

## 2.18 Māori and natural resources - section 32 evaluation for the Proposed Auckland Unitary Plan

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## **1 Overview and Purpose**

### **1.1 Subject Matter of this Section**

Māori have a special relationship with natural resources through whakapapa. Inherent in this relationship is kaitiakitanga which seeks to maintain the mauri of these resources, while allowing their use for social, cultural and economic well-being.

Mana Whenua participation and integration of mātauranga Māori in decision-making is of paramount importance in ensuring a sustainable future for Mana Whenua and for Auckland as a whole.

### **1.2 Resource Management Issue to be Addressed**

The provisions relating to natural resources and Mana Whenua seek to address the following issues:

- inadequate recognition of Mana Whenua interests and values, as well as mātauranga and tikanga, in resource management processes and decision-making
- degradation of the mauri of natural resources
- limited role of Mana Whenua in environmental governance and decision-making.

### **1.3 Significance of this Subject**

This approach in the Proposed Auckland Unitary Plan (the Unitary Plan) is a significant shift from legacy plans because the provisions for Mana Whenua and natural and physical resources:-

- Integrate the consideration of Mana Whenua values, mātauranga and tikanga, in resource management processes and decision-making recognise Mana Whenua as the experts in the identification of Mana Whenua values associated with natural and physical resources.
- Enable Mana Whenua to be involved in resource management processes associated with the management of natural and physical resources where Mana Whenua values may be affected.

The implementation of the provisions will result in:

- Early, effective and meaningful engagement with Mana Whenua through the requirement of a Cultural Impact Assessment where Mana Whenua values may be affected.
- Improved understanding and consideration of Mana Whenua values in resource management processes.
- Recognition of the value of mātauranga and tikanga, in resource management processes and decision-making

### **1.4 Auckland Plan**

Priority 2 of the Auckland Plan states:-

*“Enable Tangata Whenua to participate in the co-management of natural resources.”*

Directive 2.2 states:-

*“Implement a co-governance and management framework in collaboration with Mana Whenua.”*

The Auckland Plan recognises that engagement with iwi over plan changes and resource consents is disjointed and often inhibits an effective resource management regime. The comparative lack of resource available to Mana Whenua groups can hinder their effective participation in co-management. Mana Whenua must be given the opportunity to participate

effectively in the co-governance and management of natural resources, cognisant of Te Tiriti settlement outcomes, and within the current regulatory framework.

The Auckland Plan recognises that co-management / governance is a tenable approach to address the management and ownership of natural resources.

### **1.5 Current Objectives, Policies, Rules and Methods**

(from 2.1 Objective in this template)

There are no Regional Policy Statement objectives in relation to incorporating mātauranga and tikanga as well as Mana Whenua values and interests into natural and physical resource management.

(from 2.2 objective of this template)

The operative Regional Policy Statement and Air, Land and Water Plan contains the following objective: *'To sustain the mauri of natural and physical resources in ways which enable provision for the social, economic and cultural well-being of Māori.'*

Likewise, the operative Regional Coastal Plan contains the following objective: *'To sustain the mauri of natural and physical resources of the coastal environment, and to enable provision for the social, economic and cultural well-being of Māori.'*

Part III, Chapter 6 of the operative Regional Coastal Plan included Nga Take Takutai Mo Tangata Whenua (Coastal Matters of Significance to Tangata Whenua). This section of the Plan included specific issues, objectives and policies relating to Tangata Whenua values. The rules relating to coastal matters of significance to Tangata Whenua were included in Part IV: Use and Development and Part V: Consent Processing.

The operative Regional Policy Statement and Air, Land and Water Plan contained the following objective: *'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.'*

Section 2.3 of the operative Regional Policy Statement and Air, Land and Water Plan contained Nga Take Tuturu Mo Tangata Whenua (Matters of Significance to Tangata Whenua). This section of the Plan included specific issues, objectives and policies relating to Tangata Whenua values. The rules relating to matters of significance to Tangata Whenua were integrated in the relevant sections of the Plan.

### **1.6 Information and Analysis**

In developing the approach for integrating consideration of Mana Whenua Values in the Unitary Plan, a key consideration was how to respond to Objective D1 of the National Policy Statement on Freshwater Management 2011 which provides for the involvement of iwi and hapu in the identification and management of freshwater resources.

In addition the New Zealand Coastal Policy Statement 2010, Objective 3 which requires the principles of Te Tiriti o Waitangi to be taken into account and the recognition of the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by the incorporation of mātauranga Māori into sustainable management practices.

In order to respond to these national policy directions, technical advice was prepared by Landcare Research for the Unitary Plan 2012 which made recommendations on ways in which Mana Whenua values in relation to freshwater management could be responded to in the Unitary Plan.

Iwi Management Plans also provide a useful tool in understanding how Mana Whenua Values should be considered in resource management processes and were a key consideration in development of objectives and policies relating to this topic.

In addition to this a number of technical and reference documents were considered in developing the approach contained in the proposed Unitary Plan. These are listed in detail in section 5.1 of this report.

### **1.7 Consultation Undertaken**

- Issues relating to Māori and natural resources were identified at two workshops held with iwi authorities in March 2012.
- A wording draft of the draft Regional Policy Statement issues, objectives and policies was released to iwi authorities in September 2012. The draft 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 on natural resources.
- Written feedback on natural resource provisions in the draft Unitary Plan was received from 19 iwi authorities in May 2013.

### **1.8 Decision-Making**

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

No significant issues have been raised with the Political Working Party or Auckland Plan Committee regarding this topic.

### **1.9 Proposed Provisions**

Part 1 – Introduction and Strategic Direction, Chapter B – RPS, Section 5.2 – Recognising Mana Whenua values through integrating, mātauranga and tikanga in the sustainable management of Auckland’s natural and physical environment, includes objectives that:-

- Require the reflection and weighting of Mana Whenua values, mātauranga and tikanga in resource management decision making; Enhancement of the mauri and relationship of Mana Whenua with natural resources;
- Involvement and empowerment of Mana Whenua in the management of natural and physical resources;
- Recognition of the relationship of Mana Whenua, their customs and traditions with natural and physical resources.

These objectives are supported by policies that provide a clear direction on how Mana Whenua should be involved in resource management processes and how Mana Whenua values should be considered in the sustainable management of natural and physical resources. This includes requirements for Cultural Impact Assessments for certain activities, identification of opportunities for Mana Whenua to be involved in the management of natural and physical resources.

### **1.10 Reference to other Evaluations**

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

- 2.11 Biodiversity
- 2.14 Treaty settlements
- 2.15 Mana Whenua cultural heritage
- 2.16 Maori development
- 2.17 Maori land

- 2.22 Future Urban Zone
- 2.24 Urban stormwater
- 2.25 Freshwater
- 2.26 Flooding
- 2.28 Natural hazards
- 2.29 Stock access
- 2.31 Earthworks
- 2.32 Mangroves
- 2.33 Moorings
- 2.34 Sewage discharge - boats
- 2.36 Reserve management plans
- 2.44 Air quality buffers – major roads
- 2.45 Air quality buffers – heavy industry
- 2.49 Genetically modified organisms

## **2 Objectives, Policies and Rules**

### **2.1 Objective**

The following objective in the RPS – 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:

#### **Objective 1**

*Mana Whenua values and interests, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making*

This objective seeks to:

- recognise and provide for the relationship between Mana Whenua and the environment, as well as Mana Whenua values and interests
- acknowledge the importance of the mātauranga and tikanga in resource management practices
- ensure that resource management processes and decisions give weight to Mana Whenua values and interests
- promote and enhance the role of Mana Whenua as kaitiaki in Auckland

#### **Appropriateness**

##### **Relevance**

This objective will address the issue of inadequate recognition of Mana Whenua values and interest, and their mātauranga and tikanga, in resource management processes. The objective will promote the sustainable management of Auckland’s resources by encouraging Mana Whenua values and interests to be identified and reflected in those management processes.

