori. 	5C.7.5.3 RULES : MAORI HERITAGE SITES A. Scheduled Maori heritage sites will be subject to the same controls as scheduled archaeological features - refer Clause 5C.7.4.3 RULES : ARCHAEOLOGICAL FEATURES. In making a decision on an application under those provisions, the Council will act in consultation with an appointed iwi representative. B. Any activity located within a defined waahi tapu area will be required to apply for a discretionary activity resource consent. Such an application will be subject (in addition to any other resource consent criteria) to the following criteria: <ul style="list-style-type: none"> • The effect the activity will have on the significant waahi tapu site located within the area in terms of disruption or interference to the site itself; • The effect on the requirement that the site remains unidentified to the general public; • The ability of iwi to access the sites when appropriate. In considering an application the Council will act in consultation with an appointed iwi representative.	The recognition and protection of heritage sites valued by the iwi who have mana whenua is expected to occur as the result of the provisions. Inappropriate or disruptive interference with highly sensitive sites should be avoided.	
	5C.7.6.4 STRATEGY The volcanic cones of Auckland give the City a particular sense of identity and place. They have been shaped by a succession of eruptions of the volcanic field Auckland is located on, and by the history and activities of Maori through the last 1000 years. Although some of the cones have been destroyed by quarrying	A. VOLCANIC CONES 5C.7.6.3 OBJECTIVES <ul style="list-style-type: none"> •To protect significant views of the City's volcanic cones. •To protect the Maori cultural significance and mana of the City's 	Policy <ul style="list-style-type: none"> •By adopting measures which prevent the visual intrusion of buildings and structures into view shafts from selected publicly accessible vantage points. 			

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	<p>and others severely modified in form, those that remain provide a unique cultural heritage for the City. The volcanic cones are part of the natural and cultural heritage of both Maori and Pakeha. For Maori, the cones are sacred. They have been the sites of pa and battles. All the cones with the visible remains of Maori occupation are taonga. Visually and aesthetically, the volcanic create a strong impact. They are the most powerful icon of Auckland. The major cones are seen largely unobstructed from many places around the City and they also provide unique natural vantage points from which to view the Isthmus and wider Auckland.</p> <p>The Plan therefore imposes special height limits on certain areas in the district to protect significant views to the volcanic cones on the Isthmus. Usually the maximum zonal height is below the height permitted by the volcanic sightlines. In general only where the volcanic sightlines are below the maximum zonal height will it be necessary to refer to the special height limits. However in some areas the zonal height exceeds that permitted by the volcanic sightline. Applications to exceed the volcanic sightlines special height limits will be considered as a non-complying activity resource consent. As a general rule such applications will be notified.</p>	<p>volcanic cones.</p> <ul style="list-style-type: none"> To protect the landmark qualities of the volcanic cones. 				
	<p>Maori</p> <p>The coastal environment and other land within the Tamaki Drive Scenic Way has particular significance to Maori. The Scenic Way contains places, sites and objects of historical, spiritual and cultural significance which are associated with the occupation of the land by the iwi who have mana whenua. In recognition of this the Plan adopts the following measures:</p> <ul style="list-style-type: none"> Application of the Special Purpose 4 zone to the hapu land of the Ngati Whatua o Orakei as defined in the Orakei Act Protection of former pa sites and other sites of importance to Maori in the schedule of archaeological sites 	<p>5C.7.7.1 OBJECTIVE – Scenic Values</p> <p>To recognise and protect the special visual and scenic qualities of Tamaki Drive.</p>	<p>Policies</p> <p>Natural and Physical Resources</p> <ul style="list-style-type: none"> By maintaining the identity and visual consistency of the Tamaki Drive area through the identification of the Tamaki Drive Scenic Way in the Plan. By applying a range of District Plan measures to conserve, protect and enhance the natural and physical resources, and preserve the natural character of the Tamaki Drive coastal environment. By minimising vegetation removal and promoting suitable revegetation of indigenous species within the Tamaki Drive Scenic Way. By particular attention to earthworks control to ensure that no dangerous or unsightly conditions are created which are likely to impair the appearance or to create hazards within the Scenic Way. <p>Heritage Values</p> <ul style="list-style-type: none"> By recognising and protecting resources of natural, cultural, scientific and heritage value within the Tamaki Drive Scenic Way. By identifying and scheduling salient parts of the cliffline to recognise its value as an exceptional geological formation. <p>Use and Development</p> <ul style="list-style-type: none"> By ensuring that use, development and protection of the natural and physical resources of the Tamaki Drive Scenic Way are achieved in a fully integrated manner which maintains the identity and visual consistency of the Scenic Way through: <ul style="list-style-type: none"> i) avoiding impairing existing views to and from the harbour and salient landscape features within the Tamaki Drive Scenic Way; ii) maintaining existing public access to the seaward side of Tamaki Drive and the Harbour; iii) ensuring that the present open space aspect of the area is maintained; iv) ensuring that new buildings and structures are designed in harmony with those existing buildings and structures which reflect the historical and maritime character of the area; and that their scale, form, colour and siting does not detract from the natural scenic qualities of the area. <p>Access</p> <ul style="list-style-type: none"> By facilitating public access to and the enjoyment of the Tamaki Drive Scenic Way in locations and at a level which does not adversely affect the character of the Scenic Way. <p>Maori</p> <ul style="list-style-type: none"> By recognising and providing for Maori values and principles with regard to matters affecting the Tamaki Drive Scenic Way. 			

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Part 6 Human Environment	<p>Issue 6.2.1 – Maori</p> <p>The Council must have regard to the special place afforded to Maori in resource management matters and to their special status as tangata whenua. The Council is obliged to consider the impacts of urban changes on the relationship of Maori to their ancestral lands, water, sites, waahi tapu and other taonga. The Council will address these issues through consultation with all iwi with an interest in Auckland City. Consultation will enhance iwi participation in the planning process and allow the exchange of information critical to informed decision-making on resource consents. Particular regard will be given to kaitiakitanga and to iwi management plans as they are prepared.</p> <p>Resource management measures designed to address Maori considerations are adopted throughout the Plan. These include some flexibility in residential provisions to accommodate the needs of extended family and communal living arrangements; and the ability to locate a wide range of healthcare and education related facilities and services throughout the Isthmus. Provision is also made in the standard activity zones for marae, kohanga reo and other activities special to the Maori community.</p> <p>The past Maori occupation of the Isthmus has left a legacy of archaeological and historical sites. Significant sites are identified in the Plan as archaeological or Maori heritage sites, and are offered protection. Special measures are also included in the Plan to protect waahi tapu sites when requested by Maori, while recognising their highly sensitive nature.</p> <p>The special relationship of Maori with the coastal environment is recognised and provided for in the coastal provisions (PART 5B - COASTAL) of the Plan. The Plan also provides for circumstances where standard zoning and planning techniques do not adequately cater for Maori needs. A zone unique to the Ngati Whatua hapu land at Orakei has been developed to meet the particular requirements of that land and in recognition of the special legislation it is subject to.</p>					
	<p>Issue 6.2.7 – Cultural Diversity</p> <p>The Isthmus is made up of a large number of culturally diverse communities. This diversity is one of the unique qualities of Auckland. The Plan recognises the different aspirations of these cultural groups by providing for a wide range of lifestyle opportunities that facilitate the living and housing needs of a range of cultures. In the residential zones, it will be possible to provide for a wide range of living styles such as housing for extended families. There will also be opportunity to establish activities allied to a residential use such as cultural, educational or healing facilities where these can meet the rules for the zone.</p>					
Part 7 Residential	<p>Issue 7.4.3 – Innovation and Flexibility</p> <p>Household size and the composition of the City's population is expected to alter continually. As well as the traditional family units, Auckland's population comprises a variety of groups, with different housing needs. The housing needs of these diverse groups are recognised. But rather than aiming to anticipate every possible housing need, the Plan provides a range of residential densities and contains sufficiently flexible controls to allow the creation of a wide range of housing types. Planning mechanisms have been developed to encourage innovative and integrated approaches to the provision of a wide range of residential accommodation. These developments are expected to involve concepts or characteristics of merit in terms of their location, intensity, form, content or tenure which warrant special provision. Planning requirements provide sufficient flexibility to facilitate housing types which are culturally appropriate.</p>	<p>Objective <u>To protect the visual and physical integrity of outstanding volcanic features such as volcanic cones, tuff rings and explosion craters.</u> Policies</p> <ul style="list-style-type: none"> •<u>By controlling subdivision, use and development to ensure that natural and cultural heritage values of volcanic features are maintained.</u> •<u>By ensuring that new development does not encroach visually on the natural character of the land above the existing residential development on volcanic features.</u> •<u>By restricting any earthworks to a minimum so as not to detrimentally affect the form and texture of volcanic landscapes.</u> 	<p>Policies</p> <ul style="list-style-type: none"> •<u>By ensuring that no new development in the zone visually offends or competes with the form, texture and natural character of the volcanic cone, volcanic features or coastal cliff it occupies.</u> 			
Part7 Residential		<p>Objective <u>To protect the special character of the residential areas which occupy volcanic cones, volcanic features and particular coastal cliffs, and maintain the resulting visual harmony and coherence between the historic character of development, and the natural character of the wider landform.</u></p>				
Part 10 Special		10.6.4ASPECIAL PURPOSE 4A ZONE (PAPAKAINGA, ORAKEI)	Policies			

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Purpose		<p>10.6.4A.1 OBJECTIVES AND POLICIES</p> <p>(a) Objective</p> <p>To facilitate the re-establishment of Ngati Whatua o Orakei on their Whenua Tupuna (ancestral land) and provide for their particular lifestyle needs at Orakei.</p>	<ul style="list-style-type: none"> •By adopting the broad pattern of land use as defined by the Orakei Act 1991 as the basis for the rules applying to the Orakei hapu land. •By accommodating within the rules a range of activities that are consistent with Papakainga living or village life. •By providing sufficient flexibility within the rules to enable the Ngati Whatua o Orakei to meet their needs while affording protection to the amenities of neighbouring sites. 			
		<p>(b) Objective</p> <p>To recognise the distinct nature of the Papakainga land, its special qualities and outstanding assets and ability to provide for a self-sufficient and self-reliant village environment providing for the wellbeing of the hapu.</p>	<p>Policies</p> <ul style="list-style-type: none"> •By providing a concept plan •By creating rules and performances standards in the Reserve Management Plan which recognise the importance of ecological and economic sustainability and traditional Maori values. 			
		<p>(c) Objective</p> <p>To recognise and make provision for the inter-relationship between the Papakainga and the Whenua Rangatira</p>	<p>Policies</p> <ul style="list-style-type: none"> •By primarily allowing development on the Whenua Rangatira to be controlled by way of the Reserve Management Plan. •By adopting sufficiently flexible zoning so that a reserve management plan can be produced which: <ul style="list-style-type: none"> –adopts a pattern of land use based on and integrated with, the needs of the Papakainga –creates zones, rules and performance criteria which facilitate and are consistent with Papakainga living and village life and meets the social, cultural, spiritual needs of Ngati Whatua o Orakei. •By providing a mechanism by which appropriate activities can be established on the Whenua Rangatira that support and service the Papakainga. •By identifying areas of the Whenua Rangatira where activities, ancillary buildings and structures and carparking areas can be located. •By providing development controls that ensure that the amenities of the Whenua Rangatira and neighbouring sites are protected from any adverse impacts generated by activities located on the Papakainga. 			
		<p>(d) Objective</p> <p>To recognise the importance of individual trees and groups of trees for their cultural significance, landscape, visual amenity, historical and botanical values.</p>	<p>Policies</p> <ul style="list-style-type: none"> •By identifying trees worthy of protection and including them in the Plan in the Schedule of Notable Trees. •By reassessing the most appropriate means of tree protection on completion of the Reserve Management Plan for the Whenua Rangatira. 			
		<p>e) Objective</p> <p>To make provision for areas of spiritual, cultural, traditional and archaeological significance.</p>	<p>Policies</p> <ul style="list-style-type: none"> •By reassessing the most appropriate means of protecting areas of spiritual, cultural, traditional and archaeological significance on completion of the Reserve Management Plan for the Whenua Rangatira. •By scheduling archaeological and traditional sites in the Plan until such time as the Ngati Whatua o Orakei Trust Board has determined the most appropriate ways of protecting such sites. 			
		<p>10.6.4B SPECIAL PURPOSE 4B ZONE (WHENUA RANGATIRA)</p> <p>10.6.4B.1 OBJECTIVES AND POLICIES</p> <p>(a) Objective</p> <p>To ensure the cultural and spiritual sustainability of the Ngati Whatua o Orakei hapu while providing benefits for the public of Auckland.</p>	<p>Policies</p> <ul style="list-style-type: none"> •By demonstrating the significance of the Whenua Rangatira to Auckland's future cultural development and image. •By recognising the constraints imposed and the activities envisaged by the Orakei Act on the use of the Whenua Rangatira. •By ensuring that any developments on the Whenua Rangatira are complementary to the Marae, Urupa and Papakainga. 			
		<p>(b) Objective</p> <p>To ensure the sustainability of the cultural and physical resources of the Whenua Rangatira.</p>	<p>Policies</p> <ul style="list-style-type: none"> •By regulating the availability of land for physical development, given the legislative constraints of the Reserves Act 1977. 			

