

2.15 Mana Whenua Cultural Heritage - Section 32 Evaluation for the Proposed Auckland Unitary Plan

1.	OVERVIEW AND PURPOSE	2
1.1.	Subject Matter of this Section.....	2
1.2.	Resource Management Issue to be Addressed	2
1.3.	Significance of this Subject	3
1.4.	Auckland Plan	4
1.5.	Current Objectives, Policies, Rules and Methods	4
1.6.	Information and Analysis	6
1.7.	Consultation Undertaken.....	7
1.8.	Decision-Making.....	8
1.9.	Proposed Provisions	9
1.10.	Reference to other Evaluations	9
2.	OBJECTIVES, POLICIES AND RULES	10
2.1.	Objectives 1, 2 and 3 of the RPS - Addressing issues of significance to Mana Whenua section.....	10
2.2.	Objective 4 and 5 of the RPS - Addressing issues of significance to Mana Whenua section	20
3.	ALTERNATIVES	26
4.	CONCLUSION.....	37
5.	RECORD OF DEVELOPMENT OF PROVISIONS	38
5.1.	Information and Analysis	38
5.2.	Consultation Undertaken.....	38
5.3.	Decision-Making.....	39

1. Overview and Purpose

This evaluation should be read in conjunction with Part 1 in order to understand the context and approach for the evaluation and consultation undertaken in the development of the Proposed Auckland Unitary Plan (the Unitary Plan).

1.1. Subject Matter of this Section

This section relates to Mana Whenua aspirations for their cultural heritage, being sacred sites and places and the cultural landscape context in which sites and places are located. Mana Whenua cultural heritage includes:

- archaeology of Māori origin
- wāhi (location, locality, place)
- wāhi tapu (sacred ancestral sites and places of significance to iwi, hapū or whānau)
- Māori cultural landscapes
- wāhi pakanga (battle site)
- wāhi tohi (ritual site)
- urupā (Māori burial ground.)
- to waka (waka portage)
- rakau pito and wāhi pito (tree marking the burial site of a placenta or umbilical cord)
- taonga (A treasured item. It can be tangible or intangible)
- cultural and spiritual associations with these areas, features or sites
- sites and places of value or significance to Mana Whenua for the tangible and intangible values they hold.

1.2. Resource Management Issue to be Addressed

The resource management issue in the Unitary Plan is to address issues of significance to Mana Whenua regarding the protection of Mana Whenua cultural heritage. These issues were primarily identified through reviewing the twelve iwi planning documents lodged with Auckland Council and undertaking more than 18 months of engagement with Mana Whenua. *The Auckland Plan* and sources such as the *The Māori Plan for Tāmaki Makaurau* (IMSB 2012), *The Māori Values Supplement* (MfE, 2010), *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Wai 262* (Waitangi Tribunal Report, 2011), *Māori and the Environment: Kaitiaki* edited by Rachael Selby, Pātaka Moore and Malcolm Mulholland, Huia Publishers, 2010 support the issues raised within iwi planning documents and during engagement with Mana Whenua. These sources are also drawn upon in the development of the objectives and supporting approaches for Mana Whenua cultural heritage. The following issues have been identified by Mana Whenua regarding the protection of Mana Whenua cultural heritage:

- The irreplaceable nature of these sites and places;
- The loss or degradation of many ancestral taonga through Auckland's growth and development.
- Need to enhance or restore these sites and places to revitalise the mana, well-being and cultural and spiritual integrity of Mana Whenua. Maintenance is inappropriate where degradation has occurred.
- Inadequate protection offered to the Mana Whenua values of sites and places that are not identified through scheduling.
- Need for a bi cultural precautionary approach to protect ancestral taonga that is still at risk in a manner that enables Mana Whenua to exercise their inherited role as kaitiaki.
- The need to afford appropriate weight to Mana Whenua values in heritage protection, recognising Mana Whenua as a Treaty partner. Mana Whenua values and associations with a site or place have not been appropriately acknowledged. Resulting consequences include Māori values have not been given enough weight to justify scheduling or to protect sites and Mana Whenua are hesitant to provide information to support scheduling for protection in Auckland's legacy regional and district plans.

- Limited knowledge associated with Mana Whenua Cultural Heritage. Council needs a strong Mana Whenua Cultural Heritage knowledge base in order to meet its minimum statutory requirements, and it is understood it is something that will take time to develop and grow.
- Appropriate knowledge management protocols are required prior to developing the knowledge base of sites and places of significance to Mana Whenua and before specific site identification.
- The significance and 'priority' of sites and places of significance to Mana Whenua has been determined historically by council, with minimal involvement from Mana Whenua. This is inappropriate. Mana Whenua seek responsibility for the identification of sites and places that are significant for their values, not those of council.
- Inconsistent provision for sites and places of significance to Mana Whenua across legacy district plan areas. 46 scheduled sites and places of significance to Mana Whenua in comparison to 2000 scheduled sites articulate the legacy parity issues succinctly.
- A strong desire amongst Mana Whenua to nominate further sites and places of significance.
- Mana Whenua values which are frequently intangible values, associated with scheduled archaeology are not adequately provided for.
- Acknowledgment of the importance of Māori cultural landscapes in providing the context of sites and places of significance. In general, the built and modified natural environment ignores the underlying Māori history that in many locations, provides the history of contemporary settlement patterns. Urgency to identify and develop a method to enhance, protect and manage Māori cultural landscapes as the development of Tāmaki Makaurau continues.
- A strong aspiration of Mana Whenua to engage with their sites and places of significance to provide for their culture and traditions on their ancestral Whenua, according to tikanga/kawa, and providing for their role as kaitiaki. They want to be responsible for their relationship with their culture and traditions.

Relevant issues in Issues Paper – Treaty of Waitangi (2011):

- Issue 1 – Early, effective and meaningful engagement with Maori
- Issue 3 - Recognition of the Maori view of sustainability
- Issue 7 – Recognising the desire of Maori to connect with their traditions and the land
- Issue 8 – Recognition of the Treaty of Waitangi, Maori and cultural heritage in the sustainable management of our coastal environment
- Issue 10 – Minimising the impact of hazardous substances and contamination on cultural values
- Issue 11 – Protecting Maori values and the adequate provision of appropriate land and water transport infrastructure

1.3. Significance of this Subject

This approach in the Unitary Plan is a significant shift from legacy plans because the provisions for Mana Whenua cultural heritage:

- Are integrated into the Regional provisions where they predominantly were located at District Plan level;
- Greater protection to Mana Whenua cultural heritage to include sites and places of Maori origin such as archaeology of Māori origin, where the location has been confirmed. While the *Auckland Regional Plan: Air, Land and Water* included rules protecting unscheduled sites and places of significance to Mana Whenua, it is considered that the inclusion of requirements proposed will be more effective at a district and regional level.
- Base the protection of Mana Whenua cultural heritage on the intangible and tangible values of Mana Whenua rather than the significance criteria or ranking systems applied to other heritage features such as built heritage;

- Include Māori cultural landscapes as heritage in their own right and recognise the important context that they provide individual sites and places;
- Enable matauranga and tikanga to be practiced by kaitiaki and integrated into resource management processes;
- Provide for the development and exercise of respectful knowledge management protocols for culturally sensitive information;
- Acknowledge the limited number of sites and places of significance to Mana Whenua that have been scheduled in legacy plans, the reasons behind the lack of scheduling and provide direction on improvements in this area.

1.4. Auckland Plan

The Auckland Plan sets the vision to create the world's most liveable city, including the outcome of 'A Māori identity that is Auckland's point of difference in the world'. Mana Whenua cultural history is significant regionally, nationally and internationally, particularly considering the iconic maunga are being considered for nomination as World Heritage sites. Valuing Te Ao Māori is a principle guiding the way council works, this is an important principle directing how Mana Whenua cultural heritage is protected.

The Auckland Plan identifies the following priorities:

- Explore partnerships with Mana Whenua to protect, identify and manage wāhi tapu - Priority 3 of Strategic Direction 2;
- Understand, values and share our heritage – Priority 1 of Strategic Direction 4
- Invest in our Heritage – Priority 2 of Strategic Direction 4
- Empower collective stewardship of our heritage Priority 3 of Strategic Direction 4

The Auckland Plan includes the following directives:

- Recognise and provide for the unique cultural heritage status of wāhi tapu – Directive 2.3
- Provide a robust information base for Auckland's historic heritage – Directive 4.1
- Identify, protect and conserve our locally, regionally, nationally and internationally significant historic heritage – Directive 4.2
- Promote our heritage places to encourage greater understanding and enjoyment – Directive 4.3
- Ensure that our historic heritage appropriately informs new development and redevelopment, and inspires high-quality, sympathetic design – Directive 4.4
- Promote economic development through heritage-led regeneration, leisure and tourism, and the appropriate use of existing heritage places – Directive 4.5
- Recognise and reinforce the contribution of historic heritage to the character and quality of Auckland's urban and rural places – Directive 4.6

1.5. Current Objectives, Policies, Rules and Methods

Legacy provisions

As illustrated in Table 1.0, all but one of the legacy regional and district plans offer some specific protection to Mana Whenua cultural heritage.

The Auckland Regional Air Land and Water Plan has the most comprehensive approach. It provides issues, objectives, policies and rules specific to the protection of Mana Whenua cultural heritage and Mana Whenua values including sites and places that are not scheduled. Only three legacy district plans being Manukau, Auckland Isthmus, Auckland Central Area and Rodney contain issues, objectives, policies, rules and identify heritage, specifically scheduled for Mana Whenua values, in a schedule. A consent order from the Environment Court included a new objective and a new policy within the Hauraki Gulf legacy plan offering protection to unscheduled archaeology, including archaeology of Māori origin. Papakura legacy plan contained a specific reference to a decision by Mana Whenua not to identify wāhi tapu in the district plan. This approach was reliant on notification processes for

Mana Whenua involvement. Franklin legacy plan has no provisions relating to Mana Whenua cultural heritage.

The emphasis within the legacy district plans on the Mana Whenua values and associations with the heritage items varied. In most cases, the legacy district plans protected Mana Whenua cultural heritage for other values such as archaeology or significant vegetation.

Legacy Plan	Issues	Objectives	Policies	Rules / Assessment criteria	Schedule Provided	Entries
Regional						
Regional Policy Statement	Yes	Yes	Yes	No	No	No
Auckland Regional Plan: Air, Land, Water	Yes	Yes	Yes	Yes	Yes	No
Coastal	No	No	No	No	No	No
Sediment controls	Yes	Yes	Yes	No	No	No
Dairy Discharges	No	No	No	Yes	No	No
District						
Manukau	Yes	Yes	Yes	Yes	Yes	Yes
Rodney	Yes	Yes	Yes	Yes	Yes	Yes
Auckland - Central	Yes	Yes	Yes	Yes	Yes	Yes
Auckland - Isthmus	Yes	Yes	Yes	Yes	Yes	Yes
Hauraki Gulf Islands	Yes	Yes	Yes	Yes	Yes	No
North Shore	No	Yes	Yes	No	No	No
Franklin	No	No	No	No	No	No
Papakura	Yes	Yes	Yes	No	Yes	No
Waitakere	Yes	Yes	Yes	Yes	No	No

The Operative Regional Policy Statement contains the following provisions relating to Mana Whenua cultural heritage:

Objectives:

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.”

3.3.3 - To involve Tangata Whenua in resource management processes in ways which:

- (i) take into account the principles of the Treaty of Waitangi, including rangatiratanga;
- (ii) have particular regard to the practical expression of kaitiakitanga.

Policies

3.4.1 - Waahi tapu and other ancestral taonga of special value to Tangata Whenua shall, where agreed by Tangata Whenua, be identified, evaluated, recognised and provided for in accordance with tikanga Maori, and given an appropriate level of protection.

Methods

1. The ARC and TAs will, in consultation with Tangata Whenua, identify and list in regional and district plans sites and areas of significance to Tangata Whenua, and such plans will include provisions which afford appropriate levels of protection to the items listed; and such listings will be kept up-to-date.
2. The ARC and TAs will make provision in regional and district plans to achieve appropriate levels of protection for sites and areas of special significance to Tangata Whenua where such sites and areas are known to exist but are not listed or identified in such plans.
3. The ARC and TAs will ensure that Iwi and hapu are informed of the various opportunities that exist for affording their taonga an appropriate level of protection.
4. The ARC and TAs will, when requested by Tangata Whenua, evaluate appropriate management techniques for heritage sites and areas of high significance to Tangata Whenua.

The current objective provides for appropriate priority that has not been clearly explained as to what is or may be 'appropriate'.