Mana Whenua values are holistic to encompass the social, cultural and economic wellbeing of Mana Whenua, their future generations and the sustainable management of the natural environment.

It is considered that the objective will give effect to section 6 of the Resource Management Act 1991 as it recognises and provides for the special relationship of Māori and their culture and traditions associated with the natural environment (land, water, air, coast).

The objective was prepared in collaboration with Mana Whenua who were seeking greater recognition and incorporation of mātauranga and tikanga within resource management processes and decision-making.

### **Usefulness**

This objective will guide decision-making by ensuring that:

- Mana Whenua interests and values are fully considered and afforded sufficient weight
- Mātauranga and tikanga are incorporated in resource management processes and decision-making
- Mana Whenua are actively involved in resource management process.

The objective is a new approach for resource management planning within Auckland, and will add value by acknowledging the importance of the mātauranga and tikanga of Mana Whenua. Mātauranga and tikanga are important to acknowledge as measures that embody the role and responsibility of Mana Whenua as kaitiaki. Mātauranga is the specific knowledge that informs tikanga which then guides the resource management practices of Mana Whenua in their area.

### **Achievability**

The Auckland Council has the ability to 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**

The objective is necessary to achieve the sustain management of Auckland's natural and physical resources. Furthermore, the National Policy Statement for Freshwater Management and New Zealand Coastal Policy Statement place a greater emphasis on the value of mātauranga and tikanga in natural resource management. Accordingly this objective will also implement:

- objective D1 of the National Policy for Freshwater Management 2011 (NPFM)
- objective 3 of the New Zealand Coastal Policy Statement 2012 (NZCPS)
- Strategic Direction 7 of the Auckland Plan
- objectives C and M of the Vision and Strategy for the Waikato River

### **Success**

It is anticipated that success indicators will include the number of:

- full time equivalents employed by iwi/hapū for resource management
- iwi planning documents within Auckland
- Māori-related environmental programmes led or supported by Māori.

Also, this objective complements all other objectives and policies relating to partnerships and participation (*RPS – Section 5.1 Recognition of te Tiriti o Waitangi partnerships and participation*), natural resources (*RPS – Section 6 Sustainably Managing our Resources and Auckland-wide Objectives and Policies – Section 5 Natural Resources*) and the coastal environment (*RPS – Section 1.6 Sustainably managing our coastal environment*).

#### **2.1.1 Policies**

The policies in the RPS – Section 5.2 Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland's natural and physical environment direct how Mana Whenua values and interests are reflected and given sufficient weight in the Unitary Plan. These policies give certainty as to the action that is required.

Policy 1 sets out to ensure that measures are undertaken to engage with Mana Whenua to identify and articulate their values and interests in resource management processes and decisions.

Policy 2 supports Policy 1 which will ensure that the identified Mana Whenua values and interests are integrated into the management of Auckland's natural resources through the resource management and decision-making process.

Policy 5 recognises that through opportunities to engage with Mana Whenua, values and interests (Mana Whenua world view) can, and will, be identified.

Policy 7 acknowledges the potential impacts on Mana Whenua if resource management decisions impact on their values and interest and their role and responsibility as kaitiaki. The policy encourages decision-makers to have particular regard to Mana Whenua.

Policy 8 acknowledges the role of Mana Whenua as kaitiaki and the value of mātauranga and tikanga in monitoring. This policy encourages the use of Māori-specific performance indicators (e.g. cultural health index) and facilitates Mana Whenua input and participation in land and water management processes and decision-making.

### **Effectiveness**

These policies directly address Mana Whenua engagement which is an issue that requires focus. These policies will achieve a recognition Mana Whenua are seeking, and will help avoid, remedy and mitigate adverse effects on Mana Whenua values and interests associated with the natural environment. Therefore, these policies are an effective way to ensure that Mana Whenua values and interests are carefully managed.

### **Efficiency**

These policies are efficient in achieving the objective because it aligns with the strategic framework of the Auckland Plan and the central government direction to reflect tangata whenua values and interests and to use mātauranga Māori alongside western science, to make decisions. For this reason, these policies are an efficient way to ensure that Mana Whenua values and interests are carefully managed.

### **2.1.2 Rules and other methods**

There are no rules to consider and evaluate, however a range of methods will be used to implement this objective:

#### Regulatory

- Regional Policy Statement level objective and policies (and linkages with *RPS – Section 5.1 Recognition of te Tiriti o Waitangi partnerships and participation and Section 6 Sustainably Managing our Resources and Section 1.6 Sustainably managing our coastal environment*).
- Regional and District Plan level objectives and policies
- Where applicable, a standard for Permitted Activity
- Criteria where matters are reserved for Controlled Activities
- A criteria where there are matters of discretion for Restricted Discretionary Activities
- Improved (early, effective and meaningful) engagement processes with Mana Whenua
- Increased use of cultural impact assessments for resource management processes
- Recognising the role of, and including Māori experts (including pukenga) in decision-making
- Participation of Mana Whenua in the National Policy Statement for Freshwater Management programme which includes the setting of freshwater objectives and limits (to be incorporated into the Unitary Plan by plan change)

- Involvement in compliance and state-of-the-environment monitoring (e.g. use of cultural indicators)

#### Non-Regulatory

- Development and use of iwi planning documents
- Capacity building within Mana Whenua
- Capacity building within council on understanding mātauranga and tikanga, in the context of natural resource management

### **2.1.3 Costs and Benefits of Proposed Policies and Rules**

#### Benefits

- The wellbeing of Mana Whenua is enabled through greater involvement, participation and recognition of their role as kaitiaki
- It will provide for social, cultural and economic wellbeing of Mana Whenua and the foreseeable needs of future generations
- The integrated management of natural and physical resources
- It takes a precautionary approach by considering the needs of Mana Whenua
- Increase in the awareness and appreciation in Mana Whenua and community values and interests

#### Costs

- Restrictions are imposed on some subdivisions, use and developments in Auckland. This will limit development in some locations.
- Cost implications and time constraints on developers
- Potential unknown compliance implications (costs and administrative) for Council

### **2.1.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information and legislative direction on which to base the proposed policies and methods

Also, if the Auckland Council does not promote or encourage engagement with Mana Whenua, there would be uncertainty from developers and Council on the adverse effects on which are matters of national importance.

## **2.2 Objective**

The following objective in the RPS – section 5.2 Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland’s natural and physical environment is proposed:

### **Objective 2**

*The mauri and the relationship of Mana Whenua with freshwater, geothermal, land, air and coastal resources is enhanced.*

This objective seeks to:

- enhance the relationship of Mana Whenua with the natural environment
- enhance and protect the mauri of natural resources

### **Appropriateness Relevance**

This objective will address the issue expressed by Mana Whenua that the mauri of Auckland's natural environment is in degradation. The degradation is a direct result of Mana Whenua being unable to interact and build upon their relationship with the natural resources in their respective area. By enhancing the relationship of Mana Whenua with Auckland's natural resources, the objective will give effect to section 6 and 7a of the Act and its purpose.

