

2.16 – Māori development - section 32 evaluation for the Proposed Auckland Unitary Plan

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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 describes the approach to recognising Māori aspirations for development across Auckland. These aspirations include the use and development of land owned by Mana Whenua, the development of land for Māori purposes, and the reflection of Mana Whenua values in the design and development of the built environment across Auckland.

1.2 Resource Management Issue to be Addressed

Māori, including Mana Whenua and matawaaka, emphasise the need for development within Auckland that reflects their identity and aspirations. These aspirations include:

- Social aspirations – focussing on housing, health, and social well-being;
- Economic aspirations – focussing on the use of customary resources and creating an economic base from resources acquired through Treaty settlements (Auckland Council Māori Policy and Strategy in the Auckland Plan 2010; p.82); and
- Cultural aspirations – including the establishment and strengthening of cultural institutions such as papakāinga and marae, the availability of urupā, and the recognition of Māori knowledge and design principles in the development in Auckland.

The provisions relating to Māori development seek to address the following topics:

- Development of Māori land, including within natural heritage areas
- Provision for specific activities and uses across the region, including marae and papakāinga
- Recognition of mātauranga and tikanga in design and development

1.3 Significance of this Subject

This approach in the Unitary Plan is a significant shift from legacy plans because the provisions for Māori development:

- apply to general land, as well as land acquired through Treaty settlement and Māori land
- recognise the importance of cultural landscapes in determining where specific developments should be located
- include an objective to address the effect of natural heritage overlays on Māori land and Treaty settlement land
- recognise the value of mātauranga and tikanga in design and development.

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'. Strategic Direction 2 of the Auckland Plan directs Council to 'Enable Māori aspirations through recognition of Te Tiriti o Waitangi/the Treaty of Waitangi and customary rights'. The Auckland Plan includes two priorities:

- To establish papakāinga in Auckland
- To enable Māori aspirations for thriving and self-sustaining marae

The Auckland Plan includes two relevant directives:

- Directive 2.1: Investigate and implement a suite of options to support papakāinga development on both traditional Māori land and general land.
- Directive 2.4: Support marae development to achieve social, economic and cultural development.

1.5 Current Objectives, Policies, Rules and Methods

Legacy Issues

The Auckland Regional Policy Statement 1999 included the following objective and policy:

- Objective 3.4.2 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.
- Policy 3.4.4 Provision will be made enabling facilities and associated customary activities which are necessary for the wellbeing of Māori to be provided on Māori land, and on other land where appropriate, and ensuring that these are actively protected from any adverse effects of other activities.
- Methods:
 1. Regional and district plans will recognise and provide for marae, papakainga, and associated customary uses of ancestral taonga.
 2. The ARC will maintain an inventory of Māori land and, where appropriate, associated customary uses of ancestral taonga.

Legacy district plan definitions of papakāinga identified two criteria – ancestral or Māori land or land owned by Māori; and residential development. Only the Manukau City District Plan 2002 included non-residential activities, stating that papakāinga means ‘a traditional Māori settlement area on ancestral lands and includes activities associated with residential living such as urupa, agricultural activity, the exchange of goods and a marae complex’. The Manukau City District Plan 2002 also stated that papakāinga housing comprises more than two dwellings provided for ‘the tangata whenua who have “te mana o te whenua” status’. Papakāinga and urupā were provided for on Māori land in rural areas.

Manukau, Waitakere and Auckland legacy plans provided for papakāinga and marae on general land through special purpose zones. North Shore City District Plan 2002 also provided for marae and associated kaumatua housing through a special purpose zone. These zones included specific objectives and policies. Marae (sometimes with associated kaumatua housing) were provided for within some open space zones.

With the exception of the Manukau City District Plan 2002, legacy plans did not provide for cultural activities; customary uses; or commercial development to support Māori aspirations.

The *Māori Values Supplement, Ministry for the Environment, December 2010 (Appendix 3.16.1)* recognises the changing world of Māori development, stating: ‘Iwi development proposals may be constrained by previous development due to, for example, potential cumulative impacts or effects on existing activities. This is a real issue as Māori are only now acquiring resources to enable their economic development. Similarly, much multiply-owned Māori land has remained undeveloped for various reasons and there is the potential for Māori to enable their economic, social, and cultural aspirations through the use and development of such land. (MfE 2010, p. 301-302, Appendix 3.16.1)

1.6 Information and Analysis

Two alternative approaches to Māori development have been developed and evaluated. These approaches have been developed in collaboration with the Independent Māori Statutory Board through workshops in November 2012 and June 2013. A detailed analysis has been carried out on the resources of Māori land and Treaty settlement land. This work has also been informed by case studies looking at papakāinga and marae development around Auckland.

A *Papakāinga Technical Report* was prepared by Rau Hoskins (Design Tribe) in April 2012 (Appendix 3.16.2). This report included case studies and recommended objectives, policies and rules.

A *Review of the Māori Purpose Zone* was prepared by Rau Hoskins (Design Tribe) in July 2013 (Appendix 3.16.3). This report included relevant recommended development controls. The Auckland Design Manual will include the *Te Aranga Māori Cultural Landscape Principles*, (Appendix 3.16.7 developed by Rau Hoskins (Design Tribe)).

1.7 Consultation Undertaken

- Issues relating to Māori development were identified at two workshops held with iwi authorities in March 2012.
- A working draft of the Auckland Regional Policy Statement was released to iwi authorities in September 2012. The Auckland Regional Policy Statement provisions were discussed in technical workshops held with iwi authorities in October 2012, and 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, which included discussions with officers regarding a development scenario for Māori land covered by a Significant Ecological Area, and for Treaty settlement land within the Rural Coastal zone.
- 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;
 - Holding a Māori Housing Forum in collaboration with Te Matapihi – He Tirohanga Mo Te Iwi (National Māori Housing Forum);
 - Meeting with the mataawaka organisations to discuss existing Māori Purpose Zones in Auckland.
- Written feedback on the Māori land provisions in the draft Unitary Plan was received from 19 iwi authorities in May 2013.