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			<ul style="list-style-type: none"> •By ensuring the financial ability to resource the enhancement and protection of environmentally sensitive physical elements in the landscape. •By safeguarding the environmental qualities and amenities of the land through the use of a concept plan and specific activity areas. •By the provision of employment and skill enhancement where possible for the Ngati Whatua o Orakei hapu. 			
		(c)Objective To provide for wider community needs.	<p>Policies</p> <ul style="list-style-type: none"> •To provide for a compatibility of recreational provisions, as generally outlined in the open space provisions of the District Plan. •To provide the ability to incorporate the cultural identity planned for the Whenua Rangatira as an integral part of Auckland's cultural development. 			
		(d)Objective To ensure accountability in the management of the Whenua Rangatira.	<p>Policies</p> <ul style="list-style-type: none"> •By the ability to stage development to enable immediate needs to be addressed, while supporting long term development plans. •To provide for accountability mechanisms for the allocation of public funds, in a manner which also recognises cultural traditions. •By the preparation of a Business Plan for the Ngati Whatua o Orakei Reserves Board which outlines the priorities for the Whenua Rangatira and the overall management structure for proposed developments. •Outlining the relation of the Ngati Whatua o Orakei Reserves Board as a component of the Business Plans for the Ngati Whatua o Orakei Trust Board and the Auckland City Council. 			
		(e)Objective To ensure that the Ngati Whatua o Orakei Board fulfils its statutory obligations.	<p>Policies</p> <ul style="list-style-type: none"> •By ensuring the Whenua Rangatira Reserve Management Plan is aligned with the Resource Management Act 1991, the Orakei Act 1991 and the Reserves Act 1977 and is integrated with the District Plan. •By defining procedures and decision-making processes, which have the support of Ngati Whatua o Orakei and the Auckland City Council. 			
		(f)Objective To ensure that any development shall be harmonious and consistent with the principles of the Reserves Management Plan.	<p>Policies</p> <ul style="list-style-type: none"> •By integrating the policy intent of the District Plan with the Reserves Management Plan for the Whenua Rangatira. •By providing a control regime by way of district plan rules and consent guidelines which enable the concept plan to be attained and integrated with the Papakainga and surrounding area. 			
Part 11 Subdivision	<p>Issue 11.2 – Resource Management Issues</p> <p>The significant resource management issues of the Isthmus which relate to the subdivision of land are:</p> <ul style="list-style-type: none"> •The need for a secure and effective land tenure framework; •The need to ensure that subdivision takes into account the potential use, development and constraints of land; •The need for flexibility to accommodate a multiplicity of land tenure methods, while securing the intent of the Plan; •The need to ensure that the potential impact on infrastructure and reserve demands through subdivision is attended to; •The need to recognise and provide for the particular problems associated with developing difficult land in a built up environment; •The need to adopt measures which take account of the effects of the intensification of subdivision patterns on the natural and physical resources of the Isthmus; •The need to adopt measures which facilitate the creation of special lots for activities of public value. 	Objective 11.3 – Resource Management Objectives and Policies To provide for the subdivision of land in a manner which is appropriate to achieving the integrated management of the use, development and protection of land and associated natural and physical resources of the district.	<p>Policies</p> <ul style="list-style-type: none"> •By applying provisions which reflect the intent of the Plan's various activity areas. •By requiring suitable provision for reserves as a condition of subdivision consent. •By applying provisions to avoid or mitigate natural hazards •By requiring provision for the servicing of additional use and development opportunities created by or facilitated by subdivision. •By requiring appropriate financial contributions towards the cost of improving network utility services and roads to meet additional demands. •<u>By applying provisions to protect the natural heritage, cultural heritage and amenity values of land and associated natural and physical resources.</u> 			

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Chapter Name	Auckland Isthmus District Plan Issues	Auckland Isthmus District Plan Objectives	Auckland Isthmus District Plan Policies	Auckland Isthmus District Plan Methods	Anticipated Environmental Results	Monitoring provisions
Definitions	<p>•[The need to protect natural heritage, cultural heritage and amenity values by avoiding inappropriate subdivision.]</p> <p>Kaitiakitanga means the exercise of guardianship and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.</p> <p>Kaumatua Housing means residential accommodation for elders.</p> <p>Kohanga Reo means premises where preschool children are taught and cared for in accordance with tikanga Maori (Maori customs).</p> <p>Kokiri Centre means skills training centre.</p> <p>Kura Kaupapa means primary schooling designed for children from kohanga reo, and undertaken in accordance with tikanga Maori (Maori customs).</p> <p>Kura Maori means secondary schools.</p> <p>Mana includes the authority and dignity of the Maori people who have mana in the area.</p> <p>Mana Whenua means customary authority exercised by an iwi or hapu in an identified area.</p> <p>Marae means the complex including meeting house, dining hall, educational and associated facilities and residential accommodation associated with the marae.</p> <p>Papakainga Housing means residential accommodation on any land owned by Maori.</p> <p>Papakainga Living means village life.</p> <p>Tangata Whenua in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.</p> <p>Turangawaewae means standing place, tribal foothold.</p> <p>Urupa burial ground.</p> <p>Waahi Tapu means sacred site, place or object. This includes urupa.</p> <p>Waahi Tapu Areas mean any defined areas within which a significant and sensitive waahi tapu is located.</p> <p>Whare Hui means meeting house.</p> <p>Wharekai means dining hall.</p> <p>Wharekarakai means church.</p> <p>Wharemoe means sleeping quarters.</p> <p>Whenua Tupuna means ancestral land.</p>					

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7. Auckland Hauraki Gulf Islands District Plan – 2009 Decisions Version

Chapter Name	Auckland Hauraki Gulf Islands District Plan Issues	Auckland Hauraki Gulf Islands DP Objectives	Auckland Hauraki Gulf Islands DP Policies	Auckland Hauraki Gulf Islands DP Methods	Anticipated Environmental Results	Monitoring provisions
Part 3 Resource Management Overview	<p>2.5.8 2.5.7 Maori</p> <p>Issues</p> <p>The significant resource management issue which needs to be addressed in the Plan is:</p> <ul style="list-style-type: none"> • How to ensure that matters of significance to Maori are not adversely affected by subdivision, use and development. 	<p>Objectives</p> <ol style="list-style-type: none"> 1. To provide for Maori to develop and manage their ancestral lands and marae areas in a manner which meets their needs. On Waiheke, this includes the Piritahi Marae and the Ngati Paoa land at the eastern end and the Piritahi Marae. On Great Barrier this includes the Ngati Rehua land and marae at Motairehe and Kawaoa. 2. To recognise and provide for the protection of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. ancestral sites in a sensitive and culturally appropriate manner. 3. To recognise in the Plan's provisions the kaitiakitanga role of Maori with mana whenua. 				
3.2.2.5 Maori	<p>The Act requires the Council to take into account, throughout the implementation of its resource management strategies, the principles of the Treaty of Waitangi.</p> <p>The overriding principle of the Treaty of Waitangi is the establishment of a partnership between the Treaty parties.</p> <p>Sharing resources within the principles of the Treaty involves acknowledging the Maori use of resources and their traditional values, ensuring that they are central to resource decisions and giving them weight equal to other peoples values and approaches in resource management.</p> <p>Recognising and understanding Maori social, spiritual and cultural values and needs is therefore an important resource management issue for the Islands.</p> <p>In addition the Council must consider the impacts that changes to the Islands may have had on the relationship of Maori to their ancestral lands, water, sites, waahi tapu and other taonga. The Council will address these issues through consultation with all iwi with an interest in the Hauraki Gulf Islands.</p>	<p>3.4.5 OUTCOME - MAORI</p> <p>To take into account the principles of the Treaty of Waitangi when managing the use, development and protection of natural and physical resources of the district.</p> <p>Means</p> <ol style="list-style-type: none"> 1. By establishing a process of consultation with Māori in relation to resource management matters. 2. By recognising and providing for the relationship of the Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. 3. By having regard to kaitiakitanga when managing the use, development, and protection of natural and physical resources of the district. 				
Part 7 Heritage	<p>7.2.2 Cultural resources</p> <p>7.2.2.1 Heritage sites</p> <p>There are significant Maori and European archaeological and Maori heritage sites in the islands. Many of these have not been accurately identified in the past in previous planning documents. Also, surface evidence may be obscure, or absent and many sites are fragile and susceptible to damage.</p> <p>Heritage sites have therefore been at risk due to poor identification, lack of awareness by property owners that their properties may contain heritage resources and their fragile nature. This means that they may be inadvertently damaged or destroyed.</p> <p>Principal issue</p> <p>How to ensure that where the preservation of cultural resources can be ensured and disclosure will not put the items at risk, that they are adequately protected through the Plan.</p>	<p>7.3 Objective</p> <p>To recognise and protect heritage resources of natural, cultural and scientific value.</p>	<p>Policies</p> <p>By identifying, assessing and scheduling significant heritage resources in the Plan.</p> <ol style="list-style-type: none"> 2. By controlling the use and development of natural and physical resources in a manner that preserves and protects the scheduled heritage resource, and its scheduled site surrounds. 			
	<p>7.2.2.2 Heritage buildings, objects, properties and places of special value</p> <p>There are a limited number of heritage buildings, objects, properties and places in the islands. However, those that remain are an important cultural link to the past and provide a unique, non renewable resource that should be protected and conserved for present and future generations. Most heritage buildings or objects are in private ownership. The susceptibility to change through neglect, decay or their partial or total destruction means these heritage resources are at risk.</p> <p>Principal issue</p> <p>How to provide mechanisms in the Plan to encourage and promote the conservation of identified heritage resources, while avoiding the diminution or loss of the resource.</p>					
	<p>7.8.2 Issue</p> <p>How to ensure that the archaeological heritage of the islands which has important scientific, cultural or historic value is adequately</p>	<p>7.8.3 Objective</p> <p>To protect significant archaeological sites which contribute to the islands' heritage, knowledge and appreciation of the past.</p>	<p>Policies</p> <ol style="list-style-type: none"> 1. By identifying and scheduling archaeological sites significant for their historic, cultural, scientific and visual amenity value. 			

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Chapter Name	Auckland Hauraki Gulf Islands District Plan Issues	Auckland Hauraki Gulf Islands DP Objectives	Auckland Hauraki Gulf Islands DP Policies	Auckland Hauraki Gulf Islands DP Methods	Anticipated Environmental Results	Monitoring provisions
	protected by the Plan.		<p>2. By retaining scheduled archaeological sites which contribute to the historic, cultural, scientific and visual amenity values of the islands.</p> <p>3. By ensuring that land use and development does not result in the damage or destruction of scheduled archaeological sites and their scheduled site surrounds.</p> <p>4. By avoiding a reduction in the heritage values associated with scheduled archaeological sites and their scheduled site surrounds.</p>			
	7.13.1 Issue How to ensure that Maori 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 Maori	<p>Policies</p> <p>1. By identifying and protecting, in consultation and partnership with tangata whenua, significant Maori spiritual, cultural or tikanga sites.</p> <p>2. By avoiding a reduction in the historical, cultural and spiritual values associated with Maori heritage sites.</p> <p>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 Maori heritage sites.</p>			
10a Land units: objectives, policies and activity tables	<p>10a.18.2 Resource management issues</p> <p>The significant resource management issues which need to be addressed in the Plan are:</p> <ol style="list-style-type: none"> How to develop a safe and efficient transport network at Matiatia, including provision for passenger transport and carparking activities. How to develop Matiatia so that it provides activities and services that will better meet the needs of the residents and visitors that use the area. How to ensure that the built environment at Matiatia is attractive and safe and will not have adverse effects on the landscape character of Matiatia Bay. How to ensure that development at Matiatia is of a scale and intensity that can be serviced in terms of water supply and wastewater disposal without creating adverse effects on the environment. How to protect the wetland area from the adverse effects of use and development. How to ensure that there will be open space and public areas included within any future development at Matiatia. How to ensure that Matiatia is developed as a truly effective and attractive 'gateway' to Waiheke. How to protect the Maori heritage values associated with the site, particularly the urupa. 	10a.18.3.2 Objective To create a safe and attractive mixed use development that will meet the needs of the residents and visitors using the area while maintaining the landscape character and Maori heritage values of Matiatia.	<p>Policies</p> <ol style="list-style-type: none"> By requiring a mix of activities to occur on the site, to meet the needs of both residents (eg retail, offices and restaurants and cafes) and visitors (eg visitor accommodation and function facilities). By providing for residential activity so that there are people in the area during both the day and night. By ensuring that the built environment is designed to be safe and attractive and does not have adverse effects on the landscape character of Matiatia. By requiring areas of open space to be developed for public use, both within the mixed use development and adjoining the esplanade reserve, adjacent to the Matiatia Bay foreshore. By ensuring that the layout of buildings and walkways on the site is clear and easy to follow for pedestrians and vehicles and is integrated with the carparking areas and buildings and other transport infrastructure. 			
	10a.24.2 Resource management issues The significant resource management issues which need to be addressed in the Plan are: 1. How to manage the use of the park in an integrated manner which recognises the differing characteristics and differing scales and types of land use appropriate to various parts of the park. 2. How to manage the relationship between the park and surrounding land uses and water bodies (Rangihoua Creek and Putiki Bay) in order to avoid adverse effects and achieve positive benefits throughout Rangihoua Park.	10a.24.3 Objectives and policies 10a.24.3.1 Objective To recognise and protect the significant iwi values associated with the Rangihoua Maunga.	<p>Policies</p> <p>By involving iwi in the management of the Rangihoua Maunga.</p> <p>2. By not providing for any activities, other than planting and maintenance of ecosourced species on the Rangihoua Maunga.</p>			