Kaitiakitanga is about nurturing, monitoring and protecting the environment, now and for the needs of future generations. Mana Whenua regard the preservation of the mauri or life essence of the natural environment in their area as a matter of importance. Accordingly, in the development of this objective, it was prepared in collaboration with Mana Whenua who are seeking to enhance, not just maintain, the mauri of the natural environment.

### **Usefulness**

This objective will guide decision-making by ensuring:

- that the mauri of natural resources should not be further degraded
- the relationship of Mana Whenua with the natural environment should not be adversely affected (Mana Whenua relationship and the mauri of the natural environment are directly related)
- that full consideration is given to Mana Whenua relationship with the natural environment when activities that may have an adverse impact on the mauri of the natural environment
- that engagement with Mana Whenua is undertaken to appropriately identify and recognise the relationship of Mana Whenua with the natural environment

This objective adds value by enhancing rather than just maintaining the mauri of natural environment. Likewise, this objective seeks to enhance the relationship of Mana Whenua with the natural environment.

### **Achievability**

The Auckland Council has the ability to 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**

The objective is necessary to recognise and provide for the relationship of Mana Whenua with the natural environment which will also promote the sustain management of Auckland's natural and physical resources. Furthermore, New Zealand Coastal Policy Statement and the purpose of the Hauraki Gulf Marine Park Act 2000 will be acknowledged, accordingly this objective will also implement:

- objective 3 of the New Zealand Coastal Policy Statement 2012
- part of section 3(d) of the Hauraki Gulf Marine Park Act 2000
- strategic direction 7 of the Auckland Plan
- objectives B, C, D and E of the Vision and Strategy for the Waikato River

### **Success**

It is anticipated that success indicators will include the number of:

- full time equivalents employed by iwi/hapū for resource management
- iwi planning documents within Auckland
- Māori-related environmental programmes led or supported by Māori.

This objective complements all other objectives and policies relating to partnerships and participation (*RPS – Section 5.1 Recognition of te Tiriti o Waitangi partnerships and participation*), natural resources (*RPS – Section 6 Sustainably Managing our Resources and Auckland-wide Objectives and Policies – Section 5 Natural Resources*) and the coastal environment (*RPS – Section 1.6 Sustainably managing our coastal environment*).

### 2.2.1 Policies

The policies in the RPS – Section 5.2 Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland’s natural and physical environment direct how Mana Whenua are involved in resource management processes to provide guidance to Council and developers on the mauri of natural resources and action to minimise its further degradation. These policies give certainty as to the action that is required.

- Policies 3 and 4 acknowledge the role and importance of cultural impact assessments and iwi planning documents.
- Policy 5 provides guidance on how Mana Whenua can be involved in integrated natural resource management.
- Policy 6 establishes the requirement to set environmental limits that incorporate cultural values (and others), not just ecological flows and water levels.
- Policy 7 provides criteria of matters that resource management decisions will need to have particular regard to.
- Policy 8 acknowledges the role of Mana Whenua and value of mātauranga and tikanga in monitoring. This policy encourages the use of Māori-specific performance indicators (e.g. cultural health index) and facilitates the input and participation of Mana Whenua into land and water management processes and decision-making.

### Effectiveness

These policies provide the basis that engagement with Mana Whenua is a necessary course of action to address the degradation of the mauri of natural resources and to recognise the role of Mana Whenua as kaitiaki. These policies will achieve a recognition Mana Whenua are seeking, and will help avoid, remedy and mitigate adverse effects on Mana Whenua values and interests associated with the natural environment. Therefore, these policies are an effective way to ensure that the further degradation of the mauri of natural resources is not acceptable and the role of Mana Whenua as kaitiaki is recognised.

### Efficiency

These policies are efficient in achieving the objective because it aligns with the strategic framework of the Auckland Plan and section 6 of the Resource Management Act 1991. For this reason, these policies are an efficient way to ensure that the further degradation of the mauri of natural resources is not accepted and the role of Mana Whenua as kaitiaki is recognised.

### 2.2.2 Rules and methods

There are no rules to consider and evaluate, however a range of methods will be used to implement this objective:

#### Regulatory

- Regional Policy Statement level objective and policies (and linkages with *RPS – Section 5.1 Recognition of te Tiriti o Waitangi partnerships and participation and Section 6 Sustainably Managing our Resources and Section 1.6 Sustainably managing our coastal environment*).
- Regional and District Plan level objectives and policies
- Where applicable, a standard for Permitted Activity
- Criteria where matters are reserved for Controlled Activities
- A criteria where there are matters of discretion for Restricted Discretionary Activities
- Improved (early, effective and meaningful) engagement processes with Mana Whenua

- Increased use of cultural impact assessments for resource management processes
- Participation of Mana Whenua in the National Policy Statement for Freshwater Management programme, which includes the setting of freshwater objectives and limits (to be incorporated into the Unitary Plan by plan change)
- Involvement in compliance and state-of-the-environment monitoring (e.g. use of cultural indicators).

#### Non-Regulatory

- Capacity building within Mana Whenua
- Capacity building within Council on understanding Mātauranga and tikanga, in the context of natural resource management

### **2.2.3 Costs and Benefits of Proposed Policies and Rules**

#### Benefits

- The wellbeing of Mana Whenua is enabled through greater involvement, participation and recognition of their role as kaitiaki
- It will provide for social, cultural and economic wellbeing of Mana Whenua and the foreseeable needs of future generations
- Restoration of traditional customary sites and areas
- It takes a precautionary approach by considering the needs of Mana Whenua

#### Costs

- Restrictions are imposed on some subdivisions, use and developments in Auckland. This will limit development in some locations.
- Cost implications and time constraints on developers and Council to identify and implement Mana Whenua values and the mauri of the natural environment

### **2.2.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information and legislative direction on which to base the proposed policies and methods

Also, if the Auckland Council fails to give clear direction in the Unitary Plan to address the adverse effects on the natural environment it be counter-productive to improving the mauri of the natural environment, therefore the sustainable management of Auckland's natural and physical resources through inconsistent decision-making. Also failure to reflect the values and interest of Mana Whenua in the Unitary Plan would be contrary to the intent of Objective D of the National Policy Statement for Freshwater Management

## **2.3 Objective**

The following objective in the RPS – section 5.2 Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland's natural and physical environment is proposed:

### **Objective 3**

*Mana Whenua are involved and empowered in the management of natural resources*

This objective seeks to:

- enable active participation of Mana Whenua in resource management processes and decisions. This covers plan development, plan changes, resource consent processes and environmental monitoring.

### **Appropriateness Relevance**

This objective gives effect to s6 and 7a of the RMA as it recognises and provides for the special relationship of Māori and their culture and traditions associated with the natural environment (land, water, air and coast). This objective also acknowledges the status of Mana Whenua as a Treaty partner, and as such, ensures Mana Whenua are actively involved in resource management processes and decision-making.

At the time of drafting this report, Resource Management Act freshwater reforms had begun. One key element of these reforms was providing iwi/Māori, as a Treaty partner, with a more effective role in freshwater planning and decision-making, and to recognise the enablers for co-management and co-governance prescribed in Treaty settlements, case in point is the Waikato Raupatu Claims (Waikato River) Settlement Act 2010. Co-management and co-governance arrangements are prescribed in the management of the Waikato River and activities in its catchment. Auckland contains the lower Waikato River catchment. This directive from a Treaty settlement will need to be recognised in the management of Auckland's freshwater.

Also, this objective promotes to protect and sustain the values of Mana Whenua by working with them as partners where appropriate, whether through identifying values and interests or enabling matauranga and tikanga to support the management of natural environment.