1.8 Decision-Making

On 25 May 2012, the Political Working Party endorsed the harmonisation of the Māori Special Purpose Zones in legacy Plans to provide:-

- Designated areas for marae and papakainga;
- Special Purpose Zones to cover both Māori and General Land
- Roll over existing Māori Purpose Zones from legacy plans
- Option to extend to new areas.

In addition to this the provision of marae and papakainga within general zones was endorsed.

In September 2012, the Political Working Party approved the working draft of the Unitary Plan for release to iwi authorities.

On 12 December 2012, PWP agreed to a specific approach to address the disproportionate impact of natural heritage overlays on Māori land.

The Unitary Plan was released to the public in March 2013. Feedback from Mana Whenua was presented by 18 of the 19 Mana Whenua groups to the Auckland Plan Committee on 5 August 2013.

Key issues from the feedback received were considered by the Auckland Plan Committee on 9 August 2013. The Auckland Plan Committee were advised of a number of requests for site-specific provisions relating to changes to zone boundaries, requests for precincts or Māori Purpose zonings to be applied to land. Officers confirmed the following Māori Purpose zones had been proposed for inclusion in the Unitary Plan for notification as a result of feedback:-

- Te Onekiritea / Bomb Point (land returned as cultural redress)

- Site on Puketutu Island
- Pukaki urupā

1.9 Proposed Provisions

The Auckland Regional Policy Statement 1999 includes an objective relating to development to meet Māori social, cultural, economic, and environmental aspirations. The Auckland Regional Policy Statement 1999 includes a second, more specific objective reflecting the importance of Mana Whenua occupying, developing, and using land in their ownership, to re-establish ahi kā within their rohe. These provisions are supported by policies providing for Māori activities and cultural institutions across Auckland, and the reflection of Māori values in design and development. Further policies more specifically address the use of Māori land.

1.10 Reference to other Evaluations

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

- 2.2 Rural urban boundary location
- 2.5 Building heights
- 2.14 Treaty settlements
- 2.17 Māori land
- 2.18 Māori and natural resources
- 2.44 Air quality buffers – major roads

2 Objectives, Policies and Rules

2.1 Objective

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.

The following objective in the ARPS – (Part 2, Chapter B) Section 5.3 Māori economic, social and cultural development is proposed:

Objective 1

Development supports the economic, social and cultural aspirations of Māori.

This objective addresses the issue 'Māori economic, social and cultural development' by broadly enabling development by Māori groups for Māori purposes.

Appropriateness

Relevance

This objective gives effect to Part 2, section 8 of the RMA by taking into account the principles of the Treaty of Waitangi, including active protection. This objective actively provides for Māori development, recognising the benefit to the Auckland of improved Māori social, economic, and cultural well-being. The objectives recognise the presence of many mataawaka in Auckland, and their right to exercise their Māori identity under articles 2 and 3 of the Treaty of Waitangi.

The *Māori Values Supplement* (Appendix 3.16.1) gives the following explanation of the principle of 'active protection':

'Under this principle, the Crown has an obligation to actively protect Māori interests. The Environment Court has stated that the establishment of a marae can advance Māori culture and the principles of the Treaty, such as active protection' (MfE 2010, p. 297, Appendix 3.16.1)

A recent article on providing for urupā, published by the New Zealand Planning Institute, noted that Council can 'give effect to the purpose of the RMA by providing for a land use that recognises and enables cultural well-being in a manner that is consistent with [Treaty] principles (e.g. 6(e), 7(a), (c), (f), and 8)' (Kerr and Mellish, 2013; p.9)

In addition, this objective creates opportunities for the appropriate consideration of tikanga Māori. Section 39(2) of the RMA requires persons performing functions under it to: ...recognise tikanga Māori where appropriate... Section 7(a) also incorporates the need to consider tikanga Māori. 'Tikanga Māori' is defined in section 2(1) of the RMA to mean: Māori customary values and practices (MfE 2010, p. 287, Appendix 3.16.1). It is appropriate for decision-makers to consider mātauranga and tikanga when making resource management decisions about design and development in Auckland.

Usefulness

Add value The objective recognises that, under the Treaty, all Māori have a right to establish cultural institutions and carry out development which supports their identity and aspirations.

Assist with decision-making This objective encourages Council to consider the benefit for Māori development of applications by Māori groups, and the specific cultural needs of the Māori community.

Assist in achieving other environmental outcomes

This objective complements Objective 1 of the RPS – (Part 2, Chapter B) Section 5.2 Recognising Mana Whenua values through integrating mātauranga and tikanga in the sustainable management of Auckland's natural and physical environment is proposed relating to the reflection of mātauranga and tikanga in resource management decision-making.

Achievability

Functions Council can achieve this objective through the development of the Unitary Plan and subsequent plan changes, and through its power as a consenting authority to grant or refuse resource consent applications.

Reasonableness

It is reasonable to recognise specific Māori aspirations for land use and development and to provide for land uses and forms of development which meet these aspirations in the Unitary Plan.

Methods

- Policies 1 and 3 of the RPS – (Part 2, Chapter B) Section 5.3 Māori economic, social and cultural development provide for a range of activities to support Māori development
- Special Purpose - Māori Purpose Zone
- Provision for marae complex, urupā, and customary use in Residential, Rural, Open Space, Business, and Future Urban zones.
- Limited recognition of papakāinga in general zones

Timeframe

The success of this objective will be measured by:

- Progress towards Auckland Plan target: Increase the number of papakāinga from 3 to 18 in Auckland by 2040
- Progress towards Auckland Plan target: Increase the number of marae development projects that support Māori social and economic development to seven projects every five years by 2030.

Indicators from the Māori Plan (IMSB 2012)(Appendix 3.16.4)

Urban Planning and Design

- Satisfaction with reflection of Māori values and culture in Tāmaki Makaurau's urban design
- Number of installed tohu tangata whenua (markers) on the regional parks to acknowledge cultural and spiritual links

2.1.1 Policies

- Policy 1 and policy 3 of the RPS – (Part 2, Chapter B) Section 5.3 Māori economic, social and cultural development support the objective by providing for a range of activities to support Māori development. This reflects aspirations to build papakāinga and other forms of development which support Māori identity, across the region (Appendix 3.16.5).
- Policy 2 supports the objective by providing for mātauranga and tikanga in design and development. This reflects Mana Whenua and Māori aspirations to see Māori identity and values better reflected in the built environment. See Appendix 3.16.6 'Māori values in design and development' for description and explanation of Māori values in design and development.

