

Before the Hearings Panel

At Central Hawke's Bay District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Central Hawke's Bay District Plan

Between **Various**

Submitters

And **Central Hawke's Bay District Council**

Respondent

Council Reply on 'Tangata Whenua' Topic – Hearing Stream 4 (Hearing 2) – Stella Ann Luoni Morgan, including response to Minute 18 'DIRECTION REGARDING PROCESS FOR THE HEARING OF SUBMISSIONS ON TANGATA WHENUA MATTERS' dated 21 November 2022.

On behalf of Central Hawke's Bay District Council

Date: 9 December 2022

Introduction

1. My full name is Stella Ann Luoni Morgan. I am a Principal Planner and Director of Sage Planning (HB) Limited.
2. I have read the evidence and statements provided by submitters relevant to the following Section 42 Reports on the 'Tangata Whenua' provisions of the Central Hawke's Bay Proposed District Plan (the PDP), and the legal submissions relevant to the Section 42A Report. I also attended the hearings on Thursday, 11 August and Thursday, 17 November 2022, and the tangata whenua wānanga held on Monday and Tuesday, 5 and 6 September 2022, when relevant matters were discussed.
3. This reply statement addresses matters raised in the :
 - Eighteenth Memorandum and Direction of the Hearings Panel 'DIRECTION REGARDING PROCESS FOR THE HEARING OF SUBMISSIONS ON TANGATA WHENUA MATTERS' dated 21 November 2022; and
 - Hearing of Section 42A Report – Tangata Whenua matters, and evidence and statements by submitters for the Hearing.
4. I am authorised to provide this evidence on behalf of the Council.

Qualifications, Experience and Code of Conduct

5. My qualifications and experience are as set out in Section 1.1 of the Tangata Whenua Section 42A Report.
6. I can confirm that I am continuing to abide by the Code of Conduct of Expert Witnesses set out in the Environment Court's Practice Note 2014.

Scope of Reply

7. Section 42A report authors have been asked to submit a written reply by close-of-business on Friday, 9 December 2022.
8. The main topics addressed in this reply include:
 - a. Response to matters raised by the Hearings Panel 'DIRECTION REGARDING PROCESS FOR THE HEARING OF SUBMISSIONS ON TANGATA WHENUA MATTERS' dated 21 November 2022 including:
 - 4) The Panel considered the overarching matters related to Tangata Whenua at an initial hearing on 11 August 2022. An independently facilitated wānanga was then held on 5-6 September 2022 for the submitters and Council advisers on the Tangata Whenua topic to discuss and work through those issues identified during the first hearing. Following the wānanga, a record of Statements of Agreement was filed, which included agreement that an amended Part 1 Introduction to the Tangata Whenua Chapter of the PDP would be drafted and confirmed by affected submitters.
 - 5) The second and final hearing on Tangata Whenua matters was held on 14 November 2022. The intent of the second hearing was to focus upon key provisions of the PDP relating to tangata whenua matters. It did not address matters outside the District Plan raised in submissions or discussed at the wānanga.

- 6) During that second hearing, two matters were identified requiring action post hearing. They were:
 - i) To determine whether all marae identified in the Part 1 Introduction of the Tangata Whenua Chapter had confirmed their agreement to its recommended amended drafting, including the pepeha for the District's marae; and
 - ii) Following the presentation and in response to a request by Dianne Smith on behalf of Heretaunga Tamatea Settlement Trust (HTST), it would be desirable to receive responses to questions and confirmations that had been sought by planning report writers in their s42A reports.
- 7) With respect to point (i), we understand that Council staff are liaising with marae to provide comment or confirmation on the Part 1 Introduction.
- 8) With respect to point (ii), the reporting planner agreed to provide a list of the questions or confirmations identified in the relevant s42a reports for which a response from the relevant submitter(s) had been sought: that table is attached to this minute.
- 9) The Panel therefore directs that, by 25 November 2022:
 - i) Council staff complete their engagement with marae with respect to Part 1 of the PDP; and
 - ii) That the submitters from whom feedback has been requested in the attached table provide final feedback should they wish to do so.
- 10) The Reporting Officer is then asked to provide their right-of-reply with respect to Tangata Whenua matters by 9 December 2022.
- 11) As stated in the hearing, the Panel will not accept further information or submissions on the Tangata Whenua topic after 25 November 2022.

- b. Updating of Reserved Recommendations
- c. Wording of Policy TW-P1 (Key Issue 2)
- d. Te Mana o Te Wai provisions (Key Issue 3)
- e. Wording in Part 1 – Treaty of Waitangi (Key Issue 6)
- f. Development of Māori Owned Land (Key Issue 4) and definition of Māori Owned Land (Key Issue 5)
- g. SASM Introduction and Issue (Key Issue 12)
- h. Wording of Issue TW-I2
- i. Consequential Changes to other PDP Provisions as a result of Hearings on Tangata Whenua matters.

9. **Appendix 1** contains a list of materials provided by submitters including expert evidence, and submitter statements etc. This information is all available on the Proposed District Plan (PDP) Hearings Portal on the Council website¹.

¹ <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/hearings/>

10. **Appendix 2** contains a Table of S42A report matters where feedback was invited from submitters following that was included in the Eighteenth Minute from the Hearings Panel.
11. **Appendix 3** contains a copy of the 'Wai Statement' written by Matua Brian Morris and David Tipene-Leach in support of Ngā hapū me ngā marae o Tamatea's submission requesting 'Te Mana o te Wai' provisions be included in the PDP.
12. **Appendix 4** contains a copy of National Policy Statement (NPS-FM 2020) Part 3, Subpart 1 – Approaches to Implementing the.
13. **Appendix 5** contains recommended amendments to PDP provisions, with updated recommended amendments differentiated from those made in Appendix A of the Tangata Whenua Section 42A Reports.
14. **Appendix 6** contains an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in the table in Appendix B of the respective Section 42A Report.
15. **Appendix 7** contains a cross plan review of recommendations on Tangata Whenua submissions and further submissions including consideration of whether any changes to recommendations is required as a result of the hearings on Tangata Whenua issues.

Response to Matters Raised by the Panel

Completion of Marae Engagement with respect to PDP Part 1 Tangata Whenua Provisions

16. Council have completed their engagement with marae with respect to PDP Part 1 Tangata Whenua provisions and a final copy of this chapter with the agreed changes is attached in Appendix 5.

Feedback from Submitters

17. The s42A report on Tangata whenua matters, Sites and Areas of Significance and Papakāinga and Kaumātua Housing and Associated Marae-based Development chapters, invited feedback from submitters on a number of matters as outlined in Appendix 5 attached. At the request of Di Smith, representing Heretaunga Tamatea Settlement at the Hearing, the Hearings Chair extended the time for feedback on these matters to Friday 25th November 2022. A copy of the points for response was sent out to submitters on 21st November 2022. No further feedback has been received from submitters.

Updating of Reserved Recommendations

18. In my s42A report I reserved my recommendation on a number of submission point spending feedback at the hearing. These are outlined in the table below wish additional commentary/analysis and updated recommendations:

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Comment / Analysis	Officer Recommendation	Amendments to Proposed Plan?
S125.006	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Te Whakataki: Introduction	Reword the 'Te Whakataki: Introduction' so that it meets mana whenua aspirations including the use of te reo. This section should be redrafted to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. The amended wording should be drafted collaboratively with the mana whenua of the District. This section should be written in both English and te reo.	Rewording of this section has been provided by tangata whenua submitters as set out in Appendix 5. Full translation may or may not be included depending on availability resources prior to releasing the decisions on the plan.	Reserved-Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Comment / Analysis	Officer Recommendation	Amendments to Proposed Plan?
FS13.008	Heretaunga Tamatea Settlement Trust		Allow		Reserved	
S84.004	Kairakau Lands Trust	SASM-11	Amend SASM-11 to reflect that engagement should be led by Council, as Tangata Whenua hold this information and knowledge and values cannot be fully expressed on a map.	Refer paragraphs 55-59 below.	Reserved Accept	Yes
FS5.062	Ngā hapū me ngā marae o Tamatea		Allow			

Policy TW-P

19. At the Hearing the Panel questioned the submitters present on whether policy TW-P1 should retain the word 'interested'.

'TW-P1 To provide for timely, effective and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected.'

20. S121.014 Federated Farmers (opposed by Forest and Bird (FS9.14) and S129.012 Kāinga Ora (supported by Hort NZ (FS17.21)) sought amendments to this policy to delete the words 'are interested'. S125.022 Ngā hapū me ngā marae o Tamatea and S120.012 Heretaunga Tamatea Settlement Trust sought other amendments to this policy (on different matters), but not in relation to the words 'interested and /or affected' so effectively supported retaining these terms in the policy.

21. With respect to this I note the following paragraphs from the relevant S42A report:

6.4.22 Federated Farmers and Kāinga Ora seek to delete the words 'are interested' from Policy TW-P1 to provide clearer direction as to when and how tangata whenua will be involved in resource consent applications.

6.4.23 Implementation of a district plan generally occurs through the resource consent process in accordance with the provisions of Part 6 of the RMA. Section 95 sets out requirements for determining who are 'affected' parties. Decision-making is also subject to Part 2 of the Act. In particular section 104 requires, subject to Part 2 of the RMA, that Council shall recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e)); shall have particular regard to kaitiakitanga (section 7(a)); shall take into account the principles of the Treaty of Waitangi (section 8).

6.4.24 In my opinion, these RMA provisions give clear direction as to when tangata whenua are affected and when Council are required to enable timely, effective and meaningful engagement. Having an 'interest' in itself, is not a test or requirement of these provisions. I therefore agree that deleting the words 'are interested' from Policy ECO-P1 would provide greater clarity.