The benefits to Auckland from the involvement of Mana Whenua can protect and enhance sites and areas through co-developed, co-managed and integrated planning and policy. Accordingly, this objective has been prepared in collaboration with Mana Whenua, in particular, Mana Whenua seeking greater involvement in natural resource management and recognition of their relationship with the natural environment.

### **Usefulness**

This objective will guide decision-making by ensuring Mana Whenua are actively involved in resource management processes and decision-making. This includes plan development, plan changes, resource consent processes and monitoring (i.e. compliance, state-of-the-environment).

However, this objective is broad and does not define the specific role of Mana Whenua in resource management decision-making processes, as this will vary depending on the process and circumstance. This does not provide a lot of certainty for Council, or for Mana Whenua in who expect they will play a much greater role in resource management processes, e.g. shared decision-making, transfer of powers.

This objective adds value by:

- acknowledging the status of Mana Whenua as a Treaty partner
- acknowledging that Mana Whenua have a greater role to play in managing natural resources.

### **Achievability**

The Auckland Council has the ability to 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**

The objective is necessary to recognise and provide for the relationship of Mana Whenua with the natural environment which will also promote the sustain management of Auckland's natural and physical resources. Furthermore, the National Policy Statement for freshwater Management, the New Zealand Coastal Policy Statement, and the Vision and Strategy for the Waikato River

## **Success**

It is anticipated that success indicators will include the number of:

- full time equivalents employed by iwi/hapū for resource management
- iwi planning documents within Auckland
- Māori-related environmental programmes led or supported by Māori.

This objective complements all other objectives and policies relating to partnerships and participation (*RPS – (Part 2, Chapter B) Section 5.1 Recognition of te Tiriti o Waitangi partnerships and participation*), natural resources (*RPS – Section 6 Sustainably Managing our Resources and Auckland-wide Objectives and Policies – Section 5 Natural Resources*) and the coastal environment (*RPS – Section 1.6 Sustainably managing our coastal environment*).

### **2.3.1 Policies**

The policies in the RPS – (Part 2, Chapter B) Section 5.2 Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland’s natural and physical environment direct how Mana Whenua will be involved and their values being used in the implementation of the Unitary Plan. These policies give certainty as to the action that is required.

- Policies 1 and 2 set out the process for:
  - identifying and articulating Mana Whenua values and interests associated with natural resources.
  - incorporating these interests and values into natural resource management and resource management processes.
- Policies 3 and 4 acknowledge the role and importance of cultural impact assessments and iwi planning documents.
- Policy 5 provides guidance on how Mana Whenua can be involved in integrated natural resource management.
- Policy 6 establishes the requirement to set environmental limits that incorporate cultural values (and others), not just ecological flows and water levels.
- Policy 7 provides a criteria of matters that resource management decisions will need to have particular regard to.
- Policy 8 acknowledges the role of Mana Whenua and value of mātauranga and tikanga in monitoring. This policy encourages the use of Māori-specific performance indicators (e.g. cultural health index) and facilitates the input and participation of Mana Whenua into land and water management processes and decision-making.

### **Effectiveness**

These policies directly address the importance of Mana Whenua involvement and participation in the sustainable management of Auckland’s natural and physical resources. These policies are supported by legislative directives in Treaty settlements and National Policy Statement for Freshwater Management. Therefore, these policies are an effective way to ensure that Mana Whenua are empowered and involved in the management of natural resources.

### **Efficiency**

These policies are efficient in achieving the objective because it aligns with the strategic framework of the Auckland Plan and legislative requirements for resource management in

New Zealand. For this reason, these policies are an efficient way to ensure that Mana Whenua are empowered and involved in the management of natural resources.

### **2.3.2 Rules and methods**

There are no rules to consider and evaluate, however a range of methods will be used to implement this objective:

#### Regulatory

- Regional Policy Statement level objective and policies (and linkages with *RPS – Section 5.1 Recognition of te Tiriti o Waitangi partnerships and participation and Section 6 Sustainably Managing our Resources and Section 1.6 Sustainably managing our coastal environment*).
- Regional and District Plan level objectives and policies
- Where applicable, a standard for Permitted Activity
- Criteria where matters are reserved for Controlled Activities
- A criteria where there are matters of discretion for Restricted Discretionary Activities
- Improved (early, effective and meaningful) engagement processes with Mana Whenua
- Partnership agreements e.g. joint management agreements, transfer of powers
- Recognising the role of, and including Māori experts (including pukenga) in decision-making
- Participation of Mana Whenua in the National Policy Statement for Freshwater Management programme which includes the setting of freshwater objectives and limits (to be incorporated into the Unitary Plan by plan change)
- Involvement in compliance and state-of-the-environment monitoring (e.g. use of cultural indicators).

#### Non-Regulatory

- Regional Kaitiaki Forum
- Capacity building within Council and Mana Whenua

### **2.3.3 Costs and Benefits of Proposed Policies and Rules**

#### Benefits

- The wellbeing of Mana Whenua is enabled through greater involvement, participation and recognition of their role as kaitiaki
- Promotes the principles of the Treaty of Waitangi and enacts Treaty settlements
- It takes a precautionary approach by considering the needs of Mana Whenua

#### Costs

- Restrictions are imposed on some subdivisions, use and developments in Auckland. This will limit development in some locations.
- Cost implications and time constraints on developers
- Potential unknown compliance implications (costs and administrative) for Council

### **2.3.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information and legislative direction on which to base the proposed policies and methods

Also, if the Auckland Council does not promote or encourage engagement with Mana Whenua, there would be uncertainty from developers and Council on the adverse effects on the relationship of Mana Whenua with the ancestral lands and the natural environment, which are matters of national importance. Also failure to reflect the values and interest of

Mana Whenua in the Unitary Plan would be contrary to the intent of Objective D of the National Policy Statement for Freshwater Management.

## **2.4 Objective**

The following objective in the RPS – (Part 2, Chapter B) section 5.2 Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland’s natural and physical environment is proposed:

### **Objective 4:**

The relationship of [Mana Whenua](#) and their customs and traditions with areas scheduled for natural heritage or historic heritage values is recognised and provided for.

This objective seeks to:

- enhance the relationship of Mana Whenua with the natural environment, specifically the areas schedule for natural heritage. This covers plan development, plan changes, resource consent processes and environmental monitoring.

### **Appropriateness**

#### **Relevance**

To protect and uphold the customary cultural rights and mātauranga and tikanga in areas scheduled for natural heritage values will ensure the wellbeing of Mana Whenua, and their future generations, can continue with their values and beliefs. This objective will ensure that those values and beliefs are recognised and provided for in the sustainable management of those scheduled areas in Auckland.

Section 6 and 7a of the Resource Management Act 1991 will be given effect to by this objective, which will also ensure that modification and/or destruction of sites and areas with natural heritage value, recognise the relationship (waahi tapu, waahi taonga, mahinga kai) Mana Whenua have with those scheduled areas.

#### **Usefulness**

This objective will guide decision-making by ensuring that the values and beliefs of Mana Whenua are considered and afforded sufficient weight. It will encourage the protection of taonga and other treasured items and will encourage the development of mātauranga Māori indicators for monitoring to complement the western science indicators.

As a new objective, it outlines a new approach for resource management planning within Auckland, and will add value by protecting the relationship of Mana Whenua with scheduled areas in Auckland.

#### **Achievability**

The Auckland Council has the ability to 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**

The objective is necessary to achieve the sustainable management of Auckland’s natural and physical resources and to recognise and provide for matters that are of national importance. Furthermore, the strategic direction of the Auckland Plan and the Vision and Strategy for the Waikato River will be acknowledged and given effect to.