2.1.2 Rules

- No rules at RPS level
- Special Purpose - Māori Purpose Zone
- Provision for marae complex, urupā, and customary use in Residential, Rural, Open Space, Business, and Future Urban zones.
- Design Statement and associated assessment criteria

2.1.3 Costs and Benefits of Proposed Policies and Rules

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| Proposed policies and rules | Provision for development to support Māori aspirations, including a recognising a range of activities associated with Māori culture, and the reflection of mātauranga and tikanga in design and development (Policies 1, 2 and 3 of the Auckland-wide Objectives and Policies – Māori land; Rule 2.1 of the Auckland-wide Rules – Māori land – activity table, notification and development controls) |
| Costs | <p>Environmental cost</p> <ul style="list-style-type: none"> • Potential impact of harvesting for customary use on natural resources <p>Economic cost</p> <ul style="list-style-type: none"> • Potential cost of research to appropriately provide for mātauranga and tikanga in the design and development of the built environment <p>Social cost</p> <ul style="list-style-type: none"> • None <p>Cultural cost</p> <ul style="list-style-type: none"> • None <p>Opportunity cost for economic growth</p> <ul style="list-style-type: none"> • None <p>Opportunity cost for employment</p> <ul style="list-style-type: none"> • None |
| Benefits | <p>Environmental benefit</p> <ul style="list-style-type: none"> • Potential benefits from identification, propagation, and management of natural resources to sustainably support customary use <p>Economic benefit</p> <ul style="list-style-type: none"> • Utilisation of land for Māori development <p>Social benefit</p> <ul style="list-style-type: none"> • Enhanced Māori well-being through self-reliance and improved living conditions • Recognition of the role of Māori cultural institutions in Auckland's |

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| | <p>Cultural benefit</p> <ul style="list-style-type: none"> • Contribution to Auckland’s ‘point of difference’ through increasing visibility of Māori identity • Strengthened Māori identity and associated well-being |
| Effectiveness | <p>Allows development on Treaty settlement land, Māori land, and general land.</p> <ul style="list-style-type: none"> • Assumption that Council can accurately identify applications which promote Māori aspirations. |
| Efficiency | <p>Cumulative impact of costs of development related to recognising appropriate mātauranga and tikanga is likely to be small</p> |

2.1.4 Adequacy of Information and Risk of Not Acting

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| Risks | <p>Complete information is not available about Māori aspirations or assets. land.</p> <p>The risk of acting is that the scope of development enabled or affected by the provisions may be wider than anticipated.</p> <p>The risk of not acting is that Council’s relationship with individual iwi and hapū will deteriorate because of a perceived reluctance to acknowledge Māori aspirations for development.</p> <p><i>See further risks associated with the specific resources of Treaty settlement land and Māori land.</i></p> |
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2.2 Objective

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.

The following objective in the RPS – Section 5.3 Māori economic, social and cultural development is proposed:

Objective 2

Mana Whenua occupies, develops and use their land within their ancestral rohe, particularly in areas identified as Māori cultural landscapes.

This objective addresses the issue ‘Mana Whenua economic, social and cultural development on Māori land and Treaty settlement land’ by specifically enabling development by Mana Whenua. The objective does not confine development to Māori land or land acquired through Treaty settlement, but can be applied to development on land within the ancestral rohe of Mana Whenua – that is, the area within which each group holds Mana Whenua status. This reflects the statement in the issue that papakāinga can be on Māori land or general land, and that the location of cultural resources and sites is an important factor in determining where Mana Whenua may wish to develop.

Appropriateness

Relevance

This objective gives effect to Part 2, s. 6e of the Resource Management Act 1991 by recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands. This objective reflects that providing the ability to develop land for occupation and use is an inherent part of recognising and providing for the relationship between Māori and their ancestral land.

The *Māori Values Supplement* produced by the Ministry for the Environment to assist local government with considering Māori issues notes that ‘Māori interests in the environment are

that of guardian, resource user and developer. While Māori have traditionally been focused on protection of resources under the RMA, Māori are now also increasingly involved in managing and developing resources' (MfE, 2010 p.280, Appendix 3.16.1)

This objective gives effect to Part 2, s. 6(g) of the RMA which requires decision-makers to recognise and provide for the protection of recognised customary activities as a matter of national importance. 'Recognised customary activities' are foreshore and seabed customary rights order granted under the Foreshore and Seabed Act 2004. There are no customary rights orders currently granted within Auckland, but an application has recently been received. This objective encompasses these activities.

This objective gives effect to Part 2, s. 7 of the RMA 1991 by having 'particular regard' to kaitiakitanga, when exercising functions and powers in relation to managing the use, development, and protection of natural and physical resources.

The *Māori Values Supplement* includes the following explanation of kaitiakitanga: 'Kaitiakitanga means more than just mere guardianship. It is the intergenerational responsibility inherited at birth to care for the environment, which is passed down from generation to generation. The purpose of kaitiakitanga is not only about protecting the life supporting capacity of resources, but of fulfilling spiritual and inherited responsibilities to the environment, of maintaining mana over those resources and of ensuring the welfare of the people those resources support. Kaitiakitanga is the key means by which sustainability is achieved' (MfE 2010, p.271, Appendix 3.16.1)

This objective focuses on the aspects of kaitiakitanga which are concerned with maintaining mana over resources and ensuring the welfare of Mana Whenua, through supporting their aspirations and to occupy land within their ancestral area.

This objective gives effect to Part 2, s. 8 of the RMA by taking into account the principles of the Treaty of Waitangi, including active protection. This objective actively provides for Māori development, recognising the benefit to the Auckland of improved Māori social, economic, and cultural well-being.