6.4.25 For these reasons I recommend S121.014 Federated Farmers and S129.012 Kāinga Ora be accepted.'

22. On questioning from the Commissioners, submitters (Dianne Smith for Heretaunga Treaty Settlement Trust and Ngā hapū me ngā marae o Tamatea, and Stella August for Kairakau Lands Trust) said they might consider themselves affected by a consent application if the words 'interested' were retained. As an example, they provided the situation where they had an interest in the land through whakapapa and historical association, but where they may not necessarily own the land.

23. I note the submissions from Federated Farmers and Kāinga Ora sought greater certainty about when and how to involve tangata whenua in resource consent applications. The discussion at the Hearing reflected on whether something might be lost if the word 'interested' was deleted from this policy.

24. At paragraphs 6.4.23-24 of my s42A report (Volume 1) I stated as follows:

'Implementation of a district plan generally occurs through the resource consent process in accordance with the provisions of Part 6 of the RMA. Section 95 sets out requirements for determining who are 'affected' parties. Decision-making is also subject to Part 2 of the Act. In particular section 104 requires, subject to Part 2 of the RMA, that Council shall recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e)); shall have particular regard to kaitiakitanga (section 7(a)); shall take into account the principles of the Treaty of Waitangi (section 8).

In my opinion, these RMA provisions give clear direction as to when tangata whenua are affected and when Council are required to enable timely, effective and meaningful engagement. Having an 'interest' in itself, is not a test or requirement of these provisions. I therefore agree that deleting the words 'are interested' from Policy ECO-P1 would provide greater clarity.

25. Having considered this further, I note that reference to "interested and affected persons" closely reflects the consultation obligations set out in the Local Government Act 2002, for instance s 82(1) which provides that consultation by a local authority should be undertaken in accordance with a number of principles including (**emphasis added**):

- (a) that persons who **will or may be affected by**, or *have an interest in*, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:
- (b) that persons who **will or may be affected by**, or **have an interest in**, the decision or matter should be encouraged by the local authority to present their views to the local authority:

26. In light of that wider context and on reflection, I consider that while section 95 sets out 'affected party' tests, Part 2 requirements may reflect a broader interest in a particular site or area. When considering a resource consent application, a judgement will be required as to when and how to consult with tangata whenua. I also note that Council has established a dedicated taiao group who currently are reviewing all resource consent applications to assist Council determine whether they have a particular interest in a proposal. I understand that as tangata whenua develop their capacity, they may develop broad guidelines for when they would be more likely to be engaged on a consent proposal.

27. I therefore do not have a strong view on whether or not the word 'interested' should or should not be retained and consider the Commissioners have the option to retain it if they wish.

Te Mana o Te Wai

28. Ngā hapū me ngā marae o Tamatea made a number of submission points requesting provisions reflecting the need to take into account 'Te Mana o te Wai' (refer Key Issue 3 - S42A report). In support of these submissions, at the first Hearing in August, Ngā hapū me ngā marae o Tamatea offered to prepare a 'wai' statement. This was reiterated as an action from the wānanga actions.

29. The following statement has been prepared by Brian Morris and reviewed by David Tipene-Leach. I understand it has not been circulated around all the submitters:

Reo Māori	Reo Pākehā
Ko te wai te kaiwhakatipu o ngā mea katoa, me kī, nā te wai i tipu ai ngā mea katoa. E ai ki ngā kōrero tuku iho Ko Wainuiātea te pūtake mai o ngā wai katoa. Nā Wainuiātea ka puta ko ngā wai o Rangī, ko ngā wai o Nuku. Ka mutu, he tīpuna te wai, nā tērā āhua ōna, i mana ai te wai.	Water is a cause of growth of all things, in other words, all living things grow because of water. According to oral tradition Wainuiātea is the ancestor of all water, And is the source of all water above and below the ground. Furthermore, as an ancestor to humans, water has mana. With regard to the Tamatea district

<p>Mō te rohe o Tamatea Ko Ruahine, ko Raikatia ngā mātāpuna o ngā wai rere I pēnei tētahi kōrero a o tātou mātua tīpuna Ka rere mai ngā wai i ngā mātāpuna wai papī, i ngā tāheke wawara, i ngā kokori au kore ki ngā kōpua kānapanapa ki ngā waiū</p> <p>Ki te kore he wai, kua hē ngā mea katoa.</p>	<p>The Ruahine and Raikatia mountains are the source of the main waterways. The waters seep from the source in the mountains down through the rocky creeks along the slow flowing recesses on to the deep pools and lakes that provide sustenance for us all</p> <p>Without water nothing would survive.</p>
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30. As set out under Key Issue 3, I have generally recommended against supporting the submissions from Ngā hapū me ngā marae o Tamatea to insert provisions in the PDP with respect to 'Te Mana o te Wai' but have suggested a general reference to it in Tangata Whenua Key Issue TW-I1 and Method TW-M5.
31. My reasons for this are set out in section 7.4 of the s42A report (Volume 1)
32. At the Hearing, Commissioner Lovell specifically questioned whether I was satisfied that we had met the requirements set out in NPS-FM clause 3.5(4) to *'include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments'*, and 4.1(1) with respect to timing: *'Every local authority must give effect to this National Policy Statement as soon as reasonably practicable'*.
33. I note that clause 3.5(4) is one of a number of clauses setting out the NPS-FM approaches to implementation, and is one part of the 'integrated management' clause (cl 5).
- (1) *Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:*
- (a) *recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and*
 - (b) *recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and*
 - (c) *manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and*
 - (d) *encourage the co-ordination and sequencing of regional or urban growth.*
- (2) *Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of:*
- (a) *the use and development of land on freshwater; and*
 - (b) *the use and development of land and freshwater on receiving environments.*
- (3) *In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.*
- (4) *Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.*
34. A full copy of these provisions is contained in Appendix 4.
35. In my view these provisions must be read as a whole, and there is considerable work, including consultation with tangata whenua and the community, that needs to be undertaken at the regional level to determine what Te Mana o Te Wai means for the region and how it will be implemented. I do not support pre-empting this work by including provisions in the PDP at this stage. Once this work is completed at the regional level, and the Regional Policy Statement is amended accordingly, it is likely that Council will need to undertake their own Plan Change to give effect to these changes.

36. If the Panel do wish to incorporate the wai statement, in my view the only place it could be included would be as an explanation to Issue TW-I1, and I have suggested some potential wording to accompany it as follows [changes in underlined text]:

Issue

TW-I1 The loss of te mana o te wai and mauri, particularly in relation to fresh and coastal waters through² the modification and degradation of lakes, rivers, springs and wetlands and traditional food gathering places (mahinga kai) that are central to the well-being of the hapū of Heretaunga Tamatea.

Tangata whenua have expressed the importance of te mana o te wai as follows: _____

<u>Reo Māori</u>	<u>Reo Pākehā</u>
<p><u>Ko te wai te kaiwhakatipu o ngā mea katoa, me kī, nā te wai i tipu ai ngā mea katoa.</u> <u>E ai ki ngā kōrero tuku iho</u> <u>Ko Wainuiātea te pūtaka mai o ngā wai katoa.</u> <u>Nā Wainuiātea ka puta ko ngā wai o Rangī, ko ngā wai o Nuku.</u> <u>Ka mutu, he tīpuna te wai, nā tērā āhua ōna, i mana ai te wai.</u></p> <p><u>Mō te rohe o Tamatea</u> <u>Ko Ruahine, ko Raikatia ngā mātāpuna o ngā wai rere</u> <u>I pēnei tētahi kōrero a o tātou mātua tīpuna</u> <u>Ka rere mai ngā wai i ngā mātāpuna wai papī, i ngā tāheke wawara,</u> <u>i ngā kokori au kore</u> <u>ki ngā kōpua kānapanapa</u> <u>ki ngā waiū</u></p> <p><u>Ki te kore he wai, kua hē ngā mea katoa.</u></p>	<p><u>Water is a cause of growth of all things, in other words, all living things grow because of water.</u> <u>According to oral tradition</u> <u>Wainuiātea is the ancestor of all water.</u> <u>And is the source of all water above and below the ground.</u> <u>Furthermore, as an ancestor to humans, water has mana.</u></p> <p><u>With regard to the Tamatea district</u> <u>The Ruahine and Raikatia mountains are the source of the main waterways.</u> <u>The waters seep from the source in the mountains</u> <u>down through the rocky creeks</u> <u>along the slow flowing recesses</u> <u>on to the deep pools and lakes that provide sustenance for us all</u></p> <p><u>Without water nothing would survive.</u></p>

37. I note however, this approach has not been endorsed by any of the tangata whenua submitters and my recommendation is that this statement is not included in the PDP at this time. As set out in my section 42A report, it was clear to me at the wānanga that tangata whenua consider insufficient time was available to discuss this very important issue, let alone its relevance to the district plan. It is also a matter that requires consideration by the broader community.

38. In my view, the timing has not been right for including meaningful Te Mana o te Wai provisions in the current district plan, and I therefore reiterate my s42A report conclusions, and consequently have no changes to my recommendations on this matter.

Wording in Part 1 –Te Tiriti o Watangi / Treaty of Waitangi

39. S125.007 Ngā hapū me ngā marae o Tamatea sought an amendment to the ‘Te Whakataki: Introduction’ to include additional words (or alternative wording to similar effect) referencing the Treaty as follows:

‘Te Titiri o Waitangi/Treaty of Waitangi also includes the principles of partnership, participation and protection that underpin the relationship between Tangata Whenua/mana whenua and the District Council.’