There is no current legacy objective for approaching knowledge associated with Mana Cultural Heritage and how council will respond and include in decision making.

There are no Regional Policy Statement Objectives in relation to Māori cultural landscapes as well as Mana Whenua values and interests into natural and physical resource management. This is a new Objective.

1.6. Information and Analysis

The approach recommended comprises the following;

A. Basis of protection

- Protection of Mana Whenua cultural heritage based on Mana Whenua values consistently applied across Auckland at RPS level.

B. Māori Cultural Landscapes

- Protection of the values associated with Māori cultural landscapes at RPS level.
- Integration of consideration of Māori cultural landscapes in policy and assessment criteria

C. Scheduled sites and places of significance to Mana Whenua

- Robust methodology for scheduling based on Mana Whenua values
- Protection for scheduled sites and places of significance to Mana Whenua using the Sites and Places of Significance to Mana Whenua overlay which is a statutory overlay

D. Sites and places of value to Mana Whenua

- Sites and places of Māori origin where the locations have been confirmed, are identified in a statutory overlay. These are sites and places where the presence of Mana Whenua cultural heritage has been confirmed, the type of heritage is known and where Mana Whenua values exist. These values need to be recognised and provided for, but the significance of those values has not yet been assessed in detail.
- A lesser level of protection is afforded to sites and places of value to Mana Whenua that are identified in a statutory overlay in comparison to the protection offered by the Sites and Places of Significance to Mana Whenua overlay.
- The Sites and Places of Value to Mana Whenua overlay requires resource consent (Restricted Discretionary) for earthworks within 50m of a site or places with exceptions provided for minor activities.

E. Commitment to a future plan change

- Future Plan Change to incorporate additional sites and places to be scheduled and Māori cultural landscapes.

F. Consideration of Mana Whenua values

- Cultural impact assessments will be required for resource consent applications (required for another matter) affecting Mana Whenua values;
- Policies and assessment criteria are included in regional provisions requiring consideration of Mana Whenua values

G. Accidental Discovery Protocols

- Accidental discovery protocols support unknown sites which are unexpectedly discovered.
- Accidental discovery protocols are included as permitted activity standards for all district and regional activities. Resource Consent is required where the accidental discovery

The development of the approach for protecting Mana Whenua cultural heritage initiated from reviews of the twelve iwi planning documents lodged with Auckland Council; drew on key discussions from engagement with Mana Whenua summarised into three workshop summary reports (February-March 2012, October 2012 and March-April 2012) and two substantial feedback documents collating feedback from iwi authorities.

The following sources influenced the further development of the approach:

- *The Auckland Plan*;
- *The Māori Plan for Tāmaki Makaurau* (IMSB 2012),
- *The Māori Values Supplement* (MfE, 2010),
- *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Wai 262* (Waitangi Tribunal Report, 2011),
- *Māori and the Environment: Kaitiaki* edited by Rachael Selby, Pātaka Moore and Malcolm Mulholland, Huia Publishers, 2010;
- Tauranga City and Whangarei District plans
- Quality Planning website best practice examples including Kaikōura District Council
- New Zealand Historic Places Trust Information Sheets 7, 10 and 18
- *Tapuwae. The Māori Heritage Council Statement on Māori Heritage. A Vision for Places of Māori Heritage* New Zealand Historic Places Trust, 2009;
- *Best Practice Guidelines: Tangata Whenua Effects Assessments – a roadmap for undertaking a Cultural Impact Assessment under HSNO 1996* (Repo Consultancy Ltd, 2010)
- *Auckland Unitary Plan – Māori Cultural Heritage Internal Stakeholders Workshop*, (Boffa Miskell, 2012)
- *Boffa Miskell Suggested Approaches Document Māori Cultural Heritage – Auckland Unitary Plan*, (Boffa Miskell, 2012)
- *Icomos New Zealand Charter For The Conservation Of Places Of Cultural Heritage Value* (1992)
- Auckland Council GIS data and Heritage Unit data on archaeology of Māori origin.

Further feedback from Mana Whenua and feedback from the wider community on the Unitary Plan March Draft improved the robustness and effectiveness of the provisions. Key issues included the need to protect Mana Whenua cultural heritage beyond the sites scheduled in legacy district plans, legality of a non statutory layer being able to trigger rules, the ability for Council to use New Zealand Archaeological Association data at a property level, certainty of when the provisions applied and the accuracy of the data in the non statutory layer.

In developing this approach, legal guidance was sought and further research into the information available for Mana Whenua cultural heritage was undertaken. This enabled a response that could address key feedback. A key consideration informing improvements to the provisions was the information collated by Auckland Council GIS data and Heritage Unit data on archaeology of Māori origin. This information confirmed the number of sites and places of Māori origin that were not protected for their value to Mana Whenua and were at risk of loss or degradation through development. The information included sites and places of Māori origin where the location had been confirmed and the type of archaeology.

1.7. Consultation Undertaken

Issues relating to Mana Whenua cultural heritage were identified at workshops held with iwi authorities in March 2012 covering:

- How we define our places of significance?

- How we identify, recognise and provide for these processes and how can the Unitary Plan facilitate this?
- What statutory and non-statutory methods that can be incorporated within the Unitary Plan to address Mana Whenua cultural heritage?
- Is it appropriate to ascribe significance? If so, who should and what might this look like?

A working draft of the Regional Policy Statement, Cross Regional Provisions, Overlay provisions and General Rules affecting Mana Whenua cultural heritage was released to iwi authorities in September 2012.

These provisions were discussed in technical workshops held with iwi authorities in October 2012 covering:

- Scheduled Sites
- The use of an alert layer
- Non-scheduled Sites

Written feedback on the provisions was received from 15 iwi authorities in November 2012.

The draft Unitary Plan was publicly released for comment in March 2013. Two technical workshops were held with iwi authorities in April 2013 which included discussions on the three opportunities Mana Whenua have to nominate additional sites and places of significance to Mana Whenua.

Further consultation included officers:

- Participating in a KORA session run by the Ngā Aho Māori Design Network to discuss how the Unitary Plan met Māori aspirations to be involved in resource management, with a focus on design;
- Attending monthly regional Kaitiaki hui updating Mana Whenua attendees on Unitary Plan activities.

Written feedback on the Mana Whenua provisions in the draft Unitary Plan was received from 19 iwi authorities in May 2013 including feedback on the provisions for Mana Whenua cultural heritage.

1.8. Decision-Making

In May 2012, the Political Working Party endorsed an approach to focus on protecting scheduled sites in the Unitary Plan and confirmed a commitment to identify further sites and places of significance through a future plan change. A subsequent direction from the Political Working Party confirmed the inclusion of a policy framework for Māori cultural landscapes in the Unitary Plan but to commit to a future plan change to identify and map Māori cultural landscapes.

In September 2012, the Political Working Party approved the working draft of the Unitary Plan for release to iwi authorities. This working draft included Regional Provisions relating to Mana Whenua cultural heritage; Cross regional provisions relating to unscheduled sites and places of significance, the use of an alert layer, Māori cultural landscapes and information management protocols; Overlay objectives, policies and rules for scheduled sites and places of significance and General Provisions affecting Mana Whenua cultural heritage.

In August 2013, the Auckland Plan Committee provided interim directions to use robust information to inform a non statutory layer containing sites and places of Māori origin; and to limit consideration of sites and places of Māori origin to cultural impact assessments provided as part of a resource consent application required for another matter.

In September 2013, the Auckland Plan Committee made the resolution to amend the Mana Whenua cultural heritage provisions to include a statutory layer of sites and places of Māori

origin where the locations have been confirmed. The statutory layer would be called 'Sites and Places of Value to Mana Whenua' and will require resource consent (Restricted Discretionary) for earthworks within 50m of a site or place, providing for some exceptions.

1.9. Proposed Provisions

The approach to Mana Whenua cultural heritage addresses the multiple levels of Mana Whenua cultural heritage and applies a precautionary approach where information is lacking but protection is warranted. Sites and places where the significance has been identified are protected. Protection is also provided to sites and places where the presence of Mana Whenua cultural heritage has been confirmed and where Mana Whenua values exist. These values need to be recognised and provided for, but the significance of those values has not yet been assessed in detail. Cultural landscape assessments are required for areas subject to structure planning to build the knowledge base and to identify additional sites that warrant protection. Cultural impact assessments are required for resource consent applications where Mana Whenua values are affected including archaeology of Māori origin where council information confirms the location. Accidental discovery protocols based on Mana Whenua values are provided for the unexpected discovery of archaeology or artefacts of Māori origin.

The Regional Policy Statement includes objectives that provide for the relationship of Mana Whenua with their cultural heritage and require the identification, protection and enhancement of the tangible and intangible values of Mana Whenua cultural heritage including Māori cultural landscapes. Policies help achieve these objectives by directing council in how to work with Mana Whenua and what value system to use to identify further sites and Māori cultural landscapes for protection. Policies direct how unscheduled sites and places of significance to Mana Whenua will be identified in council tools and how these sites and places will be considered in the resource consent process.

The Regional Policy Statement also includes objectives to develop the knowledge base of Mana Whenua cultural heritage including protocols for the management of sensitive information. These provisions are supported by policies recognising Mana Whenua as the specialists in determining their values and associations with their cultural heritage, recognising the sensitivity of information that may be provided to council and the manner in which information may be provided to council may be in te reo Māori.

1.10. Reference to other Evaluations

This section 32 report should be read in conjunction with the following evaluations:

- 2.4 Business
- 2.6 Business building form and design
- 2.7 Design Statements
- 2.13 Historic Heritage
- 2.14 Treaty Settlements
- 2.16 Māori development
- 2.17 Māori land
- 2.18 Māori and Natural Resources
- 2.19 Landscapes
- 2.22 Future Urban zone
- 2.24 Urban Stormwater
- 2.28 Natural Hazards
- 2.29 Stock access
- 2.31 Earthworks
- 2.35 Rural Subdivision
- 2.36 Reserve Management Plans

2. Objectives, Policies and Rules

The following is an evaluation of the appropriateness of the objectives in achieving the purpose of the RMA and the Bill and is made in the context of the identified Issue.

Under ss. 61(2A)(a), 66(2A)(a), and 74(2A)(a) of the RMA, iwi planning documents must be taken into account when preparing or changing regional policy statements and regional and district plans. Resource management plans developed by iwi and hapū in Auckland include a number of statements relating to Mana Whenua cultural heritage. Statements from iwi planning documents have been included in the evaluation that follows.

2.1. Objectives 1, 2 and 3 of the RPS - Addressing issues of significance to Mana Whenua section

The following objectives in the RPS – Section 5.4 Protection of Mana Whenua Culture and Heritage are proposed:-

Objective 1

The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.

Objective 2

The relationship of Mana Whenua with their cultural heritage is provided for.

Objective 3

Mana Whenua cultural, spiritual and historical values associated with their cultural landscapes are recognised, protected and enhanced.

Relevance

These objectives are relevant because they address the following issues:

- Recognition of the irreplaceable nature of these sites and places;
- Recognition of the loss or degradation of many ancestral taonga through Auckland's growth and development.
- Need to enhance or restore these sites and places to revitalise the mana, well-being and cultural and spiritual integrity of Mana Whenua. Maintenance is inappropriate where degradation has occurred.
- Inadequate protection offered to the Mana Whenua values of sites and places that are not identified through scheduling
- A strong aspiration of Mana Whenua to engage with their sites and places of significance to provide for their culture and traditions on their ancestral whenua, according to tikanga/kawa, and providing for their role as kaitiaki. They want to be responsible for their relationship with their culture and traditions.
- Need for a bi cultural precautionary approach to protect ancestral taonga that is still at risk in a manner that enables Mana Whenua to exercise their inherited role as kaitiaki.
- Recognition in heritage protection that as a Treaty Partner, associated values are afforded appropriate weighting. Mana Whenua values and associations with a site or place have not been appropriately acknowledged. Resulting consequences include Māori values have not been given enough weight to justify scheduling or to protect sites and Mana Whenua are hesitant to provide information to support scheduling for protection in Auckland's legacy regional and district plans.
- The significance and 'priority' of sites and places of significance to Mana Whenua has been determined historically by council, with minimal involvement from Mana Whenua. This is inappropriate. Mana Whenua seek responsibility for the identification of sites and places that are significant for their values, not those of council.

- Inconsistent provision for sites and places of significance to Mana Whenua across legacy district plan areas.
- Acknowledgment of the importance of Māori cultural landscapes in providing the context of sites and places of significance. In general, the built and modified natural environment ignores the underlying Māori history that in many locations, provides the history of contemporary settlement patterns.
- Urgency to identify and develop a method to enhance, protect and manage Māori cultural landscapes as the development of Tāmaki Makaurau continues.