The *Māori Values Supplement* gives the following explanation of the principle of 'active protection':

'Under this principle, the Crown has an obligation to actively protect Māori interests. The Environment Court has stated that the establishment of a marae can advance Māori culture and the principles of the Treaty, such as active protection. This principle may also require applicants to investigate alternative options which do not affect Māori relationships with resources. (MfE 2010, p. 297)

A recent article on providing for urupā, published by the New Zealand Planning Institute, noted that Council can 'give effect to the purpose of the RMA by providing for a land use that recognises and enables cultural well-being in a manner that is consistent with [Treaty] principles (e.g. 6(e), 7(a), (c), (f), and 8)' (Kerr and Mellish, 2013; p.9)

In addition, this objective creates opportunities for the appropriate consideration of tikanga Māori. Section 39(2) of the RMA requires persons performing functions under it to: ...recognise tikanga Māori where appropriate... Section 7(a) also incorporates the need to consider tikanga Māori. 'Tikanga Māori' is defined in s. 2(1) of the RMA to mean: Māori customary values and practices (MfE 2010, p. 287, Appendix 3.16.1). It is appropriate for decision-makers to consider mātauranga and tikanga when making resource management decisions about design and development in Auckland.

Usefulness

Add value The objective recognises that the relationship with ‘ancestral lands’ extends beyond land held in Māori title or acquired through Treaty settlement, and encompasses all land within the ancestral rohe of Mana Whenua.

Assist with decision-making This objective encourages Council to consider the Mana Whenua relationship of the applicant to their lands, and the fit of the project with Mana Whenua aspirations when considering proposals by Mana Whenua for the use and development of land within their ancestral rohe. Mana Whenua aspirations are documented in Iwi Planning Documents, Treaty settlement deeds and legislation, and other strategic documents (for example, the strategic plan ‘*Whakatupuranga Waikato-Tainui 2050*’ developed by Waikato-Tainui, and ‘*Strategic Plan 2011-2012*’ developed by Ngāti Whatua o Ōrākei Māori Trust Board). Rohe (tribal boundaries) have been determined by Mana Whenua over time as a result of occupation, conquest, tuku whenua (gifting of occupation rights).

The *Māori Values Supplement* (MfE, 2010, Appendix 3.16.1) includes the following discussion on ‘rohe’:

‘Mead (2003, p 220) states that while most land within traditional tribal areas has been alienated, the concept of the tribal rohe as being a base for that tribe “remains strong”. Rohe were primarily established through whakapapa, birthright and continuous occupation, or ahi kā roa. The exact boundaries of any particular tribal rohe fluctuated as land was lost (or gained) through marriage, war, gifts and/or occupation. At any particular time, multiple iwi could therefore have an interest in the same area, although the degree and strength of that interest would depend on factors such as use and occupation. The Waitangi Tribunal has recognised that multiple iwi have interests in an area and that such interests should be recognised by decision makers. (MfE 2010, p.270, Appendix 3.16.1)

Auckland Council holds maps of iwi and hapū rohe for a number of purposes, including assisting with consultation on resource consents.

Assist in achieving other environmental outcomes

This objective complements Objective 4 of the RPS – Section 5.1 Recognition of Te Tiriti o Waitangi partnerships and participation relating to the use and development of Treaty Settlement land.

This objective also complements Objective 1 of the RPS – Section 5.2 Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland’s natural and physical environment relating to the reflection of mātauranga and tikanga in resource management decision-making.

Achievability

Functions Council can achieve this objective through the development of the Unitary Plan and subsequent plan changes, and through its power as a consenting authority to grant or refuse resource consent applications.

Reasonableness

It is reasonable to recognise specific Mana Whenua aspirations for land use and development and to provide for land uses and forms of development which meet these aspirations in the Unitary Plan.

Methods

- Policies 1, 4 and 5 of the RPS – Section 5.3 Māori economic, social and cultural development enabling the development of Māori land, including within areas scheduled for natural heritage values
- Policy 3 providing for a range of activities to support Māori development

- Policy 2 providing for mātauranga and tikanga in design and development
- Auckland-wide provisions for Māori land
- Auckland-wide provisions for Treaty settlement land
- Provision for marae complex, urupā, and customary use in Residential, Rural, Open Space, Business, and Future Urban zones.
- Limited recognition of papakāinga in general zones

Timeframe

The success of this objective will be measured by:

- Progress towards Auckland Plan target: Increase the number of papakāinga from 3 to 18 in Auckland by 2040
- Progress towards Auckland Plan target: Increase the number of marae development projects that support Māori social and economic development to seven projects every five years by 2030.

Indicators from the Māori Plan (IMSB 2012)(Appendix 3.16.4)

Urban Planning and Design

- Satisfaction with reflection of Māori values and culture in Tāmaki Makaurau's urban design
- Number of installed tohu tangata whenua (markers) on the regional parks to acknowledge cultural and spiritual links

2.2.1 Policies

- Policies 1, 4 and 5 of the RPS – Section 5.3 Māori economic, social and cultural development support the objective by enabling the development of Māori land, including within areas scheduled for natural heritage values. This policy reflects the aspiration to develop, occupy and use Māori land.
- Policy 1 and 3 supports the objective by providing for a range of activities to support Māori development. This reflects aspirations to build papakāinga and other forms of development which support Māori identity, across the region. See Appendix 3.16.5 for description and explanation of these activities.
- Policy 2 supports the objective by providing for mātauranga and tikanga in design and development. This reflects Mana Whenua and Māori aspirations to see Māori identity and values better reflected in the built environment. See Appendix 3.16.6 'Māori values in design and development' for description and explanation of Māori values in design and development.