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Chapter Name	Auckland Hauraki Gulf Islands District Plan Issues	Auckland Hauraki Gulf Islands DP Objectives	Auckland Hauraki Gulf Islands DP Policies	Auckland Hauraki Gulf Islands DP Methods	Anticipated Environmental Results	Monitoring provisions
	<p>3. How to recognise and protect the significant iwi values associated with the Rangihoua Maunga.</p> <p>4. How to maintain and enhance the landscape and ecological values associated with the Rangihoua Maunga, the open space character of the park, the streams and pond, and the vegetated areas.</p> <p>5. How to manage the range of community aspirations to use the park in a variety of ways including for active and passive recreation and for cultural activities.</p>					
	<p>10a.24a.2 Resource management issues</p> <p>The significant resource management issues which need to be addressed in the Plan are:</p> <p>1. How to facilitate the use and development of the land occupied by the Piritahi Marae for cultural and community activities.</p> <p>2. How to protect the visual amenity of the land unit from the adverse effects of new buildings.</p>	<p>10a.24a.3 Objective</p> <p>To facilitate the use and development of the land occupied by Piritahi Marae for cultural and community activities while protecting the visual amenity of the land unit.</p>	<p>Policies</p> <p>1. By providing for community activities associated with the marae to establish and operate in the land unit.</p> <p>2. By ensuring that the scale, form, colour and location of new buildings will not have adverse effects on the visual amenity of the land unit.</p>			
Part 12 Subdivision		<p>12.3.3 Objective - public access to and along the coastline</p> <p>To ensure that subdivisions facilitate access to and along the coastline while not adversely affecting the natural character of the coastal environment.</p>	<p>Policies</p> <p>1. By taking esplanade reserves or esplanade strips at the time of subdivision.</p> <p>2. By requiring, at the time of subdivision, pedestrian links to and along the coastline from public places.</p> <p>3. By facilitating, through subdivision, public access to the foreshore except where restrictions are necessary because of safety, security, damage to vegetation and wildlife, conflict with traditional Maori sites, or other exceptional circumstances.</p> <p>4. By using various measures including esplanade areas or financial contributions, or both, to achieve public access to the coast, rivers and lakes.</p>			

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8. Auckland Central Area District Plan

Chapter Name	Auckland Central Area District Plan Issues	Auckland Central Area District Plan Objectives	Auckland Central Area District Plan Policies	Auckland Central Area District Plan Methods	Anticipated Environmental Results	Monitoring provisions
3 Resource Management	Issue 3.4.4 i)Recognising that the tangata whenua have specific values and these should where possible be reflected in the Plan.	Objective 3.5.2 d)By recognising the status of the tangata whenua and providing for their values.				
		Objective 3.8.3 g)The values of the tangata whenua will be embraced in the Central Area.				
Part 10 Heritage	Issue 10.2 – Resource Management Issues Significant heritage items are located in the Central Area, endowing it with a distinctive environmental quality and character. The intention of scheduling buildings, objects, gardens, areas, trees, archaeological sites and sites of importance to Maori in the District Plan is to recognise inherent or associated heritage values, and to encourage the protection of these values by appropriate conservation techniques. In managing the use and development of the district's natural and physical environmental resources, the Council is required to have particular regard to the recognition and protection of the heritage values of sites, buildings, places or areas. To give effect to this obligation, the Plan must: •identify those heritage resources worthy of preservation, and •adopt suitable measures to secure the preservation of identified heritage resources •ensure that new development in close association with heritage places recognises and makes provision for the visual and physical protection of such places. The Central Area contains many significant heritage resources that may be threatened by development and other pressures, and therefore require protection and preservation. Heritage resources are an essential part of the City's cultural values. They serve to link successive generations. Their retention adds to the body of cultural experience and is part of an essential cultural framework which helps inspire and bind the community. Conservation of heritage resources enhances a sense of the origins, identity and amenity the City offers to both residents and visitors. The conservation of heritage areas can promote economic revitalisation. Auckland's various heritage resources combine to form a closely knit visual, cultural and physical fabric. They are regarded as a heritage continuum because they will continue to accept, represent and be replenished by newly created heritage contributions which will be enjoyed by future generations. The Plan must attend to the protection of a number of heritage features; natural, built, cultural and scientific. It is the Plan's intention that heritage buildings should be useable and an active part of the Central Area environment.	Objective 10.3.1 To recognise and protect resources of natural, cultural and scientific heritage value.	Policies a)By identifying, assessing, and protecting important heritage objects, buildings, and places including landscape, trees, gardens, open spaces, landforms, historic places, archaeological sites and waahi tapu by scheduling such features in the Plan. b)By encouraging an awareness that the City's existing heritage is a finite and sensitive resource. c)By increasing public access to heritage features where this is reasonably compatible with the physical protection of the feature. d)By defining, identifying and promoting the economic advantages of conservation of heritage places in public or private ownership. e)By developing and introducing incentives for the conservation of heritage places. f)By encouraging the ongoing utilisation and adaptive reuse of heritage buildings commensurate with sound conservation practice.			
	10.2.1.1 Landform a) Volcanic cones: Auckland City is appreciated for those unique physical qualities which contribute to its distinctive landscape, particularly its landform. Its singular topography derives from the close proximity of its two great harbours, and the region's exceptional volcanic origins. Volcanic cones and craters dominate the landscape. They are of considerable importance to Maori and are of national and international significance because of this special relationship and the archaeological, geological and natural and modified landscape importance. Views of these dominant natural features contribute to the City's heritage and its images, serving to reinforce its particular identity and character. Protection of views of these impressive features has been managed formerly by planning measures designed to preserve selected view shafts from important public vantage points. These measures, adopted into this Plan, derive originally from controls introduced through the initiatives of the Auckland Regional Plan. They have prevented the loss or serious impairment of views of important cone features by prohibiting the encroachment of buildings and other structures into selected	Objective 10.13.1 – Maori Heritage Sites To protect sites of heritage value to Maori.	Policy By identifying and protecting, in consultation and partnership with the iwi who have mana whenua, significant Maori heritage sites.			

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Chapter Name	Auckland Central Area District Plan Issues	Auckland Central Area District Plan Objectives	Auckland Central Area District Plan Policies	Auckland Central Area District Plan Methods	Anticipated Environmental Results	Monitoring provisions
	<p>strategic sight lines.</p> <p>b) Prominent landscape features: Other important and widely appreciated views of heritage landscapes and landforms require protection. The visual qualities of the conspicuous coastal cliffs (predominantly sandstone) are protected through protection measures adopted in the Isthmus Section of the Plan. Culturally significant features enhanced by their prominent locations such as the War Memorial Museum also deserve particular protection measures to secure their visibility and their outlook.</p> <p>Scenic ways: Among the other landform features which contribute significantly to the image of the City are recognised and appreciated scenic ways such as Tamaki Drive. These also are accorded special protection measures in both the Isthmus and Central Area Sections of the Plan.</p>					
	<p>10.2.1.2 Vegetation</p> <p>a) Trees: Individually and collectively, trees represent a significant element of the Central Area's landscape resources. Many vulnerable trees are located in roads and parks, and are publicly owned. Others are on private property. A number of the trees in the Central Area have been scheduled in recognition of specific historical importance.</p> <p>Measures are required to identify and protect particular notable specimens, as well as those groups which contribute significantly to streetscape amenity or those which help ameliorate natural hazards.</p>					
	<p>10.2.2.2 Heritage Areas</p> <p>Certain developed parts of the district display especially consistent, unified, or notable built heritage characteristics, sometimes combined with particular landscape characteristics. These qualities range from common building styles derived from a particular era, to exceptionally well-planted urban environments.</p> <p>Appropriate techniques are required to conserve these qualities. Areas of particular consequence to the preservation of Maori heritage must also be protected.</p>					
	<p>10.2.2.3 Heritage Sites</p> <p>Significant archaeological and heritage features, and waahi tapu sites have been identified in the Central Area. These often relate to items of particular social and cultural heritage value to Maori, but also to significant early European cultural, habitation, commercial and industrial sites. Where preservation of these sites can be ensured and disclosure will not put the items at risk, they should be scheduled for protection.</p>					
	<p>10.4.1.1 Landform</p> <p>The unique Auckland landform provides the Central Area with a strong identity. A high level of protection is given to this widely appreciated identity through different mechanisms which are found in various parts of the Plan. These ensure that the integrity of the landform is protected. Heritage protection provisions contained in Part 14.2 - Public Open Space and Part 13 - Subdivision complement the heritage initiatives contained in this Part.</p> <p>a) Volcanic cones protection: The heritage values of the volcanic cones are derived from their unique visual contribution to the City's natural and modified landscape, their significance to Maori heritage, especially in relation to the mana of the tangata whenua, and their geological importance.</p> <p>The Plan adopts a variety of resource management mechanisms to recognise and retain these qualities.</p> <p>i) visual protection is afforded by adopting special height controls to preserve strategic views, and access to sunlight, and to the sky.</p> <p>ii) sites of archaeological significance, particularly Maori heritage sites, are scheduled.</p> <p>iii) special open space precincts are applied to public land.</p>					

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Chapter Name	Auckland Central Area District Plan Issues	Auckland Central Area District Plan Objectives	Auckland Central Area District Plan Policies	Auckland Central Area District Plan Methods	Anticipated Environmental Results	Monitoring provisions
	<p>iv) where particular views of the cones are not expressly protected by special height restrictions, non-compliance with standard site height limits will be considered in a manner appropriate to securing view protection for the cones.</p> <p>b) Landscape features: The singular composition of landform, dominant building presence and setting contribute to the unique visual quality of the Auckland War Memorial Museum. Special visual protection measures are applied which affect the Central Area to secure the highly appreciated views and aspect qualities associated with this heritage feature.</p>					
	<p>Issue 10.4.2 – Cultural Resources</p> <p>Cultural resources comprise a wide range of heritage features including objects, buildings, sites, trees, gardens and areas. A variety of conservation measures are applied to these features within and outside the Plan. The degree of protection afforded is adjusted to take account of the relative heritage value of the feature concerned. Selected heritage items are scheduled for conservation and preservation; others are specifically listed to record their special qualities, and encourage their preservation.</p> <p>Heritage protection measures will seek to protect and conserve some items in totality. For certain other items, sensitive change and adaptation will be permitted in the process of adapting these heritage resources for appropriate present-day use. The Council will identify and promote the economic advantages and other benefits of heritage conservation.</p> <p>The total or substantial demolition of unique or particularly valuable (Category A Scheduled) items is a prohibited activity in recognition that the special value of these items will be lost forever if they are demolished.</p> <p>Certain built areas of distinctive character and urban vitality such as the High Street/Lorne Street area are recognised in the Plan as precincts or quarters where change is controlled to maintain the unique character.</p> <p>Council will consider as a restricted discretionary activity, non-compliance with any other rule in this Plan provided that a proposal on a heritage site promotes the restoration, protection, and maintenance of the scheduled heritage site and significant adverse effects on the environment can be appropriately avoided, remedied or mitigated.</p> <p>As well, the Plan adopts the following conservation measures:</p> <p>a) Selected built areas of particular character are recognised and controlled in a manner which ensures that change will have respect for the existing character and that the recognised heritage quality is maintained.</p> <p>b) Precinct provisions are applied to areas of open space to take account of and preserve particular areas and sites of significant historic value (refer Part 14.2).</p> <p>Incentives to encourage the retention of privately owned heritage items exist and may be added to. Specific concessions on development have been adopted. With regard particularly to scheduled buildings, it is considered that generally these should be used, not merely retained as monuments. In this context, the economic viability of a building is a major determinant in its length of life. Therefore, when a scheduled building cannot be economically used for a permitted activity, the Council will, in considering any application for a resource consent, have regard to the fact that the building has been scheduled. The Plan anticipates that each scheduled building can be adapted for present day use while its features of cultural heritage value are preserved.</p> <p>To further assist the attainment of this heritage resource objective, the Plan provides for certain development concessions as follows. Cumulatively, they afford assistance in the retention of scheduled heritage buildings.</p> <p>a) Activities which are carried out in a heritage building at the time of its scheduling will be deemed to comply with the provisions of</p>					

