

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topics 036 and 037
Māori Land and Treaty, and Mana
Whenua sites
July 2016**

Report to Auckland Council Hearing topics 036 and 037 Māori Land and Treaty, and Mana Whenua sites

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1. Hearing topic overview

1.1. Topic description

Topics 036 and 037 address the district plan and some provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent Hearings Panel reference
Māori land and Treaty and Mana Whenua sites	C.2.1 Māori land objectives and policies C.2.2 Treaty settlement land objectives and policies D.8.5 Māori purpose zone objectives and policies H.2.1 Māori land rules H.2.2 Treaty settlement land rules I.19 Special Purpose - Māori purpose zone rules Part 4 Definitions Part 4 Māori terms (not definitions) E5.1 Sites and Places of Significance to Mana Whenua E5.2 Sites and Places of Value to Mana Whenua Appendix 4.1 Sites of Significance to Mana Whenua Appendix 4.2 Sites of Value to Mana Whenua Appendix 4.3 Treaty Settlement legislation	E20 Māori Land E21 Treaty Settlement Land H27 Special Purpose - Māori Purpose Zone E11.6.1 – Land disturbance - Regional – Accidental discovery rule E12.6.1 – Land disturbance – District - Accidental discovery rule E26.10 Network utilities and electricity generation - Sites and Places of Significance to Mana Whenua Overlay Chapter J Definitions Chapter N Glossary of Māori terms D21 Sites and Places of Significance to Mana Whenua Overlay Schedule 12 Sites and Places of significance to Mana Whenua Chapter M Appendix 21 Treaty settlement legislation

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan

- i. Enabling Mana Whenua economic, social and cultural activities and development on Māori Land and Treaty Settlement Land and in the Special Purpose – Māori Purpose Zone.
- ii. Adopting an enabling policy providing for occupation, use and development of Māori land subject to overlays.
- iii. Amending the definition of Treaty Settlement Land to clarify that it applies only to land identified in Treaty settlement legislation as of the date that the Plan becomes operative.
- iv. Enabling dwellings in rural zones by providing for a three-tiered hierarchy of permitted (up to 10 dwellings), restricted discretionary (10 – 20 dwellings) and integrated Māori development (discretionary).
- v. Enabling activities associated with marae and papakāinga over 250m² as a restricted discretionary activity with no limit on the number of houses.
- vi. Confirming the inclusion of six marae in the Special Purpose – Māori Purpose zone.
- vii. Confirming that references to 'intangible values' in the objectives for the Sites and Places of Significance to Mana Whenua Overlay are valid.
- viii. Confirming 75 scheduled sites and places of significance to Mana Whenua with extents identified on the planning maps in the GIS viewer.
- ix. Confirming deletion of the Sites and Places of Value to Mana Whenua Overlay consequential to the recommendations in Topic 009 Regional Policy Statement – Mana Whenua.
- x. Confirming deletion of references to cultural impact assessments consequential to the recommendations in Topic 009 Regional Policy Statement – Mana Whenua.
- xi. Confirming that all accidental discovery rules are consolidated into one standard included in E11 Land disturbance – Regional and E12 Land disturbance – District and are replicated in the consolidated infrastructure chapter E26 Infrastructure.
- xii. Retention of the objectives and policies relating to infrastructure in all relevant chapters and relocation of the rules to E26 Infrastructure.

1.3. Overview

This report addresses the outstanding matters in relation to Topics 036 Māori Land and Treaty Settlement Land and Topic 037 Mana Whenua sites.

There are relatively few outstanding issues due to the resolution of many matters during mediation, discussions and during the course of this hearing.

The Panel is very appreciative of the Auckland Council, the Independent Māori Statutory Board and its counsel, representatives of Mana Whenua groups and other submitters for their assistance. It is due to the many hours of preparatory effort that the Panel was able to focus on those issues in contention.

Structural changes to the Plan and decisions made in other topics have resulted in changes in policy direction or changes such as relocation of some provisions, for example, accidental discovery protocols and infrastructure rules. This overview summarises the main changes to the Plan relating to Mana Whenua and/or affecting the Mana Whenua provisions.