² Refer S42A Tangata Whenua Report, Key Issue 7 (S125.016 Ngā hapū me ngā marae o Tamatea)

40. Commissioner Schofield noted that the Treaty itself does not specify principles and requested that as these have been developed through caselaw over time that the wording for this policy be reconsidered.
41. In Ngā hapū me ngā marae o Tamatea's view, whilst they support the intent of Te Whakataki including reference to Article 2 of Te Tiriti o Waitangi, it is also important to reference the Treaty principles and Council when exercising its functions and powers under the RMA in resource management must take into account the principles of Te Tiriti o Waitangi (RMA S8).
42. As set out in my s42A report at paragraph 10.4.15 I noted "*With respect to the referencing the Treaty principles as sought by Ngā hapū me ngā marae o Tamatea whilst I note these are not listed in the RMA itself, section 8 of the RMA provides that 'in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi'.*

I therefore consider the amendment as sought is appropriate. It provides further guidance with respect to how Council and tangata whenua will work together.'

43. I consider this additional reference to the principles as sought by this submitter reasonably reflects the intention of section 8 of the RMA. However, if it assists the Commissioners, I propose the following wording to clarify this:

"The RMA also requires that the principles of Te Tiriti o Waitangi/Treaty of Waitangi also includes the principles be taken into account. These principles, including partnership, participation and protection **that** underpin the relationship between tangata whenua / mana whenua and the District Council.'

44. As this submitter proposed wording (or alternative wording to similar effect), I consider my recommendation to accept their submission can remain unchanged, and the text be amended accordingly.

Provision of Housing for Māori, and definition of Māori Land

45. There was discussion at the Hearing about the suitability of the PKH- Papakāinga and Kaumatua Housing and Marae-Based Activities (PKH) provisions and whether it would be appropriate to consider a broader application to general land. Noting that there were no specific submissions opposing the PKH provisions on this matter, I make the following comments:
46. The PKH chapter specifically addresses barriers to development of land held in Māori ancestral land ownership or that can establish a clear link to ancestral ownership of that land. In that sense it envisages development adjacent to or around existing marae for example. Where such a link cannot be established, the underlying zoning rules would apply.
47. On questioning from the Commissioners, tangata whenua submitters identified that they might in the future feasibly seek to acquire additional land for housing development, given that much of their ancestral land has physical constraints or is in isolated areas.
48. The PKH chapter does not currently envisage this type of development (unless it is able to meet any of the criteria for development in this chapter), and extending it to do so would, in my opinion go beyond the intent of this chapter which seeks address obstacles to development of Māori Land (refer Issue PKH-11).
49. It may be that in the future Council will look to rezone areas of land as a special purpose 'Māori Purpose Zone' that would enable land to be used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities. However, this type of zoning has not been sought through the District Plan review and is in my view beyond the scope of the current process. In addition, other matters would also need to be taken into account in terms of enabling additional land for residential development, in particular the application of the National Policy Statement for Highly Productive Land.

50. I remain of the view that it is appropriate to provide for such activities in the manner outlined in this chapter.
51. I understand from discussions at the wānanga there are some concerns that the PKH provisions are not equitable. Specific issues raised in submission by Karl Tipene relating to inconsistencies with underlying zone provisions have been addressed in my s42A report (refer volume 2 paragraphs 7.4.12 – 7.4.24). It was agreed at the wānanga that a bigger conversation is required with Council to better understand the particular barriers to housing for Māori. There are also constraints that may be able to be addressed outside of the District Plan, and in that respect, I note Council has recently developed a Strategic Housing Framework that for the next 10 years is focussed on addressing housing issues that impact the most vulnerable in the CHB community.³

Definition of 'Māori land'

52. The other matter for clarification is the definition of 'Māori land' in the PDP.

53. At Volume 1, paragraphs 9.4.21 to 9.4.27 I consider definitions for Māori land and state as follows:

9.4.21 *With respect to the request for a new definition for 'Māori Land' I note this term is used in the PDP specifically in relation to the PKH – Papakāinga and Kaumātua Housing, and Associated Marae Based Development chapter. In the 'Introduction' to that section it states:*

'Papakāinga housing, kaumātua flats and small scale commercial and industrial enterprise based around marae will be considered on land identified as Māori Land under the Te Ture Whenua Māori Act 1993'.

9.4.22 *The rules in this section specifically provide for the development of papakāinga and kaumātua housing, and associated marae based development on land that is:*

- *declared Māori Land pursuant to the Te Ture Whenua Māori Act 1993 Rule (Rule PKH-R2); or*
- *land which was given a declaration of status to General Land under the Māori Affairs Amendment Act 1967 (Rule PKH-2); or*
- *land held under General Title where evidence is provided giving historical reasons why the land should be considered for papakāinga or kaumātua housing; and why the land cannot be converted to Māori Title under the Te Ture Whenua Māori Act 1993. (Rule PKH-R4).*

9.4.23 *The Te Ture Whenua Māori Act 1993 defines māori land as follows:*

'means Māori customary land and Māori freehold land'

9.4.24 *I consider that given the term 'Māori land' as used in the PDP, clearly intends to relate land that comes within the Te Ture Whenua Māori Act 1993, it would be appropriate to include a new definition and wording as follows:*

'has the same meaning as in section 4 of the Te Ture Whenua Act (as set out below):

means Māori customary land and Māori freehold land.'

9.4.25 *Alternatively I note the recently released National Policy Statement for Highly Productive Land (NPS HPL) provides the following definition of 'specified Māori land':*

a) *Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):*

b) *land vested in the Māori Trustee that—*

(i) is constituted as a Māori reserve by or under the Māori Reserved Land Act

1955; and

(ii) remains subject to that Act:

3

c) *land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:*

d)

e) ...

f) *land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the mana whenua over the land*

9.4.26 *It would be helpful to the Hearings Panel if submitters could provide their feedback on the above as an alternative definition of Māori Land*

9.4.27 *For these reasons I recommend that S125.003 Ngā hapū me ngā marae o Tamatea be accepted.*

54. No feedback was provided on this matter from submitters and my recommendation as set out in the hearing report and reproduced above remains the same.

Sites and Areas of Significance to Māori

Issue SASM-I1

55. S84.004 Kairakau Lands Trust sought an amendment to Issue SASM-I1 to reflect that engagement should be led by Council, as tangata whenua hold this information and knowledge and values cannot be fully expressed on a map.

56. In their view *'this paragraph and way of thinking is fundamentally wrong. Identification and mapping does not guarantee protection of waahi taonga, and it definitely does not lead to understanding their value. Tangata Whenua cannot lead this process, especially when so little of our ancestral land remains in our ownership.'*

57. Ngā hapū me ngā marae o Tamatea (FS5.062) supported this submission and the reasons provided by Kairakau Lands Trusts on this submission point.

58. At the Hearing on November 17th, Stella August submitted the following wording for SASM Issue 1 (in support of Kairakau Lands Trust S84.004)

'Protection of site values and areas of cultural and spiritual significance to tangata whenua requires working with tangata whenua who hold this information and knowledge. It will involve establishing meaningful relationships, information sharing and education about the Māori history of Tamatea/Central Hawke's Bay to understand the value we place on our sites with a shared objective of achieving site protection.'

59. I accept that this wording more accurately portrays the issue of loss of sites and areas of significance to Māori, and therefore recommend the following amendments to Issue SASM-I1:

Issues

SASM-I1 Loss of Sites and Areas of Significance to Māori

The degradation or loss of wāhi tapu, wāhi taonga and sites of significance over time, and implications of this for the relationship of tangata whenua with their ancestral lands.

Explanation

Protection of site values and areas of cultural and spiritual significance to tangata whenua requires working with tangata whenua who hold this information and knowledge. It will involve establishing meaningful relationships, information sharing and education about the Māori history of Tamatea/Central Hawke's Bay to

understand the value tangata whenua place on their sites, together with a shared objective of achieving site protection.

~~Sites that are significant to tangata whenua~~ Such sites can be vulnerable to inappropriate land use and development when their location and values are not known or understood. Particular types of works that pose a threat to these site and areas are those that involve excavation or construction. Over time this has resulted in the loss of, or damage to, sites that are important to tangata whenua, and their protection is of ongoing concern. In addition, some land use practices can be offensive to cultural sites, such as the burial of offal or dead stock in close proximity to urupā.

Protection of site values and areas of cultural and spiritual significance to tangata whenua requires identifying and mapping these sites and areas and understanding their values. This process is led by tangata whenua who hold this information and knowledge.

60. I therefore amend my recommendation on S84.004 Kairakau Lands Trust from 'reserved' to 'accept'.

Issue TW-12

61. Councillor Taylor sought clarification of the amendments to Issue TW-12 to remove repetition and make better sense. Having reviewed this issue, I agree it could be worded more clearly and suggest the following amendment. The changes do not change the intent of the Issue as notified.

Issue TW-12 The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use⁴ due to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works that have severely damaged these resources. traditional food sources— and mahinga kai.

Consequential Changes to other PDP Provisions as a result of Hearings on Tangata Whenua matters.

62. Given the broad range of matters discussed in the Tangata Whenua Hearings, I have reviewed all other submissions from Tangata Whenua submitters to other chapters across the Plan. The Table in **Appendix 7** highlights those submissions and further submissions that have been reconsidered. Where appropriate I have included review comments and identified whether I am recommending changes to my S42A recommendations as a result.

63. As a result of this review, I recommend the following changes:

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?	Review Comments
S59.004	Karl Tipene	ECO - Ecosystems and Indigenous Biodiversity	Oppose all SNA on Māori land	Reject <u>Accept in part</u>	No-Yes	Whilst reporting officers have not recommended removing SNA from Māori Land, they have proposed an additional new policy to enable the use and development of māori land that supports the values of significant indigenous vegetation and/or significant habitats of indigenous fauna (Refer S42A report – SNA Mapping, Key Issue 1 paragraphs 4.3.4 -4.3.9). This policy also reflects guidance in the 2022 NPS-IB Exposure Draft, in particular clause 3.18(2) which provides for consideration of development of Māori land within SNA.

