Submission# 389

20 October 2022

Tēnā koutou,

We provide the following comments specifically on 4 sections of the Far North Proposed District Plan:

Part 1 Introduction and General Provisions: Tangata Whenua;
Part 2 District-Wide Matters/Historical and Cultural Values/Sites and areas of Significance to Māori;
Part 2 District-Wide Matters/Strategic Direction/Historic and Cultural Wellbeing.
Part 2 District-Wide Matters/Strategic Direction/Economic Prosperity

We would like to appear and present on this submission orally.

In the time constraints we have had to prepare this submission, we have not had the opportunity to discuss this submission at marae or hapū-wide levels. Therefore, we write as individuals with hapū affiliations to Waitangi and Oromahoe marae. It has been worked on, discussed and endorsed by kaumātua (this includes kuia). We also expect to have others attending alongside us should we have the opportunity to present in person. The signatories represent a core group who have organised for the purpose of this submission. We are community leaders and social scientists with many years of experience in leadership roles at community, regional, national and international levels.

We write this submission with the broader goal of facilitating and helping to foster closer working relationships between tangata whenua and the Council. We recognise the general good intent throughout the Proposed Plan where Māori people and values are concerned. However, in order to facilitate good action to meet the objectives that the Council intends, it is important for the wording to be tighter in places.

We also note that good close relationships are not always possible, particularly if, or where, tangata whenua are not resourced or able to produce environmental management plans which are the legislative working documents and frameworks within which the Council and tangata whenua operate. It is time to build upon past practice, to identify what has worked, and what has not worked, and where there is a vacuum or a lack of plans, these need to be addressed by council and hapū, as well as work on broader relationship and policy issues. In relation to the latter, the Far North Proposed District Plan needs more specificity towards Māori values and goals, and accountabilities of the Council to meeting them.

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We now turn to specific aspects of the Proposed District Plan.

1.0 Part 1 INTRODUCTION AND GENERAL PROVISIONS: TANGATA WHENUA

2.0 TW-01

From: Tangata whenua and Council have a strong, high trust and enduring partnership based on tangata whenua and Council have a strong, high trust and enduring partnership based on the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.

3.0 We propose changes to this Objective and amend to:

S389.001

TW-01

Tangata whenua and Council have a strong, high trust and enduring partnership and give effect on Te Tiriti o Waitangi / The Treaty of Waitangi, in particular protecting and enhancing rangatiratanga in relation to kāinga, whenua and taonga.

4.0 Narrative to TW-01: The wording needs to be stronger still regarding the commitment of the Council to Māori in Tiriti terms, specifically rangatiratanga, and giving effect to its protection as envisaged by Article Two. The current wording is too open and broad. It can therefore be left to vague interpretation as to what partnership is, as well as debate or a lack of clarity on what principles are. Principles are a Crown approach to interpreting the Treaty of Waitangi. They are not kāinga or a hapū/iwi approach to interpreting Te Tiriti. A hapū/iwi/kāinga approach is one that begins with understanding, protecting, maintaining and expressing rangatiratanga.

5.0 TW-02

From: Tangata whenua are provided with opportunities to actively participate as kaitiaki in resource management processes.

6.0 We propose changes to this Objective and amend to:

S389.002

TW-02

In recognition of tangata whenua as kaitiaki, the Council will support them to implement their goals and aspirations in resource management processes.

7.0 Narrative to the change to TW-02: This clause needs tightening towards the goals of hapū/iwi (tangata whenua) in resource management. Providing opportunities to tangata whenua to participate as kaitiaki does not correlate to good outcomes if they do not take up the opportunities (through no fault of their own, perhaps due to capacity or resource limitations). The issue then, is to identify how to support them to participate and secondly corresponding to that, is to identify their goals and aspirations. If the Objective is left as is, it is likely to fail in its overall intent.

8.0 TW-03

Historic heritage, which includes sites and areas of significance to Māori and cultural resources, is managed to ensure its long-term protection for future generations.

9.0 We propose changes to this Objective and amend to:

S389.003

TW-03

Historic heritage, which includes sites and areas of significance to Māori and cultural resources, are well managed alongside tangata whenua to ensure its long-term protection for future generations.