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Chapter Name	Auckland Central Area District Plan Issues	Auckland Central Area District Plan Objectives	Auckland Central Area District Plan Policies	Auckland Central Area District Plan Methods	Anticipated Environmental Results	Monitoring provisions
	<p>the Plan or the provisions of s10 of the Resource Management Act 1991.</p> <p>b) Applications for resource consent for a scheduled place are exempt from application and deposit fees.</p> <p>c) Where a heritage property is the subject of an approved Conservation Plan, subdivision of the heritage building site or heritage property will be considered :</p> <p>i) as a non-notified application for a discretionary activity and may be exempt from the Plan's standard subdivision requirements (except where such requirements protect existing heritage features);</p> <p>ii) to be exempt from financial contributions.</p>					
Part 14		<p>Objective 14.10.3.3</p> <p>The protection and enhancement of s cheduled heritage buildings and identified heritage features in the Quarter</p>	<p>Policies</p> <p>By encouraging development adjacent to scheduled heritage buildings to reference characteristics such as scale, form, materials and setbacks through building design on fr ontages and elevations directly visible from streets and public open spaces. Implemented by Method 14.10.3.3i)</p> <p>By protecting the valued qualities of i dentified Maori heritage sites from inappropriate development. Implemented by Method 14.10.3.3iv)</p> <p>By encouraging built form and public amenity features, which enhance public awareness of the former Freemans Bay shoreline. Implemented by Methods 14.10.3.3ii), iii)</p> <p>d) By encouraging retention, and re-use of scheduled heritage buildings within the Quarter.</p> <p>Implemented by Method 14.10.3.3i), iv)</p>			

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9. North Shore District Plan

Chapter Name	North Shore District Plan - Issues	North Shore District Plan - Objectives	North Shore District Plan - Policies	North Shore District Plan - Methods	Anticipated Environmental Results	Monitoring provisions
7 Tangata Whenua	<p>7.2 Tangata Whenua Issues</p> <p>Resource management issues which need to be considered in relation to tangata whenua interests are:</p> <ul style="list-style-type: none"> The manner in which the Council is to take into account the principles of the Treaty of Waitangi The way in which, and the extent to which, the concept of kaitiakitanga should be taken into account in the District Plan The location of traditional sites, including waahi tapu and other taonga within North Shore City, and the manner in which they should be protected The extent to which special provision should be made in the District Plan for Maori cultural uses and activities including marae. These issues stem mainly from the provisions of the RMA and their application to the North Shore. <p>The history of Maori occupation of the North Shore, as the dominant group, is lengthy, extending approximately a thousand years, until the early part of this century. This involved a complex web of successive occupation, migration and conquest. The signs of this long occupation are evident from place names, archaeological sites, such as middens and karaka groves and landscape features, such as pa sites. As a result of this occupation, a number of iwi groups claim mana whenua over the North Shore.</p> <p>They expect to exercise their customary rights over resources of importance to them and to protect traditional places and sites (including waahi tapu). Maori residents in North Shore City at the 1991 Census numbered 8,433 (includes those who are part Maori). Some do not have tangata whenua rights to North Shore so are in the same situation as other people. This means that their social and economic well-being is to be provided for in the management of physical and natural resources. This can be facilitated by providing opportunity for the establishment of activities (such as marae and educational facilities) which support Maori values.</p>	<p>7.3 Treaty Principles and Kaitiakitanga</p> <p>Objective</p> <p>To take into account the principles of the Treaty of Waitangi and the concept of kaitiakitanga in the management of the city's natural and physical resources in such a way that ensures the sustainability of resources.</p>	<p>Policies</p> <p>By involving iwi in the management of resources which affect the customary authority and interests of the tangata whenua.</p> <p>By ensuring that consultation is carried out with the tangata whenua on Plan changes and on resource consents as appropriate.</p> <p>By assisting iwi in the preparation of iwi management plans which will deal with resource management issues relating to iwi.</p> <p>By including provisions to conserve the coastal margins of the city, which are of particular significance to tangata whenua, and to ensure appropriate public access to these areas.</p> <p>By allowing the collection of certain plant material for medicinal purposes within public parks and reserves.</p> <p>By supporting education initiatives that may be undertaken to promote understanding of the needs of tangata whenua.</p>			
		<p>7.4 Maori Traditional Sites</p> <p>Objective</p> <p>To identify and provide protection of traditional sites and objects of special significance to the tangata whenua, particularly waahi tapu and other taonga.</p>	<p>Policies</p> <ol style="list-style-type: none"> By seeking to identify the location of significant places and sites on the District Plan maps. By the inclusion of controls which protect the general locality of significant places, in cases where there is a reluctance to reveal the precise location of significant sites. 			
		<p>7.5 Cultural Activities</p> <p>Objective</p> <p>To enable the establishment of a range of activities of social, economic and cultural importance to the tangata whenua and Maori in general, while ensuring that any adverse effects on the environment from such activities are avoided, remedied or mitigated.</p>	<p>Policies</p> <p>By providing a special zone for a marae which allows for the establishment of a broad range of activities whilst avoiding, remedying or mitigating any adverse effects on surrounding land uses.</p> <p>By supporting where appropriate Maori initiatives for the establishment of additional marae on the North Shore.</p> <p>By providing opportunities for the establishment of a range of housing types, educational, health and community activities which promote Maori values in the various zones of the Plan.</p>			
		<p>8.3.1 Coastal Conservation</p> <p>Objective</p> <p>To protect the natural character, public access, cultural heritage values, ecology and landforms of the coastal environment.</p>	<p>Policies</p> <ol style="list-style-type: none"> ... <p>By applying a building set back or foreshore yard as a buffer between the coastline and development to the extent necessary to: - protect the natural character of the coastal environment, including its soft green edge, the physical landform, natural features, vegetation and ecological systems - protect the water quality of the coastal environment and the habitats that it sustains - provide for the</p>			

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Chapter Name	North Shore District Plan - Issues	North Shore District Plan - Objectives	North Shore District Plan - Policies	North Shore District Plan - Methods	Anticipated Environmental Results	Monitoring provisions
			<p>operation of naturally occurring processes - keep open the existing and foreseeable opportunities for future esplanade reserves and strips - maintain and enhance landscape and amenity values - protect the value the coastline has to tangata whenua - reduce potential hazards resulting from natural processes and subsequent changes in landform - manage the cumulative effects of the activities of property owners in the coastal environment.</p> <p>..</p> <p>By requiring the provision of esplanade reserves or esplanade strips upon the subdivision or development of land abutting the foreshore where: - the land contributes to the protection of conservation values including maintaining and enhancing water quality, aquatic habitats, ecosystems, or the natural functioning of the adjacent sea, river or lake, or natural and cultural heritage features and values</p> <p>the land has potential for maintaining and enhancing public access to and along, and to views of, the coastal marine area, lakes, and rivers including streams - the land enables public recreational use of the coastal environment where consistent with the protection of ecological values - the land so acquired would protect conservation values by mitigating natural hazards - the land creates linkages with existing reserves or strips - the land contains trees or vegetation that maintain the soft green edge of the city. Policies - Natural Values</p> <p>5.</p> <p>By ensuring that wherever possible stormwater disposal from coastal sites be directed away from the coastal edge.</p> <p>By ensuring that development and activities in the Coastal Conservation Area do not adversely affect the proper functioning of ecosystems, or adversely affect the natural coastal environment.</p> <p>By encouraging the use of native species, preferably natural to the coastal environment and sourced from local seed or other propagating material, in revegetation and landscaping proposals.</p> <p>By using activity and development controls within the Coastal Conservation Area so as to avoid or mitigate pollution or sedimentation of coastal waters, and avoid, remedy or mitigate any adverse effects on the amenity value of the coastal environment.</p> <p>By restricting the location and effects of commercial and industrial and other business activities and development in the Coastal Conservation Area to those which are dependent on a coastal location.</p> <p>..</p> <p>By providing for shoreline walkways and reserves, to and around the foreshore where these do not significantly conflict with environmental or cultural heritage values or public safety and security or lead to the erosion of sensitive landforms.</p> <p>20. ..</p>			
8	8.3 Natural Environment – Objectives and Policies					
		<p>8.3.3Landscape, Landforms, Geological Features and Views</p> <p>Objective:</p> <p>Landscape, Landforms and Geological Features To recognise and protect those areas which make a significant contribution to the landscape character, sense of identity, or geological history of the city.</p>	<p>Policies</p> <p>By identifying outstanding features or group of features which collectively contribute to a significant character or feature, or areas of environmental sensitivity and applying special protective zones.</p> <p>By identifying and scheduling in the District Plan sites of geological significance and protecting these features for their scientific and</p>			

Maaori provisions in Auckland legacy council plans

Chapter Name	North Shore District Plan - Issues	North Shore District Plan - Objectives	North Shore District Plan - Policies	North Shore District Plan - Methods	Anticipated Environmental Results	Monitoring provisions
			<p>educational and aesthetic value. Additions to this Schedule will be assessed against the criteria in Appendix 8B.</p> <p>By identifying other geological features as a matter of public information as resources for information pamphlets become available.</p> <p>By controlling buildings and development adjacent to the coast, Lake Pupuke, Tank Farm and Onepoto craters to protect the natural configuration of the coast and lake margins and to protect the natural character of these areas.</p> <p>By requiring landscaping to be undertaken as part of development in order to retain and enhance some element of natural landscape character.</p> <p>By maintaining the volcanic cones free of unnecessary structures and obstructions.</p> <p>By providing height restrictions in view corridors to ensure that volcanic cones are not visually intruded upon by residential development on adjoining sites and to ensure that views of these cones from important viewing locations are preserved.</p> <p>By recognising the need for integrated management of some significant landscape features such as the volcanic cones, taking into account cultural heritage values.</p> <p>By increasing public awareness of the heritage values of natural landscapes, landforms and geological features.</p>			
11 Cultural Heritage	<p>11.2 Cultural Heritage Issues</p> <p>The major resource management issue to be addressed in relation to cultural heritage is:</p> <ul style="list-style-type: none"> • The potential for the destruction of cultural heritage resources • Compromising of heritage places through inappropriate use and development. <p>Cultural heritage inventories must be carried out for buildings, objects and places of heritage significance and for recorded archaeological sites. The degree of protection afforded to heritage places should be adjusted to take account of the relative heritage value of the feature concerned. Unique and highly valued heritage items can be scheduled and then conserved in totality for some items.</p> <p>For certain items, sensitive change and redevelopment should be permitted in the process of adapting these heritage resources for appropriate present-day use. Categorising heritage significance into A and B classes can allow greater scope for adaptation and redevelopment for the less significant items. It can also establish priority for the allocation of conservation resources. Demolition of the most significant items should be prevented, as they are considered irreplaceable.</p> <p>Consultation on Maori traditional sites is essential but the sensitivity of site location requires a treatment different to that for buildings or archaeological sites which are more closely defined. Iwi are concerned to ensure that site locations are not revealed. The Plan can also adopt other conservation measures in dealing with specific activities and areas.</p> <p>Selected built areas of particular heritage quality can be zoned and controlled in a manner which ensures that change will have respect for the existing character and that the recognised heritage quality is maintained. These should include the older residential areas of southern Devonport, Northcote Point and Birkenhead.</p> <p>The business strategy for the city can include provision for the creation of centre plans for selected retail centres. These plans would include additional heritage protection where appropriate. In relation to the Chelsea Sugar Refinery site, the Plan has site-specific heritage provisions due to the site's unique industrial heritage values and distinctive coastal location.</p>	<p>11.3 Cultural Heritage: Objectives and Policies</p> <p>11.3.1 Buildings, Objects and Places of Heritage Significance</p> <p>Objective</p> <p>That buildings, objects and places of heritage significance be recognised and protected.</p>	<p>Policies</p> <p>By ensuring that any demolition, alteration, work to or use of a building, object or place of heritage significance is carried out in a manner that is consistent with the heritage values of the scheduled item, including architectural quality, evidence of historical association, environmental character or historical integrity.</p> <p>By managing the effects of activities that cause the loss of cultural heritage values associated with scheduled items to avoid, remedy or mitigate those effects.</p> <p>By encouraging the continued use of scheduled buildings.</p> <p>By raising public awareness of heritage values and built heritage.</p> <p>By ensuring that the character of a scheduled building, together with any other scheduled elements on the site which add to the particular quality and character of that building rendered worthy of scheduling, is not inappropriately removed, damaged or significantly altered.</p>			

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Chapter Name	North Shore District Plan - Issues	North Shore District Plan - Objectives	North Shore District Plan - Policies	North Shore District Plan - Methods	Anticipated Environmental Results	Monitoring provisions
	<p>These provisions (Section 11) protect the significant heritage values and character of scheduled buildings whilst recognising that some adaptation of scheduled buildings and structures will be necessary to accommodate ongoing sugar refinery operations. Special exemptions within the 'general' sections of the Plan also provide for the management of the effects of activities on the site, taking account of both operational and heritage considerations.</p> <p>The Council also has the ability to give notice of a requirement for a heritage order where appropriate, and it is expected that such a technique for heritage protection could be useful in the North Shore context for interim protection of threatened sites. There is a need to be able to update cultural heritage inventories, to add newly-discovered items and to delete lost or irreparably damaged items and also to respond to reassessments. Such responsiveness is provided for by the RMA's provisions for District Plan changes.</p>					
		<p>11.3.3 Maori Traditional Sites</p> <p>Objective</p> <p>To protect sites of heritage value to Maori.</p>	<p>Policy</p> <p>By identifying, protecting and preserving, in consultation with the iwi who have mana whenua, significant traditional sites of Maori.</p>			
20 Special Purposes	<p>20.8 Special Purpose 8 Zone: Awataha Marae</p> <p>This zone applies to the marae located on a site at Akoranga Drive, Northcote, and bounded by the Auckland University of Technology (AUT) and the Northern Motorway.</p>	<p>20.8.1 Management of the Awataha Marae</p> <p>Objective</p> <p>To enable the continued operation and development of the marae to occur in a manner that allows it to meet the social, cultural and economic needs of Maori of North Shore and to avoid or minimise any adverse effects of the marae on the environment and surrounding land uses.</p>	<p>Policies</p> <ol style="list-style-type: none"> 1. By allowing activities that are normally associated with a marae as well as certain business and community activities. 2. By controlling the height, location and coverage of any new buildings. 3. By requiring new building work to be a Controlled activity and to be assessed against design and landscaping criteria. 4. By prohibiting subdivision so that the present site size is maintained. 			