The key issues were first raised during Topic 009 Regional Policy Statement Mana Whenua and are addressed in the Panel's report on that topic. In summary, the changes recommended include:

- i. retaining the objectives recognising the Treaty of Waitangi/Te Tiriti o Waitangi but deleting the specific list of Treaty principles;
- ii. deleting explicit reference to Tino Rangatiratanga in the objectives;
- iii. deleting the provisions relating to the sites and places of value to Mana Whenua and its overlay (noting that the Council formally withdrew those sites of value identified on privately-owned land);
- iv. removing the explicit reference to cultural impact assessments; and
- v. amending and refining a number of the provisions, as has occurred throughout the regional policy statement.

In Topic 009, the Panel supports the Council's strategic approach to the management of Māori Land and Treaty Settlement Land, and the protection of sites and places of significance to Mana Whenua. Accordingly, the objectives and policies of B6.5 Mana Whenua have been retained although some have been amended or re-cast for clarity, consistency and alignment with the whole Plan.

Consequential to the Panel's recommendations in Topic 009, all provisions relating to cultural impact assessment and consideration of cultural landscapes are deleted as being unnecessary given that the former is already part of the required content of assessments of environmental effects (see clause 7(1)(a) of Schedule 4 to the Resource Management Act 1991) and the latter simply reflects that landscape values (and choices about which of those are important) are all inherently cultural in origin (see the Panel's Report to Auckland Council – Overview of recommendations July 2016, page 72).

Other issues of relevance to Mana Whenua were considered not only in the context of Topics 036 and 037 but also in other topics. For example, accidental discovery protocols

arose in Topic 031 Historic heritage and Topic 038 Contaminated land. There was general agreement that these provisions should be Auckland-wide rules and relocated to E11 Land disturbance - Regional and E12 Land disturbance - District (see also rule 26.7.5.1 Network utilities). The Panel also simplified the consolidated land disturbance rules for accidental discovery (See the Panel's Report to Auckland Council – Hearing topic 041 Earthworks and minerals July 2016.) These rules provide for Mana Whenua to be informed if the discovery is an archaeological site, Māori cultural artefact or kōiwi. Activity table D21.4.1 Sites and Places of Significance to Mana Whenua Overlay cross-references to these land disturbance rules.

Enabling development within natural heritage overlays was an issue addressed in Topic 019 Natural features, landscape and character and in Topic 023 Significant ecological areas (see section 5 of the Panel's Report to Auckland Council – Hearing topic 023 Significant ecological areas July 2016). It is also addressed at regional policy statement level (see Section 5 of the Panel's Report to Auckland Council – Hearing topic 009 Mana Whenua Topic 009 Mana Whenua). The Panel agrees with the Independent Māori Statutory Board that sections 6(e), 7(a) and 8 of the Resource Management Act 1991 and the objectives and policies of the regional policy statement (B6.5) must be given effect in the regional and district plan provisions. The Panel accepts there may be greater risk of adverse effects due to a policy and rule direction enabling use and development of Māori Land and Treaty Settlement Land where overlays apply, however this needs to be balanced with the strategic direction of the Auckland Plan which is to enable Māori social and economic development. The latter should prevail in this case. Accordingly, the Panel has amended the relevant policies in E20 Māori Land (policy 8) and E21 Treaty Settlement Land (policy 8) by changing the words at the beginning from 'manage the effects of the subdivision, use and development of...' to 'enable the occupation, use and development of...'.

In Topic 020, the Panel considered the protection of viewshafts and concluded that further work needs to be done with the Tūpuna Maunga o Tāmaki Makaurau Authority to ensure an integrated management approach to protection of the views of, to and between the maunga including addressing the ancestral relationships of Māori with these taonga (see section 2.4.3 New viewshafts in the Topic 020 report).

Enabling infrastructure and in particular, the approach to managing road network activities and new infrastructure or work on existing infrastructure located within the Sites and Places of Significance to Mana Whenua Overlay was also canvassed. Submitters acknowledged that the outcome of Topic 042 Infrastructure would have a bearing on the provisions in D21 Sites and Places of Significance to Mana Whenua Overlay. In E26 Infrastructure, which is a combined section containing all infrastructure rules, the Panel made a number of changes including (see summary in section 1.2 of the report on Topic 009):

- i. the National Grid Corridor Overlay be increased to the spatial extent sought by Transpower New Zealand Limited and the policy framework for the National Grid Corridor, the rules that apply to activities in the corridor and associated definitions be amended to give effect to the extended corridor;
- ii. a more stringent rule regime be adopted to ensure risks associated with sensitive activities locating within the National Grid Corridor are not increased and to manage new activities to minimise issues of reverse sensitivity;

- iii. various amendments to the road network activity provisions to improve the overall usability of the Plan and address problems with interpretation and implementation of provisions;
- iv. amendments to various provisions to ensure that activities with similar effects are treated in a similar manner and subject to similar standards and to ensure alignment of matters of control and discretion and assessment criteria.