### 2.4.1 Policies

The policies in the RPS – (Part 2, Chapter B) Section 5.2 Mana Whenua mātauranga, values and tikanga in the sustainable management of Auckland’s natural and physical environment direct how Mana Whenua will be involved in protecting their values and beliefs on scheduled areas and sites in the implementation of the Unitary Plan. These policies give certainty as to the action that is required.

- Policies 1 and 2 set out the process for identifying, articulating and incorporating Mana Whenua values and interests associated with natural resources in the management of Auckland’s scheduled areas
- Policies 3 and 4 acknowledge the role and importance of cultural impact assessments and iwi planning documents.
- Policy 5 provides guidance on how Mana Whenua can be involved
- Policy 7 provides a criteria of matters that resource management decisions will need to have particular regard to.
- Policy 8 acknowledges the value of mātauranga and tikanga in monitoring the scheduled areas of natural heritage values.

### Effectiveness

These policies directly address the importance of Mana Whenua involvement and participation in the sustainable management of Auckland’s scheduled areas with natural heritage value. The values, customs and beliefs of Mana Whenua should be protected, therefore these policies are an effective way to ensure that Mana Whenua are empowered and involved in the management of natural resources.

### Efficiency

These policies are efficient in achieving the objective because it aligns with the strategic framework of the Auckland Plan and legislative requirements for resource management in New Zealand. For this reason, these policies are an efficient way to ensure that Mana Whenua are empowered and involved in the management of natural resources.

### 2.4.2 Rules and methods

There are no rules to consider and evaluate, however a range of methods will be used to implement this objective:

#### Regulatory

- Regional Policy Statement level objective and policies (and linkages with *RPS – (Part 2, Chapter B) Section 5.1 Recognition of te Tiriti o Waitangi partnerships and participation and Section 6 Sustainably Managing our Resources and Section 1.6 Sustainably managing our coastal environment*).
- Regional and District Plan level objectives and policies
- Where applicable, a standard for Permitted Activity
- Criteria where matters are reserved for Controlled Activities
- A criteria where there are matters of discretion for Restricted Discretionary Activities
- Improved (early, effective and meaningful) engagement processes with Mana Whenua
- Partnership agreements e.g. joint management agreements, transfer of powers
- Recognising the role of, and including Māori experts (including pukenga) in decision-making
- Participation of Mana Whenua in the NPS for Freshwater Management programme which includes the setting of freshwater objectives and limits (to be incorporated into the Unitary Plan by plan change)

- Involvement in compliance and state-of-the-environment monitoring (e.g. use of cultural indicators).

#### Non-Regulatory

- Regional Kaitiaki Forum
- Capacity building within Council and Mana Whenua

### **2.4.3 Costs and Benefits of Proposed Policies and Rules**

#### Benefits

- The wellbeing of Mana Whenua is enabled through greater involvement, participation and recognition of their role as kaitiaki
- It will provide for social, cultural and economic wellbeing of Mana Whenua and the foreseeable needs of future generations are provided for
- Restoration of traditional customary sites and areas
- Protection of schedule areas with natural heritage values
- It takes a precautionary approach by considering the needs of Mana Whenua

#### Costs

- Restrictions are imposed on some subdivisions, use and developments in Auckland. This will limit development in some locations.
- Cost implications and time constraints on developers and Council to identify, consider and implement Mana Whenua values

### **2.4.4 Adequacy of Information and Risk of Not Acting**

It is considered that there is sufficient information and legislative direction on which to base the proposed policies and methods

Also, if the Auckland Council fails to give clear direction in the Unitary Plan to address the adverse effects on the natural environment, in this particular case is the scheduled areas with natural heritage values, Council will be contrary to the sustainable management of the natural and physical resources in Auckland. The recognition of Mana Whenua relationship with their taonga is of national importance and must be provided for in the Unitary Plan.

## **3 Alternatives**

Consideration was given to adopting the existing provisions in the Auckland Regional Policy Statement, however after extensive consultation and engagement with Mana Whenua, and the feedback received through submissions, the proposed preferred alternative is a modification of the existing provisions to appropriately address the identified resource management issues and adverse effects on Mana Whenua values and their relationship with the natural environment.

The third alternative was giving consideration to the objectives in the Operative Waikato Regional Policy on Treaty of Waitangi and Matters of Significance to Māori. This option was considered on two matters:

- The evolved relationship between the Waikato Regional Council and Iwi, and
- The contiguous nature of the natural environment between the two authorities (ie the Waikato River and its catchment)

The alternatives are assessed as a package of objectives rather than individually assessed. This approach was in acknowledgment that the objectives support each other to address the resource management issue they are intended to address.

Alternatives are:

1. Status Quo
2. Proposed Preferred Alternative
3. Operative Waikato Regional Policy Statement

	<b>Status Quo Alternative - Retain existing provisions from the operative Regional Policy Statement</b>	<b>Alternative 1 – Preferred option</b>	<b>Alternative 2 - Operative Waikato Regional Policy Statement</b>
	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>- To sustain the mauri of natural and physical resources in ways which enable provision for the social, economic and cultural wellbeing of Māori</li> <li>- To involve tangata whenua in resource management processes in ways which: <ul style="list-style-type: none"> <li>i. Take into account the principles of the Treaty of Waitangi, including rangatiratanga</li> <li>ii. Have particular regard to the practical expression of kaitiakitanga</li> </ul> </li> <li>- 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</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>- Mana Whenua values and interests, matauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making</li> <li>- The mauri and the relationship of Mana Whenua with freshwater, geothermal, land, air and coastal resources is enhanced</li> <li>- Mana Whenua is involved and empowered in the management of the natural resources</li> <li>- The relationship of Mana Whenua and their customs and traditions with areas scheduled for natural heritage values is recognised and provided for</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>- Mutual understanding between tangata whenua and local authorities in the application of the principles of the Treaty of Waitangi under the Resource Management Act 1991</li> <li>- The relationship which tangata whenua have with the natural and physical resources recognised</li> <li>- Tangata Whenua concerns relating to the mauri of the water is recognised and provided for</li> <li>- The protection of heritage resources of significance to Māori</li> </ul>
Appropriateness	These objective do not appropriately address the issue of inadequate recognition of Mana Whenua interests and values, as well as matauranga and tikanga. It is consider the assessment in section 2 confirms that retaining the status quo is not an appropriate approach.	The assessment in section 2 confirms the proposed approach is appropriate.	These objectives do not consider the use of matauranga in the sustainable management of Auckland's natural environment. It is considered the assessment on the proposed preferred objective, confirms the proposed approach is appropriate.
Effectiveness	<p>Retaining the existing provisions from the operative Regional Policy Statement and regional plans will not achieve the objectives. There are also no legacy provisions relating to the incorporation of mātauranga and tikanga in natural resource management.</p> <p>Feedback from Mana Whenua during the development of the draft Unitary Plan indicated a strong preference:</p> <ul style="list-style-type: none"> <li>• for greater recognition and incorporation of mātauranga and tikanga within resource management processes and decision-making</li> <li>• to enhance, not just maintain, the mauri of the natural environment</li> <li>• for greater involvement in natural resource management.</li> </ul> <p>Furthermore, the National Policy Statement for Freshwater Management and New Zealand Coastal Policy Statement place a greater emphasis on:</p> <ul style="list-style-type: none"> <li>• the value of mātauranga and tikanga in natural resource management</li> <li>• the relationship of Mana Whenua with the natural environment</li> <li>• on the role of Mana Whenua in the management of freshwater resources.</li> </ul> <p>Therefore, it would not be effective to retain the existing provisions from the operative Regional Policy Statement and regional plans.</p>	<p>Strengthening the Unitary Plan provisions in line with Mana Whenua feedback and the requirements of NPS for Freshwater Management and NZCPS will achieve the objectives.</p> <p>Therefore, it is considered the proposed approach would be effective.</p>	<p>With the planning regime evolving, these objectives do not consider the feedback from Mana Whenua or Objective D in the National Policy Statement for Freshwater Management. Therefore, it is considered the proposed approach would not be effective.</p>
Efficiency	These objectives are not efficient. There is limited benefit to the status quo other than economic benefits. The associated environmental, social and cultural costs outweigh the economic benefits of the status quo.	<p>There are significant financial and time costs with this approach, in terms of greater levels of engagement and involvement with Mana Whenua, not to mention the need for capacity building within council and Mana Whenua.</p> <p>However, these costs will be offset by the significant long term environmental, social and cultural benefits.</p>	These objectives do not consider the feedback from Mana Whenua and the evolving planning regime to involve tangata whenua and the use of matauranga Māori to complement western science which is a national direction. Therefore it is considered that his objective is not efficient.