These objectives help address issues articulated within iwi planning documents such as:

‘The term “heritage landscapes” relates to the importance of understanding sites, features and places and their protection and management in cultural, physical and historical context. Hauraki Whānui see each site and feature as part of a dynamic settlement where the old people lived, fished, gathered harakeke, conducted religious instructions and where they fought and died.

Current decision making processes do not fully appreciate the importance of landscape context to the protection and management of wāhi tapu and cultural heritage sites. Places valued by Hauraki Whānui for their natural resources, such as mahinga kai, rongoa, places to collect materials for weaving and waka building fall within the definition of cultural heritage sites. So do ecosystems and habitats that support or formerly supported important mahinga kai and mātaitai areas form part of our cultural heritage. These heritage landscapes, features, places and sites have suffered irreparable loss and continue to be destroyed or modified through land use and development today.’
 - *Whaia te Mahere Taiao a Hauraki - Hauraki Iwi Environmental Plan*, (Hauraki Maori Trust Board, March 2004)

These objectives help achieve outcomes articulated in Iwi Planning Documents such as:

‘The identification, enhancement, protection and maintenance of the Māori cultural landscapes throughout Tāmaki Makarau.’
 - *Ngāti Whātua Ōrakei Iwi Management Plan* (Ngāti Whātua Ōrakei Māori Trust Board, 2012)

‘Tangata Whenua are given primacy in deciding what constitutes a waahi tapu site. Archaeologists from outside the iwi should take a subordinate or supporting role.’
 - *Ngati Paoa Resource Management Plan*, (Ngati Paoa, 1996)

‘Tāngata Whenua are the kaitiaki of wāhi tapu, both tangible and intangible, within their rohe’
 - *Te Iwi o Ngatiwai Iwi Environmental Policy Document*, (Ngati Wai Trust Board, 2007)

‘Development of a comprehensive "data base and inventory" of Ngai Tai ki Tamaki heritage sites {sites of significance}, taonga..’
 - *Ngai Tai ki Tamaki Management & Development Plan Stage One*

‘Acknowledgement of the relationship and association with Te Uri o Hau and their wāhi tapu, wāhi taonga, and archaeological sites within the statutory area of Te Uri o Hau is accurately recognised and provided for.’
 - *Te Uri o Hau Kaitiakitanga o te Taiao Hapū Environmental Management Plan* (Te Uri o Hau, Environs HoldingsTrust, 2011)

Part 2 RMA

These objectives give effect to ss. 5, 6(e) and (f), 7(a) and (g) and 8 of the Resource Management Act. Specifically, the objectives:

- provide for the social and cultural well-being of Mana Whenua. Intangible values are part of matauranga Maori and are an important aspect of social and cultural wellbeing considerations in section 5 RMA;
- acknowledge that Mana Whenua cultural heritage is finite in nature (s7(g)) and in following the direction of s6(f), provides protection as a matter of national importance;
- afford protection to both sites and places of significance to Mana Whenua and sites and places of Māori origin that where values exist. This is consistent with the RMA which does not differentiate or afford a lesser level of protection to different types of Mana Whenua cultural heritage;
- recognise and provide for the special relationship of Mana Whenua and their culture and traditions associated with their cultural heritage (ancestral lands, water, sites of significance, waahi tapu and other taonga) (s6(e) and s8);
- better provide for rangatiratanga, enable Mana Whenua to fulfil their role as kaitiaki inherited through whakapapa and enable active protection (s7(a) and s8).

These objectives align with council's role in heritage protection under the RMA.

NZCPS

These objectives are consistent with the NZCPS. Specifically, the objectives:

- provide for the role of Mana Whenua as kaitiaki (NZCPS Objective 3);
- apply a holistic and integrated values approach to managing Mana Whenua cultural heritage and recognise the importance of the intangible Maori values associated with their Mana Whenua cultural heritage which are often misunderstood or disregarded;
- place a greater emphasis on the relationship of Mana Whenua with their lands by:
 - recognising the ongoing and enduring relationship of Mana Whenua with their cultural heritage, irrespective of who has legal title over the land;
 - promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act over their cultural heritage
- employ a collaborative approach with Mana Whenua, working in accordance with tikanga to identify, assess, protect and manage Māori cultural landscapes and sites and places of significance to Mana Whenua;
- provide for the identification, assessment, protection and management of areas or sites of significance or special value to Mana Whenua;
- acknowledge that Mana Whenua are best placed to determine how their heritage is valued and protected.

These objectives were prepared in collaboration with Mana Whenua. In particular, Mana Whenua seek to enhance their relationship with their cultural heritage, to enhance the tangible and intangible values associated with their cultural heritage, especially the unscheduled sites and places and seek greater recognition and consideration of the values associated with Māori cultural landscapes and reflection of these values in the built environment.

Fit for purpose

Without these objectives, the long standing issues continually articulated by Mana Whenua to legacy councils and within their iwi planning documents will remain unresolved. Mana Whenua cultural heritage will continue to be measured by irrelevant criteria applicable to other heritage resources and based on other value systems. Protection will be dependant on people who are not Mana Whenua and who do not have the kaitiaki responsibilities that are inherited through whakapapa. Protection of other heritage resources will maintain priority over Mana Whenua cultural heritage. Mana Whenua cultural heritage will remain in a degraded state, impacting on the relationship with Mana Whenua, council's obligations

under the Treaty and on the likelihood of international recognition (World Heritage Status) of Auckland's heritage resources. Planning will continue to respond to Mana Whenua cultural heritage based on sites and cadastral boundaries ignoring the important Māori cultural landscape context and the history underlying present day development.

Usefulness

These objectives will guide decision making by ensuring that:

- The values Mana Whenua attribute to their cultural heritage are first identified and acknowledged, as protection or enhancement is not possible without first understanding what is to be protected or enhanced;
- Protection and enhancement are the priority and accepting the option to maintain a degraded site is not appropriate.
- Full consideration is given to Mana Whenua values within resource management processes for activities that may have an adverse impact on the identification, protection and enhancement of Mana Whenua cultural heritage
- Protection of Mana Whenua cultural heritage relies equally on tangible and intangible values, with less emphasis afforded to visual characteristic.
- Mana Whenua are actively involved in all parts of the resource management process. This includes the identification, protection and enhancement of their Mana Whenua cultural heritage.
- Resource management processes incorporate matauranga and tikanga
- Mana whenua values, customs and practices associated with an area and its use, inform and are afforded sufficient weight in decision making. These values, customs and traditions will be articulated in cultural impact assessments and within iwi planning documents available to resource consenting officers and the public. The extent to which planning applications have addressed the provisions in the Unitary Plan guide decision makers as to the sufficiency of the application.
- Genuine consideration of alternatives occurs in the early stages of planning a development.
- Mana Whenua are enabled to be kaitiaki.

These objectives are a new approach for resource management planning in Auckland and will add value by:

- Improving the knowledge of Mana Whenua cultural heritage held by those with responsibilities under the RMA, the wider and resource users.
- Improving the quality of decisions made under the RMA, particularly the decisions that impact finite resources such as heritage.
- Aligning with international best practice regarding the protection of intangible values and indigenous heritage protection.
- Highlighting the importance of both intangible and tangible values associated with Mana Whenua cultural heritage and the necessity to identify those values to guide protection and enhancement;
- Introducing a new standard that is enhancing Mana Whenua cultural heritage as opposed to just maintaining Mana Whenua cultural heritage.
- Enhancing the relationship of Mana Whenua with their cultural heritage
- Recognising Māori cultural landscapes and the context that they provide individual sites and places of significance to Mana Whenua;
- Considering Māori cultural landscapes in resource management planning which will provide longer term environmental benefits
- Educating the community about underlying history of Auckland
- Highlighting the national and international significance of the region's heritage resources
- Incorporating mātauranga and tikanga in resource management processes and decision-making. This is a new approach for resource management planning within

- Improving the delivery of council's role in heritage protection through ensuring the people with the knowledge of the heritage resource, being Mana Whenua, are influential in outcomes affecting Mana Whenua cultural heritage;
- Supporting applicants and land owners to protect and enhance heritage resources in the most appropriate manner without putting them at risk. Tikanga directs the appropriate protocols around Mana Whenua cultural heritage to avoid risks to the cultural heritage and to avoid spiritual risk to the person who undertakes an inappropriate activity.

These objectives complement all other objectives and policies relating to Partnerships and Participation and Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland's natural and physical environment. This objective complements RPS level objectives and policies relating to historic heritage, special character, and natural heritage.

Achievability

Council has the ability to achieve these objectives through:

- the development of the Unitary Plan;
- subsequent plan changes that identify additional sites and places of significance or value to Mana Whenua for protection and Māori cultural landscapes. In particular, the criteria supporting the scheduling of sites and places of significance to Mana Whenua are based on Mana Whenua tangible and intangible values rather than other criteria. This will be concentrated within a 10 year period though heritage protection is an on-going responsibility. ;
- exercising its power as a consenting authority to grant or refuse resource consent applications and plan changes. Specifically, these objectives can be achieved through standard resource consenting assessments and requests for rezoning as well as the designation and outline plan of works processes. It is also achievable through Unitary Plan methods such as the design statements which require consideration of the context of an application;
- proactive consideration of Mana Whenua values on council owned land containing Mana Whenua cultural heritage and public open space;
- using the same approaches applied for the management of other resources which are 'standard practice' and are required for the proper consideration of effects of an application.

Success

Success will be known via the following indicators:

- Lodged consents with thorough engagement processes as part of pre application preparation.
- Number of iwi planning documents developed within Auckland and actively used.
- Practice and customs utilised to achieve kaitiakitanga and as mitigation of adverse effects
- Mana Whenua feel empowered in their role as kaitiaki and supported, rather than hindered by RMA processes
- Number of sites and places of significance or of value to Mana Whenua that are identified through future plan changes
- Full time equivalents employed by iwi/hapu for resource management
- Decreased submissions on private consent applications and plan changes
- Auckland Council to establish a Joint Management Committee and Joint Management Agreements with Mana Whenua over areas of significance (Maori Plan)

Reasonableness

The objectives are necessary to achieve sustainable management of Mana Whenua cultural heritage in Auckland and to meet council's obligations under the Treaty, RMA and the NZCPS. There is a fundamental need for these objectives considering the context of anticipated intensification and development that will be occurring in Auckland in the near future. These objectives are consistent with case law cited in The Māori Values Supplement acknowledging that taonga includes intangible matters:

[41]...I agree with the Full Court in Bleakley that taonga embraces the metaphysical and intangible (e.g. beliefs or legends) as much as it does the physical and tangible (eg a treasured carving or mere)....

[46] The two concepts seem to me to be inextricably bound up.' (MfE, 2010, p.291)

Strengths / weaknesses of legacy provisions

Some of the legacy regional and district level provisions featured strengths that have helped form the basis of this approach. These include:

- Recognition of Mana Whenua values;
- Identification, evaluations and protection of Mana Whenua cultural heritage;
- Protection of unscheduled Mana Whenua cultural heritage.

2.1.1. RPS Policies

Policies 1 and 5 direct council to the develop methodologies with each iwi to identify, research and assess Mana Whenua cultural heritage that will be protected including Māori cultural landscapes.

Policies 2, 3 and 8 base the protection of sites and places of significance or value to Mana Whenua on Mana Whenua values.. Such as mauri, waahi tapu, korero tuturu, rawa tuturu, hiahiatanga tuturu, whakaaronui o te wa.

Policy 4 identifies what plan users need to do to ensure that subdivision, use and development protects Mana Whenua cultural heritage. It enables proactive consideration at the conceptual stages of a development. It guides council in the assessment and decision making of an application.

Policy 6 identifies an opportunity to reflect the context provided by Māori cultural landscapes in public open space.

Policy 7 manages the impact on unidentified archaeology of Māori origin that are uncovered during subdivision, use and development by requiring the use of appropriate protocols, following mātauranga and tikanga Māori and avoiding adverse effects.

Policy 9 acknowledges that the relationship of Mana Whenua with their cultural heritage can apply at an iwi scale or more narrowly, to the whanau.

Policies 10 and 11 require a cultural impact assessment for situations such as resource consent applications where the locations of Mana Whenua cultural heritage have been confirmed and where existing information indicates a high likelihood of their disturbance by subdivision, use or development and the discovery of archaeology of Maori origin.