Accordingly, the objectives and policies relating to infrastructure within the Sites and Places of Significance to Mana Whenua Overlay as proposed by the Council in its closing remarks version are retained and the rules relocated to E26.10 Network utilities and electricity generation – Sites and Places of Significance to Mana Whenua Overlay. In the Panel's view, policies D21.1.9 and D21.1.10 are sufficient to enable infrastructure located within sites and places of significance to Mana Whenua. Activity status, standards and assessment criteria for network utilities in all zones, including the Special Purpose – Māori Purpose, are now located in E26.Infrastructure.

On the planning maps in the GIS viewer, the notified proposed Auckland Unitary Plan included non-statutory information relating to Māori land and the Treaty Settlement alert layer. The non-statutory information layers included in the notified proposed Auckland Unitary Plan have almost all been deleted on the basis that they can give a misleading impression of having some regulatory effect. The exception is the inclusion of the indicative coastline, which serves to indicate the general location of mean high water springs and the boundary between the district of Auckland (and where district plan provisions apply) and the coastal marine area in the region of Auckland (where regional coastal plan provisions apply) (see the Overview of recommendations, page 19). To the extent that the Council holds large amounts of useful information that can assist people using the Plan, the Panel considers that relocating this information to other, clearly non-regulatory, documents and viewers will retain its accessibility and usefulness (See the Overview of recommendations, page 73).

The Panel supports enabling the development of Māori Land and Treaty Settlement land by including Auckland-wide provisions that apply to these particular categories of ownership. Dwellings in rural zones and marae and papakāinga are enabled. This enablement will promote the social, cultural and economic well-being of Mana Whenua.

In regard to the Special Purpose – Māori Purpose Zone provisions, these were largely settled at mediation. This report addresses site-specific requests for inclusion, amendments or deletion of this zone. The evidence was heard in Topic 081 and the submissions are addressed in section 3.1 below. The inclusion of six marae in the Special Purpose – Māori Purpose Zone is supported.

Also in Topic 081, the Panel considered the Council's out of scope request for a new precinct applying to part of Matukutururu maunga, Wiri. This request arose from matters raised during the 081 hearing on the Wiri 2 Precinct relating to the Wiri Oil Services Limited terminal, particularly by submitters Independent Māori Statutory Board and Ngā Mana Whenua o Tāmaki Makaurau. For the reasons set out in the report on this precinct, the Panel does not support a new Matukutururu precinct (see the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016, Annexure 3).

Regardless of zoning, precincts are a method of enabling more site specific activities and development and to give effect to the land uses agreed for land acquired through Treaty settlement e.g. Te Arai North (541) and Te Arai South (542) precincts.

1.4. Scope

The Panel considers that the recommendations in 1.2 above and the changes made to the provisions relating to this topic (see 1.1 above) are within scope of submissions.

For an explanation of the Panel's approach to scope see the Panel's Report to Auckland Council – Overview of recommendations July 2016.

1.5. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in section 7 Reference documents.

2. Māori Land and Treaty Settlement Land

2.1. Statement of issue

2.1.1. Definition of Treaty Settlement land

Whether all right of first refusal properties should be included in the definition of Treaty Settlement Land.

2.1.2. Number and density of papakāinga dwellings

Whether the number of dwellings enabled in rural zones and the activity status for papakāinga is sufficiently enabling.

2.2. Panel recommendation and reasons

2.2.1. Definition of Treaty Settlement Land

The Council's opening position was that there is insufficient certainty as to the location of future right of first refusal land for it to have confidence that the land should be entitled to the benefit of the Treaty Settlement Land provisions at some unknown point in the future. Notwithstanding the evidence of the Independent Māori Statutory Board describing the process for identifying this land in settlement deeds, the Council remains concerned about the uncertainty created by including all right of first refusal land within the definition of Treaty Settlement Land without constraint (closing remarks, paragraphs 2.1-2.4).