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10. Auckland Regional: Air, Land and Water Plan

Chapter Name	ARC: Air, Land and Water Plan - Issues	ARC: Air, Land and Water Plan - Objectives	ARC: Air, Land and Water Plan - Policies	ARC: Air, Land and Water Plan - Methods	Anticipated Environmental Results	Monitoring provisions
2 Values	<p>Public Access 2.2.4.14</p> <p>Use and development should ensure that public access to, along and within lakes and rivers is maintained or enhanced, except where it is necessary to restrict access in order to:</p> <p>(a) Protect areas of significant indigenous vegetation, significant habitats of indigenous fauna or natural features;</p> <p>(b) Protect areas of restoration and rehabilitation such as riparian plantings;</p> <p>(c) Protect cultural and spiritual values of tangata whenua;</p> <p>(d) Protect areas or sites of special spiritual, cultural or historical significance;</p> <p>(e) Protect public health and safety;</p> <p>(f) Ensure a level of security consistent with the activities being undertaken or the purpose of a resource consent;</p> <p>(g) Provide for other exceptional circumstances sufficient to justify a restriction of public access, notwithstanding the national importance placed on maintaining public access.</p>	<p>2.3.3 Objectives</p> <p>2.3.3.1 To sustain the mauri of natural and physical resources in ways which enable provision for the social, economic and cultural wellbeing of Māori.</p>	<p>2.3.4.1 Sites and areas of special value to tangata whenua identified in –</p> <p>(a) Schedule 8 of this Plan; or</p> <p>(b) Appendix B of the Auckland Regional Policy Statement; or</p> <p>(c) A district plan – shall be protected from inappropriate use and development that would cause adverse effects on the qualities, elements and features which contribute to the values of these sites and areas.</p>			
	<p>Cultural Heritage 2.2.4.16</p> <p>Use and development of, air, land and freshwater shall consider any effects on sites, buildings, places or areas which have cultural heritage values and which are identified in the ARC's Cultural Heritage Inventory, and should avoid, remedy or mitigate, adverse effects on these resources.</p>	<p>2.3.3.2 To afford appropriate priority to the relationship of tangata whenua and their culture and traditions with their ancestral taonga when this conflicts with other values.</p>	<p>2.3.4.2</p> <p>Sites and areas of special value to tangata whenua, which are not identified in accordance with Policy 2.3.4.1, shall be managed by avoiding where practicable, remedying or mitigating adverse effects on the qualities, elements and features which contribute to the values of these sites and areas, having regard to:</p> <p>(a) The significance of the site or area, taking into account:</p> <p>i Whether it is identified in any relevant iwi planning document, recognised by an Iwi Authority;</p> <p>ii Whether it is identified in the Auckland Conservation Management Strategy;</p> <p>iii Whether it has been identified as being significant in any published archaeological or heritage report;</p> <p>iv Whether it is identified as being significant by tangata whenua during consultation.</p> <p>(b) Whether any disturbance or modification would have significant or irreversible effects on the physical or cultural integrity of the site or area;</p> <p>(c) Whether the proposal will protect or enhance the cultural heritage, scientific, or amenity values of the site or area.</p> <p>(d) Physical or visual connections with other heritage sites or areas.</p>			
	<p>2.2.4.17</p> <p>In assessing applications for use and development which will adversely affect sites, buildings, places or areas identified in the ARC's Cultural Heritage Inventory, regard shall be had to:</p> <p>(a) The significance of the historical or cultural values of the site, building, place or area including the relationships that people have with the site, building, place or area and to the extent to which these will be maintained;</p> <p>(b) The integrity of the site, building, place or area, including in the case of a structure its physical appearance, and the extent to which it will be maintained;</p> <p>(c) The ability to record the values by means of:</p> <p>i photographic and/or written record;</p> <p>ii identification at or near the site by a plaque, sign or other method;</p> <p>iii archaeological investigation and recording;</p> <p>iv silent files</p>	<p>2.3.3.3 To involve tangata whenua in resource management processes in ways which:</p> <p>(a) Take into account the principles of the Treaty of Waitangi, including rangatiratanga;</p> <p>(b) Have particular regard to the practical expression of kaitiakitanga.</p>	<p>2.3.4.3</p> <p>The use and enjoyment of marae, papakainga and associated customary uses of ancestral taonga shall be recognised and provided for.</p> <p>In assessing the effects of use and development on marae, papakainga and associated customary uses of ancestral taonga, regard shall be had to:</p> <p>(a) Whether the proposal adversely affects the ability of local iwi or hapū to provide for their social, economic and cultural well-being;</p> <p>(b) Whether provision has been made to protect customary and traditional uses and enjoyment of, or access to, ancestral taonga.</p>			
	<p>2.3.2 Issues</p> <p>Following is a list of tangata whenua concerns which are illustrated in</p>	<p>Objective 6.3.2</p> <p>To maintain the quantity, quality, levels and flows in the region's</p>	<p>2.3.4.4</p> <p>Regional rules and decisions on resource consents which may affect matters of significance to tangata whenua, shall take into account the</p>			

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Chapter Name	ARC: Air, Land and Water Plan - Issues	ARC: Air, Land and Water Plan - Objectives	ARC: Air, Land and Water Plan - Policies	ARC: Air, Land and Water Plan - Methods	Anticipated Environmental Results	Monitoring provisions
	<p>iwi planning documents and have been confirmed in consultation with tangata whenua during preparation of this Proposed Plan. The concerns are grouped according to the three matters of resource management significance to tangata whenua identified in the ARPS:</p> <p>(a) Relationships with ancestral taonga are being adversely affected by inappropriate processes and activities;</p> <p>(b) There is a need for direct and effective involvement of tangata whenua in the sustainable management of their ancestral taonga;</p> <p>(c) The Treaty of Waitangi needs to be recognised in the sustainable management of ancestral taonga.</p>	<p>surface water bodies sufficient to safeguard their life-supporting capacity, preserve and protect their natural character, protect their outstanding landscapes from inappropriate use and development, protect significant habitats of indigenous freshwater fauna, recognise and provide for the relationship of Maori and their culture and traditions with water, and have particular regard to maintaining and enhancing their amenity values and protecting habitats of trout.</p> <p>(This Objective relates to Issues 6.2.2, 6.2.3 and 6.2.8)</p>	<p>following:</p> <p>(a) Any relevant iwi planning document recognised by an Iwi Authority;</p> <p>(b) Measures required to address the issues specified in section 2.3.2.1;</p> <p>(c) The importance of Māori customary, cultural, or traditional knowledge.</p>			
	<p>2.3.2.1 Processes and Activities Adversely Affecting Relationships With Ancestral Taonga</p> <p>Tangata whenua are concerned that processes and activities are adversely affecting relationships of tangata whenua and their culture and traditions with their ancestral taonga. Issues of concern to tangata whenua, identified to the ARC to date, are summarised as follows:</p> <p>Air Quality</p> <ul style="list-style-type: none"> The health and safety effects of spray drift in close proximity to marae, papakainga, waterbodies and other sensitive areas; The effects of dust emissions; Cumulative adverse effects of contaminants on important food resources, in particular puha and watercress; <p>Land Disturbing Activities</p> <ul style="list-style-type: none"> The potential for koiwi or artefacts to be uncovered or for other wāhi tapu to be damaged or destroyed during land disturbing activities. tangata whenua want to monitor land disturbance activities and be consulted immediately in such an event; The cultural offensiveness of removing top soil from areas known to be tapu and depositing it elsewhere; The effects of land disturbing activities adjacent to waterbodies, including emergency works; <p>Water Quality</p> <ul style="list-style-type: none"> The inappropriateness of discharging liquid wastes directly to waterbodies. As far as practicable, all liquid wastes (in particular sewage and stormwater) need to be in the first instance, discharged to land for treatment; The inappropriateness of combining different types of liquid waste (e.g. sewage, stormwater) and treating them together; Inadequate establishment and maintenance of riparian zones adjacent to waterbodies to control diffuse discharges of contaminants; The unauthorised dumping of wastes and the need for stronger monitoring, enforcement and penalties; <p>Water Resources</p> <ul style="list-style-type: none"> Further disruption and drainage of wetlands; The adverse effects of dams, culverts, causeways and other barrier structures on natural waterbodies, particularly the obstruction of fish passage; Insufficient water being retained in natural waterbodies (including aquifers) to protect instream values, tangata whenua traditions (e.g. mahinga kai), and natural character and amenity values; The potential adverse effects of drilling on wāhi tapu; The effects of new developments diverting stormwater and preventing the replenishment of natural waterbodies (e.g. aquifers); The modification and/or diversion of natural flow paths (e.g. construction of stopbanks), interfering with the normal function of waterbodies and/or causing other natural hazards (e.g. instability); The effect of further reclamations on natural waterways, unless the works can be shown to improve the wellbeing of the waterway; The potential adverse effects of dredging, extracting and/or depositing material on instream values, tangata whenua traditions, and natural character and amenity values; The potential adverse effects of introducing exotic species into natural water systems. 		<p>Policy 6.4.14 Where a resource consent is granted to take and use water, the consent shall include a condition/s enabling a review of the consent conditions (in accordance with Sections 128 and 129 of the RMA). The purposes for which the ARC will review the conditions of consent may include, but shall not be limited to:</p> <p>(a) Varying the quantities and, in particular, to reduce authorised quantities in areas of highly - or over- allocated water resources; monitoring and reporting requirements; and performance standards in order to take account of information, including the results of previous monitoring and changed environmental knowledge, on:</p> <p>(i) water use efficiency;</p> <p>(ii) water flow and level regimes;</p> <p>(iii) water availability, including alternative water sources;</p> <p>(iv) actual and potential water use;</p> <p>(v) water quality;</p> <p>(vi) instream biota, including the functioning of freshwater ecosystems, and</p> <p>(vii) the relationship of Maori with water.</p> <p>(b) Avoiding, remedying or mitigating any adverse effect on the environment arising or potentially arising from the exercise of the consent.</p> <p>(This Policy relates to Objective 6.3.1, 6.3.2 and 6.3.3)</p>			
	<p>2.3.2.2 Direct and Effective Tangata Whenua Involvement in Managing their Ancestral Taonga</p> <p>Tangata whenua have expressed their wish to have direct and effective involvement in managing their ancestral taonga. Methods suggested by tangata whenua include:</p> <p>Ensuring Plan rules provide opportunities for tangata whenua to</p>		<p>6.4.16 The need to set minimum flows and/or other flow regime requirements for rivers or streams shall be determined according to, but not limited to, the following criteria:</p> <p>(a) Level of actual or potential water demand in comparison to flow;</p> <p>(b) Sensitivity of ecosystems and water quality to changed flow</p>			