10.0 Narrative to the change for TW-03: We ask that the qualifier 'well' be added to make it clear that sites and areas of significance are to be proactively managed. Managed by and of itself does not otherwise equate to good outcomes. We have also added 'alongside tangata whenua' as distinguished from hapū or iwi to denote tangata whenua who have mana whenua and therefore kaitiakitanga duties to fulfil. It is important that any sites and areas of significance to them are managed with them. Where other hapū or iwi have historic association, it is also important that their kōrero be acknowledged, but this is done under the 'maru' or the shelter and mantle of those with primary responsibility to look after those places, i.e., the tangata whenua.

11.0 TW-04

Tangata whenua maintain mana whenua in their rohe through strong and enduring relationships with their culture and traditions, ancestral lands, water, sites, wāhi tapu, and other taonga.

12.0 We agree with this objective.

13.0 TW-05

The economic, social and cultural well-being of tangata whenua is enhanced through the development of Māori land administered under Te Ture Whenua Māori Act 1993 and land returned in the Treaty settlement process.

14.0 We propose changes to this Objective and amend to:

S389.005

TW-05

The wellbeing (oranga) of tangata whenua and of whenua is enhanced by careful administration, protection and innovation, in accordance with laws and policies, and cognisant of the challenges of climate change.

15.0 Narrative on the change to TW 05:

We believe that the current objective is far too narrow. The wellbeing of tangata whenua is not solely tied to Māori land only. The current objective is intrinsically linked to Māori-owned land (and land to be returned via Treaty settlements), but wellbeing goes far beyond such legal (land) holdings. The issues that need to be addressed are about wellbeing, or oranga of people as well as whenua in general. If we think about wellbeing of people and land more holistically, then we can think about the realms of Ranginui – Papatūānuku. From this wider perspective, oranga can be better considered. That also means that climate change <u>must</u> be directly considered within this objective because we are looking at how Ranginui integrates with Papatūānuku and the human-induced effects of climate change within. We note that despite its immense significance to humanity and the planet in general, climate change is absent in all the objectives in this section relating to tangata whenua. For these reasons, it must be included within the tangata whenua section. All laws and policies, not only Māori land laws, will provide the constraints and opportunities for which council and tangata whenua have to operate within.

16.0 We provide the following specific comments on the following Policies.

S389.004

17.0 **TW-P1**

Work proactively with Iwi and Hapū to identify, and where agreed to, implement:

- a. Mana Whakahono a Rohe / Iwi participation arrangements;
- b. joint management agreements under section 36B of the RMA; and
- c. other arrangements as agreed.
- 18.0 We propose changes to this Policy and amend to:

TW-P1

S389.006

Work proactively with Iwi and Hapū to identify and implement:

- a. Mana Whakahono a Rohe / Iwi participation arrangements;
- b. joint management agreements under section 36B of the RMA; and
- c. other arrangements as agreed.

15.0 **TW-P2**

Ensure that tangata whenua are provided with opportunities to actively participate in resource management processes which involve ancestral lands, water, sites, wāhi tapu, and other taonga, including through:

- a. recognition of the holistic nature of the Māori worldview;
- b. the exercise of kaitiakitanga;
- c. the acknowledgement of matauranga Māori;
- d. regard to Iwi/Hapū environmental management plans; and
- e. any other agreements.
- 16.0 We propose changes to this Policy and amend to:

S389.007

TW-P2

In recognition of tangata whenua as kaitiaki, the Council will support them to implement their goals and aspirations in resource management processes through:

a. Ensuring tangata whenua have an active role in resource management

- b. Recognizing the holistic nature of the Māori worldview;
- c. Their exercise of kaitiakitanga, including customary practices, new practices, and mātauranga;
- d. Actioning their environmental management plans; and
- e. Any other agreements.

17.0 **TW-P5**

Recognise tangata whenua as specialists in the tikanga of their Iwi or Hapū, including when preparing or undertaking a cultural impact assessment.

18.0 We propose changes to this Policy and amend to:

S389.008

TW-P5

Recognise tangata whenua as specialists in the tikanga of their Iwi or Hapū, including when preparing or undertaking a tangata whenua impact assessment.

19.0 Narrative to the change for TW-P5: It is important to change 'cultural' to 'tangata whenua' because a cultural impact assessment may be done by people without the input, authority or mandate of tangata whenua. This has already happened. Māori from other neighbouring hapū have provided cultural impact assessments without any reference or authority to mana whenua/tangata whenua on resource consent applications.