⁴ Refer S42A Tangata Whenua Report, Key Issue 7 (S125.016 Ngā hapū me ngā marae o Tamatea)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?	Review Comments
						Amend recommendation
FS5.066	Ngā hapū me ngā marae o Tamatea		Disallow	Accept in part		
S125.067	Ngā 13mph me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	PA – Policies	Redraft the policies in 'PA – Policies' to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. It needs to meet mana whenua aspirations to access key sites of significance and protect and provide for freshwater, coastal and cultural enhancement. Outside of these uses access should be managed to protect the cultural safety of freshwater and coastal waterbodies. The amended wording should be drafted collaboratively with the mana whenua of the District.	Reject Accept in part	No	<p>Recommended amendment to Policy TW-P8 (refer Tangata Whenua S42A Topic Report Key Issue 9, S125.026 Ngā hapū me ngā marae o Tamatea) emphasises working with tangata whenua with respect to public access. As Council develops this relationship, better understanding of the history, relationships, and whakapapa of Māori in the rohe will inform development of the District Plan.</p> <p>Amend recommendation from reject to accept in part in so far as the amendment to Policy TW-P8 partially addresses this submission.</p>
FS25.73	Federated Farmers		Disallow	Accept		
S55.058	Heritage New Zealand Pouhere Taonga	SUB-PXX (new policy)	Add new policy as follows: 'Only allow subdivision of sites containing scheduled heritage items or Sites and Areas of Significance to Māori where it can be demonstrated that the values of the scheduled item can be maintained and there is sufficient land provided around the scheduled place to protect associated cultural and heritage values.'	Reject Accept in part (in so far as new Assessment Matters have been recommended in the Subdivision Chapter. (Refer also S129.123 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.)	No	<p>The SASM chapter recognizes that additional work is required outside of the current process to better address protection of cultural sites. There also was considerable discussion at the wānanga about this matter, and an acknowledgement protecting these sites requires a larger piece of collaborative work that establishes tangata whenua's approach to cultural landscapes / identifying overlays etc.</p> <p>A new Assessment Matter has been recommended in the Subdivision Chapter (refer S42A Subdivision Report, Key Issue 7) that will in part ensure this matter is addressed at the time of subdivision.</p> <p>Change recommendation from reject to accept in part.</p>
FS23.71	Kāinga Ora - Homes and Communities		Disallow	Accept Reject		
FS5.088	Ngā hapū me ngā marae o Tamatea		Allow	Reject Accept in part		

Date: 9 December 2022

St Morgan

APPENDIX 1

List of Materials Provided by Submitters Including Expert Evidence, Legal Submissions, Submitter Statements etc.

Hearing Stream 4(1) August 10-12 August 2022 and 4(2) November 17 2022

Legal Submissions

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Submitter Evidence

- Stephen Daysh for Heretaunga Tamatea Settlement Trust [S120]
- Liz Munroe for Ngā Hapū me ngā marae o Tamatea [s125]
- Dean Raymond for Heritage New Zealand Pouhere Taonga [129]
- Paul McGimpsey for Fire and Emergency New Zealand [s57]

Submitter Tabled Statements

- Elizabeth Graham for Heretaunga Tamatea Settlement Trust [S120]
- Rhea Dasent for Federated Farmers [S121]
- Karl Tipene [S59]

Submitter Presentations

- Speaking Notes – Stella August for Kairakau Lands Trust [S84]
-

APPENDIX 2

Table of S42A Report Matters where Feedback was Invited from Submitters

Tangata Whenua S42A Report, Volume 1

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
S134.001 Ngāti Kere Hapū Authority	Key Issue 1 – Mihi, Tangata Whenua Relationships and Representative Voices Page 19	Seeks that the listing of 'Ngā Reo o te Takiwa Representative Voices' be amended to include the Ngāti Kere Hapū Authority	'Ngāti Kere Hapū Authority: representing coastal Māori communities made up of the Pōrangahau, the Pourērere and the Kairākau hapū communities.' Subsequently amended by the S42A reporting officer in updated provisions provide at the Hearing as follows: 'Ngāti Kere Hapū Authority: tangata whenua in the Pōrangahau rohe'	5.4.9 It would be helpful to the Hearings panel if Ngāti Kere Hapū Authority could provide feedback on this wording at the Hearing.
S122.002 Rongomaraeroa Marae Trustees	Key Issue 5 - Te Reo Terms, Glossary & Definitions Page 45	Correct use of Māori terms, including 'tapu', and oppose those used in the 'Glossary' where these are inaccurate or misused. As an example, they cite the term 'tapu' as a place sacred to Māori, and the community in the traditional, ritual, spiritual, religious and mythological sense. E.g. Taikura rock is well respected by Māori and the Porangahau community.	Amend definition of 'Tapu' as follows: <u>'a treasured place has the same meaning as in section 6 of the HNZPTA 2014 (as set out below) means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.'</u>	9.4.13 The term 'Tapu' has not been used in the PDP as an independent term but is generally used when referring to 'wāhi tapu' which is translated in the PDP Glossary as 'a treasured place'. It would be helpful if Rongomaraeroa Marae Trustees could clarify at the hearing if they are seeking a new term in the PDP for defining 'tapu' or if the interpretation they have provided relates to the PDP definition of 'wāhi tapu'.
S125.003 Ngā hapū me ngā marae o Tamatea Supported in further submission by Heretaunga Tamatea Settlement Trust (FS13.004)	Key Issue 5 – Te Reo Terms, Glossary & Definitions Pages 46-47	Seeks inclusion of a new definition for 'Māori Land' in the 'Glossary'. In their view, the definition should be that used in Te Ture Whenua Māori Act 1993 or such other definition that accurately describes Māori land.	The Te Ture Whenua Māori Act 1993 defines māori land as follows: 'means Māori customary land and Māori freehold land' I consider that given the term 'Māori land' as used in the PDP, clearly intends to relate land that comes within the Te Ture Whenua Māori Act 1993, it would	9.4.26 It would be helpful to the Hearings Panel if submitters could provide their feedback on the above as an alternative definition of Māori Land

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
			<p>be appropriate to include a new definition and wording as follows:</p> <p><u>'has the same meaning as in section 4 of the Te Ture Whenua Act (as set out below): means Māori customary land and Māori freehold land.'</u></p> <p>Alternatively I note the recently released National Policy Statement for Highly Productive Land (NPS HPL) provides the following definition of 'specified Māori land':</p> <p>a) <i>Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</i></p> <p>b) <i>land vested in the Māori Trustee that—</i></p> <p style="padding-left: 20px;"><i>(i) is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and</i></p> <p style="padding-left: 20px;"><i>(ii) remains subject to that Act:</i></p> <p>c) <i>land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:</i></p> <p>d)</p> <p>e) ...</p> <p>f) <i>land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of</i></p>	

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
			<i>returning the land to the holders of the mana whenua over the land</i>	
S122.004 Rongomaraeroa Marae Trustees	Key Issue 6 – General Matters & Te Tiriti o Waitangi Provisions Pages 51 and 52	Seeks amendments to the Tangata Whenua provisions as outlined in the detail of their submission. They acknowledge that <i>‘the Plan has many positive changes, then negative, and so commend the Council on their continued efforts. Authentic engagement built on Māori values kia whai kiko ai ngā kōrero e takoto ana, to give substance to what is proposed and to fulfil the obligations of the Treaty of Waitangi.’</i> Their reasons for their proposed amendments are based on the lack of engagement with Tangata Whenua. Relief has been sought on specific provisions to the PDP which are addressed under separate submissions.	No specific changes recommended directly in response to this report however, numerous changes have been made in response to their other points (refer amended provisions)	10.4.2 I acknowledge Rongomaraeroa Marae Trustees submission point that the PDP has not reflected Ngāti Kere’s role in Tamatea, or the fact that Rongomaraeroa is the oldest operating Marae in Tamatea. I note this matter is being addressed in response to submission point S134.001 (Key Issue 1) above, as well as through the review of Part 1 Tangata whenua provisions by tangata whenua submitters. It would be helpful if Rongomaraeroa could provide feedback to the Hearings Panel on any recommended changes.
S122.005 Rongomaraeroa Marae Trustees Supported in further submission by Heretaunga Tamatea Settlement Trust (FS13.006) and Ngā hapū me ngā marae o Tamatea (FS5.023)	Key Issue 6 - General Matters & Te Tiriti o Waitangi Provisions Pages 53 -55 (paragraphs 10.4.12 - 10.4.19)	Opposes those provisions in the Tangata Whenua sections of the PDP that reference the Treaty of Waitangi and seek that they be moved to their own section of the PDP. Their reasons are that Te Tiriti of Waitangi is not part of Māori whakapapa as treaties are a European paradigm.	Refer recommended amendments in Part O1D	10.4.8 It would be helpful to the Hearings Panel if the submitters to these provisions could provide their feedback on the proposed amendments at the Hearing. 10.4.14 I note Rongomaraeroa Marae Trustees submission point that Te Tiriti of Waitangi is not part of Māori whakapapa, as treaties are a European paradigm, and their request that references to the Treaty of Waitangi be moved to its own section. I am unsure if they are seeking a deletion to any reference to the Treaty in the