2.2.2 Rules

- No rules at RPS level
- Auckland-wide rules - Māori Land
- Auckland-wide rules – Treaty settlement land

2.2.3 Costs and Benefits of Proposed Policies and Rules

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| Proposed policies and rules | Provision for development to support Mana Whenua aspirations, including enabling a range of activities associated with the occupation and use of Māori land and Treaty settlement land (Policies 1, 2 and 3 of the Auckland-wide Objectives and Policies – Māori land; Auckland-wide provisions – Māori land; Auckland-wide provisions – Treaty settlement land) |
| Costs | Environmental cost <ul style="list-style-type: none"> • Potential loss of protection for natural heritage values through development of Māori land in areas scheduled for natural heritage values • Potential for more dispersed development than envisaged in compact city model Economic cost <ul style="list-style-type: none"> • Assessing Mana Whenua status and rohe boundaries requires consenting |

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| | <p>Social cost</p> <ul style="list-style-type: none"> No recognition of aspirations of the wider Māori community <p>Cultural cost</p> <ul style="list-style-type: none"> No recognition of the concept of the 'ahi kā' connection to ancestral land within a rohe. No recognition of specific aspirations for Treaty settlement land. <p>Opportunity cost for economic growth</p> <ul style="list-style-type: none"> Potential loss of economic growth related to Māori development. <p>Opportunity cost for employment</p> <p>Potential loss of employment</p> |
| Benefits | <p>Environmental benefit</p> <ul style="list-style-type: none"> Promotion of sustainable development in accordance with kaitiakitanga Improvement in environmental health through recognition of mātauranga and tikanga in physical resource management: 'The development of matauranga Māori alongside Western thinking can facilitate better solutions that benefit Māori, the Council and the region' (Auckland Council <i>Māori Policy and Strategy in the Auckland Plan</i>, 2010; p.24) <p>Economic benefit</p> <ul style="list-style-type: none"> Optimal use of Māori land for uses which may include economic development Potential contribution to increasing affordable housing stock for Mana Whenua <p>Social benefit</p> <ul style="list-style-type: none"> Recognition of historical circumstances surrounding under-utilisation of Māori land Enhanced Mana Whenua self-reliance and well-being <p>Cultural benefit</p> <ul style="list-style-type: none"> Prioritisation of Mana Whenua development as indigenous people of Auckland Enhanced Mana Whenua identity, integrity, and rangatiratanga |
| Effectiveness | <p>Allows development on Treaty settlement land, Māori land, and general land.</p> <ul style="list-style-type: none"> Assumption that Council can accurately identify applications which promote Māori aspirations. |
| Efficiency | <p>Cumulative impact of costs of development related to recognising appropriate mātauranga and tikanga is likely to be small</p> |

2.2.4 Adequacy of Information and Risk of Not Acting

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|--------------|---|
| Risks | <p>Complete information is not available about Mana Whenua aspirations or assets. land.</p> <p>The risk of acting is that the scope of development enabled or affected by the provisions may be wider than anticipated.</p> <p>The risk of not acting is that Council's relationship with individual iwi and hapū will deteriorate because of a perceived reluctance to acknowledge Mana Whenua aspirations for development.</p> <p><i>See further risks associated with the specific resources of Treaty settlement land and Māori land.</i></p> |
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3 Alternatives

The tables below discuss each alternative compared to the Proposed Alternative

3.1 Alternatives - Recognise Māori aspirations for development

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

Alternatives are:(explain what other alternatives examined are)

1. Status quo
2. Alternative 1
3. Preferred alternative

| | Status Quo Alternative <i>Some recognition of Māori aspirations for development</i> | Alternative 1 - Not recommended <i>No specific recognition of Māori aspirations for development</i> | Alternative 3 – Recommended <i>Broad recognition of Māori aspirations for development (Policies 1 and 2 of the RPS – Section 5.3)</i> |
|-----------------|--|---|--|
| Appropriateness | This approach is consistent with RMA Part 2 | This approach does not address the issue and is not consistent with RMA Part 2. | This approach supports the objective. |
| Effectiveness | <ul style="list-style-type: none"> • Some progress towards ultimate outcome • Provision for marae, papakāinga and other activities limited to special purpose zones | <ul style="list-style-type: none"> • Auckland Plan sets the ultimate outcome: <ul style="list-style-type: none"> ○ Outcome: What the vision means in 2040 – A Māori identity that is Auckland’s point of difference in the world. ○ Transformational shifts: To achieve the vision – Significantly lift Māori social and economic well-being • Little progress towards achieving the ultimate outcome. • Assumption that Māori land does not require specific planning controls • Assumption that Mana Whenua development aspirations will be enabled without specific reference in the Unitary Plan. | <ul style="list-style-type: none"> • Auckland Plan sets the ultimate outcome: <ul style="list-style-type: none"> ○ Outcome: What the vision means in 2040 – A Māori identity that is Auckland’s point of difference in the world. ○ Transformational shifts: To achieve the vision – Significantly lift Māori social and economic well-being • Good progress towards ultimate outcome, including recognition of the value of Māori values across the region and in all development. • Assumption that specific provisions are required to support Māori development |
| Efficiency | No change from the status quo will result in continuing costs to Māori wellbeing, and does not recognise the changing nature of Māori development. The benefits of maintaining the status quo is to give developers and the community certainty about the possible location of Māori development. The costs outweigh the benefits of taking this approach. | No recognition of Māori aspirations will result in continuing costs to Māori wellbeing, and will not recognise the changing nature of Māori development. No benefits are identified from not recognising Māori aspirations. The costs outweigh the benefits of taking this approach. | <ul style="list-style-type: none"> • Potential costs relating to engagement and assessment are outweighed by benefits related to Māori well-being. • Cumulative impact of potential cost arising from development outside the compact city model is likely to be minor, and is outweighed by benefits to Māori well-being. |
| Costs | <p>Environmental cost</p> <ul style="list-style-type: none"> • Limited recognition of mātauranga and tikanga in design and development <p>Economic cost</p> <ul style="list-style-type: none"> • Limited development in special purpose zones during life of legacy plans <p>Social cost</p> <ul style="list-style-type: none"> • Limited recognition of the role of Māori cultural institutions in the wider community <p>Cultural cost</p> <ul style="list-style-type: none"> • Continuing disconnection from Māori identity <p>Opportunity cost for economic growth</p> <ul style="list-style-type: none"> • Potential loss of economic growth related to Māori development <p>Opportunity cost for employment</p> <ul style="list-style-type: none"> • Potential loss of employment generated by Māori development | <p>Environmental cost</p> <ul style="list-style-type: none"> • No improvement in built environment through recognition of mātauranga and tikanga in design and development <p>Economic cost</p> <ul style="list-style-type: none"> • None <p>Social cost</p> <ul style="list-style-type: none"> • Does not ‘Value Te Ao Māori’ (Principle, Auckland’s Development Strategy, Auckland Plan) <p>Cultural cost</p> <ul style="list-style-type: none"> • Continuing disconnection from Māori identity <p>Opportunity cost for economic growth</p> <ul style="list-style-type: none"> • Potential loss of economic growth related to Māori development <p>Opportunity cost for employment</p> <ul style="list-style-type: none"> • Potential loss of employment generated by Māori development | <p>Environmental cost</p> <ul style="list-style-type: none"> • Potential for establishment of urban activities in areas outside those identified in the Auckland Plan Development Strategy. <p>Economic cost</p> <ul style="list-style-type: none"> • Potential cost associated with engagement with Māori to reflect mātauranga and tikanga in design and development <p>Social cost</p> <ul style="list-style-type: none"> • None <p>Cultural cost</p> <ul style="list-style-type: none"> • Potential requirement for Council to assess whether proposed activities contribute to Māori social, cultural, or economic aspirations <p>Opportunity cost for economic growth</p> <ul style="list-style-type: none"> • None <p>Opportunity cost for employment</p> <ul style="list-style-type: none"> • None |
| Benefits | <ul style="list-style-type: none"> • Targetted planning provisions for identified areas provides certainty for development. | <p>Environmental benefit</p> <ul style="list-style-type: none"> • None <p>Economic benefit</p> <ul style="list-style-type: none"> • None <p>Social benefit</p> <ul style="list-style-type: none"> • None <p>Cultural benefit</p> <ul style="list-style-type: none"> • None | <p>Environmental benefit</p> <ul style="list-style-type: none"> • Improvement in environmental health through recognition of mātauranga and tikanga in physical resource management. <p>Economic benefit</p> <ul style="list-style-type: none"> • Utilisation of Māori assets. • Potential contribution to increasing affordable housing stock for Māori • Focus on young Māori: ‘The region’s reliance on the younger population to sustain the economy in an increasingly older growing population will require the region to focus on the social and economic well-being of that population of which Māori are a large proportion’(Auckland Council <i>Māori Policy and Strategy in the Auckland Plan</i>, 2010; p.24) <p>Social benefit</p> <ul style="list-style-type: none"> • Enhanced Māori self-reliance and well-being |