The Council accepts there is a degree of certainty with respect to the location and ownership of land that is identified in Treaty settlement legislation to date (paragraph 2.6). However, it does not accept the inclusion of surplus Crown land that must be offered back to the settlement group for purchase before being offered back to the market. This offer regime applies for a term of over 170 years using 1840 as a base (paragraph 2.9).

The Independent Māori Statutory Board (memorandum dated August 2015) explained the two types of right of first refusal properties and said that experience to date is that the take up of right of first refusal land has been modest. In the Board's view, this context means that inclusion of right of first refusal land within the definition of Treaty Settlement Land becomes more important (paragraphs 9 and 10).

The Panel agrees with the Council that the definition of Treaty Settlement Land cannot be used as a means of avoiding a plan change. The amendments proposed by the Council deal with this concern by excluding any right of first refusal land or any unspecified properties that are the subject of settlements after the Plan becomes operative. Accordingly, the Panel supports the definition of Treaty Settlement Land set out in Attachment A to the Council's closing remarks for the reasons given in paragraphs 2.1-2.14 of those submissions. For the record the amended definition is reproduced below:

Properties which are either:

- vested with claimant groups by the Crown as a result of Treaty settlement legislation and final deeds of settlement; or
- acquired by a claimant group from the Crown pursuant to a right of first refusal process, provided that the properties were specifically identified by reference to

site or title in Treaty settlement legislation enacted prior to the date on which the Unitary Plan became operative as Right of First Refusal land for that claimant group.

Includes:

- cultural redress properties
- commercial redress properties including;
 - properties returned via deferred selection
 - properties transferred to other iwi, hapu or whanau entities associated or affiliated with the claimant group
 - properties transferred to a company in which the claimant hapu holds a controlling interest.

Excludes;

- unspecified properties within geographic areas over which claimant groups have been awarded Right of First Refusal in Treaty settlement legislation
- any properties over which claimant groups have been awarded Right of First Refusal in Treaty settlement legislation enacted after the date on which the Unitary Plan became operative
- properties covered by Statutory Acknowledgement or Deed of Recognition but not owned by claimant groups
- properties in which the claimant group, or an iwi, hapu or whanau entity associated or affiliated with the claimant group, no longer retains a legal freehold interest
- properties leased by the claimant group to an unrelated entity for a term which, including renewals, is or could be more than 35 years
- properties transferred to a company in which the claimant group has a minority interest.

2.2.2. Number and density of dwellings in rural zones

The Council's closing remarks confirm that its planning witness, Mr Jym Clark, considers that a change in activity status for 10-20 dwellings in a rural zone is appropriately provided for as a restricted discretionary activity (paragraph 4.6). However, the Council continues to contend that any more dwellings should be considered as part of an integrated Māori development. In reliance on Mr Clark, the Council also considers that distinctions between Māori Land and Treaty Settlement Land should be maintained.

The Panel agrees with the submitters that an enabling planning framework is desirable given the limited area of Māori land, its rural location and the type and location of land acquired through Treaty settlements.

In the Panel's view, the environmental effects of dwellings can be appropriately provided for in a three-tiered hierarchy of permitted (up to 10 dwellings), restricted discretionary (10 – 20 dwellings) and as an Integrated Māori development (discretionary activity). For permitted activities associated with marae or papakāinga greater than 250m² gross floor area, there is no limit on the number of houses in any event. There is no resource management reason to distinguish between Māori Land and Treaty Settlement land.

3. Special Purpose – Māori Purpose Zone – rezoning requests

3.1. Statement of issue

The issue is whether additional properties should be included in the Special Purpose – Māori Purpose zone.

3.2. Panel recommendation and reasons

There were 15 locations where the Special Purpose – Māori Purpose zoning applied in the proposed Auckland Unitary Plan. Most are marae but there are also kura kaupapa Māori (schools) and urupā.

A total of 108 submissions were received seeking additions (47), the removal of the zone from the Te Atatu marae at Orangihina/Harbourview Reserve (50), or other minor relief.

These submissions are addressed in the Topic 080 planning evidence of Jym Clark for the Council. Mr Clark supports the rezoning of six marae: Rewiti, Haranui, Kakanui, Araparera and Puatahi in Kaipara and Mahurehure Marae in Point Chevalier (paragraph 10.5). Mr Clark does not support any other changes based on his detailed analysis (Attachment B).