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
				<p>'Introduction' sections, or that they be completely separated under a new heading. It would be helpful if Rongomaraeroa Marae Trustees could clarify this at the Hearing. In the interim I propose a heading be inserted as set out below:</p> <p>Refer recommended amendments in Part O1D.</p>
S125.017 Ngā hapū me ngā marae o Tamatea	<p>Key Issue 7 – TW Ngā Take: Issues (not already addressed) Page 60</p>	<p>Seeks the Ngā Take: Issues be amended to include the following text (or alternative wording to similar effect):</p> <p>TW-IX The loss of mauri particularly in relation to fresh and coastal waters.</p> <p>TW-IX The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use.'</p>	<p>In summary, and taking into account my recommendations in Key Issue 3 above, I support amending PDP Issues TW-I1 and TW-I2 as follows:</p> <p><u>The loss of mauri and te mana o te wai particularly in relation to fresh and coastal waters including the</u> modification and degradation of lakes, rivers, springs and wetlands and traditional food gathering places (mahinga kai) that are central to the well-being of the hapū of Heretaunga Tamatea.</p> <p><u>The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use</u> The modification and degradation of the environment due to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works <u>that have severely damaged traditional food sources and mahinga kai.</u></p> <p>It may not be appropriate or necessary to reference both the mauri and te mana o te wai of fresh and coastal waters, and it would be helpful if Ngā</p>	<p>11.4.9 It may may not be appropriate or necessary to reference both the mauri and te mana o te wai of fresh and coastal waters, and it would be helpful if Ngā hapū me ngā marae o Tamatea could provide their feedback on these recommended amendments to the Hearings Panel.</p>

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
			hapū me ngā marae o Tamatea and Heretaunga Tamatea Settlement Trust could provide their feedback on these recommended amendments to the Hearings Panel	
S125.019 Ngā hapū me ngā marae o Tamatea	Key Issue 8 - TW Objectives (not already addressed) Page 66	Retain TW-O2, but with the following amendments (or words to similar effect): ' Enable the active participation of Tangata Whenua/ mana whenua are actively involved in all aspects of the implementation of the Central Hawke's Bay District Plan including decision-making processes. '	Taking all these matters into account, I would support amendment to Objective TW-O2, and suggest the following wording that may address all submitters concerns: <u>TW-O2 Enable the active participation of Tangata whenua are actively involved</u> in all aspects of the implementation of the Central Hawke's Bay District Plan <u>that affect their relationship with their culture and traditions, ancestral lands, water, sites, wāhi tapu and other taonga.</u>	12.4.15 It would be helpful if Ngā hapū me ngā marae o Tamatea, Federated Farmers and Kāinga Ora could provide their feedback on this proposed alternative wording to the Hearings Panel.
S125.025 Ngā hapū me ngā marae o Tamatea	Key Issue 9 - TW Policies (not already addressed) Page 72	Retain TW-P5, but with the following amendments (or words to similar effect): TW-P5 To recognise and provide for development of, and a range of activities on, Māori Land and Whenua Māori to meet the needs and aspirations of tangata whenua like papakāinga housing, kaumātua flats and marae-based development , while ensuring that actual or potentially adverse effects of activities are avoided, remedied, or mitigated	TW-P5 To actively recognise, support and provide for development of papakāinga housing, kaumātua flats and marae-based development , and a range of activities on, Māori Land and Whenua Māori to meet the needs and aspirations of tangata whenua, while ensuring that actual or potentially adverse effects of activities are avoided, remedied, or mitigated.	13.4.16 It would be helpful if the submitters could provide their feedback on the recommended wording to the Hearings Panel.
S120.013 Heretaunga Tamatea Settlement Trust	Key Issue 9 - TW Policies (not already addressed) Page 72	Amend TW- P5 as follows: TW-P5 To recognise actively promote and enhance and provide for development of, and a range of	As above	As above

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
		activities on, Māori Land to meet the needs and aspirations of tangata whenua while ensuring that actual or potentially adverse effects of activities are avoided, remedied, or mitigated		
S125.033 Ngā hapū me ngā marae o Tamatea	<p>Key Issue 10 – TW Methods (not already addressed) & Principal Reasons</p> <p>Pages 77-78</p>	Retain TW – M1 as notified	<p>Acknowledging that I am not a cultural expert, I agree that the use of both terms in Method TW-M1 is confusing and taking into account the approach outlined in Section 3.3 I therefore recommend these provisions be amended to use the term Tangata Whenua.</p> <p>TW-M1 Tūhono mai Tūhono atū</p> <p>Te Taiwhenua o Tamatea and the Council have an active and ongoing relationship to advance areas of mutual interest. This is evident by the first Māori Engagement Strategy ('Tūhono mai Tūhono atū'), adopted in August 2020 by the Central Hawke's Bay District Council.</p> <p>Tūhono mai Tūhono atū, developed with the support of Te Taiwhenua o Tamatea, recognizes the special status of Tangata Whenua / Mana Whenua and takes into account the Te Tiriti o Waitangi in resource management making processes as well as increasing cultural capacity and capability of Council to effectively engage with Tangata Whenua. Mana Whenua.</p> <p>...</p>	14.4.4 It would be helpful to the Panel if Rongomaraeroa Marae and Ngā hapū me ngā marae o Tamatea could provide their feedback on this proposed amendment.

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
S125.034 Ngā hapū me ngā marae o Tamatea	Key Issue 10 – TW Methods (not already addressed) & Principal Reasons Page 78	Seeks Method TW – M2 be amended to include overlay areas and statutory acknowledgements from other applicable Treaty Settlements.		14.4.7 I am not aware of any other Statutory Acknowledgement Areas that apply within the CHB district, and it would be helpful to the Hearings Panel if Ngā hapū me ngā marae o Tamatea could advise of additional relevant settlement legislation that should be included in the PDP.
S84.021 Kairakau Lands Trust Supported in further submission by Ngā hapū me ngā marae o Tamatea (FS5.029)	Key Issue 10 – TW Methods (not already addressed) & Principal Reasons Page 79	Amend 'TW - Principal Reasons' to include consideration of other options and processes to ensure the protection of sites of significance to Māori, beyond just identifying sites in the Plan	Kairakau Lands Trust highlights some of the challenges for tangata whenua in identifying sites of cultural significance, and requests this be reflected in the 'Principal Reasons' section. I agree that it is important for Council to develop strong relationships with tangata whenua for this purpose so that appropriate methods of protection including those beyond the PDP, can be considered. I therefore would support an amendment to the TW Principal Reasons to reflect this, and propose the following amendment: Principal Reasons The principal reasons for adopting the policies and methods: Wāhi tapu, wāhi taonga or sites of significance that have been notified to the Council, are identified in SASM-SCHED3 and shown on the Planning Maps. This enables the Council to quickly and easily identify where there are wāhi tapu, wāhi taonga and sites of significance on land which may be affected by proposed activities, and when there is a need to notify tangata	14.4.22 It would be helpful if Kairakau Lands Trust and Ngā hapū me ngā marae o Tamatea could provide their feedback on the above amendment to the Hearings Panel.

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
			<p>whenua. It is acknowledged that additional work by Council in partnership with tangata whenua is required to further develop this list and further that tangata whenua will not always identify all sites for cultural reasons. <u>When considering the protection of sites of cultural significance many factors need to be considered, such as cultural values, intellectual property and capacity, and a range of options for protection needs to be considered. To achieve this a strong partnership underpinned by strong communication and commitment between Council and tangata whenua is essential.</u></p>	

Tangata Whenua S42A Report, Volume 2

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
S125.049 Ngā hapū me ngā marae o Tamatea	Key Issue – Pages 26-27	<p>Seeks a full redraft of this section and amendments to include the following:</p> <ul style="list-style-type: none"> • <u>'The proposed activity should be designed in partnership and consultation with mana whenua.</u> • <u>The proposed activity should be designed to avoid all known places and areas of significance to Māori where possible by encouraging consideration of alternative development locations and including the provision of protective buffer areas.</u> • <u>The proposed activity should be subject to a Māori values assessment or cultural impact assessment.</u> • <u>The proposed activity should mitigate or remedy any damage to any significant sites that have been damaged from past earthworks, construction of structures and buildings or erosion.</u> • <u>The proposed activity should achieve positive heritage outcomes and provisions including the use of a covenant to protect significant places and areas.'</u> 	Refer para 4.4.3 in Section 42A report	4.4.4 Based on this submission I would also support an additional clause in this Assessment Matter to reinforce the importance of undertaking cultural impact assessment when proposing works that affect such sites as set out in clause 7 above. It would be helpful to the Hearings Panel if Ngā hapū me ngā marae o Tamatea could provide their feedback on this approach.
S121.170 Federated Farmers	Key Issue 14 – SASM Assessment Matters, Methods, Reasons and Results	Seeks the following to new method: <u>SASM-MXX Support landowners to manage, maintain and preserve sites</u>	<u>SASM-M7 Education, Advocacy, Facilitation</u>	5.4.17 It would be helpful to the Hearings Panel if Federated Farmers and further submitters HNZPT, Ngā

Submission Point	Key Issue / S42A report page #	Decision sought	S42A recommended changes	Paragraph / Feedback requested
<p>Supported by further submitters Ngā hapū me ngā marae o Tamatea (FS5.041) and hort NZ (FS17.42)</p> <p>Supported by further submitters Ngā hapū me ngā marae o Tamatea (FS5.041)</p>	<p>Pages 35-36</p>	<p><u>and areas of significance to Māori, including by:</u></p> <ol style="list-style-type: none"> <u>1. increasing awareness, understanding and appreciation within the local community of the presence of and importance of identified sites and areas of significance to Māori;</u> <u>2. encouraging landowners to engage with local tangata whenua and/or marae and develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori;</u> <u>3. providing assistance to landowners to preserve, maintain and enhance sites and areas of significance to Māori;</u> <u>4. Waiving consent and processing fees.'</u> 	<ol style="list-style-type: none"> <u>1. The Council will continue to develop information for landowners and the public to increase awareness, understanding and appreciation within the local community of the presence and importance of sites and areas of significance to Māori. Information will include for example identifying likely places of location, the process of consultation, and steps landowners can take to avoid, or minimise the impact of Wāhi Tapu, Wāhi Taonga and sites of significance on their land.</u> <u>2. The Council will encourage landowners to engage with local tangata whenua, hapū and/or marae to develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori.</u> 	<p>hapū me ngā marae o Tamatea and Hort NZ could provide their feedback on the recommended wording at the hearing.</p>
<p>S134.006 Ngāti Kere Hapū Authority</p>	<p>Key Issue 16 – PKH General Matters P59</p>	<p>We recommend that the Proposed Plan states a commitment to promoting housing opportunities for hapū members across all classes of land.</p>	<p>I therefore would support an amendment to the PKH - Methods that <u>acknowledges this as follows: ...</u></p> <p><u>PKH- M7 Housing-Strategic-Framework 2019-2029</u></p> <p>x. <u>Central Hawke’s Bay Housing Strategic Framework supports the community to Thrive through access to a home - He āhuru mōwai, e taurikura ai te hāpori’, through five key goal areas:</u></p> <ul style="list-style-type: none"> <u>-Social housing leadership</u> <u>- Working together to improve housing</u> <u>- Provide access to suitable housing</u> <u>- Retirement housing is provided in the most efficient and effective way</u> 	<p>7.4.10 It would be helpful for this submitter to provide feedback to the Hearings Panel on these recommended amendments at the hearing.</p>