Policies 12 and 13 encourage best practice for high risk activities in areas where limited or no research to assess Mana Whenua cultural heritage in the area has occurred and areas of known for the historic settlement and occupation patterns of the tupuna of Mana Whenua. Policy 12 also capitalises on the opportunities provided by structure planning to undertake Māori cultural landscape assessments, with Mana Whenua to identify and reflect Mana

Whenua values associated with the landscape and identify unscheduled sites and places of significance to Mana Whenua that are suitable for scheduling as part of a future plan change.

Effectiveness

These policies;

- enable a proactive and bicultural approach to the protection of Mana Whenua cultural heritage
- directly address the historic lack of adequate investment by councils in the past to identify Mana Whenua cultural heritage for scheduling. Legacy councils have identified the intention for this work but have not delivered.
- outline processes for achieving Mana Whenua aspirations by ensuring Mana Whenua involvement occurs at the right stages and by using values appropriate to the heritage they are protecting
- can be given effect through resource consent application, designation, structure planning and plan change processes and through methods such as design statements
- provide clarity on how the intended outcomes are to be achieved for plan users
- supports applicants prepare appropriate planning applications and resource consenting officers understand what a complete or incomplete application
- clarifies that Mana Whenua are the holders of the knowledge for their cultural heritage
- will improve the quality of the applications that are submitted for lodgement in that they will need to have genuinely considered alternatives and will be properly informed.

Efficiency

These policies align with:

- the national statutory frameworks for heritage protection;
- regional strategic frameworks for Auckland identified in the Auckland Plan and the Māori Plan of Tamaki Makaurau;
- outcomes identified in iwi planning documents;
- policies in the NZCPS.

2.1.2. Rules and other methods

This approach involves rules specifically developed for the protection of Mana Whenua cultural heritage and rules that address Mana Whenua values which complement specific provisions for Mana Whenua cultural heritage.

- Sites and Places of Significance to Mana Whenua overlay includes rules protecting the tangible and intangible values associated with the sites and places.
- Sites and Places of Value to Mana Whenua overlay includes rules protecting sites and places of Māori origin (where the locations have been confirmed) from physical modification by earthworks.
- Assessment criteria for subdivision, use and development that may affect sites and places of significance or value to Mana Whenua.
- Specific rules for Māori cultural landscapes are limited to assessment criteria within regional provisions which require consideration of the context of the Māori Cultural Landscape when assessing resource consent applications. As outlined in policy 5, further work is required to determine the most appropriate mechanism within the Unitary Plan for recognising, enhancing and protecting Mana Whenua values and association with their cultural landscapes. This work will be delivered within a future plan change.
- General Provisions:

- require cultural impact assessments for applications affecting Mana Whenua values. These provisions outline the type of information that should be provided within a cultural impact assessment, who should be preparing the cultural impact assessment and the type of engagement that should inform a cultural impact assessment. A well prepared cultural impact assessment achieves more than identifying effects at the time of application and can assist in an ongoing process and relationship between Mana Whenua and the applicant. The general provisions outline expectations for cultural impact assessments to address the lack of consistency in or acceptance of what a cultural impact assessment is and the competencies needed to prepare one.
- outline protocols for the unexpected discovery of archaeology of Māori origin. Matauranga and tikanga are ingrained within these protocols and are based on the premise that appropriate engagement with Mana Whenua will generally result in positive outcomes for all parties.
- Matters for control, matters for discretion and assessment criteria throughout the regional provisions of the Unitary Plan require consideration of Mana Whenua values when assessing resource consent applications. Tools such as Council's GIS identifies archaeology of Māori origin where the locations have been confirmed and will support applicants and planners in determining situations where Mana Whenua values need to be considered.

The delivery of the approach will be supported by the following methods:

Other Regulatory Methods

- Mana Whenua cultural heritage plan change to:
 - identify Māori cultural landscapes and the most appropriate mechanism for protecting the values associated with the landscapes;
 - identify additional sites and places for scheduling.
- Memoranda of understanding between council, Mana Whenua and heritage protection agencies on processes for identifying and protecting Mana Whenua cultural heritage.

Non-Statutory layers, plans and strategies

- Iwi planning documents to guide the development, assessment and decision making processes for planning applications.
- Information Management Protocols outlining how best to care for sensitive information.
- Road Naming Guidelines to reflect the Mana Whenua cultural heritage values and associations with particular areas;
- Open Space Strategy to protect Mana Whenua cultural heritage that is present in Auckland's open space areas and to reflect the Mana Whenua cultural heritage values and associations with particular areas.
- Open Space Acquisition Policy to guide the proactive protection of Mana Whenua cultural heritage that is present in land blocks available for purchase.
- Property Disposal and Acquisition Policy to provide Mana Whenua the opportunity to be part of negotiations for the purchase or sale of surplus land containing Mana Whenua cultural heritage.
- Auckland Design Manual, including Te Aranga Design Principles and principles of Māori cultural landscapes
- Toolkits guiding the preparation of a cultural impact assessment
- Toolkits guiding early, effective and meaningful engagement with Mana Whenua
- Toolkits to assisting the understanding Mana Whenua interests and values
- Resource Management Hearings Commissioner training for Mana Whenua

- Preparation of expert advice training for Mana Whenua
- Toolkits guiding the implementation of mātauranga Māori
- Encourage and promote new technologies that implement mātauranga Māori

Monitoring and information gathering

- Identifying archaeological sites of Māori origin.
- Development and continual update of methods for the identification and protection of Mana Whenua cultural heritage and the values associated with cultural landscapes
- Partnerships with Mana Whenua to identify and protect Mana Whenua cultural heritage, including through a future plan change
- Ongoing work to identify and map the Mana Whenua values associated with cultural landscapes using GIS tools.
- Partnerships with Mana Whenua to develop and update performance measures and state of the environment reporting based on mātauranga Māori
- Monitoring of consented planning applications by Mana Whenua kaitiaki.
- Making information on Mana Whenua values and interests available using council's GIS

Funding and assistance

- Funding for further investigation and scheduling of Mana Whenua cultural heritage, including funding of specialist input from Mana Whenua.
- Funding for a plan change to schedule additional Mana Whenua cultural heritage
- Heritage acquisition fund

2.1.3. Costs and Benefits of Proposed Policies and Rules

Costs

Environmental cost

- None

Economic cost

- Cost to council to fund the identification, research and mapping work required by Mana Whenua and council officers to identify sites and places of significance to Mana Whenua suitable for scheduling.
- Cost to council to fund the plan changes to incorporate additional sites and places of significance and value to Mana Whenua and Māori cultural landscapes
- Cost to council to up-skill council officers in regulatory departments on Mana Whenua values, appropriate recognition under the RMA and reviewing cultural impact assessments
- Cost to land owners who are affected by the rules requiring resource consent for modification and change of use within the vicinity of sites and places of significance or value to Mana Whenua – this only applies to some parts of the region
- Cost to Mana Whenua to participate in resource management processes – much of the 'actual' cost of Mana Whenua involvement is carried by Mana Whenua

Social cost

- None

Cultural cost

- Mana Whenua sharing culturally important information for the purposes of protecting their cultural heritage.
- Risk of interference to the sites and places once the locations and values are identified

- Limited protection for the unscheduled sites and places of significance to Mana Whenua due to permitted activity thresholds, particularly in the high risk areas

Opportunity cost for economic growth

- Identification of Mana Whenua cultural heritage in areas which may limit development potential.

Opportunity cost for employment

- Lesser development opportunities in some areas may result in lower employment opportunities in those areas

Benefits

Environmental benefit

- Improvements in the built environment respecting and reflecting the Mana Whenua values associated with their cultural heritage
- More considered development in areas where there is a high presence of sites and places of significance to Mana Whenua such as the coastal and freshwater environments
- Improved environmental outcomes - a bicultural approach using indigenous knowledge improves the quality of environmental outcomes. Enables plan users to develop, assess or make determinations on planning applications from better informed positions.
- Increased participation of Mana Whenua in resource management processes
- Provides a more complete regime to protecting Mana Whenua cultural heritage beyond only scheduling. Some unscheduled sites and places will have greater value to Mana Whenua than those scheduled. Therefore, the scheduling regime is a partial answer to protecting Mana Whenua cultural heritage, and it is important that there are robust processes to ensure that the values associated with sites and places that are not scheduled are appropriately protected.
- Knowledge of where sites and places of significance to Mana Whenua exist helps reduce the risk of damage, enables development that properly reflects the values associated with the context of an area, informs land owners and applicants of the characteristics of their site, and helps to avoid major time and cost implications to applicants when development is halted by accidental discovery.

Economic benefit

- Commercial development that is based on the heritage values of Auckland
- Reduced delays to planning applications where Mana Whenua values may not have otherwise been considered in the preparation of an application.
- Mātauranga Māori uses methods that are more cost effective in the long term.

Social benefit

- Passive education opportunities for residents and visitors to Auckland to improve their knowledge of Auckland's history and the role of Mana Whenua in the development of Auckland. This is mutually beneficial for Mana Whenua and the wider community.
- Enhanced Māori well-being through improved protection of their cultural heritage.
- Provides opportunities to further develop and improve the relationship between Mana Whenua, council and landowners.

Cultural benefit

- Stronger partnerships between council and Mana Whenua through the use of a bi-cultural approach to protection of Mana Whenua cultural heritage
- Contribution to Auckland's 'point of difference' through increasing visibility of Māori, specifically Mana Whenua, identity

- Strengthened Mana Whenua identity and associated well-being;
- Enhancement of rangatiratanga of iwi and hapu;
- Enhancement of the relationship of Mana Whenua with their taonga;
- Enhancement of Mana Whenua in their role as kaitiaki and their ability to fulfil their responsibilities to their tupuna inherited through whakapapa;
- Proactive protection for Mana Whenua cultural heritage that is in accordance with Mana Whenua values;
- Recognition of the context and relationships within which the sites and places of significance or value to Mana Whenua exist.
- Recognition of values and associations that other iwi and the wider Māori community has with the cultural landscape such as the waka portages where many of the main iwi waka travelled on their way to other regions
- Retention of traditional skills and knowledge.

2.1.4. Adequacy of Information and Risk of Not Acting

Complete information is not available about Mana Whenua cultural heritage due to the limited investment in this area. However, the information that is available is sufficient to base the proposed policies and methods and is supported by international best practice, national statutory frameworks and regional strategic direction.

Significant further investment is required to develop the knowledge base of Mana Whenua cultural heritage. Legacy councils have previously committed to further investment and support for plan changes to identify sites and places for scheduling and have not delivered on these commitments.

Mana Whenua cite numerous examples of avoidable loss and degradation to their cultural heritage.

The following are risks associated with not acting:

- Subdivision, development and use continues to result in the loss and degradation of Mana Whenua cultural heritage which is a finite resource of utmost importance to Mana Whenua. This is particularly important given projects such as the RUB and the increase in housing intensification that is expected within Special Housing Areas.
- Council's relationship with individual iwi and hapū will deteriorate because of a continuation to not deliver on commitments to Mana Whenua cultural heritage projects.
- The continuation of an emphasis on other heritage values such as buildings, as greater investment and protection is afforded to these resources, as reflected in state of the environment reporting on heritage.
- Mana Whenua cultural heritage is not protected in the most appropriate manner. Mana Whenua are the experts in their cultural heritage and therefore are best placed to provide direction.
- The ability of Mana Whenua to fulfil their inherited role as kaitiaki is hindered. Kaitiaki responsibilities apply to Mana Whenua irrespective of whether or not they maintain ownership of the land title where their cultural heritage is located. Failure to adequately carry out the kaitiakitanga roles adequately frequently impacts the well-being of Mana Whenua.
- The built environment continues to respond poorly to the underlying history of Mana Whenua in Auckland upon which many contemporary centres within Auckland are based.

2.2. Objective 4 and 5 of the RPS - Addressing issues of significance to Mana Whenua section

The following objectives in the RPS – Section 5.4 Protection of Mana Whenua Culture and Heritage are proposed:-

Objective 4

The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.

Objective 5

Mana Whenua cultural heritage and related sensitive information and management approaches are respected.

Relevance

These objectives are relevant because they address most of the regionally significant issues expressed by Mana Whenua regarding their cultural heritage issues. In particular:

- Appropriate knowledge management protocols are required prior to developing the knowledge base of sites and places of significance to Mana Whenua and before specific site identification.
- The limited knowledge associated with Mana Whenua Cultural Heritage. Council needs a strong Mana Whenua Cultural Heritage knowledge base in order to meet its minimum statutory requirements, and it is understood it is something that will take time to develop and grow.
- Inconsistent research, investment and ultimately provision for Mana Whenua cultural heritage across legacy district plan areas. Priority afforded to other types of heritage.