In Topic 080, Mrs Christine Panapa provided evidence in support of rezoning Te Mahurehure Marae, Point Chevalier. The Panel recognises the role of this urban marae as a community centre and agrees with Mrs Panapa that Special Purpose – Māori Purpose zoning will facilitate its use and development.

The Panel adopts the evidence of Mr Clark in reliance on his site-specific analysis and accordingly supports rezoning of the six marae: Rewiti, Haranui, Kakanui, Araparera and Puatahi in Kaipara and Mahurehure Marae in Point Chevalier. The Special Purpose – Māori Purpose zoning of the Te Atatu marae at Orangihina/Harbourview Reserve is retained and the Panel notes that the Council's witness, Mr Jym Clark, identified the need to review the way in which the future of this site is provided for in future processes (evidence in chief, paragraphs 17.4-17.7).

4. Sites and places of significance to Mana Whenua

4.1. Statement of issue

Whether there should be reference to 'intangible values' in Objective 1.

Whether Policies 1A and 1 should rely on the 'avoid' language.

4.2. Panel recommendation and reasons

Auckland International Airport Limited and others submitted that the objectives for the overlay were uncertain due to their language. Reference to intangible values in Objective 1 was opposed given that such values are to be 'protected and enhanced'.

The Panel considers that values are inherently cultural in origin. Resource management planning is required to address many different values (e.g. amenity values, intrinsic values).

Quantitative and qualitative methods are used to identify, explicate and manage effects on those values in the context of environmental management. Where judgements are required, there is provision for consultation with the people whose values are relevant to the issue and a participatory process for considering and determining resource consents and plan changes. Ultimately, decisions are made in the context of the objectives and policies of the whole Plan.

The Panel supports reference to 'intangible values' in Objective 1 because the schedule identifies the most important sites and places to Mana Whenua, many of which derive their significance from the values attributed to that site by people and communities. It is appropriate in the context of the purpose of sustainable management, including enablement of social and cultural well-being, to seek outcomes that protect, promote and enhance intangible values.

With respect to Policy 1A, the Panel agrees with the Council's amendment qualifying this policy by adding the words 'during earthworks' (closing remarks, paragraph 9.1 (e)). Both Policy 1A and 1 are now focused on ensuring that the outcome of protecting sites and places of significance from loss or destruction is appropriately considered in decision-making. The Panel also agrees with the Council that Policy 2 is satisfactory as amended because it provides for the 'third tier' of outcomes in relation to sites of significance. Minor changes to wording have been made to various provisions for alignment and consistency with the whole Plan.

5. Scheduled sites

5.1. Statement of issue

The following issues arose from submissions in relation to scheduled sites of significance:

- i. requests for additions to, or removal of, individual items in this schedule;
- ii. removal of the entire schedule was requested by some submitters but this issue was not pursued in evidence, the main focus being sites of value to Mana Whenua;
- iii. inadequate identification of these sites in the schedule and on the maps;
- iv. removal of the Sites and Places of Value to Mana Whenua Overlay was sought by many submitters. Others sought deletion of, or modifications to, individual sites identified in Appendix 4.2 of the proposed Auckland Unitary Plan or on the planning maps.

5.2. Panel recommendation and reasons

5.2.1. Sites and places of significance to Mana Whenua

The Council, Independent Māori Statutory Board, Mana Whenua groups, Housing New Zealand Corporation and others supported the two-tier approach to protecting sites and places of significance or value to Mana Whenua.

Some submitters opposed the scheduling of both sites and places of significance to Mana Whenua and sites and places of value to Mana Whenua. However the evidence before the Panel primarily addressed the second tier of protection (sites and places of value to Mana Whenua).

The Panel supports the approach of having two distinct layers of protection for particular sites with which Mana Whenua have ancestral relationships. This is similar to other natural and physical resources for which the Plan provides two layers of protection such as historic heritage places.

In accordance with the Panel's Procedural Minute 6, the Panel recommends the addition of 14 sites and places of significance to Mana Whenua that have consent from the landowner and satisfy evidential standards.