APPENDIX 3
'Wai' Statement

Reo Māori	Reo Pākehā
<p>Ko te wai te kaiwhakatipu o ngā mea katoa, me kī, nā te wai i tipu ai ngā mea katoa. E ai ki ngā kōrero tuku iho Ko Wainuiātea te pūtake mai o ngā wai katoa. Nā Wainuiātea ka puta ko ngā wai o Rangī, ko ngā wai o Nuku. Ka mutu, he tīpuna te wai, nā tērā āhua ōna, i mana ai te wai.</p> <p>Mō te rohe o Tamatea Ko Ruahine, ko Raikatia ngā mātāpuna o ngā wai rere I pēnei tētahi kōrero a o tātou mātua tīpuna Ka rere mai ngā wai i ngā mātāpuna wai papī, i ngā tāheke wawara, i ngā kokori au kore ki ngā kōpua kānapanapa ki ngā waiū</p> <p>Ki te kore he wai, kua hē ngā mea katoa.</p>	<p>Water is a cause of growth of all things, in other words, all living things grow because of water. According to oral tradition Wainuiātea is the ancestor of all water, And is the source of all water above and below the ground. Furthermore, as an ancestor to humans, water has mana.</p> <p>With regard to the Tamatea district The Ruahine and Raikatia mountains are the source of the main waterways. The waters seep from the source in the mountains down through the rocky creeks along the slow flowing recesses on to the deep pools and lakes that provide sustenance for us all</p> <p>Without water nothing would survive.</p>

APPENDIX 4

**Subpart 1 Approaches to Implementing the National Policy Statement (NPS-FM
2020)**

Part 3: Implementation

3.1 Overview of Part

- (1) This Part sets out a non-exhaustive list of things that local authorities must do to give effect to the objective and policies in Part 2 of this National Policy Statement, but nothing in Part 3 limits the general obligation under the Act to give effect to the objective and policies in Part 2 of this National Policy Statement.
- (2) Nothing in this Part:
 - (a) prevents a local authority adopting more stringent measures than required by this National Policy Statement; or
 - (b) limits a local authority's functions and duties under the Act in relation to freshwater.
- (3) In this Part:
 - (a) subpart 1 sets out how local authorities must implement this National Policy Statement, particularly in relation to giving effect to Te Mana o te Wai
 - (b) subpart 2 sets out the National Objectives Framework for managing freshwater
 - (c) subpart 3 set out additional requirements on regional councils relating to freshwater management.

Subpart 1 Approaches to implementing the National Policy Statement

3.2 Te Mana o te Wai

- (1) Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.
- (2) Every regional council must give effect to Te Mana o te Wai, and in doing so must:
 - (a) actively involve tangata whenua in freshwater management (including decision-making processes), as required by clause 3.4; and
 - (b) engage with communities and tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF; and
 - (c) apply the hierarchy of obligations, as set out in clause 1.3(5):
 - (i) when developing long-term visions under clause 3.3; and
 - (ii) when implementing the NOF under subpart 2; and
 - (iii) when developing objectives, policies, methods, and criteria for any purpose under subpart 3 relating to natural inland wetlands, rivers, fish passage, primary contact sites, and water allocation; and
 - (d) enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater; and

- (e) adopt an integrated approach, *ki uta ki tai*, to the management of freshwater (see clause 3.5).
- (3) Every regional council must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to *Te Mana o te Wai*.
- (4) In addition to subclauses (1) to (3), *Te Mana o te Wai* must inform the interpretation of:
 - (a) this National Policy Statement; and
 - (b) the provisions required by this National Policy Statement to be included in regional policy statements and regional and district plans.

3.3 Long-term visions for freshwater

- (1) Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.
- (2) Long-term visions:
 - (a) may be set at FMU, part of an FMU, or catchment level; and
 - (b) must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and
 - (c) identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).
- (3) Every long-term vision must:
 - (a) be developed through engagement with communities and *tangata whenua* about their long-term wishes for the water bodies and freshwater ecosystems in the region; and
 - (b) be informed by an understanding of the history of, and environmental pressures on, the FMU, part of the FMU, or catchment; and
 - (c) express what communities and *tangata whenua* want the FMU, part of the FMU, or catchment to be like in the future.
- (4) Every regional council must assess whether each FMU, part of an FMU, or catchment (as relevant) can provide for its long-term vision, or whether improvement to the health and well-being of water bodies and freshwater ecosystems is required to achieve the vision.

3.4 Tangata whenua involvement

- (1) Every local authority must actively involve *tangata whenua* (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following:
 - (a) identifying the local approach to giving effect to *Te Mana o te Wai*
 - (b) making or changing regional policy statements and regional and district plans so far as they relate to freshwater management
 - (c) implementing the NOF (see subclause (2))

- (d) developing and implementing mātauranga Māori and other monitoring.
- (2) In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional council must work collaboratively with, and enable, tangata whenua to:
 - (a) identify any Māori freshwater values (in addition to mahinga kai) that apply to any FMU or part of an FMU in the region; and
 - (b) be actively involved (to the extent they wish to be involved) in decision-making processes relating to Māori freshwater values at each subsequent step of the NOF process.
 - (3) Every regional council must work with tangata whenua to investigate the use of mechanisms available under the Act, to involve tangata whenua in freshwater management, such as:
 - (a) transfers or delegations of power under section 33 of the Act
 - (b) joint management agreements under section 36B of the Act
 - (c) mana whakahono a rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act.
 - (4) To avoid doubt, nothing in this National Policy Statement permits or requires a local authority to act in a manner that is, or make decisions that are, inconsistent with any relevant iwi participation legislation or any directions or visions under that legislation.

3.5 Integrated management

- (1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:
 - (a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and
 - (b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and
 - (c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and
 - (d) encourage the co-ordination and sequencing of regional or urban growth.
- (2) Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of:
 - (a) the use and development of land on freshwater; and
 - (b) the use and development of land and freshwater on receiving environments.
- (3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.

- (4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

3.6 Transparent decision-making

- (1) This clause applies to decisions by regional councils relating to:
 - (a) clause 3.4(3) (about mechanisms to involve tangata whenua in freshwater management); and
 - (b) clause 3.15 (about preparing action plans).
- (2) Every regional council must make decisions, record matters considered and the reasons for decisions reached, and publish this as soon as practicable after a decision is reached, unless publication would be contrary to any other legal obligation.
- (3) In this clause, **decision** includes a decision not to decide on, or to postpone deciding, any substantive issue and, in relation to decisions about mechanisms to involve tangata whenua in freshwater management, includes a decision to use or not use a mechanism.

Subpart 2 National Objectives Framework

3.7 NOF process

- (1) At each step of the NOF process, every regional council must:
 - (a) engage with communities and tangata whenua; and
 - (b) apply the hierarchy of obligations set out in clause 1.3(5), as required by clause 3.2(2)(c).
- (2) By way of summary, the NOF process requires regional councils to undertake the following steps:
 - (a) identify FMUs in the region (clause 3.8)
 - (b) identify values for each FMU (clause 3.9)
 - (c) set environmental outcomes for each value and include them as objectives in regional plans (clause 3.9)
 - (d) identify attributes for each value and set baseline states for those attributes (clause 3.10)
 - (e) set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes (clauses 3.11, 3.13, 3.16)
 - (f) set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes (clauses 3.12, 3.15, 3.17).
- (3) The NOF also requires that regional councils:
 - (a) monitor water bodies and freshwater ecosystems (clauses 3.18 and 3.19); and
 - (b) take action if degradation is detected (clause 3.20).

APPENDIX 5

Recommended Amendments to PDP Provisions

TANGATA WHENUA / MANA WHENUA

Te Whakataki: Introduction

The intent of this chapter is to assist plan users to engage constructively and productively with the iwi collective of this marae, Ngāti Kahungunu mana whenua, who are the Marae, Hapū and their entities ki Heretaunga Tamatea. They also form part of the Ngāti Kahungunu collective in general, and specifically with the marae and hapū of Tamatea.

Commented [SM1]: S125.002 Ngā hapū me ngā marae o Tamatea
S120.008, S120.009 Heretaunga Tamatea Settlement Trust - TW Topic (response provided as an action from the wānanga)

Te Whenua: The Land

The lands of Tamatea stretch from the majestic Ruahine mountain range in the west, across the Ruataniwhā and Takapau plains to the wild and picturesque coastline from Kairākau in the north to Whangaehu in the south. Both the Ruataniwhā and Takapau Plains are dissected and drained by the Tukituki River and its many tributaries, which in turn interconnect to a network of ephemeral wetlands that stretch from the east of State Highway 2 North of Ōtāne, encompassing Te Roto-a-Tara and Poukawa, south to Lake Whatumā (Hatuma). Collectively they are known as Ngā Puna-a-Tara (the spring waters of Tara). The braided river environment of the Tukituki is the breeding ground for a diverse range of wading birds and various indigenous fish species. Water and the mauri of the water is and always has been of paramount importance to the Tangata Whenua of Tamatea.