These objectives help address issues articulated within iwi planning documents such as:

'Under no circumstances can our history, culture, traditions or heritage sites be used for any purpose without the written permission of the Trust'.

- *Te Kawerau a Maki Resource Management Statement, 1995*

There are over four thousand of sites and places of Māori origin where the locations have been confirmed, that have been identified as being of value to Mana Whenua. There are over four thousand more where additional work is required to confirm the locations and values associated with these sites and places. There are also many areas within Auckland where the Mana Whenua heritage values have not been assessed and where there is a high likelihood of Mana Whenua cultural heritage being uncovered or affected.

Part 2 and s42 RMA

In recognising that Mana Whenua knowledge is a taonga in itself and warrants respect and care, these objectives give effect to Part 2 and s42 of the Resource Management Act.

Specifically, the objectives:

- provide for the social and cultural well-being of Mana Whenua. Respecting matauranga Maori and the knowledge surrounding Mana Whenua cultural heritage are an important aspect of social and cultural wellbeing considerations in section 5 RMA;
- recognise that knowledge, being a taonga in itself, is a matter of national importance;
- recognise and provide for the special relationship of Mana Whenua and their culture and traditions associated with their cultural heritage (ancestral lands, water, sites of significance, waahi tapu and other taonga (s6(e) and s8). This is achieved by better enabling the protection of Mana Whenua cultural heritage through developing the knowledge base;
- seek to avoid conflict when public processes and the need to protect culturally sensitive information meet.

NZCPS

These objectives are consistent with the NZCPS. Specifically, the objectives:

- promote meaningful relationships and interactions between Mana Whenua and persons exercising functions and powers under the Act over their cultural heritage;
- support and encourage the role of Mana Whenua as kaitiaki by improving the knowledge base of their cultural heritage and way this knowledge is managed;
- employ a collaborative approach with Mana Whenua, working in accordance with tikanga to identify, assess, protect and manage Māori cultural landscapes and sites and places of significance to Mana Whenua – this essentially builds the knowledge base;
- acknowledge that Mana Whenua are best placed to determine how their heritage is valued and protected.

These objectives were prepared in collaboration with Mana Whenua. In particular, Mana Whenua seek to ensure their knowledge and intellectual property is respected and used for the purposes of protecting their cultural heritage. It is important that their knowledge is not used for purposes without their express permission and is not used in attempts to diminish the basis of that knowledge by other value systems.

Fit for purpose

These objectives provide the basis for a strong partnership between council and Mana Whenua. Without these objectives, the long standing issues continually articulated by Mana Whenua to legacy councils and within their iwi planning documents will remain unresolved. Mana Whenua will be reluctant to share their knowledge which is necessary for the appropriate protection of their cultural heritage. Plan users will continue to plan for development, assess development and make poorly informed decisions without the complete picture of the receiving environment.

Protection of other heritage resources will maintain priority over Mana Whenua cultural heritage. Mana Whenua cultural heritage will remain in a degraded state, impacting on the well-being of Mana Whenua, the relationship with Mana Whenua, council's obligations under the Treaty and on the likelihood of international recognition (World Heritage Status) of Auckland's heritage resources.

Usefulness

These objectives will guide decision making by ensuring that:

- The values Mana Whenua attribute to their cultural heritage are first identified and acknowledged, as protection or enhancement is not possible without first understanding what is to be protected or enhanced;
- The appropriate level of priority is afforded to Mana Whenua cultural history;
- Plan users and decision makers have the level of information needed to make informed decisions. This is particularly useful in areas identified for intensification where little or no research has been undertaken to identify Mana Whenua cultural heritage values;
- Plan users and decision makers have the opportunity to upskill and improve their understanding of Mana Whenua values;
- Information appropriate for public distribution is made available to plan users and the general public about the history of Auckland;
- Resource management processes incorporate matauranga and tikanga
- Mana whenua values, customs and practices associated with an area and its use, inform and are afforded sufficient weight in decision making. These values, customs and traditions will be articulated in cultural impact assessments and within iwi planning documents available to resource consenting officers and the public. The extent to which planning applications have addressed the provisions in the Unitary Plan guide decision makers as to the sufficiency of the application.

These objectives are a new approach for resource management planning in Auckland and will add value by:

- Improving the knowledge of Mana Whenua cultural heritage held by those with responsibilities under the RMA and of the general public;
- Improving the quality of decisions made under the RMA, particularly the decisions that impact finite resources such as heritage.
- Aligning with international best practice regarding protection of indigenous knowledge and heritage protection;
- Improving opportunities for successful outcomes and avoiding situations that can cause serious offence, particularly when it comes to the distribution of sensitive information.
- Educating the community about underlying history of Auckland
- Highlighting the national and international significance of the region's heritage resources
- Incorporating mātauranga and tikanga in resource management processes and decision-making. This is a new approach for resource management planning within Auckland. Improved environmental outcomes are anticipated from the increased acknowledgment and use of mātauranga and tikanga in resource management;
- Improving the delivery of heritage protection in Auckland by Mana Whenua, council and heritage agencies.

These objectives complement all other objectives and policies relating to Partnerships and Participation and Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland's natural and physical environment. This objective complements RPS level objectives and policies relating to Historic Heritage.

Achievability

Council has the ability to achieve these objectives through:

- the development of the Unitary Plan;
- subsequent plan changes and structure planning work that identify additional sites and places of significance or value to Mana Whenua for protection and Māori cultural landscapes. The main body of work for these plan changes will occur over 10 years with on-going work required as part of heritage protection;
- reviews of cultural impact assessments that include sensitive information;
- working with Mana Whenua and heritage protection agencies to develop appropriate knowledge management protocols including collation and storage of Mana Whenua knowledge. Council has existing knowledge management protocols established with heritage protection agencies and is in the process of improving these in alignment with new protocols to be determined and established with Mana Whenua ;
- supporting iwi/hapu in the development of iwi planning documents.

Reasonableness

Council needs a sufficient base of information to enable appropriate protection of Mana Whenua cultural heritage and to give effect to its obligations under Part 2 and s42 of the RMA, the NZCPS and the Treaty of Waitangi. Council already contributes to the gathering of other historic heritage knowledge. Mana Whenua cultural heritage has not received the same level of support or investment to build a sufficient knowledge base. It is considered necessary for the knowledge base of Mana Whenua cultural heritage to be developed and utilised.

Council and the wider public will benefit greatly in committing to developing knowledge management and associated use protocols of Mana Whenua cultural heritage, in a similar way to the current arrangements with the New Zealand Archaeological Association regarding the use of archaeological information and many other information suppliers.

The principles of using the intellectual property of others are commonly understood. It is not unreasonable to ensure these principles and legal obligations are followed in respect of Mana Whenua cultural heritage and matauranga.

Success

Success will be known via the following indicators:

- Mana Whenua feel empowered in their role as kaitiaki;
- Mana Whenua feel they are able to act proactively rather than reactively;
- Plan users feel informed and supported in developing planning applications or assessing planning applications that achieve sustainable outcomes.
- Number of sites and places of significance or of value to Mana Whenua that are identified through future plan changes
- The timeframe within which Mana Whenua cultural impact assessments can be prepared
- Mana Whenua willingness to participate in resource management processes
- Number of iwi planning documents that are developed.

Strengths / weaknesses of legacy provisions

A weakness in the legacy regional and district level provisions was the failure to recognise and improve upon the limited knowledge base supporting Mana Whenua cultural heritage. There was also no recognition of the need for appropriate knowledge management protocols.

2.2.1 Policies

- Policies 1,5,11 and 12 have been discussed earlier. These policies identify opportunities for the development of the knowledge base for Mana Whenua cultural heritage.
- Policy 14 signals to users of the plan that that some information surrounding the values and associations of Mana Whenua to their cultural heritage may be sensitive and put a site or place at risk of destruction or degradation, meaning it may not be appropriate to make it public. This respects the nature of the information that may be shared, where information is sensitive and improves the relationship between Mana Whenua and council. It recognises responsibility of Mana Whenua, as kaitiaki and holders of place-based knowledge, to share and tell the stories of their place, in a manner that is appropriate to them.
- Policies 15 supports these objectives by requiring the development of the knowledge base and methods, systems and protocols for recording, managing and protecting information relating to Mana Whenua cultural heritage.
- Policy 16 supports these objectives by respecting the oral traditions of Mana Whenua and the preferred forms of communicating which may differ between Mana Whenua groups.

Effectiveness

These policies enable a proactive and bicultural approach to the protection of Mana Whenua cultural heritage. Effective protection is not possible without first understanding what needs to be protected. These policies enable council to be effective in its role in heritage protection. These policies directly address the historic lack of adequate investment in Mana Whenua cultural heritage resources by councils in the past. Legacy councils have identified the intention for this work but have not delivered. These policies identify opportunities that are specifically for research to identify and protect Mana Whenua cultural heritage resources and opportunities which align with other resource management purposes. These policies can be given effect through resource consent application, designation, structure planning and plan change processes and through methods such as design statements.

Efficiency

These policies are efficient because they are likely to reduce delays to planning applications where Mana Whenua values may not have otherwise been considered in the preparation of an application. They support improved efficiencies between council, Mana Whenua and other heritage agencies in collating and managing the knowledge provided by Mana Whenua and obtained from Mana Whenua cultural heritage.

These policies align with:

- the national statutory frameworks for heritage protection;
- regional strategic frameworks for Auckland identified in the Auckland Plan and the Māori Plan of Tamaki Makaurau;
- outcomes identified in iwi planning documents.

2.2.2 Rules

Specific provisions contained within the General Provisions outline when a cultural impact assessment is provided for resource consent applications affecting Mana Whenua values. Cultural impact assessments can be collected as a repository of information that will support further values work such as the plan changes to identify additional sites and places of significance or value to Mana Whenua for scheduling and the plan change for Māori cultural landscapes. The provisions also require the CIA to signal when sensitive information is provided and the protocols appropriate for the use of the information.

There are no other specific rules for these provisions. The delivery of these provisions will be supported by the regulatory and non regulatory methods addressed earlier in section 2.1.2.

2.2.3 Costs and benefits of proposed policies and rules

Costs

Environmental cost

- None

Economic cost

- Cost to council to work with Mana Whenua and other heritage agencies to develop appropriate methods for recording, collating, managing and sharing information;
- Cost to council to develop the tools and processes for recording, collating, managing and sharing information;
- Cost to council to develop and maintain tools for sharing information that is appropriate for public viewing

Social cost

- Public may not understand the reasons for protecting culturally sensitive information

Cultural cost

- Mana Whenua sharing culturally important sensitive information for the purposes of protecting their cultural heritage.

Benefits

As identified in section 2.1.3 above and the following:

Environmental benefit

- Improved levels and quality of information supported by appropriate protocols are likely to encourage greater participation of Mana Whenua in resource management process,

Economic benefit

- Applicants will have access to more information. The proactive use of this information combined with early, effective and meaningful engagement with Mana Whenua will help minimise risk and delays to their projects.

Social benefit

- Recognition of historic settlement patterns of Mana Whenua and the influence these settlement patterns had on the development of Auckland.
- Reduction in negative perceptions Mana Whenua aspirations for the protection of their cultural heritage.

Cultural benefit

- Lower likelihood of causing offence to Mana Whenua through improper management of information regarding their cultural heritage;
- Building the capacity of Mana Whenua to be effective in their role as kaitiaki.

2.2.4 Adequacy of Information and Risk of Not Acting

As discussed in section 2.1.4 above, complete information is not available about Mana Whenua cultural heritage due to the limited investment in this area. Significant further investment is required to develop the knowledge base of Mana Whenua cultural heritage. Legacy councils have previously committed to further investment and support for plan changes to identify sites and places for scheduling and have not delivered on these commitments. The amount of information that council holds on Mana Whenua cultural heritage is minimal in comparison to the information held about other heritage resources.

Many Mana Whenua groups have experienced misuse or mismanagement of the knowledge and information that they have shared with various agencies. These experiences have been discouraged some groups from sharing their knowledge and information, which in itself is a taonga, about their cultural heritage. It is important to remedy the current situation to avoid the errors of the past and to encourage and support greater participation by Mana Whenua in resource management processes and in the protection of their cultural heritage.

The risks of not acting are that Mana Whenua do not feel safe in sharing their knowledge about their cultural heritage and that available information is misused or mismanaged. Also, subdivision, development and use continues to result in the avoidable loss and degradation of Mana Whenua cultural heritage which is a finite resource of utmost importance to Mana Whenua.