There were 61 sites and places of significance to Mana Whenua in Appendix 4.1 of the proposed Auckland Unitary Plan. Various submitters, mainly Mana Whenua groups, requested the identification of more than 200 sites. Many requests for additions to the two schedules were not readily classifiable due to lack of information (planning evidence in chief, Ms Keita Kohere, paragraph 7.1).

Heritage New Zealand sought the addition of three sites to the schedule of Sites and Places of Significance to Mana Whenua Schedule; Te Routu o Ureia (062), Ngāti Paoa urupā at Mt Wellington (#063) and O Peretu (#064). The basis for scheduling these sites is addressed in the evidence of David Robson and the Panel supports their inclusion based on this evidence. Ms Kohere for the Council also supported their inclusion.

Ngāti Paoa Iwi Trust Board initially proposed adding a further 199 sites of significance but during the course of the hearing, continued to work with the Council and landowners to refine their request. In planning evidence in chief for Ngāti Paoa, Ms Bernadette Aperahama proposed nine new sites of significance and identified others that could be added if time allowed further work to be completed (paragraph 38). Ms Kohere for the Council supported the inclusion of eight of these nine sites (memorandum dated 29 June 2015). By the end of the hearing, a total of 11 sites involving Ngāti Paoa had satisfied the requirements of Procedural Minute 6. The Panel supports their inclusion in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule (see 65- 75).

The Panel does not support the deletion of any of the original 61 sites and places of significance. All sites and places of significance are now accurately described in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule and their physical extents clearly identified in the planning maps on the GIS viewer.

5.2.2. Sites and places of value to Mana Whenua

The Panel heard wide-ranging evidence on this issue and concluded that the entire schedule should be deleted because it was not properly founded. The reasons for the Panel's recommendation to delete the entire schedule are set out in the Panel's Overview of recommendations (report as referenced above) and in the Panel's Report to Auckland Council – Hearing topic 009 Regional Policy Statement - Mana Whenua. Section 8.3.8 of the Overview of recommendations states:

The Sites and Places of Value to Mana Whenua Overlay (Topic 037) is linked to the Sites and Places of Significance to Mana Whenua Overlay, both based on policies set out in the regional policy statement. The approximately 3600 sites and places of value to Mana Whenua were identified using the New Zealand Archaeological Association database of archaeological sites, rather than by a comprehensive identification of Mana Whenua values or the degree of significance of those values.

The Council's basis for this approach was stated to be 'precautionary'. There were a large number of submissions opposing this overlay on the basis that insufficient investigation had been undertaken. In evidence at the hearings the Council advised that a programme of work had been established to review the scheduled items and assess them in terms of their values to Mana Whenua.

The Panel supports the approach of having two distinct layers of protection for particular sites with which Mana Whenua have ancestral relationships. This is similar to other natural and physical resources for which the Unitary Plan provides two layers of protection.

However, the Panel does not consider there to be a sufficient evidential basis for the schedule at this stage and therefore recommends the deletion of this overlay. The re-application of the overlay can be considered once the values of Mana Whenua and the sites that are important to them in relation to these values have been identified following appropriate consultation and research. This may include a review of the New Zealand Archaeological Association database (and other identified sites).

The Panel notes that, in its reply on this topic, the Council withdrew many of the sites that had been scheduled as being of value to Mana Whenua where these were located on privately owned land. The Panel considered whether such a half-way position was an appropriate method, but concluded that the basis of the effects is the same whoever owns the land, so it would be more appropriate to ensure that all sites of value are properly identified, assessed and scheduled.

6. Consequential changes

6.1. Changes to other parts of the plan

As a result of the Panel's recommendations on this topic, there are consequential changes to other parts of the Plan as listed below.

- i. Infrastructure – E26.10 Network utilities - the activity table, standards and assessment criteria have been relocated to this chapter.
- ii. Deletion of requirements for cultural impact assessments for provisions across all of the plan, noting that where appropriate an assessment of the effects of Mana Whenua values is still required.
- iii. The Panel has updated Appendix 21 Treaty Settlement Legislation - statutory acknowledgements based on a recent update to the notified proposed Unitary Plan noting that this can be done outside the Schedule 1 process.

- iv. An amended definition of Treaty Settlement Land has been included in Chapter J Definitions.

6.2. Changes to provisions in this topic

There are no changes to provisions in this topic as a result of the Panel's recommendations on other hearing topics.