20.0 **TW-P6**

Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga:

- a. any consultation undertaken with Iwi, Hapū or marae with an association to the site or area;
- b. any Iwi/Hapū environmental management plans lodged with Council;
- c. any identified sites and areas of significance to Māori;
- whether a cultural impact assessment has been undertaken by a suitably qualified person who is acknowledged/endorsed by the Iwi, hapū or relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes;
- e. any protection, preservation or enhancement proposed;
- f. any relevant treaty settlement legislation;

- g. any relevant statutory acknowledgement area identified APP2 Statutory acknowledgement areas;
- h. Te Rautaki o Te Oneroa-a-Tōhe/ Te Oneroa-a-Tōhe (Ninety Mile Beach) Management Plan; and
- i. any relevant relationship agreements or arrangement between Council and any Iwi Authority or Hapū.

20.0 We propose changes to this policy and amend to:

S389.009

TW-P6

Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga:

- a. How to protect and enhance rangatiratanga in relation to kainga, whenua and taonga.
- b. Refer to hapu and iwi environmental plans lodged with council
- c. Refer to other tangata whenua plans not yet lodged with Council
- d. any identified sites and areas of significance to Māori;
- e. whether a tangata whenua impact assessment has been undertaken by a suitably qualified person who is acknowledged/endorsed by the Iwi, Hapū or relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes;
- f. any protection, preservation or enhancement proposed;
- g. any relevant treaty settlement legislation;
- h. any relevant statutory acknowledgement area identified in APP2 Statutory acknowledgement areas;
- i. Te Rautaki o Te Oneroa-a-Tōhe/ Te Oneroa-a-Tōhe (Ninety Mile Beach) Management Plan; and
- j. any relevant relationship agreements or arrangement between Council and any Iwi Authority or Hapū
- k. where there are concerns held by tangata whenua, begin as soon as possible, discussions in good faith with a view to resolving issues practicably.
- 21.0 Narrative on proposed changes to TW-P6 re (a) This is to emphasise the importance of Article 2 of Te Tiriti: rangatiratanga in relation specifically to kāinga, whenua and taonga. Re (e) We ask that a tangata whenua impact assessment is provided for the same reasons previously argued. A cultural impact assessment does not necessarily mean support by or of tangata whenua including

their views or narratives of the land/site/area in question relating to land use/subdivision. Re (k) we propose a new subsection to promote good dialogue, working relationships and good outcomes as intended by Council as promoted throughout the proposed plan regarding tangata whenua relationships. It is important to signal intent more explicitly to guide both parties.

22.0 We propose a new **TW-P7** on climate change and kāinga.

23.0 **TW-P7**

Work proactively with Iwi and Hapū to:

- a. Develop Kāinga adaptation plans
- b. Help them implement Kāinga aspirations and goals as they relate to the challenges of climate change
- c. Help them identify key needs by sharing council-held data
- d. Translate national policies and laws to a local level for kāinga, including fulfilling duties and responsibilities as they relate to the Climate Change Response (Zero Carbon)Amendment Act 2019, the National Adaptation Plan, the Emissions Reduction Plan, the Resource Management reform, the National Policy Statement on Fresh Water and other legal instruments that affect kāinga on climate change matters.
- e. Establish a go-to office or team within Council for tangata whenua on any matter concerning climate change.
- 24.0 Narrative on a proposed new TW-P7: We have spelled out actions to earmark and help the Council on how it should work with tangata whenua on climate change matters. We believe these are innovative for councils nationwide. It will give the Council a proactive and sound leadership role nationally on climate change and tangata whenua, as council and tangata whenua together navigate how to deal with the challenges ahead.

DISTRICT WIDE MATTERS: HISTORIC AND CULTURAL VALUES/ SITES AND AREAS OF SIGNIFICANCE TO MĀORI

25.0 SASM-P1

From:

S389.010

Identify sites and areas of significance to Māori in collaboration with tangata whenua, and assess their significance using the criteria in policy 4.5.3 of the Northland Regional Policy Statement 2016.

26.0 We propose changes to this policy and amend to:

S389.011

Together with tangata whenua, assist and resource them to identify sites and areas of significance. Assess their significance and cultural values according to their tikanga and using the criteria in policy 4.5.3 of the Northland Regional Policy Statement 2016.