| | | | |
|-------|--|---|---|
| | | | <ul style="list-style-type: none"> • 'Mana Whenua and the values they hold are intergenerational and will exist for generations to come' (Auckland Council <i>Māori Policy and Strategy in the Auckland Plan</i>, 2010; p.24) <p>Cultural benefit</p> <ul style="list-style-type: none"> • Improved sense of Auckland identity in built environment through recognising the value of matauranga and tikanga in design and development 'Tamaki and the wider Auckland Māori values provide a perspective that is unique to the region' (Auckland Council <i>Māori Policy and Strategy in the Auckland Plan</i>, 2010; p.24) • Better understanding in community of Māori history and future in Auckland area. • Recognition of the value to Māori of customary uses, cultural activities, papakāinga, marae and other activities. |
| Risks | The risk of not acting is that Council's relationship with iwi, hapū, and Māori communities will deteriorate because of a perceived reluctance to acknowledge Māori development aspirations and the need for new cultural institutions, despite strategic direction in the Auckland Plan to do so. | The risk of not acting is that Council's relationship with iwi, hapū, and Māori communities will deteriorate because of a perceived reluctance to acknowledge Māori development aspirations, despite strategic direction in the Auckland Plan to do so. | <ul style="list-style-type: none"> • There is no single understanding of mātauranga and tikanga, and no single guide to assist applicants with integrating these concepts into their proposals. This information must be worked out on a case-by-case basis. However, the <i>Māori Values Supplement</i> includes the following guidance: "The need to have regard to "tikanga Māori" ... means that the Court may be required to have regard to a wide range of concepts such as "tāngata whenua", "mana whenua", "whanaungatanga", "mana", "tapu", "utu", and "mauri" to mention just a few." The Environment Court has recognised Waitangi Tribunal reports as an important source of interpreting tikanga Māori and its related concepts, and has relied on these reports in interpreting Māori values and concepts. The Environment Court has advanced varying approaches to ascertaining Māori values. The following approach to interpreting Māori values captures the imperative to approach this from a Māori paradigm: "In our view there can be some meeting of the two worlds. We start with the proposition that the meaning and sense of a Māori value should primarily be given by Māori. We can try to ascertain what a concept is (by seeing how it is used by Māori) and how disputes over its application are resolved according to tikanga..." (MfE 2010, p.287-8) • The risk of acting is that applicants will be required to engage with Māori, with insufficient support to adequately translate that engagement into design and development outcomes. • The risk of not acting is the body of knowledge on Māori design remains undeveloped. |

3.2 Alternative – Specifically recognising Mana Whenua

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

Alternatives are:

1. Status quo
2. Alternative 1
3. Preferred

| | Status Quo Alternative <i>Some recognition of Mana Whenua aspirations for development</i> | Alternative 1 - Not recommended <i>No specific recognition of Mana Whenua aspirations for development</i> | Alternative 2 – Recommended (Preferred option – complementary to alternative 3) <i>Specific recognition of Mana Whenua aspirations for development, including Māori land and Treaty settlement land (Policies 4 and 5 of the RPS – Section 5.3)</i> |
|-----------------|---|--|--|
| Appropriateness | This approach is consistent with RMA Part 2 | This approach does not support the objective. | This approach partially supports the objective. |
| Effectiveness | <ul style="list-style-type: none"> • Some progress towards ultimate outcome • Provision for marae, papakāinga and other activities limited to special purpose zones | <ul style="list-style-type: none"> • Auckland Plan sets the ultimate outcome: <ul style="list-style-type: none"> ○ Outcome: What the vision means in 2040 – A Māori identity that is Auckland's point of difference in the world. ○ Transformational shifts: To achieve the vision – Significantly lift Māori social and economic well-being | <ul style="list-style-type: none"> • Auckland Plan sets the ultimate outcome: <ul style="list-style-type: none"> ○ Outcome: What the vision means in 2040 – A Māori identity that is Auckland's point of difference in the world. ○ Transformational shifts: To achieve the vision – Significantly lift Māori social and economic well-being |