<p>Costs</p>	<p><u>To Council</u> Not fully implementing the National Policy Statement for Freshwater Management and New Zealand Coastal Policy Statement.</p> <p>Expectations of the community in delivering the objectives of the National Policy Statement for Freshwater Management</p> <p>Potential increase in Environment Court costs associated with plan development that does not:</p> <ul style="list-style-type: none"> <li>- specifically incorporate Mana Whenua values and interests as well as mātauranga and tikanga</li> <li>- actively involve Mana Whenua.</li> </ul> <p>Impact on relationship between council and Mana Whenua due to perceived reluctance to:</p> <ul style="list-style-type: none"> <li>- implement NPS for Freshwater Management and NZCPS</li> <li>- actively involve Mana Whenua</li> <li>- recognise the value of mātauranga and tikanga.</li> </ul> <p><u>To Mana Whenua</u> Reduced integrated / holistic management of natural resources.</p> <p>Opportunity costs for increased employment compared with proposed approach</p> <p>Limited role of Mana Whenua in environmental governance and decision-making.</p> <p><u>To Resource Users</u> Potential increase in Environment Court costs associated with certain resource consent processes that do not:</p> <ul style="list-style-type: none"> <li>- actively involve Mana Whenua</li> <li>- recognise Mana Whenua values and interests, mātauranga and tikanga.</li> </ul> <p>Impact on relationship between council and resource users due to perceived reluctance to recognise the value of Mana Whenua values, interests and input in some resource consent processes.</p>	<p>Costs are identified in section 2.</p>	<p><u>To Council</u> The full implementation of the National Policy Statement for Freshwater Management will not be achieved</p> <p>Expectations of the community in delivering the objectives of the National Policy Statement for Freshwater Management</p> <p>Potential increase in Environment Court costs associated with plan development that does not:</p> <ul style="list-style-type: none"> <li>- specifically incorporate Mana Whenua values and interests as well as mātauranga and tikanga</li> <li>- actively involve Mana Whenua.</li> </ul> <p>Impact on relationship between Council and Mana Whenua due to perceived reluctance to:</p> <ul style="list-style-type: none"> <li>- implement NPS for Freshwater Management and NZCPS</li> <li>- actively involve Mana Whenua</li> <li>- recognise the value of mātauranga and tikanga.</li> </ul> <p><u>To Mana Whenua</u> Reduced integrated / holistic management of natural resources.</p> <p>Opportunity costs for increased employment compared with proposed approach</p> <p>Limited role of Mana Whenua in environmental governance and decision-making.</p> <p><u>To Resource Users</u> Potential increase in Environment Court costs associated with certain resource consent processes that do not:</p> <ul style="list-style-type: none"> <li>- actively involve Mana Whenua</li> <li>- recognise Mana Whenua values and interests, mātauranga and tikanga.</li> </ul>
<p>Benefits</p>	<p><u>To Council</u> No change in costs (financial or time) associated with implementation, monitoring or enforcement.</p>	<p>Benefits have been identified in section 2</p>	<p>There are no benefits because the objectives will not provide complete information regarding Mana Whenua values and interests and incorporating those values into Auckland's resource management processes and decision-making.</p>
<p>Risks</p>	<p>The risk of not acting includes significant impacts on the relationship between council, Mana Whenua and the wider community because of expectations relating to:</p> <ul style="list-style-type: none"> <li>• implementation of the NPS for Freshwater Management and NZCPS</li> <li>• feedback received from Mana Whenua during the development of the draft Unitary Plan.</li> </ul>	<p>Risk of not acting is outlined in section 2.</p>	<p>Uncertain or insufficient information</p> <ul style="list-style-type: none"> <li>• on intangible values associated with mātauranga and tikanga can be incorporated – long process anticipated</li> <li>• on how mātauranga and tikanga will be accorded sufficient weight in decision-making</li> </ul>

### 3.2 Proposed provisions for Natural Resources

To implement the proposed preferred alternative, the Regional and District Plan level provisions have been identified below.

These provisions are appropriate to achieve the purpose of the Resource Management Act 1991 and the resource management issue of the lack of recognition of Mana Whenua involvement in the resource management processes and decision-making, and the incorporation of their values and interests.

The individual objectives and policies identified below are highly effective and efficient provisions to implement the proposed Regional Policy Statement objectives and policies.

<b>Auckland-Wide provisions</b>		
Natural Resources - Water		
Water Quality and integrated management	<p><u>Objectives</u></p> <ol style="list-style-type: none"> <li>1. <i>Areas of high freshwater quality, ecosystem health, and areas of significant Mana Whenua values are protected from degradation</i></li> <li>5. <i>The mauri of freshwater and the relationship of Mana Whenua with freshwater is recognised and provided for</i></li> <li>6. <i>Mana Whenua values, matauranga and tikanga are reflected and given sufficient weight in water quality management processes and decision-making</i></li> </ol>	<p><u>Policies</u></p> <ol style="list-style-type: none"> <li>14. <i>Ensure that the mauri of freshwater and the special relationship of Mana Whenua with freshwater is not adversely affected by land use, development and stormwater management.</i></li> <li>15. <i>Require land use and development in areas underlain by shallow or highly permeable aquifers to use stormwater discharge to ground soakage provided that:</i> <ol style="list-style-type: none"> <li>a. <i>ground soakage is available</i></li> <li>b. <i>any risk to people and property from land instability or flooding is avoided</i></li> <li>c. <i>any risk to sites and places of significance to Mana Whenua is avoided</i></li> <li>d. <i>stormwater quality treatment is implemented to avoid degrading the capacity and water quality of the underlying aquifer system</i></li> </ol> </li> </ol>
Water Quantity, Allocation and Use	<p><u>Objective</u></p> <ol style="list-style-type: none"> <li>5. <i>Mana Whenua values are acknowledged in the allocation and use of water</i></li> </ol>	<p><u>Policies</u></p> <ol style="list-style-type: none"> <li>15. <i>Require proposals to dam a river to demonstrate that:</i> <ol style="list-style-type: none"> <li>a. <i>adverse effects on fish passage are avoided or remedied, where native fish and/or habitats actually or potentially exist upstream</i></li> <li>b. <i>appropriate water levels and downstream flow regimes will be maintained, including:</i> <ol style="list-style-type: none"> <li>i. <i>low flows in rivers and streams to protect in stream values</i></li> <li>ii. <i>downstream flow variability</i></li> <li>iii. <i>water levels and flows in wetlands to protect vegetation and habitat values of the wetland throughout the year</i></li> </ol> </li> </ol> </li> </ol>