3. Alternatives

The proposed preferred alternative is discussed in 2.0 above. The status quo alternative is outlined in 1.5 above. The alternatives are:

1. Status quo:

Varying approaches to the protection of scheduled and unscheduled sites and places of significance to Mana Whenua.

No recognition, protection or enhancement of the values associated with Māori cultural landscapes.

No requirement for knowledge management protocols or the protection of sensitive information.

2. Preferred: Alternative 1

The following elements form Alternative 1:

A. Basis of protection

- Protection of Mana Whenua cultural heritage based on Mana Whenua values consistently applied across Auckland at RPS level.

B. Māori Cultural Landscapes

- Protection of the values associated with Māori cultural landscapes at RPS level.
- Integration of consideration of Māori cultural landscapes in policy and assessment criteria

C. Scheduled sites and places of significance to Mana Whenua

- Robust methodology for scheduling based on Mana Whenua values
- Protection for scheduled sites and places of significance to Mana Whenua using the Sites and Places of Significance to Mana Whenua overlay which is a statutory overlay

D. Sites and places of value to Mana Whenua

- Sites and places of Māori origin where the locations have been confirmed, are identified in a statutory overlay. These are sites and places where the presence of Mana Whenua cultural heritage has been confirmed, the type of heritage is known and where Mana Whenua values exist. These values need to be recognised and provided for, but the significance of those values has not yet been assessed in detail.
- A lesser level of protection is afforded to sites and places of value to Mana Whenua that are identified in a statutory overlay in comparison to the protection offered by the Sites and Places of Significance to Mana Whenua overlay.
- The Sites and Places of Value to Mana Whenua overlay requires resource consent (Restricted Discretionary) for earthworks within 50m of a site or places with exceptions provided for minor activities.

E. Commitment to a future plan change

- Future Plan Change to incorporate additional sites and places to be scheduled and Māori cultural landscapes.

F. Consideration of Mana Whenua values

- Cultural impact assessments will be required for resource consent applications (required for another matter) affecting Mana Whenua values including sites and places where the locations have been confirmed, that are not included in a statutory layer;
- Policies and assessment criteria are included in regional provisions requiring consideration of Mana Whenua values

G. Accidental Discovery Protocols

- Accidental discovery protocols support unknown sites which are unexpectedly discovered.
- Accidental discovery protocols are included as permitted activity standards for all district and regional activities. Resource Consent is required where the accidental discovery protocol is not followed. The focus is on Mana Whenua engagement and recognition of tikanga / Mana Whenua values.

This approach was developed in response to key issues raised in feedback on the March Draft of the Unitary Plan relating to the provisions for unscheduled sites and places of significance to Mana Whenua and the Māori Cultural Heritage Alert Layer. Key issues included the need to protect Mana Whenua cultural heritage beyond the sites scheduled in legacy district plans, legality of a non statutory layer being able to trigger rules, the ability for Council to use New Zealand Archaeological Association data at a property level, certainty of when the provisions applied and the accuracy of the data in the non statutory layer. In developing this approach, legal guidance was sought and further research into the information available for Mana Whenua cultural heritage was undertaken. This enabled a response that could address key feedback.

3. Not recommended: Alternative 2

The following elements are the same or similar to Alternative 1:

- A. Basis of protection
- B. Māori Cultural Landscapes
- C. Scheduled sites and places of significance to Mana Whenua
- E. Commitment to a future plan change
- F. Consideration of Mana Whenua values
- G. Accidental Discovery Protocols

The following elements differ from Alternative 1:

D2. Unscheduled sites and places of Māori origin

- Unscheduled sites and places of Māori origin where the locations have been confirmed, are identified in a non statutory layer, within council GIS tools.
- Non statutory layer is a source of information regarding Mana Whenua values.
- There are no provisions requiring resource consent for works within the vicinity of these sites and places.
- Consideration of these sites and places is limited to when a cultural impact assessment is provided as part of a resource consent application that is required for another matter.

	<p>Status Quo Alternative</p> <ul style="list-style-type: none"> ➤ Varying approaches to the protection of scheduled and unscheduled sites and places of significance to Mana Whenua; ➤ No recognition, protection or enhancement of the values associated with Māori cultural landscapes; ➤ No requirement for knowledge management protocols or the protection of sensitive information. 	<p>Alternative 1: Preferred</p> <ul style="list-style-type: none"> ➤ Protection of Mana Whenua cultural heritage based on Mana Whenua values ➤ Protection of the values associated with Māori cultural landscapes ➤ Robust methodology for scheduling based on Mana Whenua values ➤ Protection for sites and places of significance to Mana Whenua using a statutory overlay ➤ Protection for sites and places of Māori origin where the locations have been confirmed using a statutory overlay ➤ Future Plan Change to incorporate additional sites and places to be scheduled and Māori cultural landscapes ➤ Cultural impact assessments required for resource consent applications (required for another matter) affecting Mana Whenua values ➤ Policies and assessment criteria are included in regional provisions requiring consideration of Mana Whenua values ➤ Accidental discovery protocols as permitted activity standards to support unknown sites which are unexpectedly discovered. Resource Consent is required where the accidental discovery protocol is not followed. 	<p>Alternative 2: Not recommended.</p> <p>Same as Alternative 1</p> <ul style="list-style-type: none"> A. Basis of protection B. Māori Cultural Landscapes C. Scheduled sites and places of significance to Mana Whenua E. Commitment to a future plan change F. Consideration of Mana Whenua values G. Accidental Discovery Protocols <p>Difference to Alternative 1</p> <ul style="list-style-type: none"> ➤ Unscheduled sites and places of Māori origin where the locations have been confirmed are identified in a non statutory layer, within council GIS tools. ➤ Non statutory layer is a source of information regarding Mana Whenua values which can be improved over time ➤ There are no provisions requiring resource consent for works within the vicinity of these sites and places. ➤ Consideration of these sites and places is limited to when a cultural impact assessment is provided as part of a resource consent application that is required for another matter.
Appropriateness	<p>Inappropriate</p> <ul style="list-style-type: none"> • Does not address the issues consistently across the region; • Will not achieve the objectives because of gaps in the framework for protecting Mana Whenua cultural heritage. • Does not enable consistent protection of Mana Whenua cultural heritage throughout the region; • Does not enable recognition, protection or enhancement of the values associated with Māori cultural landscapes; • No requirement for knowledge management protocols or the protection of sensitive information. • It does not consistently meet the requirements under Part 2 of the RMA, the NZCPS or best practice in its application. 	<p>Appropriate</p> <ul style="list-style-type: none"> • Addresses all of the issues of significance relating to Mana Whenua cultural heritage articulated by Mana Whenua during engagement and within iwi planning documents; • Will achieve the objectives. • The approach to protect Mana Whenua cultural heritage is balanced with the need to use robust information and undertake a public process when imposing planning restrictions on land owners. • Is most consistent with the requirements under Part 2 of the RMA than the Status Quo Alternative and Alternative 2. • Achieves consistency with the NZCPS to the greatest extent. • Goes the farthest in aligning with the principles of the Treaty of Waitangi, specifically the principles of active protection and rangatiratanga. <p>Inappropriate</p> <ul style="list-style-type: none"> • The methodology for including sites and places of value to Mana Whenua where the locations have been confirmed by GPS in the statutory layer has not been discussed during engagement with Mana Whenua or private landowners. 	<p>Appropriate</p> <ul style="list-style-type: none"> • Addresses many of the issues of significance relating to Mana Whenua cultural heritage. • Makes good progress toward achieving many of the objectives but will not be as successful as Alternative 1. • Is consistent with the requirements under Part 2 of the RMA . Consistency with Part 2 of the RMA and in particular section 6(e) is a matter of degree. • Is consistent with the NZCPS. <p>Inappropriate</p> <ul style="list-style-type: none"> • Is a significant change from the provisions included in the Unitary Plan March draft which were strongly supported by Mana Whenua and the Independent Māori Statutory Board and referenced in the 2013 Maori Legal Forum discussions.
Effectiveness	<p>Ineffective</p> <p>This approach makes little progress toward implementing the Auckland Plan priorities and directives as it continues the status quo of inconsistent protection of Mana Whenua cultural heritage. It cannot achieve the objectives because there are gaps in the policy framework such as those relating to Maori cultural landscapes, building the knowledge base and knowledge management protocols.</p>	<p>Effective</p> <ul style="list-style-type: none"> • Makes the most progress of all alternatives towards implementing the Auckland Plan priorities and directives and the directives of the Maori Plan. • Is most consistent with the requirements under Part 2 of the RMA than the Status Quo Alternative and Alternative 2. • Achieves consistency with the NZCPS to the greatest extent. • Goes the farthest in aligning with the principles of the Treaty of Waitangi, specifically the principles of active protection and rangatiratanga. • Supports the achievement of the purpose of the NZHPA to the 	<p>Effective</p> <ul style="list-style-type: none"> • Makes good progress towards implementing the Auckland Plan priorities and directives and the directives of the Maori Plan. • Is consistent with the requirements under Part 2 of the RMA . Consistency with Part 2 of the RMA and in particular section 6(e) is a matter of degree. • Is consistent with the NZCPS. • Supports the achievement of the purpose of the NZHPA • Addresses key issues raised in feedback regarding the legality of a non statutory layer being able to trigger rules. • Enables the non statutory layer to be a 'living document',

		<ul style="list-style-type: none"> Addresses key issues raised in feedback regarding the need to protect Mana Whenua cultural heritage beyond the sites and places scheduled in legacy plans and the legality of a non statutory layer being able to trigger rules. Is the most robust framework; Is informed by robust data; Supports a future plan change to identify further Mana Whenua cultural heritage that should be protected but is not reliant on the plan change to be effective. Provides for effective methods to protect Mana Whenua cultural heritage particularly in environments that are subject to development. <p>Ineffective</p> <ul style="list-style-type: none"> Relies on adequate resourcing of Mana Whenua and council in terms of staff availability, ability and access to resources. Resourcing required urgently as provisions have immediate legal effect. Limited time available to engage with Mana Whenua on the sites and places that will be identified and to agree information management protocols. 	<p>Ineffective</p> <ul style="list-style-type: none"> High risk of challenge by Mana Whenua on the basis that there is insufficient protection for their cultural heritage. There is a risk that this approach may be ineffective as it follows other legacy plan approaches that relied on future plan changes to identify additional Mana Whenua cultural heritage for scheduling. Such approaches failed in the past as they were never enacted upon and therefore Mana Whenua cultural heritage did not have the protection it warranted. This approach relies heavily on commitments by council within the Annual Plan and Long Term Plan to support the on-going work that is required for this approach to be effective. No protection for unscheduled Mana Whenua cultural heritage where the location is confirmed for high risk activities such as earthworks that are permitted by the Unitary Plan. This is particularly relevant in areas where there high concentrations of archaeology of Māori origin such as the coastal environment and within the extent of maunga. Unscheduled Mana Whenua cultural heritage that are not supported by GPS mapping is only considered once discovered. While the Accidental Discovery Protocols are a positive inclusion supported by Mana Whenua, in most circumstances this is too late to appropriately protect these sites and places. Relies on adequate resourcing of Mana Whenua and council in terms of staff availability, ability and access to resources.
<p>Efficiency (Will it be expensive/resource heavy etc to achieve?)</p>	<p>Inefficient</p> <ul style="list-style-type: none"> Loss of opportunity to gain efficiencies through a consistent approach across the region. Continuation of the existing financial and resource costs to council in the different parts of the region which will be higher or lower depending on the approach of the area. Inconsistent expectations for plan users who use resources on a region wide basis. 	<p>Efficient</p> <ul style="list-style-type: none"> Proactive protection provided to Mana Whenua cultural heritage saving losses to Mana Whenua, plan users and council in the long term. Avoids unnecessary loss or degradation to a site or place and enables the proper balance of planning outcomes early in the planning process. Focuses council and Mana Whenua resources (time, staff, financial) on one main approach. Reduces the likelihood of delays and additional costs to subdivision, use and development that can occur when uncovering archaeology of Māori origin. Enables alignment of RMA and HPA processes to avoid NZHPT being involved too late in the planning process to be effective e.g having to approve an application to modify an archaeology site because resource consent has already been granted. The level of additional 'planning burden' resulting from this approach may not be greatly increased. This is due to the likelihood that an activity that will affect sites and places of significance or value to Mana Whenua will require resource consent under another rule. Greater efficiency between council (including council departments), Mana Whenua and other heritage agencies to align process and protocols. <p>Inefficient</p>	<p>Efficient</p> <ul style="list-style-type: none"> Sites and places of Maori origin, where the location has been confirmed are given some consideration in cultural impact assessments when resource consent is required for another matter. This keeps the level of 'planning burden' to a more publicly acceptable level for land owners. The information requirements are commensurate with the context of the site and the scale and nature of the planning application. <p>Inefficient</p> <ul style="list-style-type: none"> No protection for Mana Whenua cultural heritage where the location is confirmed by GPS for high risk activities such as earthworks that are permitted by the Unitary Plan. This is particularly relevant in areas where there high concentrations of archaeology of Māori origin such as the coastal environment and within the extent of maunga - This will result in the unnecessary loss of Mana Whenua heritage resources. Unscheduled sites and places of significance to Mana Whenua that are not supported by GPS mapping are only considered once they have been discovered. While the Accidental Discovery Protocols are a positive inclusion supported by Mana Whenua, in most circumstances this is too late to appropriately protect these sites and places. Relies on adequate resourcing of Mana Whenua and council in terms of staff availability, ability and access to resources- though to a lesser degree than Alternative 1 and with less