The vegetation of the area varied from the tōtara/beechn-kāmahi forests of the Ruahine foothills to the podocarp/broadleaf forest of the rolling hill country, to scrub and tussock grasslands of the Takapau and Ruataniwhā plains, to the aquatic flora and fauna of the wetlands, and on to the dune lands of the eastern seaboard. These areas are now encompassed by the Hawke's Bay Ecological Districts of: Ruahine, Heretaunga, Puketoi and Eastern Hawke's Bay.

The territorial local authority boundaries of Central Hawke's Bay District approximate the tribal takiwā or taiwhenua (territory) known to tangata whenua as Tamatea (local authority and tribal boundaries are both shown on the Planning Maps). There is some extension beyond the local authority boundaries into the Hastings District and Tararua District, and vice versa for neighbouring hapū.

Tangata Whenua: The People of the Land

Tangata whenua first settled in the Central Hawke's Bay District circa the ninth-mid 13th century, and over the centuries there were successive waves of people, who through warfare, marriage and land gifting established themselves on these lands. From a tangata whenua perspective, the first wave of peoples are understood as Kupe people, the second wave as Kuruhaupōe people and the third wave as Takitimu people.

Commented [SM2]: Refer evidence/ statement provided by Stella August at TW hearing 14 November 2022

The founding Tūpuna, ancestors, and their deeds were acknowledged through the embedding of their names in the landscape. Te **R**oto-a-Tara (the lake of Tara), Ngā**a-k**aih**i**naki-a-Whata (the hills to the East of Takapau) and the illustrious ancestor Tamatea. Tamatea was known throughout Aotearoa/New Zealand and across the Pacific Ocean. While there are varying accounts of his whakapapa (genealogy) the Ngāti Kahungunu version is:

Tamatea, Ariki-nui, mai-Taa**whiti (Tamatea the great Lord from across the seas)**

/

Rongokako (recalled in the full name of Te Mata Peak, Te Mata o Rongokako)

/

Tamatea Pō**ekai-whenua (Tamatea who encircles the lands i.e. the navigator, the explorer)**

/

Kahungunu (the eponymous ancestor of Ngāti Kahungunu)

Tamatea P**ō**ekai-whenua has his name immortalised in the renowned and longest place-name in the world: Te Taumata-whakatangihanga-koauau-o-Tamatea-turi-p**ū**kaka-piki-maunga-horonuku-p**ō**ekai-whenua-ki-tana-tahu (the summit where Tamatea, with large knees, a climber of mountains, explorer and encircler of lands, played his flute to his loved one).

There are many other examples throughout Tamatea, indicating the interrelationship between tangata whenua and the land as they have held and continue to hold ahi-kā-roa (permanent residency) from the original settlement to the present day, and into the future.

From the nineteenth century to today, the predominant overarching tribal name has been Ngāti Kahungunu. In addition to our proudly acclaimed iwi identity, hapū identity is paramount for tangata whenua and there are more than 15 hapū names associated with this district that are still remembered – these are listed alongside the marae with which they affiliate.

The histories and stories of the **T**angata **w**henua of Tamatea very clearly illustrates their relationship with the lands and natural resources of this district. It is because of this relationship that the hapū permanently settled these lands and established themselves as tangata whenua (People of the Land) with Ahi-kā (Fires that burn on the land) or Ahi-kā-roa (Long burning fires) signifying permanent residency. At the birth of a child, the whenua (placenta) and pito (umbilical cord) were buried at a site – a tree or rock of significance to the hapū to link the child to the land and reaffirm Ahi-kā. Not surprisingly Papat**ū**ānuku, the earth mother, is personified as the nurturer of her children, encapsulated in the expression 'ūkaipō' (feeding by night i.e. breast-feeding) and the expression 'kua hoki mai ki te ūkaipō' refers to returning to the place where your pito was buried i.e. the place where you will be nurtured.

From and within this relationship, flow the values that are integral to tangata whenua identity. This environment, and associated lifestyle, has produced a worldview that is centred on interconnectedness, where all things are connected through whakapapa (genealogy).

All living things are connected through their descent from the children of Papat**ū**ānuku, the earth mother, and Ranginui, the sky father, specifically: Tāne of people and forests,

Rongomātāne of cultivated foods, Haumiatiketike of the uncultivated foods and Tangaroa of the waters. Tangata whenua, the children of Tāane, have been vested with the responsibility of guardianship and stewardship of the natural world, kaitiakitanga. Of special significance to kaitiaki is the state of well-being of the water, lands vegetation, flora and fauna. The state of well-being is encapsulated in the concept of mauri (often translated as life-force). From this world view where all living things are connected through their genealogical linkages (whakapapa), emerges a set of values that guide the relationship between tangata whenua and the natural world.

Te Tiriti o Waitangi: The Treaty of Waitangi

All features of the natural world – such as flora, fauna, water bodies and ancestral sites – are considered taonga (treasures and treasured possessions) and acknowledgement of tangata whenua status as kaitiaki is guaranteed under Article Two of the Treaty of Waitangi:

Ko te tuarua

Ko Te Kuini o Ingarangi ka waakarite ka wakaae ki nga Ranagatira ki nga hapū - ki nga tangata katoa o Nu Tirani Te Tino Rangatiratanga o ratou whenua o ratou kainga me o ratou taonga katoa...

Article the second

Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand and the respective families and individuals thereof the full and exclusive and undisturbed possession of their Lands and Estates forests and fisheries and other properties...

Despite the promise in Article Two, land alienation in Central Hawke's Bay has been severe. From the Waipukurau Purchase in 1851² through to the present day, tangata whenua land holdings have dwindled and, as a result, many sites of cultural, historical and spiritual significance are no longer in tangata whenua ownership. The protection and culturally appropriate care of these sites is an ongoing concern for tangata whenua today.

The RMA also requires that the principles of Te Tiriti o Waitangi / Treaty of Waitangi be taken into account. These principles, including partnership, participation and protection underpin the relationship between tangata whenua/mana whenua and the District Council.

Te Ao Hurihuri: Tangata Whenua / Mana Whenua today

Progressively throughout the twentieth century, hapū representation was vested in the marae. The most public expression of this development was evident with the formation of the treaty settlement group, He Toa Takitini, in 2003, when the people chose to be represented by marae rather than hapū. The marae of the Tangata Whenua of Tamatea are:

The contemporary representation of tangata whenua is more specifically represented by the term 'mana whenua', those who exercise authority on the land which they occupy. While in essence, tangata whenua can 'literally' translate as the same concepts, tangata whenua has connotations to Māori and the homogenous 'Indigenous' people of Aotearoa. Mana whenua.

Commented [SM3]: S122.005 Rongomaraeroa Marae Trustees - TW Topic, Key Issue 6

Commented [SM4]: Right of Reply ((December 2022) clarification as sought by Comissioner Schofield.

Commented [SM5]: S125.007 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 6

therefore, specifies locality and in doing so determines rights to exercise authority in the eyes of the crown.

For the purpose of this Plan and for Central Hawke's Bay District Council, the individual and collective also exercise, as mana whenua, mana motuhake¹. Mana, through self determination and control over ones own destiny, is determined by nine marae representing 20 hapū in the rohe. Their authority is self-described below in their statements of identity.

Commented [SM6]: S125.002 Ngā hapū me ngā marae o Tamatea S120.008, S120.009 Heretaunga Tamatea Settlement Trust - TW Topic (response provided as an action from the wānanga)

MARAE	HAPŪ	PEPEHA
<p>Pukehou <u>State Highway 2.</u> <u>Pukehou</u></p>	<p>Ngāi Te Rangī-te- <u>Kahutia,</u> Ngāti Pukūetutu, <u>Ngāi Te Hurihanga-i-</u> <u>te-rangi, Ngāi Te</u> <u>Whātuiāpiti</u></p>	 <p><u>Ko Kauhehehi te maunga</u> <u>Ko Te Roto-a-Tara te waiū, ko Roto-a-Kiwa te</u> <u>roto. Ko Te Wai-nui-ā-rapa te wairere, ko te</u> <u>Tukituki te awa.</u> <u>Ko Keke Haunga te whare-tipuna.</u> <u>Ko Kauhehehi te whare-kai.</u> <u>Ko Tamaiwa te whare-kāuta.</u> <u>ko Papa-aruhe te papa-kāinga.</u> <u>Ko Ngāi Te Whatu-i-āpiti, Ngāi Te Hurihanga-i-</u> <u>te-rangi, Ngāi Te Rangī-te-kahutia, Ngāti</u> <u>Pukututu ngā hapū.</u> <u>Ko Te Whātuiāpiti te tipuna, ko Renata</u> <u>Pukututu te tangata.</u> <u>Ko Tākitimu te waka.</u> <u>Ko Pukehou te marae</u> <u>Tihei mauri ora!</u></p>

Commented [SM7]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

¹ separate identity, autonomy, self government, self determination, independence, sovereignty, self authority.