		<p><i>iv. water levels in lakes to protect the ecological values and water quality of the lake, maintain shoreline stability and enable recreational use</i></p> <p><i>c. existing lawfully established upstream and downstream water uses are not adversely affected by the damming proposal, including those allowed by s. 14 (3) (b) of the RMA</i></p> <p><i>d. Mana Whenua values associated with the wetland, lake or river are identified and the effect of the proposal on these are assessed and taken into account</i></p> <p><i>e. the design, construction, operation and maintenance of the dam avoids significant adverse effects and remedies or mitigates other effects on:</i></p> <ul style="list-style-type: none"> <li><i>i. flooding</i></li> <li><i>ii. bank or bed erosion or aggregation</i></li> <li><i>iii. drainage of any property</i></li> <li><i>iv. land instability</i></li> <li><i>v. people and communities</i></li> <li><i>vi. the habitat of fauna or flora, including wetlands, either upstream or downstream of the dam</i></li> <li><i>vii. catchment conditions arising from the scale, location or number of dams in the catchment</i></li> <li><i>viii. risk of dam failure.</i></li> </ul> <p><i>f. if applicable, recognise the Vision and Strategy for the Waikato River in Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.</i></p> <p><b>18. Require proposals to divert groundwater, in addition to the matters addressed in policy 6 and 7, to ensure that:</b></p> <ul style="list-style-type: none"> <li><i>a. the proposal avoids, remedies or mitigates any adverse effects on:</i> <ul style="list-style-type: none"> <li><i>i. scheduled historic heritage places and sites and places of significance to Mana Whenua</i></li> <li><i>ii. people and communities</i></li> </ul> </li> <li><i>b. the groundwater diversion does not cause or exacerbate any flooding</i></li> <li><i>c. monitoring has been incorporated where appropriate,</i></li> </ul>
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		<p><i>including:</i></p> <ul style="list-style-type: none"> <li><i>i. measurement and recording of water levels and pressures</i></li> <li><i>ii. measurement and recording of the movement of ground, buildings and other structures</i></li> </ul> <p><i>d. mitigation has been incorporated where appropriate including:</i></p> <ul style="list-style-type: none"> <li><i>i. minimising the period where the excavation is open/unsealed</i></li> <li><i>ii. use of low permeability perimeter walls and floors</i></li> <li><i>iii. use of temporary and permanent systems to retain the excavation</i></li> <li><i>iv. re-injection of water to maintain groundwater pressures.</i></li> </ul> <p>19. <i>Require proposals to drill holes or bores to demonstrate that the location, design and construction:</i></p> <ul style="list-style-type: none"> <li><i>a. complies with the New Zealand Standard on the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001)</i></li> <li><i>b. prevents contaminants from entering an aquifer</i></li> <li><i>c. prevents cross-contamination between aquifers with different pressure, water quality or temperature</i></li> <li><i>d. prevents leakage of groundwater to waste</i></li> <li><i>e. avoids the destruction, damage or modification of any historic heritage place or sites and places of significance to Mana Whenua</i></li> <li><i>f. avoids disturbance of wetlands.</i></li> </ul>
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<b>Zone provisions</b>		
<b>Coastal</b>		
Drainage, reclamation and declamation	<p><u>Objective</u></p> <p>1. <i>The natural character, ecological values, Mana Whenua values and natural coastal processes of the CMA are not adversely affected by inappropriate reclamation, drainage or declamation</i></p>	
Disturbance of the foreshore and seabed	<p><u>Objective</u></p> <p>2. <i>Disturbance of the foreshore and seabed is managed to minimise adverse effects on natural character,</i></p>	<p><u>Policies</u></p> <p>3. <i>Allow disturbance of the foreshore or seabed that is necessary to protect, maintain or enhance historic and Mana Whenua values, geological, ecological or habitat values, or for public access or</i></p>

	<i>ecological values, coastal processes, historic heritage and Mana Whenua values</i>	<p>research, where this is consistent with maintaining the values of the area.</p> <p>4. Require use and development to limit the area of foreshore and seabed disturbance to the extent practicable, and for the works to be done at a time of day or year that will minimise effects on:</p> <ul style="list-style-type: none"> <li>a. the feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting, nesting and feeding</li> <li>b. stability of coastal features such as dunes and coastal vegetation</li> <li>c. public access and recreational use of the CMA</li> <li>d. other established activities</li> <li>e. traditional gathering, collection or harvest of kaimoana by Mana Whenua</li> <li>f. historic and Mana Whenua values.</li> </ul>
Mineral extraction		<p><i>Policy</i></p> <p>3. Require applications for mineral extraction from the CMA to demonstrate:</p> <ul style="list-style-type: none"> <li>a. the extent of the benefits derived from the activity</li> <li>b. the extent to which the extraction has significant adverse effects on: <ul style="list-style-type: none"> <li>i. marine and coastal vegetation</li> <li>ii. feeding, spawning and migratory patterns of marine and coastal fauna, including bird roosting and nesting</li> <li>iii. stability of dunes and coastal vegetation</li> <li>iv. recreational and amenity values of the area</li> <li>v. the values of significant surf-breaks identified in Appendix 6.3</li> <li>vi. other established activities</li> <li>vii. Mana Whenua values</li> <li>viii. bathymetry, foreshore contours, sediment particle size or physical coastal processes</li> <li>ix. sediments, turbidity or biota caused by the release of contaminants</li> <li>x. the habitat of a rare or endangered species.</li> <li>xi. coastal erosion</li> <li>xii. marine flora and fauna, including benthic and pelagic species of fin fish and shellfish, and how it will enable re-colonisation by the benthic species present before extraction took place</li> <li>xiii. historic heritage.</li> </ul> </li> <li>c. measures to manage the above adverse effects, including remediation and mitigation</li> </ul>
Vegetation: mangrove management	<i>Objective</i> 6. Mana Whenua values and interests, mātauranga and tikanga are recognised and reflected in mangrove management.	<i>Policy</i> 9. Encourage the identification of Mana Whenua values associated with mangroves and the CMA, and assessment of the effects of mangrove removal on these

		<i>values and to incorporate matauranga and tikanga in the management of mangroves.</i>
Structures	<u>Objective</u> <i>3. Structures are appropriately located and designed to minimise adverse effects on Mana Whenua values, the other uses and values of the CMA, and to avoid, to the extent practicable, the risk of being affected by coastal hazards.</i>	

<b>Overlay provisions</b>		
Natural Heritage		
Trees in roads and reserves	<u>Objective</u> <i>1. Trees in roads and reserves that contribute to cultural, amenity, landscape and ecological values are protected</i>	<u>Policy</u> <i>Encourage the use of indigenous trees and vegetation for planting within roads and reserves, where appropriate, to recognize and reflect the cultural, amenity, landscape and ecological values.</i>

#### **4 Conclusion**

The Resource Management Act 1991 requires the Council to promote the sustainable management of natural and physical resources. For this analysis, it supports the promotion of sustainable management by enabling Mana Whenua to access resources so they can provide for their wellbeing, and managing the effects of resource use.

The proposed alternative is the most appropriate as it clarifies and strengthens:

- the recognition of Mana Whenua interest and values, matauranga and tikanga in resource management processes and decision-making
- the degradation of the mauri of natural resources
- the limited role of Mana Whenua in environment governance and decision-making
- the strategic planning framework of the Auckland Plan

The complementing provisions in the Regional and District Plan level of the Unitary Plan, and the requirement of cultural impact assessment reports for activities that subdivide, use and develop the natural resources in Auckland, will deliver the changes that the Regional Policy Statement objectives and policies are out to achieve.