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Chapter Name	ARC: Air, Land and Water Plan - Issues	ARC: Air, Land and Water Plan - Objectives	ARC: Air, Land and Water Plan - Policies	ARC: Air, Land and Water Plan - Methods	Anticipated Environmental Results	Monitoring provisions
	<p>assess the potential effects of resource consent applications on relationships with ancestral taonga;</p> <p>Supporting and protecting kaitiaki initiatives, including rahui and whakatapu, and monitoring, enforcement and enhancement programmes;</p> <p>Local authorities assisting with the preparation of Iwi Resource Management Plans and incorporating such Plans into statutory processes;</p> <p>Ensuring proactive and quality consultation occurs between tangata whenua, applicants and local authorities;</p> <p>Ensuring quality information is available regarding tangata whenua interests; and</p> <p>Increasing the representation of tangata whenua interests in decision making, including the use of Hearing Commissioners with recognised expertise in tikanga Māori, where appropriate.</p> <p>Some of these methods relate directly to the resource consent processes proposed by this plan, while others concern the wider scope of tangata whenua relationships with the ARC. Their method of implementation may occur through means other than a statutory regional plan.</p>		<p>regimes;</p> <p>(c) Sensitivity of Maori relationships with water to changed flow regimes;</p> <p>(d) Sensitivity of significant amenity values (landscape and recreation) to changed flow regimes;</p> <p>(e) Demonstrating that the taking of water is causing significant adverse effects on the environment; and</p> <p>Availability of alternative mitigation options.</p> <p>(This Policy relates to Objective 6.3.2)</p>			
	<p>2.3.2.3 Recognition of the Treaty of Waitangi</p> <p>The Treaty of Waitangi confirmed customary rights and practices, including the ability of tangata whenua to continue to use and enjoy their ancestral taonga. Traditional practices include:</p> <p>The use of natural materials for cultural, domestic and health purposes (e.g. carving, weaving, medicines), and the retention of indigenous vegetation to facilitate this;</p> <p>Harvesting mahinga kai (e.g. vegetables, plants, fish, shellfish) for physical sustenance and manākitanga;</p> <p>Establishing and maintaining marae, papakainga, kohanga reo, kura, and other facilities for social, economic and cultural wellbeing</p> <p>Such traditions can be adversely affected by other activities (e.g. spray drift, liquid waste discharges to waterbodies, earthworks removing natural material). tangata whenua are also concerned to ensure that the management of natural and physical resources does not exacerbate existing Treaty claims. Claims which tangata whenua believe are relevant include those relating to environmental degradation (e.g. Manukau Harbour, destruction of wāhi tapu), and the ownership of natural resources (e.g. minerals, geothermal resources, foreshore).</p>		<p>6.4.19 Minimum flows and other flow regime requirements shall be set using the following method:</p> <p>(a) Management objectives shall be determined from an assessment of the following values of the river or stream:</p> <p>(i) instream: ecological, Maori, amenity (including landscape and recreation); and</p> <p>(ii) out of stream: consumptive use, including municipal water supply and its associated infrastructure; and b) When selecting methods for setting flow regime requirements that will ensure that these management objectives are met, regard shall be had to relevant technical publications, codes of practice, guidelines and design manuals, including but not limited to "Flow Guidelines for Instream Values (Ministry for the Environment, 1998) and "Guidelines for Setting Streamflow Regimes in the Auckland Region" - draft (Auckland Regional Council, 2000).</p> <p>(This Policy relates to Objective 6.3.2)</p>			
			<p>6.4.37 Any proposal to take and use geothermal water for which a resource consent is required shall demonstrate that:</p> <p>(a) Aquifer water levels and pressures will be managed to avoid, remedy or mitigate:</p> <p>(i) cold groundwater or seawater intrusion; and</p> <p>(ii) reduction in aquifer temperatures,</p> <p>(b) The taking will not adversely affect the potential for restoration, maintenance and enhancement of surface geothermal water springs;</p> <p>(c) Adverse effects on the taking of geothermal water, heat or energy in accordance with tikanga Maori for the communal benefit of the tangata whenua of the area (as provided for by s.14(3)(c) of the RMA) will be avoided, remedied or mitigated; and</p> <p>(d) The taking and use of geothermal water will be thermally efficient in terms of:</p> <p>(i) bore construction;</p> <p>(ii) sharing of bores between/amongst geothermal pool users;</p> <p>(iii) retention of heat in conveyance of water from bore to use;</p> <p>(iv) disposal of geothermal wastewater in a manner that contributes to efficient use of geothermal energy;</p> <p>(v) the relationship between pool dimensions, desired pool temperatures, hours of pool use and numbers using the pool; and</p>			

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			(vi) the use of thermal conservation techniques for controlling heat loss. (This Policy relates to Objective 6.3.3)			
			6.4.39 The taking and use of geothermal water from Waiwera and Parakai Geothermal Aquifer Management Areas shall be considered inappropriate unless it is for the communal benefit of the tangata whenua of the area in accordance with s.14(3)(c) of the RMA or for heating for bathing pools. (This Policy relates to Objective 6.3.3)			

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11. Auckland Regional: Sediment Control Plan

Chapter Name	ARC: Sediment Control Plan - Issues	ARC: Sediment Control Plan - Objectives	ARC: Sediment Control Plan - Policies	ARC: Sediment Control Plan - Methods	Anticipated Environmental Results	Monitoring provisions
		<p>Objective 5.1.2</p> <p>To sustain the mauri of water in waterbodies and coastal waters, ancestral lands, sites, waahi tapu and other taonga</p>	<p>Policy 5.2.2</p> <p>Land disturbance activities which may result in the discharge of elevated levels of sediment into waterbodies and coastal waters shall be considered inappropriate where they will have a significant adverse effect on:-</p> <p>(i) The qualities, elements and features which contribute to the natural character of areas of the coastal environment, (including the coastal marine area) wetlands, lakes and rivers and their margins; and which are identified in the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal as having outstanding or regionally significant ecological, landform, geological or landscape values.</p> <p>(ii) Outstanding and regionally significant natural features and landscapes as identified in the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal.</p> <p>(iii) Areas of significant indigenous vegetation and significant habitats of indigenous fauna as identified in the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal as having international, national and regional significance.</p> <p>(iv) Areas of significance to Tangata Whenua as identified in the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal.</p> <p>(v) Areas identified by Tangata Whenua in accordance with Tikanga Maori as being of special spiritual, cultural and historical significance. Unless the adverse effects can be avoided, remedied or mitigated.</p>			
	<p>(e) Effects of Sediment on Matters of Significance to Tangata Whenua</p> <p>In addition to meetings with various Tangata Whenua groups, (refer to Appendix B – Consultation) sediment control issues important to Tangata Whenua have been identified through consultation for the Proposed Auckland Regional Policy Statement and Regional Plan: Coastal or such matters as stated in Iwi Planning Documents. The effects of sediment on matters of significance to Tangata Whenua can be summarised as follows.</p> <p>(i) Tangata Whenua consider all taonga are inseparable and must be managed as a whole.</p> <p>(ii) Land disturbance activities which generate and discharge elevated levels of sediment into waterbodies and coastal waters have been identified as a matter of significance to Tangata Whenua. These activities include earthworks and vegetation removal including the removal of scrub, trees and other vegetation cover without replanting.</p> <p>(iii) Such activities have actual and potential adverse effects on the mauri of ancestral water and other taonga (e.g. fish spawning and feeding grounds, mahinga maataitai, taonga raranga, tauranga ika and waahi tapu) particularly in and around the Kaipara, Waitemata, and Manukau Harbours, the Tamaki Straits, Firth of Thames, Islands of the Hauraki Gulf and areas of the West Coast and all their associated waterways.</p> <p>(iv) The customary rights of Tangata Whenua confirmed by the Treaty of Waitangi may also be affected by the discharge of sediment.</p> <p>(v) The degradation of water quality may also affect kaitiaki initiatives of Tangata Whenua including taiapure and rahui.</p> <p>(vi) The direct adverse effects of land disturbance activities such as logging, roading and general earthworks on waahi tapu is also a</p>	<p>OBJECTIVE 5.1.2</p> <p>To sustain the mauri of water in waterbodies and coastal waters, ancestral lands,sites, waahi tapu and other taonga.</p>	<p>Policy 5.2.2</p> <p>Land disturbance activities which may result in the discharge of elevated levels of sediment into waterbodies and coastal waters shall be considered inappropriate where they will have a significant adverse effect on:-</p> <p>(i) The qualities, elements and features which contribute to the natural character of areas of the coastal environment, (including the coastal marine area) wetlands, lakes and rivers and their margins; and which are identified in the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal as having outstanding or regionally significant ecological, landform, geological or landscape values.</p> <p>(ii) Outstanding and regionally significant natural features and landscapes as identified in the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal.</p> <p>(iii) Areas of significant indigenous vegetation and significant habitats of indigenous fauna as identified in the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal as having international, national and regional significance.</p> <p>(iv) Areas of significance to Tangata Whenua as identified in the Auckland Regional Policy Statement and the Auckland Regional Plan: Coastal.</p> <p>(v) Areas identified by Tangata Whenua in accordance with Tikanga Maori as being of special spiritual, cultural and historical significance. Unless the adverse effects can be avoided, remedied or mitigated.</p>			

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Chapter Name	ARC: Sediment Control Plan - Issues	ARC: Sediment Control Plan - Objectives	ARC: Sediment Control Plan - Policies	ARC: Sediment Control Plan - Methods	Anticipated Environmental Results	Monitoring provisions
	<p>matter of significance to Tangata Whenua. Section 6(e) of the RM Act requires recognition and provision for "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and taonga" as a matter of national importance. Section 7(a) requires that particular regard be had to Kaitiakitanga and Section 8 that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account.</p>					

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12. Auckland Regional: Coastal Plan

Chapter Name	Auckland Regional Plan: Coastal - Issues	Auckland Regional Plan: Coastal - Objectives	Auckland Regional Plan: Coastal - Policies	Auckland Regional Plan: Coastal - Methods	Anticipated Environmental Results	Monitorin provisions
<p>6 Coastal Matters of Significance to Tangata Whenua</p>	<p>6.2 ISSUE 6.2.1 Subdivision, use and development in the coastal environment can have actual or potential effects on the relationship of Maori and their culture and traditions with their ancestral taonga. Decisions made under the RMA may affect, and be affected by, the customary rights of Tangata Whenua confirmed by the Treaty of Waitangi, and expressed in its principles. The involvement of Tangata Whenua in the sustainable management of characteristics of the coastal environment of special value to Tangata Whenua should therefore be recognised and provided for.</p>	<p>6.3 OBJECTIVES 6.3.1 To recognise that the coastal marine area has characteristics of special spiritual, historical, and cultural significance to Tangata Whenua.</p>	<p>6.4 POLICIES 6.4.1 The relationship of Maori and their culture and traditions with their ancestral taonga will be recognised and provided for by: a identifying, evaluating and appropriately protecting in this Plan, in accordance with tikanga Maori, characteristics of special value in the coastal marine area, including waahi tapu, tauranga waka, mahinga mataitai and taonga raranga; and b progressively updating this Plan in accordance with Policy 6.4.1(a) as information is made available through the plan change or variation process; and c determining, in accordance with tikanga Maori, the means whereby those characteristics of special value which Tangata Whenua choose not to identify in this Plan are to be protected; and d avoiding, remedying or mitigating the adverse effects of subdivision, use and development on those natural and physical resources of the coastal marine area which are of special spiritual, historical, and cultural significance to Tangata Whenua, regardless of whether or not they are identified in this plan. NB: Areas of special value to Tangata Whenua which have been identified to the ARC are shown on the Plan Maps (Map Series 3 Sheet 1). Any application for a resource consent or a plan change proposal which may affect those areas of special value will be referred to the relevant Tangata Whenua, and their concerns taken into account in the assessment of the proposal in accordance with the provisions of the RMA and this Plan.</p>			
		<p>6.3.2 To sustain the mauri of natural and physical resources of the coastal environment, and to enable provision for the social, economic and cultural wellbeing of Maori.</p>	<p>6.4.2 Where appropriate, the ARC will involve Tangata Whenua in the resource management process where decisions are being made on issues of significance to Tangata Whenua concerning ancestral taonga or tikanga Maori by: a taking into account any relevant lwi planning document recognised by an lwi authority; and b encouraging applicants to consult the appropriate Tangata Whenua prior to submitting any proposal for a plan change or a resource consent application; and c consulting the appropriate Tangata Whenua on any proposal for a plan change or any relevant resource consent application; and d where Tangata Whenua are an affected party, providing for tikanga Maori and marae hearings where appropriate, and for the use of Maori language in statutory procedures; and e providing for tikanga Maori and marae hearings on the request of the applicant, where Tangata Whenua are the applicant; and f providing for the appointment of a person with recognised expertise in tikanga Maori to any hearing committee where ancestral taonga or tikanga Maori is a significant issue to Tangata Whenua; and g recognising the importance of Maori customary, cultural, or traditional knowledge; and h enabling Tangata Whenua to participate in the assessment of the effects of any activities on relationships with ancestral taonga, including access to, or use of, ancestral</p>			