		<ul style="list-style-type: none"> • Reactive to historical neglect by legacy councils of Mana Whenua cultural heritage by using two levels of scheduling; • Relies on adequate resourcing of Mana Whenua and council in terms of staff availability, ability and access to resources. <p>Has the greatest financial and time costs compared to the Status Quo Alternative and Alternative 1 because of the protection it offers to different layers of Mana Whenua cultural heritage. Alternative 2 will also incur significant financial and time costs particularly it also involves developing the knowledge base of Mana Whenua cultural heritage which will be costly but with significant long term environmental, social and cultural gains.</p>	<p>Alternative 2 and will also incur significant financial and time costs particularly because it involves developing the knowledge base of Mana Whenua cultural heritage which will be costly but with significant long term environmental, social and cultural gains.</p>
<p>Costs</p>	<p>Environmental:</p> <ul style="list-style-type: none"> • Inferior environmental outcomes - a bicultural approach using indigenous knowledge improves the quality of environmental outcomes. • Unbalanced protection of other heritage resources comparative to Mana Whenua cultural heritage. <p><i>to Council -</i></p> <ul style="list-style-type: none"> • Associated with not consistently meeting Part 2 obligations and responsibilities under NZCPS. <p><i>to Mana Whenua -</i></p> <ul style="list-style-type: none"> • Expectations in terms of implementation of NZCPS • No improvement to the degraded state of Mana Whenua cultural heritage • Continued loss or degradation of the majority of ancestral taonga through Auckland's growth and development. In particular, by not identifying sites and places of significance or value to Mana Whenua for scheduling in parts of Auckland. • Other values remain the basis for protecting Mana Whenua cultural heritage, rather than the values of Mana Whenua. <p>Social:</p> <p><i>to Council -</i></p> <ul style="list-style-type: none"> • Community expectations to protect cultural heritage and to provide greater emphasis on the protection of Mana Whenua cultural heritage • Perception that council is not doing enough to protect Mana Whenua cultural heritage <p><i>to the wider Community -</i></p> <ul style="list-style-type: none"> • Unbalanced emphasis on other heritage resources, not reflective of actual history. • Lost opportunities for passive education of residents and visitors on the cultural heritage of Auckland • Lesser experience for visitors of the unique cultural history of Auckland. <p><i>to Mana Whenua –</i></p> <ul style="list-style-type: none"> • Reduction in the quality of the relationship with council. • Inadequate support in building the identity of rangatahi • Loss of taonga will result in a loss of well-being <p>Economic:</p> <p><i>to Council -</i></p>	<p>Costs are identified in section 2.0</p>	<p>Environmental:</p> <ul style="list-style-type: none"> • Unnecessary loss of known Mana Whenua cultural heritage through permitted activity thresholds for high risk activities. • Continued loss or degradation of the majority of ancestral taonga through Auckland's growth and development. In particular, by not identifying sites and places of significance or value to Mana Whenua for scheduling in parts of Auckland. <p>Social</p> <p><i>to the wider Community and resource users</i></p> <ul style="list-style-type: none"> • Public may perceive the protection of sensitive information as favouring Mana Whenua <p><i>to Council -</i></p> <ul style="list-style-type: none"> • Perception that council is not doing enough to protect Mana Whenua cultural heritage <p>Economic: (short term and long term)</p> <p><i>to Council -</i></p> <ul style="list-style-type: none"> • Cost to fund the identification, research and mapping work required by Mana Whenua and council officers to identify additional sites and places for protection; • Cost to fund the identification, research and mapping work required by Mana Whenua and council officers to identify Maori cultural landscapes and the appropriate mechanisms for protecting values associated with them; • Cost to fund the plan changes to incorporate additional sites and places of significance to Mana Whenua and Maori cultural landscapes • Cost to council to up-skill council officers in regulatory departments on Mana Whenua values, appropriate recognition under the RMA and reviewing cultural impact assessments. <p><i>to Mana Whenua -</i></p> <ul style="list-style-type: none"> • Mana Whenua have limited capacity for involvement in the development of the plan change – much of the 'actual' cost of Mana Whenua involvement is carried by Mana Whenua • Costs in seeking further recognition and protection of their cultural heritage through submissions and legal representation. <p><i>to the wider Community and resource users</i></p> <ul style="list-style-type: none"> • Similar costs to Status Quo Alternative for land owners who are affected by the rules requiring resource consent for works within the vicinity of scheduled sites and places of significance

<ul style="list-style-type: none"> • Likely Environment Court costs associated with plan development that does not specifically address Mana Whenua values and associations related to Mana Whenua cultural heritage • Challenges to resource consent application processes that have differing levels of protection to Mana Whenua cultural heritage • Maintenance of varying approaches and officers with experience in administering the different approaches <p><i>to Mana Whenua -</i></p> <ul style="list-style-type: none"> • Potential cost of Environment Court costs in challenging plan development that does not specifically address Mana Whenua values and associations related to Mana Whenua cultural heritage • Costs incurred by challenges to resource consent application processes that have differing levels of protection to Mana Whenua cultural heritage • Costs incurred by providing for kaitiaki with experience working with different planning approaches in the multiple areas of Auckland that are within their rohe boundaries. • Lost opportunities to capitalise on tourism that celebrates Mana Whenua cultural heritage. <p><i>to Resource Users -</i></p> <ul style="list-style-type: none"> • Potential increase in Environment Court costs associated with processes for planning applications that do not: <ul style="list-style-type: none"> ➢ actively involve Mana Whenua ➢ recognise Mana Whenua values ➢ identify Mana Whenua cultural heritage • high potential for risks and delays to projects and applicants including prosecution under the Historic Places Act, when Mana Whenua values have not being proactively considered. <p>Cultural: <i>to Council and Mana Whenua-</i></p> <ul style="list-style-type: none"> • Impact on relationship between Council and Mana Whenua due to perceived reluctance to: <ul style="list-style-type: none"> ➢ address RPS and NZ Coastal Policy Statement ➢ actively involve Mana Whenua ➢ recognise the value of matauranga and tikanga ➢ protect Mana Whenua cultural heritage in a similar manner as other heritage resources <p><i>to Council -</i></p> <ul style="list-style-type: none"> • Perception that Council is not doing enough to protect unscheduled sites and places of significance to Mana Whenua <p><i>to Mana Whenua -</i></p> <ul style="list-style-type: none"> • Limited role of Mana Whenua in environmental governance and decision making • Continual misuse and mismanagement of information provided by Mana Whenua. • Continual implications on the mana, well-being and cultural and spiritual integrity of Mana Whenua. • Lack of regard toward Mana Whenua as a Treaty Partner in the protection of heritage; • Inability to meet their kaitiaki obligations to their tupuna and 		<p>Cultural: <i>to Mana Whenua -</i></p> <ul style="list-style-type: none"> • Mana Whenua sharing culturally important sensitive information for the purposes of protecting their significant sites and places. • Risk of interference to the sites and places once the locations and values are identified • Limited protection for the unscheduled sites and places of significance to Mana Whenua due to permitted activity thresholds, particularly in the high risk areas
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	<ul style="list-style-type: none"> • Little reflection of Mana Whenua values in the built environment <p><i>to the wider Community -</i></p> <ul style="list-style-type: none"> • No change in understanding of Mana Whenua values and the Mana Whenua cultural heritage context and the history that underlies contemporary settlement; • Loss of heritage resources and continual degradation of heritage resources worthy of international recognition. <p><i>to Resource Users -</i></p> <ul style="list-style-type: none"> • No change in understanding of Mana Whenua values and interests 		
Benefits	<p>Environmental: No change</p> <p>Economic: <i>to Council -</i></p> <ul style="list-style-type: none"> • No change in costs (financial or time) associated with implementation, monitoring or enforcement <p><i>to Council and Mana Whenua</i></p> <ul style="list-style-type: none"> • No change in costs (financial or time) associated with: <ul style="list-style-type: none"> ➢ Mana Whenua participation in resource management processes and decision making ➢ Mana Whenua capacity building ➢ Mana Whenua engagement to reflect identify, articulate and incorporate values and interest as well as matauranga and tikanga 	Benefits are identified in section 2.0	<p>Environmental:</p> <ul style="list-style-type: none"> • Improvements in the built environment respecting and reflecting the Mana Whenua values associated with their cultural heritage • More considered development in areas where there is a high presence of sites and places of significance to Mana Whenua such as the coastal and freshwater environments • Improved environmental outcomes - a bicultural approach using indigenous knowledge improves the quality of environmental outcomes. <p><i>to Council -</i></p> <ul style="list-style-type: none"> • Associated with greater consistency with the NZCPS, Part 2 of the RMA requirements • Increased body of knowledge on the protection of Mana Whenua cultural heritage • Opportunities to improve relationships and processes with other heritage agencies. <p><i>to the wider Community and resource users</i></p> <ul style="list-style-type: none"> • Opportunities for greater visibility of Mana Whenua cultural heritage. • Adoption and understanding of Mana Whenua values associated with their cultural heritage • Wider distribution and understanding of Matauranga Māori and the environmental benefits that are achieved through the application of this knowledge • Community expectations associated with consistency with the Treaty of Waitangi, RMA, and NZCPS <p><i>to Mana Whenua -</i></p> <ul style="list-style-type: none"> • Enhancement and greater protection of Mana Whenua cultural heritage that will contribute to a recognisable Māori cultural landscape and presence in Tamaki • Associated with integrated / holistic management of Mana Whenua cultural heritage and a bi-cultural approach. • Increased participation of Mana Whenua in resource management processes • Eventual increase in the number of sites and places protected via scheduling. <p>Economic</p> <p><i>to Mana Whenua -</i></p> <ul style="list-style-type: none"> • Commercial development that is based on the heritage values