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

##### *Impact on environmental well-being:*

The proposed approach will result in long-term improvements in natural resource management. This is due to the recognition of mātauranga and tikanga in resource management; the requirement to enhance the mauri of natural resources and the long-term collaboration needed to fully implement of the NPS for Freshwater Management and NZCPS.

##### *Impact on social well-being:*

The proposed approach will result in improved relationships with Mana Whenua and understanding of Mana Whenua interests and values. However, there may be some sectors of the community that do not agree with giving Mana Whenua special status.

##### *Impact on cultural well-being:*

The proposed approach will provide increased opportunities for Mana Whenua involvement in resource management process and decision-making and therefore greater recognition and provision for their kaitiaki role.

*Impact on economic well-being:*

The objective is likely to result in a net positive economic benefit. While there will be increased costs associated with supporting greater Mana Whenua involvement in resource management decision-making, these are countered by the benefits of decreasing challenges to RMA decisions.

In conclusion from the preceding discussion, the following approach and associated provisions are considered to be both effective and efficient:

*Proposed approach*

- Greater recognition of:
  - Mana Whenua interests and values in resource management processes and decision-making
  - mātauranga and tikanga in resource management processes and decision-making
  - the relationship of Mana Whenua with natural resources
  - the role of Mana Whenua in environmental governance and decision-making.
- Higher standard of enhancing, rather than maintaining, the mauri of natural resources.

*Associated provisions*

Part 3, section 2.7.4 – includes a requirement for a Cultural Impact Assessment to be provided when resource consent is required for the following resource consent applications where the proposal may have adverse effects on Mana Whenua values:

- a. discharges to water or the CMA
- b. discharges to air
- c. discharge to land
- d. diversion, taking or using of surface water, ground water, coastal water or geothermal resources
- e. damming of water and associated damming structures
- f. drilling to construct a bore
- g. structures affecting river beds and the CMA
- h. disturbance to river beds and the CMA
- i. reclamations
- j. mineral extraction
- k. removal of mangroves
- l. construction of significant infrastructure
- m. establishment of new landfills, the expansion or closure of existing landfills, clean fills, recycling plants, waste treatment or hazardous waste infrastructure and bio waste infrastructure and deposition of bio-solids
- n. removal of outstanding specimens of native vegetation
- o. Land disturbance or vegetation clearance in the following overlays:
  - i. Outstanding Natural Features overlay
  - ii. Outstanding Natural Landscapes overlay
  - iii. Outstanding and High Natural Character and Coastal Areas overlay

- iv. Significant Ecological Areas overlay
- p. Applications that require integration of mātauranga and tikanga
- q. Land disturbance and subdivision within archaeological sites of Māori origin where the locations have been confirmed and are shown on the council's cultural heritage inventory.

This enables the effective consideration of effects on Mana Whenua values in the management of natural resources.

### **Objectives**

1. Mana Whenua values and interests, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.
2. The mauri and the relationship of Mana Whenua with freshwater, geothermal, land, air and coastal resources is enhanced.
3. Mana Whenua is involved and empowered in the management of natural resources.
4. The relationship of Mana Whenua and their customs and traditions with areas scheduled for natural heritage values is recognised and provided for.

### **Policies**

1. Enable Mana Whenua to identify and articulate their values and interests associated with:
  - a. ancestral lands, biodiversity, water, air, coastal sites, wāhi tapu and other taonga
  - b. freshwater, including rivers, streams, aquifers, lakes, wetlands and associated values
  - c. air, geothermal and coastal resources.
2. Integrate Mana Whenua values and interests, mātauranga and tikanga:
  - a. in the management of natural and physical resources within the ancestral rohe of Mana Whenua, including ancestral lands, biodiversity, waters, sites, wāhi tapu and other taonga
  - b. in the management of freshwater and coastal resources, such as the use of rāhui to enhance ecosystem health
  - c. to find innovative solutions to remedy the long-term adverse effects on historical, cultural and spiritual values from discharges to freshwater and coastal water
  - d. in resource management processes and decisions relating to freshwater, geothermal, land, air and coastal resources.
3. Provide opportunities for Mana Whenua to be involved in the integrated management of natural resources in ways that:
  - a. recognise the holistic nature of the Mana Whenua world view
  - b. recognise any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011
  - c. restore or enhance the mauri of freshwater and coastal ecosystems.
4. Establish:
  - a. minimum water quality standards for freshwater, including groundwater, and coastal water
  - b. maximum allocation limits for freshwater resources, including groundwater that incorporates Mana Whenua values and interests in addition to the ecological values of the water resource.

5. Resource management decisions must have particular regard to potential impacts on:
  - a. the exercise of kaitiakitanga
  - b. mauri, particularly in relation to freshwater and coastal resources
  - c. customary activities, including mahinga kai
  - d. places, sites and areas with significant spiritual or cultural heritage value to Mana Whenua.
6. Identify, define and set goals for ecosystem health from a Mana Whenua perspective using tools such as:
  - a. the Ministry for the Environment's Māori environmental performance indicators
  - b. specific environmental or cultural indicators based on mātauranga and tikanga Māori.
7. Ensure that resource management decisions take into account relevant iwi and hapū resource management plans.
8. Require the preparation of a cultural impact assessment for activities that may adversely affect the mauri of natural resources.

## 5 Record of Development of Provisions

### 5.1 Information and Analysis

#### *Base line approach*

- Auckland Plan, *Auckland Council*, 2012
- legacy plans
  - operative Regional Policy Statement
  - operative Regional Coastal Plan
  - operative Regional Air, Land and Water Plan
- Māori Plan for Tamaki Makaurau, *Independent Māori Statutory Board*
- Iwi Planning Documents (Appendix 3.18.1)
- Second Report of the Land and Water Forum, *Land and Water Forum*, April 2012 (Appendix 3.18.2)
- Māori Values Supplement, *Ministry for the Environment*, December 2012 (Appendix 3.18.3)
- Vision and strategy for the Waikato River, *Guardians Establishment Committee*, 2009 (Appendix 3.18.4)
- Mātauranga Māori in Urban Planning – A Tamaki Makaurau Case Study, *Kennedy N.*, May 2012 (Appendix 3.18.5)
- Technical report prepared by Landcare Research for the Unitary Plan, *Landcare Research*, June 2012 (Appendix 3.18.6)
- Operative Waikato Regional Policy Statement, *Waikato Regional Council*, 2000
- Proposed Waikato Regional Policy Statement, *Waikato Regional Council*, 2012

#### *Relevant legislation*

- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- Hauraki Gulf Marine Park Act, *Central Government*, 2000
- Resource Management Act, *Central Government*, 1991
- New Zealand Coastal Policy Statement, *Central Government*, 2010
- National Policy Statement for Freshwater Management, *Ministry for the Environment*, 2011
- Proposed National Environment Standard (Ecological Flows and Water Levels), *Ministry for the Environment*, 2013

## **5.2 Consultation Undertaken**

### *Consultation outcomes*

- March 2012: Mana Whenua Consultation Report (relating to technical hui and workshops over February and March)
- November 2013: Mana Whenua Workshop Summary Report (relating to October workshops)
- April 2013: Mana Whenua Hui and Workshop Summary Report

## **5.3 Decision-Making**

On 5 September 2013 the Auckland Plan Committee resolved to include the provisions relating to natural resources and Mana Whenua objectives, policies and rules for notification.

No changes were requested