7. Reference documents

The documents listed below, as well as the submissions and evidence presented to the Panel on this topic, have been relied upon by the Panel in making its recommendations.

The documents can be located on the aupihp website (www.aupihp.govt.nz) on the hearings page under the relevant hearing topic number and name.

You can use the links provided below to locate the documents, or you can go to the website and search for the document by name or date loaded.

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

7.1. General topic documents

Panel documents

[036 - Submission Point Pathway - 9 March 2015](#)

[036 - Parties and Issues Report - 8 May 2015](#)

[036 - Mediation Joint Statement - Māori Land, Treaty Settlement Land and Māori Purpose Zone \(7 April 2015\)](#)

[037 - Submission Point Pathway - 11 March 2015](#)

[037 - Parties and Issues Report - 21 April 2015](#)

[037 - Mediation Joint Statement - Addition of New Sites to the Sites and Places of Significance and the Sites and Places of Value Overlays \(17 April 2015\)](#)

[037 - Mediation Joint Statement - Earthworks Rules for Sites and Places of Significance and Sites and Places of Value \(17 April 2015\)](#)

[037 - Mediation Joint Statement - Sites and Places of Significance and Sites and Places of Value - Objectives and Policies, Activity Tables, Development Controls and Assessment Criteria \(16 April 2015\)](#)

[037 - Mediation Joint Statements - Cultural Impact Assessments - 13 April 2015 \(22 April 2015\)](#)

[016&017 - Procedural minute 6 \(15 July 2015\)](#)

Auckland Council closing statement

[036 - Auckland Council - Closing Remarks \(15 September 2015\)](#)

036 - Auckland Council - Closing Remarks - Attachment A (15 September 2015)

036 - Auckland Council - Post Hearing Memorandum (7 July 2015)

036 - Auckland Council - Post Hearing Memorandum - Attachment A - Māori land - natural heritage overlay report (7 July 2015)

037 - Auckland Council - Closing Remarks - Attachment B - Accidental discovery protocol (25 July 2015)

037 - Auckland Council - Closing Remarks - Attachment B - Appendix 4.2 (25 July 2015)

037 - Auckland Council - Closing Remarks - Attachment B - Cultural Impact Assessments (25 July 2015)

037 - Auckland Council - Closing Remarks - Attachment B - E.5 -Sites objectives and policies (25 July 2015)

037 - Auckland Council - Closing Remarks - Attachment B - E.5 -Sites objectives and policies (25 July 2015)

037 - Auckland Council - Closing Remarks - Attachment B - J.5.1 - Sites of Significance to Mana Whenua (25 July 2015)

037 - Auckland Council - Closing Remarks - Attachment B - J.5.2 Sites of Value to Mana Whenua (25 July 2015)

037 - Auckland Council - Post Hearing Memorandum (6 July 2015)

037 - Auckland Council - Post Hearing Memorandum - Attachment A - Revised CIA provisions (6 July 2015)

037 - Auckland Council - Post Hearing Memorandum - Attachment B - Consequential Amendment to CIA provisions (6 July 2015)

037 - Auckland Council - Post Hearing Memorandum - Attachment C - Clarification regarding site specific issues (6 July 2015)

037 - Auckland Council - Post Hearing Memorandum - Attachment D1 - Keita Kohere updated recommendations (6 July 2015)

037 - Auckland Council - Post Hearing Memorandum - Attachment D2 - Keita Kohere updated recommendations - site specific (6 July 2015)

7.2. Specific evidence

036 - Auckland Council - Hearing Evidence - Primary Evidence of Jym Hallam Clark (17 April 2015)

080 Ak Cncl - Maori Purpose (J Clark) - Planning (4 December 2016)

036 - Independent Maori Statutory Board - Memorandum on Right of First Refusal Treaty Settlement Land (18 August 2015)

037 - Hearing evidence (Keita Kohere) - Heritage (27 April 2015)

037 - Hrg - Heritage New Zealand (David Robson) - Maori Heritage (8 May 2015)

037 - Hrg - Heritage New Zealand (David Robson) - Maori Heritage - Attachment B (8 May 2015)

[037 - Hrg - Ngati Paoa Iwi Trust Board \(13 May 2015\)](#)

[080 Te Mahurehure Cultural Marae Society Incorporated - \(C Panapa\) - Supplementary Evidence \(19 February 2016\)](#)