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			<p>taonga.</p> <p>6.4.3 Where appropriate, the ARC will enable the practical expression of Kaitiakitanga by Tangata Whenua in the coastal marine area by:</p> <p>a providing for, encouraging and supporting Tangata Whenua initiatives which seek to incorporate tikanga Maori, and where such initiatives are made known to the ARC and are relevant to itsRMA functions: and</p> <p>b ensuring that adverse effects on areas protected under such initiatives are avoided, remedied or mitigated. These initiatives include rahui, whakatupu and taiapure; and</p> <p>c transferring, where appropriate, functions, powers and duties to Iwi authorities in terms Of section 33 of the RMA.</p> <p>This policy applies particularly to characteristics of special value, including waahi tapu, tauranga waka, tauranga ika, mahinga mataitai areas or reserves, and taonga raranga, identified by Tangata Whenua in accordance with tikanga Maori.</p>			
			<p>6.4.4 In assessing resource consent applications by Tangata Whenua of the locality, the ARC will take into account:</p> <p>a the extent to which the application enables provision for the communal social, economic and cultural wellbeing of the Iwi or Hapu;</p> <p>b the extent to which the proposal recognises and facilitates the special relationship between the Crown and the Tangata Whenua as established by the Treaty of Waitangi; and</p> <p>c the extent to which the applicant has a special relationship with the site or location of the proposed subdivision, use or development.</p>			
8.1 Cultural Heritage	<p>8.2.1 Cultural heritage sites, buildings, places or areas in, or associated with the coastal marine area are an important component in the history and identity of the coastal environment of the Auckland Region. Many of them have been, and continue to be, modified, damaged, or destroyed by subdivision, use and development. Accordingly, those places and areas which are an important element in Auckland's and New Zealand's maritime heritage should be preserved or protected. Cultural heritage of significance to Tangata Whenua is required to be identified according to tikanga Maori and shall be provided for in accordance with Chapter 6.</p>	<p>8.3 OBJECTIVES</p> <p>8.3.1 To preserve and protect significant maritime cultural heritage sites, buildings, places or areas in the coastal environment.</p>	<p>8.4 POLICIES</p> <p>8.4.1 Cultural heritage sites, buildings, places or areas identified for preservation in Cultural Heritage Schedule 1 shall be preserved by avoiding subdivision, use and development which would modify, damage or destroy them.</p>			
	<p>8.2.2 Many of the sites, buildings, places or areas listed in Cultural Heritage Schedules 1 and 2 extend landward of Mean High Water Springs. There is a need to achieve integrated management of these with other relevant bodies and organisations.</p>	<p>8.3.2 To retain a diverse and representative range of maritime cultural heritage resources in the coastal environment.</p>	<p>8.4.2 Any work, structure or activity which is for the purpose of maintaining intrinsic heritage values of a site, building, place or area identified for preservation in Cultural Heritage Schedule 1 shall generally be considered appropriate, and shall be in accordance with the provisions of any Conservation Plan prepared for the site, building, place or area and approved by the ARC.</p>			
	<p>8.2.3 Heritage Protection Authorities (as defined in the RMA) cannot issue heritage orders in respect of sites in the coastal marine area as the provisions of the RMA are restricted to sites on land covered by district plans. The Regional Plan: Coastal is therefore the prime means of providing appropriate recognition and protection of the heritage values of sites, buildings, places, or areas located below Mean High Water Springs.</p>		<p>8.4.3 Cultural heritage places and areas identified for protection in Cultural Heritage Schedule 2 shall be protected by avoiding, where practicable, remedying, or mitigating the adverse effects of subdivision, use and development which would modify, damage or destroy their heritage values.</p>			
			<p>8.4.4</p> <p>In assessing applications for subdivision, use or development which will affect sites, buildings, places and areas listed in Cultural Heritage Schedule 2 regard shall be had to:</p> <p>a the intrinsic values of the site, building, place or area,</p>			

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			<p>including the relationship that people and communities have with the site, building, place or area, and the extent to which it will be maintained;</p> <p>b the integrity of the site, building, place or area, including in the case of a structure its physical appearance, and the extent to which it will be maintained;</p> <p>c the extent to which the proposed modifications will maintain or enhance the efficient operation of an operating facility.</p>			
			<p>8.4.5</p> <p>Having had regard to Policy 8.4.4, where an application for subdivision, use and development which will affect a site, building, place or area included in Schedule 2 is deemed to be appropriate, provision shall be made for the recording of the site, building, place or area by any or all of the following means:</p> <p>a photographic record;</p> <p>b written record;</p> <p>c identification at or near the site by a plaque, sign, or other method;</p> <p>d archaeological investigation and recording.</p>			
			<p>8.4.6</p> <p>Subdivision, use and development in the coastal marine area should consider any effect on resources which are recognised as having historical or cultural value, and where practicable should avoid, remedy or mitigate any adverse effects on these resources.</p> <p>NB. The Maritime Cultural Heritage Inventory is a non-statutory document prepared by the ARC which contains information on a large number of cultural heritage sites, buildings, places and areas in the Auckland region, including those in Cultural Heritage Schedules 1 and 2.</p> <p>Many of the sites in this inventory are archaeological sites which are subject to the provisions of the Historic Places Act 1993. Authority is required from the New Zealand Historic Places Trust prior to any activity being undertaken which would modify, damage or destroy any archaeological site whether recorded or not.</p> <p>The Maritime Cultural Heritage Inventory is available at the ARC offices and information on a particular area or site can be provided on request.</p>			
			<p>8.4.7</p> <p>Maintenance and repair works on Schedule 2 sites shall be considered appropriate where they are consistent with the provisions of a Conservation Plan approved by the ARC</p>			
10 General	<p>10.2 ISSUES</p> <p>10.2.1</p> <p>The coastal marine area is used for a range of purposes, including recreational, commercial and educational purposes for scientific study and as a utility. This contributes to people's social, cultural, and economic wellbeing. However, inappropriate subdivision, use and development of the coastal marine area, and the cumulative effects of a large number of users, can place pressure on the natural and physical resources of the coastal marine area, and detract from its amenity values. Accordingly, in order to sustainably manage the resources of the coastal marine area, it is necessary to ensure that subdivision, use and development is appropriate, and that any adverse effects are avoided, remedied or mitigated.</p>	<p>10.3.1</p> <p>To provide for appropriate subdivision, use and development in the coastal marine area, and to protect the coastal marine area from inappropriate subdivision, use and development.</p>	<p>10.4.3</p> <p>Subdivision, use and development of the coastal marine area shall be considered more appropriate where the environment has already been highly modified by human activities, or located in areas where development already exists, unless:</p> <p>a location elsewhere in the coastal marine area of the Auckland Region would better avoid, remedy, or mitigate significant adverse effects of that subdivision, use and development; or</p> <p>b an application brought by Tangata Whenua better provides for the special relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p>			
13 Reclamation and Drainage	<p>13.2.1</p> <p>Reclamation and drainage in the coastal environment have potentially significant and often irreversible adverse effects on the coastal environment. Nonetheless, reclamation and drainage under some circumstances could be considered to be an</p>	<p>13.3 OBJECTIVES</p> <p>13.3.1</p> <p>To avoid inappropriate reclamation or drainage of the coastal environment.</p>				

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	appropriate method of facilitating specified development options in the coastal environment.					
		13.3.2 To ensure that where reclamation or drainage of the coastal environment is considered appropriate, the adverse environmental effects on the coastal environment are avoided, remedied, or mitigated.				
	13.4 POLICIES 13.4.1 Reclamation and drainage in the coastal marine area shall generally be considered inappropriate, unless: a they are for either the operational needs of the port in Port Management Areas, or for the intensifi cation of existing or approved marinas within Marina Management Areas, or for port purposes within the Devonport Defence Management Area where they comply with other relevant policies of this Plan; and b a method or a land-based site (above Mean High Water Springs) is not practicable; and c effi cient use will be made of the coastal environment by using the minimum area of the coastal marine area necessary for the reclamation or drainage having regard to the activity proposed to utilise that area; and d the reclamation or drainage will have either positive or minor adverse effects including effects on natural character, visual and other amenity, ecology, Maori values, heritage values, water quality and coastal processes, or any adverse effects can be remedied or mitigated to an acceptable level by methods such as appropriate design and location of buildings, landscaping, planting, or other forms of environmental benefi ts in accordance with Chapter 38: Obtaining Environmental Benefi ts; and e the fi nished appearance of the reclaimed or drained area, including its size, shape and the materials used, is as far as practicable compatible with the environment in which it is located; and f the reclamation or drainage will avoid, as far as practicable, adverse cumulative effects on the coastal environment.					
	13.4.2 Reclamation and drainage within the coastal marine area shall be avoided where it will: a result in more than minor modifi cation of, or damage to, or the destruction of, the values of any Coastal Protection Area 1; or b modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.					
14 Disturbance of the Foreshore and Seabed 1 : Extraction	14.2.1 The coastal marine area is a signifi cant source of sand, and a potential source of shell, shingle and other minerals which benefit the regional community and economy, and potentially the nation. However, extraction of these materials from the coastal marine area may result in adverse environmental effects.					
	14.3 OBJECTIVE 14.3.1 To provide for the appropriate extraction of sand, shingle, shell and other natural material from the coastal marine area, while avoiding, remedying, or mitigating adverse environmental effects.					
	14.4 POLICIES 14.4.1					

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	<p>Extraction from the coastal marine area shall be avoided where it will modify, damage or destroy:</p> <p>a any Coastal Protection Area 1; or</p> <p>b any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.</p>					
	<p>14.4.3 Proposals for extraction from the coastal marine area shall demonstrate that the activity:</p> <p>a will not result in significant adverse changes to bathymetry, foreshore contours, sediment particlesize or physical coastal processes; and</p> <p>b will not result in significant adverse disturbance to surrounding sediments or significantly increase turbidity, and will avoid significant adverse effects on biota caused by the release of contaminants; and</p> <p>c will not be likely to cause or exacerbate coastal erosion either within the coastal marine area or on adjacent coastal land; and</p> <p>d will not result in the permanent loss of any habitat of a rare or endangered species; and</p> <p>e will avoid significant damage to or destruction of marine flora and fauna, including benthic and pelagic species of fish and shellfish, and will enable recolonisation by the benthic species present before extraction took place; and</p> <p>f will not give rise to significant adverse effects on the recreational and amenity values of the area; and</p> <p>g will be undertaken at times of the day or year that will avoid as far as practicable, remedy or mitigate adverse effects on the environment, particularly on:</p> <p>i the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting, nesting and feeding; and</p> <p>ii stability of coastal features such as dunes and coastal vegetation; and</p> <p>iii recreational use of the coastal marine area; and</p> <p>iv other established activities located in the coastal marine area which are likely to be affected by the extraction; and</p> <p>h will not have a significant adverse effect on Tangata Whenua values identified in accordance with Tikanga Maori.</p>					
<p>15 Disturbance of the Foreshore & Seabed II ; Dredging</p>	<p>15.2.1 Dredging is necessary for the maintenance of certain existing activities and for the development of some new activities within the coastal marine area such as ports, marinas, navigational channels for vessel movement, wharves and jetties. Dredging is also sometimes necessary in order to clear, cut or realign stream and river mouths within the coastal marine area and for the operation of land drainage and stormwater systems. These activities may be of local, regional or national importance. However, there are potentially adverse environmental effects associated with dredging activities.</p>					
	<p>15.2.2 New activities or facilities in the coastal marine area may be able to be designed and located so as to avoid or minimise the need for dredging.</p>					
	<p>15.3 OBJECTIVES 15.3.1 To provide for appropriate dredging in the coastal marine</p>					

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	area, while remedying or mitigating adverse environmental effects.					
	15.3.2 To minimise, as far as practicable, the need for dredging associated with new development or redevelopment in the coastal marine area.					
	15.4.1 Dredging shall be avoided where it will result in more than minor modification of, damage to, or the destruction of the values of any Coastal Protection Area 1 or any Tangata Whenua Management Area; or modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.					
16 Disturbance of the Foreshore & Seabed III: Other than extraction & dredging	16.2.2 Parts of some estuaries and harbours in the region are experiencing a rapid colonisation by mangroves. This is in response to increased sediment and nutrients entering the coastal marine area. Colonisation may also be a response to changes in coastal processes resulting from activities in the coastal marine area such as reclamation, causeways and culverts. This expansion can affect the social, cultural, and economic use and value, and may result in reducing biodiversity as other types of habitat are replaced over time by mangroves.					
	16.3.1 To provide for appropriate activities, including vegetation removal, which involve the disturbance of the foreshore and seabed, while avoiding, remedying, or mitigating the adverse effects on the coastal environment.					
	16.4.1 Any activity other than dredging or extraction (as addressed in Chapters 14 and 15), including vegetation removal, which results in the disturbance of the foreshore and seabed shall be considered inappropriate unless: a it can be demonstrated that the disturbance is necessary to: i rehabilitate or restore a coastal ecosystem, or areas identified as having significant geological, ecological or habitat values; or ii maintain or enhance identified cultural heritage sites or areas of significant historic or archaeological value; or iii enhance or restore public access to areas used for recreation and to enable water access and navigation in the coastal marine area; or iv protect public health and safety; or v maintain or improve navigation and safety; or vi enable the provision, operation, maintenance and use of lawful structures, infrastructure, such as roads, walkways and/or the efficient functioning of drainage systems, where there is no practicable alternative location outside of the coastal marine area that would achieve a better environmental outcome; or vii avoid, remedy or mitigate adverse effects caused by natural processes; or viii enable the carrying out of a lawful activity, consistent with the provisions of this chapter; and d the activity will not have a significant adverse effect on Tangata Whenua values identified in accordance with Tikanga Maori; and					
	16.4.2 Activities which are considered appropriate under Policy 16.4.1 shall: a be undertaken at times of the day or year that will avoid as far as practicable, remedy or mitigate adverse effects on the environment, particularly on: i the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting, nesting and feeding; and					