| | | | |
|------------|---|---|--|
| | | <ul style="list-style-type: none"> • Little progress towards achieving the ultimate outcome. • Assumption that Māori land does not require specific planning controls • Assumption that Mana Whenua development aspirations will be enabled without specific reference in the Unitary Plan. | <ul style="list-style-type: none"> • Some progress towards ultimate outcome, but limited to Māori land and Mana Whenua. • Assumption that providing enabling provisions in Unitary Plan will assist with development of Māori land • Assumption that Council has accurate data on Māori land |
| Efficiency | No change from the status quo will result in continuing costs to Mana Whenua wellbeing, and does not recognise the changing nature of Māori development. The benefits of maintaining the status quo is to give developers and the community certainty about the possible location of Māori development. The costs outweigh the benefits of taking this approach. | No change from the status quo will result in continuing costs to Māori wellbeing, and does not recognise the changing nature of Māori development. No benefits are identified from maintaining the status quo. The costs outweigh the benefits of taking this approach. | <ul style="list-style-type: none"> • Potential costs relating to protection of environmental values are outweighed by benefits related to Mana Whenua well-being. • Provisions require the management of natural heritage values in a way which accords with mātauranga and tikanga. • Improved alignment with Te Ture Whenua Māori (Māori Land) Act 1993 |
| Costs | <p>Environmental cost</p> <ul style="list-style-type: none"> • Limited recognition of mātauranga and tikanga in design and development <p>Economic cost</p> <ul style="list-style-type: none"> • Limited development in special purpose zones during life of legacy plans <p>Social cost</p> <ul style="list-style-type: none"> • Limited recognition of the role of Māori cultural institutions in the wider community <p>Cultural cost</p> <ul style="list-style-type: none"> • Continuing disconnection from Māori identity <p>Opportunity cost for economic growth</p> <ul style="list-style-type: none"> • Potential loss of economic growth related to Māori development <p>Opportunity cost for employment</p> <p>Potential loss of employment generated by Māori development</p> | <p>Environmental cost</p> <ul style="list-style-type: none"> • No improvement in environmental health through recognition of mātauranga and tikanga in physical resource management. <p>Economic cost</p> <ul style="list-style-type: none"> • Continuing under-utilisation of Māori land. • Under-utilisation of Treaty settlement land • Limited contribution to Auckland economy through comparatively less development of Māori assets. <p>Social cost</p> <ul style="list-style-type: none"> • Does not 'Value Te Ao Māori' (Principle, Auckland's Development Strategy, Auckland Plan) <p>Cultural cost</p> <ul style="list-style-type: none"> • Continuing disconnection from land and identity <p>Opportunity cost for economic growth</p> <ul style="list-style-type: none"> • Potential loss of economic growth related to Mana Whenua development <p>Opportunity cost for employment</p> <p>Potential loss of employment generated by Mana Whenua development</p> | <p>Environmental cost</p> <ul style="list-style-type: none"> • Potential loss of protection for natural heritage values through development of Māori land in areas scheduled for natural heritage values • Potential for more dispersed development than envisaged in compact city model <p>Economic cost</p> <ul style="list-style-type: none"> • Assessing Mana Whenua status and rohe boundaries requires consenting officer time and effort <p>Social cost</p> <ul style="list-style-type: none"> • No recognition of aspirations of the wider Māori community <p>Cultural cost</p> <ul style="list-style-type: none"> • No recognition of the concept of the 'ahi kā' connection to ancestral land within a rohe. • No recognition of specific aspirations for Treaty settlement land. <p>Opportunity cost for economic growth</p> <ul style="list-style-type: none"> • Potential loss of economic growth related to Māori development. <p>Opportunity cost for employment</p> <p>Potential loss of employment generated by Māori development.</p> |
| Benefits | <ul style="list-style-type: none"> • Targetted planning provisions for identified areas provides certainty for development. | <p>Environmental benefit</p> <ul style="list-style-type: none"> • None <p>Economic benefit</p> <ul style="list-style-type: none"> • None <p>Social benefit</p> <ul style="list-style-type: none"> • None <p>Cultural benefit</p> <p>None</p> | <p>Environmental benefit</p> <ul style="list-style-type: none"> • Promotion of sustainable development in accordance with kaitiakitanga • Improvement in environmental health through recognition of mātauranga and tikanga in physical resource management: 'The development of mātauranga Māori alongside Western thinking can facilitate better solutions that benefit Māori, the Council and the region' (Auckland Council <i>Māori Policy and Strategy in the Auckland Plan</i>, 2010; p.24) <p>Economic benefit</p> <ul style="list-style-type: none"> • Optimal use of Māori land for uses which may include economic development • Potential contribution to increasing affordable housing stock for Mana Whenua <p>Social benefit</p> <ul style="list-style-type: none"> • Recognition of historical circumstances surrounding under-utilisation of Māori land • Enhanced Mana Whenua self-reliance and well-being <p>Cultural benefit</p> <ul style="list-style-type: none"> • Prioritisation of Mana Whenua development as indigenous people of Auckland • Enhanced Mana Whenua identity, integrity, and rangatiratanga |
| Risks | The risk of not acting is that Council's relationship with iwi, hapū, and Māori communities will deteriorate because of a perceived reluctance to acknowledge Māori development aspirations and the need for new cultural institutions, despite strategic direction in the Auckland Plan to do so. | The risk of not acting is that Council's relationship with iwi, hapū, and Māori communities will deteriorate because of a perceived reluctance to acknowledge Māori development aspirations, despite strategic direction in the Auckland Plan to do so. | See Māori land provisions and Treaty settlement land provisions for risks relating to the Māori land and Treaty settlement land resources. |