27.0 **SASM-P2**

From:

Protect sites and areas of significance to Māori by:

- ensuring that tangata whenua can actively participate in resource management processes which involve sites and areas of significance to Māori including those identified in Schedule 3 - Sites and areas of significance to Māori;
- b. requiring cultural impact assessments for activities likely to result in adverse effects on scheduled sites and areas of significance to Māori;
- c. recognition of the holistic nature of the Māori worldview and the exercise of kaitiakitanga;
- d. acknowledging matauranga Māori;
- e. having regard to Iwi/Hapū environmental management plans; and
- f. restricting activities that compromise important spiritual and cultural values held by tangata whenua and/or the wider community.
- 28.0 We propose changes to this policy and amend to:

\$389.012

Protect sites and areas of significance to Māori by:

- ensuring that tangata whenua can actively participate in resource management processes which involve sites and areas of significance to Māori including those identified in Schedule 3 - Sites and areas of significance to Māori;
- b. requiring tangata whenua impact assessments for activities likely to result in adverse effects on scheduled sites and areas of significance to Māori;
- c. recognition of the holistic nature of the Māori worldview and the exercise of kaitiakitanga;
- d. acknowledging, protecting and integrating matauranga into practical outcomes;

- e. having regard to Iwi/Hapū environmental management plans; and
- f. restricting activities that compromise important spiritual, cultural or other, values held by tangata whenua and/or the wider community.
- 29.0 Narrative on proposed change to SASM -P2:

On b. We specifically recommend for a "tangata whenua impact assessment" vs "cultural impact assessment" to be inserted into the policy because as stated above at 19 and 21, in the past, neighbouring hapū have unwittingly provided 'cultural impact assessments' beyond their rohe and into our rohe. While it is their right to give a perspective on their historic connections to whenua, it is not their right to give a tangata whenua perspective. That is completely different.

On d. We recommend that 'acknowledging' be replaced with 'acknowledging, protecting and integrating mātauranga into practical outcomes' because 'acknowledging' is too weak and does not obligate nor actively encourage action. It needs to be more proactive.

On f. We recommend that this clause add 'other' to include a broader range of values beyond spiritual or cultural.

30.0 SASM-P4

From:

Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with sites and areas of significance to Māori:

- a. the outcomes of consultation undertaken with iwi, hapū or marae that has an association to the site or area;
- b. whether a cultural impact assessment has been undertaken by a suitably qualified person who is acknowledged/endorsed by the iwi, hapū or relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes;
- c. any iwi/hapū environmental management plans lodged with Council;
- d. that tangata whenua are specialists in the tikanga of their hapū or iwi, including when preparing or undertaking a cultural impact assessment; and
- e. any protection, preservation or enhancement proposed.

S389.013

Apply the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with sites and areas of significance to Māori:

- a. the outcomes of consultation undertaken with iwi, hapū or marae that has an association to the site or area;
- whether a tangata whenua impact assessment has been undertaken by a suitably qualified person who is endorsed by the iwi, hapū or relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes;
- c. any iwi/hapū environmental management plans lodged with Council;
- d. that tangata whenua are specialists in the tikanga of their hapū or iwi, including when preparing or undertaking a cultural impact assessment; and
- e. any protection, preservation or enhancement proposed.

32.0 SASM-P9

From: Encourage protection, maintenance and restoration of scheduled sites and areas of significance to Māori, including consideration of the following additional measures:

- a. reducing or waiving consent applications costs;
- b. providing funding, grants and other incentives; and
- c. obtaining, recording and sharing information about sites and areas of significance to Māori.
- 33.0 We propose changes to this policy and amend to:

S389.014

Encourage protection, maintenance and restoration of scheduled sites and areas of significance to Māori, including applying the following additional measures:

- a. Waive consent applications costs;
- b. providing funding, grants and other incentive opportunities; and
- c. Share Council-held information about sites and areas of significance to Māori.

Narrative on proposed change to SASM P-9: We recommend that the policy be clarified in these ways so as to promote a closer and more meaningful relationship between tangata whenua and Council as we stated at the outset of this submission. Consent costs should be waived.

34.0 DISTRICT – WIDE MATTERS / HISTORIC AND CULTURAL WELLBEING

We noted the five objectives.

We could not find anything that clarified what the framework (at objective 5) looks like. These \$3389.015 objectives need to be backed up with resourcing and plans. There needs to be a specific plan at Council level as to how it proposes to go about its work, and to be transparent to hapū/iwi about this.