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	<ul style="list-style-type: none"> ii stability of coastal features such as dunes and coastal vegetation; and iii recreational use of the coastal marine area; and iv other established activities located in the coastal marine area which are likely to be affected by the disturbance; and v traditional Maori gathering, collection or harvest of kaimoana; and 					
	<p>16.4.3 Disturbance of the foreshore and seabed, other than dredging or extraction (as addressed in Chapters 14 and 15), shall be avoided where it will:</p> <ul style="list-style-type: none"> a result in more than minor modification of, or damage to, or the destruction of the values of any Coastal Protection Area 1; or b modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1. 					
	<p>16.4.5 Mangrove removal within any Coastal Protection Area 1, in addition to the requirements of policy 16.4.4, shall be considered inappropriate unless it is for the purpose of:</p> <ul style="list-style-type: none"> a maintaining or enhancing the geological or ecological values of the Coastal Protection Area where it can be demonstrated that these values are being adversely affected by mangrove colonisation; or b maintaining or restoring the open nature of wading bird feeding and roosting areas identified in Table 16.1 or Map Series 8 Sheets 1 to 5; or c maintaining the intrinsic heritage, historic and/ or archaeological value of a site, place or area scheduled for preservation in Cultural Heritage Schedule 1; or d maintaining or enhancing public access, for example through developing boardwalks, consistent with protecting the geological or ecological values of the Coastal Protection Area; or e enabling the reasonable operation, maintenance and use of lawful structures, and/or allowing for the efficient functioning of drainage systems; or 					
20 Discharges of Contaminants	<p>Issue 20.2.1 Water and sediment quality is probably the major environmental issue for the Auckland coastal marine area. This is due to a number of reasons including:</p> <ul style="list-style-type: none"> a Water quality and sediment quality and quantity are major components of natural character in the coastal marine area. Contaminants may change the appearance, smell, and life-supporting capacity of marine environments, thereby affecting their viability, and the natural character of the entire coastal marine area. b The coastal marine area is a popular area for recreational pursuits, and for commercial use and development. Degraded water quality and sediment quality and quantity can adversely affect the use and enjoyment of the coastal marine area for these purposes. c Water quality and sediment quality and quantity are of particular and special importance to Tangata Whenua. The degradation of water can adversely affect the use of the coastal marine area for both traditional and commercial purposes, including the condition of taonga. 					
	<p>20.3.1 To maintain appropriate water and sediment quality in the coastal marine area and to enhance water and sediment quality where practicable in the parts of the coastal marine</p>					

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	area where water and sediment quality is degraded.					
	20.3.2 To adopt the best practicable option for avoiding, remedying or mitigating the adverse effects from stormwater and wastewater discharges on the coastal environment.					
	20.4.1 The discharge of contaminants within the coastal marine area shall be avoided where it will result in more than minor modification of, or damage to, or the destruction of: a the values of any Coastal Protection Area 1 or Tangata Whenua Management Area; or b any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.					
	20.4.3 Any proposal to discharge contaminants or water into the coastal marine area (unless the discharge is prohibited) shall be considered appropriate only if it can be demonstrated that it is the best practicable option (as defined in s2(1) RMA) in terms of preventing or minimising the adverse effects on the environment having considered whether: a it is practicable or appropriate to discharge to land above Mean High Water Springs; b there is a community discharge system in place that should be utilised; c the volume and level of contamination of the discharge has been minimised to the greatest extent practicable; d the receiving environment is able to assimilate the discharged contaminants and water, with any adverse effects being avoided where practicable, remedied or mitigated particularly within: i the areas identified in Tables 8.1 and 8.2 and Map Series 5, Sheets 1-4 (Degraded and Susceptible Areas and Areas of High Ecological Value Susceptible to Degradation) of the Auckland Regional Policy Statement; ii those Coastal Protection Areas, set out in this Plan, which are based upon ecological rather than geological values; e the adverse effects on the present and foreseeable use of the receiving waters have been avoided where practicable, remedied or mitigated, particularly in areas where there is; i high recreational use; ii relevant initiatives by Tangata Whenua (established under regulations relating to the conservation or management of fisheries) including Taiapure, rahui or Whakatupu areas; iii the collection of fish and shellfish for consumption; iv areas of maintenance dredging. f any adverse effects on people or communities have been avoided where practicable, or remedied or mitigated; g adverse effects on the present and reasonably foreseeable use of the receiving waters for recreational purposes and the suitability of fish and shellfish for consumption have been avoided, where practicable, or remedied or mitigated; h cleaner production methods which would result in the volume and level of contamination of the discharge being minimised, to the greatest extent practicable have been adequately investigated, and where practicable put in place;					

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	<p>i the discharge after reasonable mixing, does not either by itself or in combination with other discharges, give rise to any or all of the following effects:</p> <p>i the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</p> <p>ii any conspicuous change in the colour or visual clarity;</p> <p>iii any emission of objectionable odour;</p> <p>iv any significant adverse effects on aquatic life;</p> <p>v any significant adverse effects on aesthetics and amenity value.</p> <p>j the discharge complies with relevant, appropriate and accepted international or national Codes of Practice and Environmental Guidelines.</p>					
	<p>20.4.4</p> <p>In addition to the matters set out in Policy 20.4.3, discharges of sewage to the coastal marine area, other than sewage discharges from vessels, shall be avoided unless it can be demonstrated that:</p> <p>a the option of disposing of sewage directly into the coastal marine area better meets the purpose of the RMA than disposal onto land; and</p> <p>b there has been consultation with Tangata Whenua in accordance with tikanga Maori and due weight has been given to sections 6, 7 and 8 of the RMA; and</p> <p>c there has been consultation with the affected community in determining the suitability of the treatment and disposal system; and</p> <p>d the location and extent of the mixing zone is such that there is no significant adverse effect on any Coastal Protection Area 1, Tangata Whenua Management Area or the existing or reasonably foreseeable use of the receiving waters for recreation or collection of shellfish for human consumption; and</p> <p>e the adverse effects on the present and reasonably foreseeable use of the receiving waters have been avoided where practicable, remedied or mitigated, particularly in areas where there is;</p> <p>i high recreational use; or</p> <p>ii areas of maintenance dredging; or iii commercial or residential waterfront development.</p> <p>NB: The direct discharge of sewage into Tangata Whenua Management Areas is a prohibited activity.</p>					
	<p>20.7.3 Objectives, Policies 20.4.1-20.4.4. and 20.4.8 and all Rules</p> <p>Water quality is of particular and special importance to Tangata Whenua. The discharge of sewage into water is particularly offensive to Maori. Accordingly, water quality needs to be maintained and, where possible, improved to ensure that the special relationship of Maori and their culture and tradition with water is preserved. It is also identified as a significant issue in the New Zealand Coastal Policy Statement. The provisions of this Plan seek to incorporate the provisions of the New Zealand Coastal Policy Statement, as relevant to the Auckland Region.</p>					
	<p>22.2.1</p> <p>Aquaculture within the coastal marine area of the Auckland Region is recognised as being an important industry, contributing social, economic, and cultural benefits to the local, regional and national economy. However, there are also other uses of the coastal marine area, such as recreational boating and commercial shipping, which provide a wide range of benefits. While aquaculture is an appropriate industry and should be provided for, there are competing uses, values and cumulative environmental effects, particularly on public access and amenity, that need to be recognised when providing for aquaculture.</p>					

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	<p>22.2.2 Aquaculture can be impacted on by activities on the land, such as urban intensifi cation which can adversely affect water quality, and activities in the water, such as discharges from boating activities. Population growth in the Auckland Region is contributing to the pressure on resources in the coastal marine area. Without integrating the management of land use and the coastal environment issues such as reverse sensitivity are likely to arise.</p>					
	<p>22.2.3 Aquaculture requires the occupation of coastal space. The coastal marine area is a fi nite resource. Space for, and within, Aquaculture Management Areas needs to be appropriately allocated to ensure that effi cient use is made of these areas and that the balance of the coastal marine area can be sustainably managed for other subdivision, use, development and protection purposes.</p>					
	<p>22.2.4 Iwi and hapu have maintained a special association with their ancestral lands, water, sites and waahi tapu, and other taonga. The coastal environment is an important source of kaimoana contributing to the health and wellbeing of Maori. This special relationship must be recognised and provided for.</p> <p>There is limited information regarding the ecological effects of aquaculture in the coastal environment of the Auckland Region. Aquaculture may cause adverse effects in the water, such as depletion of phytoplankton, zooplankton, and fi sh eggs, and on the seabed, for example by smothering other organisms. It may also cause remote effects such as altering food availability for birds and fi sh. Unless a precautionary approach is taken there may be signifi cant adverse effects on the coastal environment. Aquaculture is an industry of increasing social and economic importance to the local, regional, and national economy. The farming of fi sh or shellfi sh also provides an important food resource, and assists in reducing pressure on the natural fi sh and shellfi sh stock.</p>					
	<p>22.2.2 A high standard of water quality and its continued maintenance is necessary to achieve the sustainable management of the coastal marine area and is required for the establishment and carrying out of aquaculture.</p>					
	<p>22.2.3 Aquaculture is a developing and dynamic industry, where considerable potential exists to cultivate a variety of marine fauna and flora. The effects of farming "new species", or new types of farming methods, are to a signifi cant extent unknown or untested in the Auckland Region.</p> <p>22.2 ISSUES</p>					
	<p>22.3.4 To protect the relationship of iwi and hapu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga when providing for aquaculture in the coastal marine area.</p>					
32 Defence	<p>33.2.1 The New Zealand Defence Force operates within the coastal marine area. However Defence facilities and activities can have adverse effects on the natural and physical values of the coastal marine area which need to be avoided, as far as practicable, remedied and mitigated.</p>					
	<p>33.3 OBJECTIVES 33.3.1 To provide for military use of the coastal marine area for Defence purposes, in a way which avoids as far as practicable, remedies or mitigates adverse effects.</p>					
	<p>33.3.2 To encourage the progressive upgrading of Defence activities in the coastal environment to reduce adverse effects on the coastal marine area.</p>					
	33.4.3					

Maaori provisions in Auckland legacy council plans

Chapter Name	Auckland Regional Plan: Coastal - Issues	Auckland Regional Plan: Coastal - Objectives	Auckland Regional Plan: Coastal - Policies	Auckland Regional Plan: Coastal - Methods	Anticipated Environmental Results	Monitorin provisions
	<p>Underwater explosives training exercises shall be avoided in:</p> <ul style="list-style-type: none"> a A Coastal Protection Area 1; and b Sites, buildings places or areas identifi ed for preservation or protection in Cultural Heritage Schedules 1 or 2; and c Areas identified by Tangata Whenua in accordance with Tikanga Maori as being of special spiritual, cultural, or historical signifi cance and shown on the Plan Maps; and 					

Maaori provisions in Auckland legacy council plans

13. Auckland Regional Policy Statement / Plan Change 6

Chapter Name	Issues	Objectives	Policies	Methods	AERs	Monitoring

13a Auckland Regional Policy Statement – Final draft August 2010

Chapter Name	Issues	Objectives	Policies	Methods	AERs	Monitoring

14. Auckland Regional: Dairy Discharges Plan

Chapter Name	Issues	Auckland Regional: Dairy Discharges Plan - Objectives	Policies	Methods	AERs	Monitoring
	<p>3.2 Issues of Significance to Tangata Whenua Nga Take Tutura Mo Tangata Whenua</p> <p>This section of the Plan has been written by tangata whenua who were consulted during the Plan's preparation. Tangata whenua claim genealogical links and blood ties to taonga of the natural world as a significant principle. Inherent within the principle is the kaitiaki role with obligations and responsibility for the well being of all natural entities. Tangata whenua have consistently advocated opposition to direct discharges of contaminants to waterways, regardless of treatment standards. Continuation of such practices seriously undermines the tribal mana and desecrates the mauri of the receiving water. Direct discharges of farm dairy washwater are therefore unacceptable.</p> <p>Washwater discharges also raise concerns because of the actual or potential adverse effects on:</p> <ul style="list-style-type: none"> • both traditional and commercial uses of ancestral resources, such as fish spawning and feeding grounds and mahinga maataitai; • degradation of mana, mauri and wairua of water, and its inability to sustain life, impacts on Treaty of Waitangi as kaitiaki; • the exacerbation of existing Treaty grievances relating to poor water quality; • tribal resource management initiatives, particularly regarding taiapure, rahui and whakatupu; • pollution of enclosed water bodies; • eutrophication; • direct agricultural and horticultural pollution; • the location of washwater treatment and disposal systems can adversely affect Treaty of Waitangi values. Tangata whenua confirm that their concerns can be met by ensuring that treatment standards are set and maintained, and a land component of disposal is incorporated for consents seeking discharge directly to water. The importance of involving tangata whenua in the change and review of this Plan is recognised. 	<p>4.0 OBJECTIVES OF THIS PLAN</p> <p>4.1 To maintain water quality in water bodies and coastal waters which have good water quality, and to enhance water quality which is degraded.</p>	<p>5.0 POLICIES</p> <p>5.1 The discharge of dairy sludge and farm dairy washwater onto land shall be encouraged.</p>			
		4.2 To provide clarity, consistency and certainty to resource users.	5.2 The discharge of farm dairy sludge and untreated farm dairy washwater into surface water shall be avoided.			
			5.3 The discharge of farm dairy washwater, untreated or treated, into any freshwater lake or into watercourses within a lake catchment shall be avoided.			
			5.4 Discharges shall be assessed against the following criteria: <ul style="list-style-type: none"> • Permitted activities shall be assessed against the criteria listed in 6.2.1. • Controlled activities shall be assessed against the criteria listed in 6.3.1. • Discretionary activities shall be assessed against the criteria listed in 6.4.1. 			