4. Conclusion

Based on the above discussion, the following conclusions are drawn:

- The impact on social well-being through providing housing and community infrastructure, and promoting understanding of Māori values is significant. The plan should emphasise the unique role of Mana Whenua in Auckland, and the need to develop Māori land and Treaty settlement assets, as well as acknowledging the aspirations of mataawaka.
- The impact on cultural well-being through recognising the value of Māori knowledge and Māori institutions and activities to Auckland is very significant. 'Māori values can enhance regional aspirations (Auckland Council Māori Policy and Strategy in the Auckland Plan, 2010; p.24).
- The impact on economic well-being through specifically enabling the development of Māori land and addressing the constraints to use and development of Māori land is significant.
- The impact on cultural and economic well-being through specifically enabling the development of Treaty settlement land, in accordance with the outcomes of Treaty settlements, is significant.
- Potential costs relate mainly to administration and the exceptions created to the strategic direction for the growth of Auckland.

In conclusion from the preceding discussion, the following objectives and policies are recommended:

Objective

1. Development is enabled to support the economic, social and cultural aspirations of Mana Whenua.
2. Development is enabled to support the occupation, development and use of land by Mana Whenua within their ancestral rohe, particularly in areas identified as Māori cultural landscapes.

Policies

1. Provide for papakāinga, marae, customary use, cultural activities and commercial activities to support Māori economic, social, and cultural development.
2. Provide for the integration of mātauranga and tikanga in design and development.
3. Support the development of Māori cultural institutions, including institutions which provide economic opportunities through cultural education and tourism.
4. Enable the occupation, development and use of Māori land for the benefit of its owners, their whānau, and their hapū.
5. Enable Mana Whenua to occupy, develop and use Māori land within areas scheduled for natural heritage values in ways that recognise and provide for those natural heritage values.

5 Record of Development of Provisions

5.1 Information and Analysis

Other external documents

- Māori Values Supplement, *Ministry for the Environment, December 2010* (Appendix 3.16.1)
- Papakainga Technical Report for Auckland Council, *Design Tribe, 2012* (Appendix 3.16.2)
- Review of the Māori Purpose Zone, Design Tribe, July 2013 (Appendix 3.16.3)
- Māori Plan for Tāmaki Makaurau, Independent Māori Statutory Board, 2012 (Appendix 3.16.4)

- Explanation of Māori design and development controls, Bidy Livesey (Appendix 3.16.5)
- Māori Values in design and development, Bidy Livesey, (Appendix 3.16.6)
- Māori Cultural Landscape Strategy, *Te Aranga*, April 2008 (Appendix 3.16.7)
- Auckland's Economic Development Strategy, *Auckland Council*, 2013
- Auckland Plan, *Auckland Council*, 2012
- List of Iwi Planning Documents (Appendix 3.18.1)

5.2 Consultation Undertaken

Feedback from Mana Whenua

See feedback from Mana Whenua in 2.17 Māori Land and 2.14 Treaty settlement land section 32.

Feedback from engagement with Māori communities

Māori and the Environment' KORA session in collaboration with Ngā Aho (4 April 2013)

- Respecting Māori knowledge is an essential part of managing our natural resources.
- Māori values and histories need to be reflected in urban design – we should be able to see 'our faces in our places' throughout the city.

Civic Forums – Henderson, Manukau, Takapuna and St Marys Bay (April 2013)

- Auckland's communities need more marae.
- Marae are for the wider community, not just for Māori. The Unitary Plan should provide for marae in communities where more community facilities are needed.

Māori Housing Workshop run jointly with Te Matapihi – He Tirohanga Mo Te Iwi (15 April 2013)

- Affordable, quality housing is a priority for Māori communities. The Unitary Plan needs to provide flexible housing options which suit the needs of Māori.
- Council needs to facilitate papakāinga and marae development on Māori land, general land and Council-owned reserve land.

Workshop with urban marae currently zoned 'Māori Purpose' (24 April 2013)

- The Unitary Plan needs to support a range of activities around marae.
- Resource consent costs and development contributions are a significant barrier to achieving development aspirations.

Independent Māori Statutory Board

- Plan needs to recognise modern expressions of Māori culture and customary rights, particularly economic outcomes (IMSB 7 Sept 2012)
- Māori have interests in the urban and metropolitan areas of their ancestral rohe, including restoring their relationship and ahi kā (IMSB 7 Sept 2012)
- Unitary Plan needs to be proactive in recognising and providing for current and future Māori interests and values (IMSB 7 Sept 2012)

Local Board interaction - No relevant feedback

CCO interaction - No relevant feedback

5.2 Decision-Making

On 25 May 2012, the Political Working Party endorsed the harmonisation of the Māori Special Purpose Zones in legacy Plans to provide:-

- Designated areas for marae and papakainga;
- Special Purpose Zones to cover both Māori and General Land
- Roll over existing Māori Purpose Zones from legacy plans

- Option to extend to new areas.

In addition to this the provision of marae and papakainga within general zones was endorsed.

In September 2012, the Political Working Party approved the working draft of the Unitary Plan for release to iwi authorities.

On 12 December 2012, PWP agreed to a specific approach to address the disproportionate impact of natural heritage overlays on Māori land.

The Unitary Plan was released to the public in March 2013. Feedback from Mana Whenua was presented by 18 of the 19 Mana Whenua groups to the Auckland Plan Committee on 5 August 2013.

Key issues from the feedback received were considered by the Auckland Plan Committee on 9 August 2013. The Auckland Plan Committee were advised of a number of requests for site-specific provisions relating to changes to zone boundaries, requests for precincts or Māori Purpose zonings to be applied to land.

Officers confirmed the following Māori Purpose zones had been proposed for inclusion in the Unitary Plan for notification as a result of feedback:-

- Te Onekiritea / Bomb Point (land returned as cultural redress)
- Site on Puketutu Island
- Pukaki urupā

Auckland Plan Committee meeting on Proposed Unitary Plan

On 5 September 2013 the Auckland Plan Committee resolved to include the proposed Māori development objectives, policies and rules for notification.

- No changes were requested