			<ul style="list-style-type: none"> • Some reduction in Environment Court costs associated with resource consent processes that do not: <ul style="list-style-type: none"> ➤ actively involve Mana Whenua ➤ recognise Mana Whenua values and interests, matauranga and tikanga <p><i>to the wider Community and Resource Users -</i></p> <ul style="list-style-type: none"> • some reduction in risk of appeals or reviews on Mana Whenua cultural heritage matters associated with resource consent processes • Matauranga Māori includes the application of methods that are more cost effective in the longer term than common approaches. <p>Social</p> <p><i>to the wider Community and Resource Users –</i></p> <ul style="list-style-type: none"> • Contribution to Auckland's 'point of difference' through increasing visibility of Māori identity • Enhanced Māori well-being through improved protection of their cultural heritage compared to Status Quo Alternative. • Recognition of role of Mana Whenua in the development of Auckland. • Recognition the connections that other iwi have with Auckland • Passive education opportunities for residents and visitors to Auckland to improve their knowledge of Auckland's history and the role of Mana Whenua in the development of Auckland. • Provides opportunities to further develop and improve the relationship between Mana Whenua, council and landowners. <p>Cultural</p> <p><i>to Council -</i></p> <ul style="list-style-type: none"> • Improved relationship between Council and Mana Whenua through the use of a bi-cultural approach to heritage protection • Increased participation in resource management processes and decisions resulting in improved resource management decisions; • Change in organisational approach to protecting Mana Whenua cultural heritage. <p><i>to Mana Whenua -</i></p> <ul style="list-style-type: none"> • Improved relationships between Mana Whenua and council • Increased participation in resource management processes and decisions, including monitoring, accidental discovery protocols • Increased consideration of Mana Whenua values through the preparation of Cultural Impact Assessments being prepared • Improved protection of Mana Whenua cultural heritage through greater consideration of Mana Whenua values, and the importance of appropriate management of information. • Strengthened Māori identity and Mana Whenua identity and associated well-being; • Enhancement of the relationship of Mana Whenua with their taonga compared to the Status Quo Alternative; • Enhancement of Mana Whenua in their role as kaitiaki and their
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			<ul style="list-style-type: none"> • Recognition of the context and relationships within which the scheduled and unscheduled sites and places of significance to Mana Whenua exist; • Recognition of values and associations that other iwi and the wider Māori community has with the cultural landscape such as the waka portages where many of the main waka travelled on their way to other regions • Retention of traditional skills and knowledge. <p><i>to the wider Community and Resource Users -</i></p> <ul style="list-style-type: none"> • Contribution to Auckland's 'point of difference' through increasing visibility of Māori identity • Improved understanding of: <ul style="list-style-type: none"> ➤ Mana Whenua values ➤ Role of Mana Whenua in resource management processes and decision making.
Risks	<p>Risks of acting include:</p> <ul style="list-style-type: none"> • Subdivision, development and use continues to result in the loss and degradation of Mana Whenua cultural heritage including cultural landscapes which is a finite resource of utmost importance to Mana Whenua. This is particularly important given projects such as the RUB and the increase in housing intensification that is expected within Special Housing Areas. • The built environment currently does not reflect Mana Whenua associations and the cultural heritage upon which many settlements within Auckland are based. Mana Whenua currently do not see themselves reflected in the built environment and the landscape. The risk of not acting is that the lack of recognised association grows. • No improvement from currently degraded state of Mana Whenua cultural heritage with the potential to decline further through lack of Mana Whenua involvement • Council's relationship with individual iwi and hapū will deteriorate because of a continuation to not deliver on commitments to Mana Whenua cultural heritage projects. Specifically: <ul style="list-style-type: none"> ➤ Increased reluctance of Mana Whenua partner with council; ➤ Increased legal action by Mana Whenua against council for avoidable loss and degradation to their cultural heritage • The continuation of an emphasis on other heritage values such as buildings, as greater investment and protection is afforded to these resources, as reflected in state of the environment reporting on heritage. • Many Mana Whenua groups have experienced misuse or mismanagement of the knowledge and information that they have shared with various agencies. These experiences have been discouraged some groups from sharing their knowledge and information, which in itself is a taonga, about their cultural heritage. It is important to remedy the current situation to avoid the errors of the past and to encourage and support greater participation by Mana Whenua in resource management processes and in the protection of their cultural heritage. • The amount of information that council holds on Mana Whenua 	<p>Risks of not acting are outlined in section 2.1.1</p> <p>Risks of acting include:</p> <ul style="list-style-type: none"> • Limited engagement with Mana Whenua on the methodology for including sites and places of value to Mana Whenua where the locations have been confirmed by GPS in the statutory layer has not been discussed during engagement with Mana Whenua or private landowners. • Mapping of sites and places of significance or value to Mana Whenua does not include the entire site extent creating uncertainty of the locations on which the relevant provisions apply. • Limited capacity within council and Mana Whenua groups to respond to the needs of plan users particularly as heritage provisions have immediate legal effect. 	<p>Risks of not acting include:</p> <ul style="list-style-type: none"> • The built environment currently does not reflect Mana Whenua associations and the cultural heritage upon which many settlements within Auckland are based. Mana Whenua currently do not see themselves reflected in the built environment and the landscape. The risk of not acting is that the lack of recognised association grows. • No improvement from currently degraded state of Mana Whenua cultural heritage with the potential to decline further through lack of Mana Whenua involvement • Council's relationship with individual iwi and hapū will deteriorate because of a continuation to not deliver on commitments to Mana Whenua cultural heritage projects. Specifically: <ul style="list-style-type: none"> ➤ Increased reluctance of Mana Whenua partner with council; ➤ Increased legal action by Mana Whenua against council for avoidable loss and degradation to their cultural heritage <ul style="list-style-type: none"> • Perceived emphasis on other heritage values such as buildings as greater investment and protection is afforded to these resources. • Many Mana Whenua groups have experienced misuse or mismanagement of the knowledge and information that they have shared with various agencies. These experiences have been discouraged some groups from sharing their knowledge and information, which in itself is a taonga, about their cultural heritage. It is important to remedy the current situation to avoid the errors of the past and to encourage and support greater participation by Mana Whenua in resource management processes and in the protection of their cultural heritage. • The amount of information that council holds on Mana Whenua cultural heritage is minimal in comparison to the information held about other heritage resources. <p>Risks of acting include:</p> <ul style="list-style-type: none"> • Subdivision, development and use continues to result in the

	<ul style="list-style-type: none">• Mana Whenua do not feel safe in sharing their knowledge about their cultural heritage and that available information is misused or mismanaged.		
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4. Conclusion

Based on the above discussion, Alternative 1 is the preferred alternative because it:

Is the most relevant in that it:

- Addresses all of the issues of significance relating to Mana Whenua cultural heritage articulated by Mana Whenua during engagement and within iwi planning documents;
- Will achieve the objectives.
- The approach to protect Mana Whenua cultural heritage is balanced with the need to use robust information and undertake a public process when imposing planning restrictions on land owners.
- Is most consistent with the requirements under Part 2 of the RMA than the Status Quo Alternative and Alternative 2.
- Achieves consistency with the NZCPS to the greatest extent.
- Goes the farthest in aligning with the principles of the Treaty of Waitangi, specifically the principles of active protection and rangatiratanga.

Is the most effective in that it:

- Makes the most progress of all alternatives towards implementing the Auckland Plan priorities and directives and the directives of the Maori Plan.
- Is most consistent with the requirements under Part 2 of the RMA than the Status Quo Alternative and Alternative 2.
- Achieves consistency with the NZCPS to the greatest extent.
- Goes the farthest in aligning with the principles of the Treaty of Waitangi, specifically the principles of active protection and rangatiratanga.
- Supports the achievement of the purpose of the NZHPA to the greatest extent
- Addresses key issues raised in feedback regarding the need to protect Mana Whenua cultural heritage beyond the sites and places scheduled in legacy plans and the legality of a non statutory layer being able to trigger rules.
- Is the most robust framework;
- Is informed by robust data;
- Supports a future plan change to identify further Mana Whenua cultural heritage that should be protected but is not reliant on the plan change to be effective.
- Provides for effective methods to protect Mana Whenua cultural heritage particularly in environments that are subject to development.

Is the most efficient in that it:

- Provides proactive protection provided to Mana Whenua cultural heritage saving losses to Mana Whenua, plan users and council in the long term.
- Avoids unnecessary loss or degradation to a site or place and enables the proper balance of planning outcomes early in the planning process.
- Focuses council and Mana Whenua resources (time, staff, financial) on one main approach.
- Reduces the likelihood of delays and additional costs to subdivision, use and development that can occur when uncovering archaeology of Māori origin.
- Enables alignment of RMA and HPA processes to avoid NZHPT being involved too late in the planning process to be effective e.g having to approve an application to modify an archaeology site because resource consent has already been granted.
- Does not greatly increase the level of additional 'planning burden'. This is due to the likelihood that an activity that will affect sites and places of significance or value to Mana Whenua will require resource consent under another rule.

- Enables greater efficiency between council (including council departments), Mana Whenua and other heritage agencies through the alignment of process and protocols.
- Results in cumulatively greater long term benefits than costs. Associated costs are mainly related to financial costs to council.

5. Record of Development of Provisions

5.1. Information and Analysis

- *The Auckland Plan*;
- *The Māori Plan for Tāmaki Makaurau* (IMSB 2012),
- Iwi Planning Documents (*see appendix 3.18.1 for list of Iwi Planning Documents*)
- Legacy plans
 - Operative Regional Policy Statement
 - Operative Regional Plan: Coastal
 - Operative Regional Plan: Air Land Water
- *The Māori Values Supplement* (MfE, 2010),
- *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Wai 262* (Waitangi Tribunal Report, 2011),
- *Māori and the Environment: Kaitiaki* edited by Rachael Selby, Pātaka Moore and Malcolm Mulholland, Huia Publishers, 2010;
- Tauranga City and Whangarei District plans
- Quality Planning website best practice examples including Kaikōura District Council
- New Zealand Historic Places Trust Information Sheets 7, 10 and 18
- *Tapuwae. The Māori Heritage Council Statement on Māori Heritage. A Vision for Places of Māori Heritage* New Zealand Historic Places Trust, 2009;
- *Best Practice Guidelines: Tangata Whenua Effects Assessments – a roadmap for undertaking a Cultural Impact Assessment under HSNO 1996* (Repo Consultancy Ltd, 2010)
- *Auckland Unitary Plan – Māori Cultural Heritage Internal Stakeholders Workshop*, (Boffa Miskell, 2012)
- *Boffa Miskell Suggested Approaches Document Māori Cultural Heritage – Auckland Unitary Plan*, (Boffa Miskell, 2012)
- *Icomos New Zealand Charter For The Conservation Of Places Of Cultural Heritage Value* (1992)
- Auckland Council GIS data and Heritage Unit data on archaeology of Māori origin.

Relevant Legislation

- Te Tiriti o Waitangi
- Resource Management Act 1991
- Historic Places Act 1993
- New Zealand Coastal Policy Statement 2010

On-going research:

- Developing the knowledge base that supports the sites and places of value or significance to Mana Whenua;
- Understanding the values associated with sites and places of value or significance to Mana Whenua;
- Mapping of site extents.

5.2. Consultation Undertaken

As outlined in section 1.7 above, Mana Whenua cultural heritage was discussed in depth within two stages of engagement with Mana Whenua including three blocks of technical workshops.

Issues relating to Mana Whenua cultural heritage were identified at workshops held with iwi authorities in March 2012. A Mana Whenua Consultation Report was produced relating to Technical Hui and Workshops over February & March 2012.

A working draft of the Regional Policy Statement, Cross Regional Provisions, Overlay provisions and General Rules affecting Mana Whenua cultural heritage was released to iwi authorities in September 2012. These provisions were discussed in technical workshops held with iwi authorities in October 2012 covering:

- Scheduled Sites
- The use of an alert layer
- Non-scheduled Sites

A Mana Whenua Workshop Summary Report was produced relating to the October Workshops. Written feedback on the provisions was received from 15 iwi authorities in November 2012.

The draft Unitary Plan was publicly released for comment in March 2013. Two technical workshops were held with iwi authorities in April 2013 which included discussions on the three opportunities Mana Whenua have to nominate additional sites and places of significance to Mana Whenua. A Mana Whenua Workshop Summary Report was produced relating to Hui and Workshops over March & April 2013.

Further consultation included officers:

- Participating in a KORA session run by the Ngā Aho Māori Design Network to discuss how the Unitary Plan met Māori aspirations to be involved in resource management, with a focus on design;
- Attending monthly regional Kaitiaki hui updating Mana Whenua attendees on Unitary Plan activities.

Written feedback on the Mana Whenua provisions in the draft Unitary Plan was received from 19 iwi authorities in May 2013 including feedback on the provisions for Mana Whenua cultural heritage.

5.3. Decision-Making

In May 2012, the Political Working Party endorsed an approach to focus on protecting scheduled sites in the Unitary Plan and confirmed a commitment to identify further sites and places of significance through a future plan change. A subsequent direction from the Political Working Party confirmed the inclusion of a policy framework for Māori cultural landscapes in the Unitary Plan but to commit to a future plan change to identify and map Māori cultural landscapes.

In September 2012, the Political Working Party approved the working draft of the Unitary Plan for release to iwi authorities. This working draft included Regional Provisions relating to Mana Whenua cultural heritage; Cross regional provisions relating to unscheduled sites and places of significance, the use of an alert layer, Māori cultural landscapes and information management protocols; Overlay objectives, policies and rules for scheduled sites and places of significance and General Provisions affecting Mana Whenua cultural heritage.

In August 2013, the Auckland Plan Committee provided interim directions to use robust information to inform a non statutory layer containing sites and places of Māori origin; and to limit consideration of sites and places of Māori origin to cultural impact assessments provided as part of a resource consent application required for another matter.

Auckland Plan Committee meeting on Proposed Unitary Plan

In September 2013, the Auckland Plan Committee made the resolution to amend the Mana Whenua cultural heritage provisions to include a statutory layer of sites and places of Māori origin where the locations have been confirmed. The statutory layer would be called 'Sites and Places of Value to Mana Whenua' and will require resource consent (Restricted Discretionary) for earthworks within 50m of a site or place, providing for some exceptions.

On 5 September 2013 the Auckland Plan Committee resolved to include the proposed Mana Whenua cultural heritage objectives, policies and rules for notification.

- No changes were requested.