35.0 DISTRICT-WIDE MATTERS/STRATEGIC DIRECTION/ECONOMIC

PROSPERITY

36.0 SD-EP-01

From:

A high-earning diverse local economy which is sustainable and resilient to economic downturns, with the District's Māori economy making a significant contribution.

37.0 To:

S389.016

A high-earning diverse local economy which is sustainable and resilient to economic downturns, with the District's Māori economy making a significant contribution, supporting Māori businesses in adapting to climate change particularly where there are costs.

38.0 Narrative to change to SD-EP-01: As recognised elsewhere, there will be costs with adapting to climate change. Māori businesses will not be immune from these. Given the emphasis in the objective on the Māori economy (and that much of this economy in the region is land-based), it will be important to ensure that the businesses are supported in the transition to a low carbon/low emissions economy, i.e., to become 'sustainable', and 'resilient'. It is important to state these matters explicitly. Resilience and sustainability is not just couched in economic terms.

39.0 Conclusion

We would like to emphasise three key values as being values that may also underpin the Council's \$389.017 proposed plan and how it works:

Kotahitanga: Inclusivity and working together;

Mana: The rights, status, authority and positioning of individuals and groups;

Manaakitanga: The counter to mana, that embraces the kinship ethic of considering the needs and interests of others, extending hospitality and care; We also see the value in considering the roles and responsibilities of Council and tangata whenua as dynamics within the realms of Papatūānuku and Ranginui. Law and tikanga will guide what needs to be done.

We did not have time to comment specifically on the glossary but we would like an opportunity 5389.018 to to offer advice on the Māori words in the Glossary as used in the Proposed Plan. 5389.044

We look forward to an opportunity to presenting this submission orally.

Merata Kawharu, (Professor, Ngāti Rāhiri, Ngāti Kawa, MNZM)

Ngāti Kawa Taituha, (positions held include: Waitangi marae chair; Ngāti Rāhiri, Ngāti Kawa)

Renata Tane, Kaumātua (Ngāti Rāhiri, Ngāti Kawa)

Albie Apiata, Kaumātua (Ngāti Rāhiri, Ngāti Kawa)

Billie Taituha, Kuia (Ngāti Rāhiri, Ngāti Kawa)

Hirini Tane, Dr (Ngāti Rāhiri, Ngāti Kawa)

Liz Searle

From:	Merata Kawharu <merata@nukuroa.co.nz></merata@nukuroa.co.nz>
Sent:	Thursday, 27 October 2022 9:29 AM
To:	Proposed District Plan
Cc:	Ngati Kawa Taituha
Subject:	Re: Submission
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Tēnā koe Theresa,

Thank you for your email.

I can confirm that as the submitter and on behalf of the five other co-submitters, we will not gain an advantage in trade competition through our submission.

I can confirm the contact details for the submission (this email).

Ngā mihi,

Merata

> On 25/10/2022, at 4:02 PM, Proposed District Plan <pdp@fndc.govt.nz> wrote:

> Tēnā koe Ms Kawharu

> Thank you for your submission (attached), which we received on Friday the 21st of October 2022, prior to the closing date and time for submissions (5pm, 21 October 2022).

>

>

>

> For Council to accept your submission for further evaluation, we need you to respond in writing with the information you need to provide in order to meet the legal (Form 5) requirements of the Resource Management Act 1991 (clause 6(5)).

> Can you please respond to this email confirming:

> - that you (the submitter) could/could not gain an advantage in trade competition through the submission.

> - confirming the contact details for submission.

>

>

> Once we have received the necessary information, we will include it as part of your submission and retain a written record of this correspondence. We will send you an email acknowledging that your completed submission has been received and outline the next steps.

- > Theresa Burkhardt
- > Policy Planner
- > Strategic Planning & Policy, Far North District Council
- > +6494089408 | Theresa.Burkhardt@fndc.govt.nz

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> -----Original Message-----

> From: Merata Kawharu <merata@nukuroa.co.nz>

> Sent: Friday, 21 October 2022 4:55 pm

> To: Proposed District Plan <pdp@fndc.govt.nz></pdp@fndc.govt.nz>
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> Tēnā koe,
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> Please find attached our submission to the Proposed District Plan.
> Nāku noa, na,
> Merata Kawharu
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