MARAE	HAPŪ	PEPEHA
Whatuiāpiti <u>Te Aute Trust Road, Patangata</u>	Ngāi <u>Te</u> Whatuiapiti	 <p> <u>Ko Kauhehei te maunga</u> <u>Ko Papanui te awa</u> <u>Ko Te Whātuiāpiti te marae</u> <u>Ko Tākitimu te waka</u> <u>Ko Ngāi Te Whātuiāpiti me Ngāti Kahungunu</u> <u>ngā iwi</u> </p>
Kairākau	Ngāi Tamaterāa Ngāi Te Oatua Ngāi Hikatoa	 <p> <u>Ko Pōnui rāua ko Tukituki ngā awa</u> <u>Ko Te Apiti Mangatiki te maunga</u> <u>Ko Ngāi Te Oatua, Ngāi Tamaterā, Ngāti</u> <u>Hikatoa ngā hapū</u> <u>Ko Tumāpuhia te tangata</u> <u>Ko Kairākau te whenua tapu</u> <u>E-tū Tihei Kairākau!</u> </p>
Te Tapairu Pā <u>Marae Road, Waipawa</u>	Ngāti Marau	 <p> <u>Ko Ruahine te maunga</u> <u>Ko Tukituki me Waipawa ngā awa</u> <u>Ko Tākitimu te waka</u> </p>

Commented [SM8]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

Commented [SM9]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

Commented [SM10R9]: Updated amendments as provided by Stella August at hearing on 13th November 2022

Commented [SM11]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

MARAE	HAPŪ	PEPEHA
		<p><u>Ko Tamatea Arikini te tangata</u> <u>Ko Te Tapairu Pā te marae</u> <u>Ko Amiria te whare kai</u> <u>Ko Te Whaea O Katoa te whare karakia</u> <u>Ko Ngāti Mārau me Ngāti Te Rangitotohu ngā hapū</u> <u>Ko Ngāti Kahungunu te iwi</u></p>
<p>Mataweka <u>Tapairu Road,</u> <u>Waipawa</u></p>	Ngāi Toroiwaho	 <p><u>Ko Ruahine te maunga Ko Tukituki, ko Waipawa nga awa</u> <u>Ko Ngāi Te Whātuiāpiti, ko Ngāi Toroiwaho, Ko Ngāi Te Hauapu ngā hapū</u> <u>Ko Nohomaiterangi te whare tipuna</u> <u>Ko Mataweka te marae</u></p>
Pourēre	Ngāi Te Ōatua	 <p><u>Ko Te Atua, ko Pukerangi, o Rangitapu ngā maunga tapu</u> <u>Ko Pourēre to moana</u> <u>Ko Wharepūkākāhu, ko Ouēpoto ngā awa</u> <u>Ko Ngāi Te Ōatua te hapū</u> <u>Ko Tumāpuhia te tangata</u></p>

Commented [SM12]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

Commented [SM13]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

² Photo courtesy of Kahlia Fryer

MARAE	HAPŪ	PEPEHA
Rongomaraeroa <u>Pah Road.</u> <u>Porangahau</u>	Ngāti Kere Ngāti Manuhiri Ngāti Hinetewai Ngāti Pihere	<p><u>Tihei Mauri Ora!</u></p>  <p><u>Ko te Awapūtahi te maunga</u> <u>Ko Taurekaitai te awa</u> <u>Ko Rongomaraeroa te marae</u> <u>Ko Ngāti Kere te hapu</u> <u>Ko Ngārangiwhakaūpoko te tangata</u></p>
Te Rongo a Tahu <u>Polson's (stock route).</u> <u>Takapau</u>	Ngāi Tahu Makakanui Ngāi Toroiwaho Ngāi Kikiri o Te Rangī	 <p><u>Ko Ruahine te maunga</u> <u>Ko Te Kai-Hinaki-a-Whata ngā pae hiwi</u> <u>Ko Mākaretu te awa</u> <u>Ko Whatumā te waiū</u> <u>Ko Te Rongo-o-Tahu te marae</u> <u>Ko Ngāi Te Kikiri o te Rangī, ko Ngāi Tahu Makakānui, ko Ngāi Toro-i-waho ngā hapū.</u> <u>Ko Takitimu te waka</u> <u>Ko Ngāti Kahungunu te iwi</u></p> <p>Hapū <u>Ngāi Tahu Makakānui</u> <u>Ngāi Toroiwaho</u> <u>Ngāi Kikiri o Te Rangī</u></p>

Commented [SM14]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

Commented [SM15]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

Commented [SM16]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

Commented [SM17R16]: amended post Hearing in response to email from Tipene Heperi to Pam Kupa, dated 17 Nov 2022

MARAE	HAPŪ	PEPEHA
<u>Rākautātahi</u> <u>Snee Road,</u> <u>south of Takapau</u>	Ngāi Rangitotohu Ngāti Marau	 <p><u>Ko Ruahine te maunga</u> <u>Ko Manawatū, ko Mākaretū ngā awa</u> <u>Ko Ruataniwha te mania</u> <u>Ko Te Poho o Te Whātūiāpiti te whare tipuna</u> <u>Ko Ngāti Mārau, ko Ngāi Te Rangitotohu, ko</u> <u>Ngāi Te Rangitekahutia ngā hapū</u> <u>Ko Rākautātahi te marae</u></p>

Commented [SM18]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

Commented [SM19]: S122.001 Rongomaraeroa Marae, S125.006 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

NOTE: Other hapū historically associated with the lands and district of Tamatea include: Ngāi Pouwharekura, Ngāi Ta Ao, Ngāti Honomōkai, Ngāi Upokoiri, Ngāti Te Ruatōtara, Ngāi Tūrāhui, Ngāi Te Opekai, Ngāi Parakiore.

Many Māori living in and around Waipukurau are not of Tamatea heritage, but they are regarded, locally, as integral to the Māori identity of Tamatea. These people are represented through affiliation to one of the Tamatea marae or through the Waipukurau Community Marae.

MARAE	HAPŪ	LOCATION
Waipukurau Community Marae	Ngā Mata-a-waka	Takapau Road, Waipukurau

Where hapū or marae share whenua, this is not representative of a boundary, rather it highlights these are where whakapapa and shared interests are strongest.

In addition, the collective above, in part, constitutes the Post-Settlement Group Entity (PSGE), Heretaunga Tamatea Settlement Trust (HTST). HTST negotiated a settlement of all historical claims with the crown. The settlement determines HTST to represent the 'Treaty' partner with the defined rohe of HTST.

Therefore the nine marae, 20 hapū and PSGE represent Mana Whenua for the CHB District Council and this District Plan. Associated collective interests are also noted as being parties identified as part of the District Plan.

Commented [SM20]: S125.002 Ngā hapū me ngā marae o Tamatea S120, S120.008, S120.009 Heretaunga Tamatea Settlement Trust - TW Topic (response provided as an action from the wānanga)

Ngā Reo o te Takiwa: Representative Voices

For the purposes of the District Plan, tangata whenua interests are represented by:

Individual marae: where issues specific to the respective areas of interest occur. Each marae exercises its own rangatiratanga through their role as kaitiaki.

Ngāti Kahungunu Iwi Incorporated (NKII): for issues that extend beyond the boundary of the Tamatea Rohe. Ngāti Kahungunu Iwi Incorporated is recognised as an iwi authority under the RMA for issues across Hawke's Bay. NKII's genesis was as a mandated Iwi Authority to receive the Māori Fisheries allocation in the 1992 Fisheries Settlement. Its mission is to advance the kaupapa of enhancing the mana and wellbeing of Ngāti Kahungunu.

Commented [SM21]: S125.002 Ngā hapū me ngā marae o Tamatea S120, S120.008, S120.009 Heretaunga Tamatea Settlement Trust - TW Topic (response provided as an action from the wānanga)

Representatives of Māori land owners and managers: for issues specific to their land holdings.

Aorangi Māori Trust Board (AMTB): in agreement with the Crown, AMTB has co-management rights over the Department of Conservation owned land on the southern shore of Lake Whatumā.

Heretaunga Tamatea Treaty Settlement Trust (HTTST): for issues identified in the Heretaunga Tamatea Claims Settlement Act 2018. The HTTST represents the treaty settlement interests of the Tamatea hapū and marae. to ensure the betterment of the hapū and marae. HTTST is the mandated voice and representative entity which includes considering the extent to which proposed planning policy and development may impact on the historical, cultural and spiritual interests of the various hapū and those areas under statutory acknowledgement and /or the Heretaunga Tamatea Claims Settlement Act 2018.

Commented [SM22]: S120.009 Heretaunga Tamatea Settlement Trust - TW Topic, Key Issue 1

Te Taiwhenua o Tamatea: as a collective and representative voice for the marae of Tamatea. The Taiwhenua was incorporated in 1990 and its geographic boundaries, which align closely with the local authority boundaries, are registered with the Māori Land Court. Te Taiwhenua O Heretaunga also has some overlap with northern Central Hawke's Bay.

Ngāti Kere Hapū Authority: tangata whenua in the Pōrangahau rohe.

Commented [SM23]: S134.001 Ngāti Kere Authority - TW Topic, Key Issue 1

Tangata Whenua me te Ture: The Resource Management Act

The RMA includes a number of provisions to provide for consideration of tangata whenua including the requirement to take into account the principles of the Treaty of Waitangi.

Section 5: relates to 'sustainable management', which in turn is linked to the social, economic and cultural well-being of communities

Section 6: all persons shall recognise and provide for the following matters of national importance: (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga, and (f) the protection of historic heritage from

inappropriate subdivision, use and development, and (g) the protection of protected customary rights.

Section 7(a): all persons exercising powers under the RMA in relation to managing the use, development, and protection of natural and physical resources shall have particular regard to kaitiakitanga, which is defined in the RMA as 'the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship'.

Section 7(aa): all persons exercising powers under the RMA in relation to managing the use, development, and protection of natural and physical resources shall have regard to the ethic of stewardship.

Section 8: obliges those exercising authority under the RMA to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi):

- The Principle of Tino Rangitiratanga (full chiefly authority – tribal self-regulation of resources in accordance with their customary preferences)
- The Principle of Partnership
- The Principle of Kawanatanga (the Crown's right to govern)
- The Principle of Active Partnership and Consultation
- The Principle of Active Protection
- The Principle of Hapū/Iwi Resource Development

Section 35A: identifies a duty on local authorities to keep records of iwi and hapū. A local authority must keep and maintain the contact details of iwi and hapū authorities or any groups that represent the hapū within its district or region. The records to be kept include any planning documents that are recognised by the iwi authority and are lodged with the council, as well as records of any area of the region or district over which one or more iwi exercise kaitiakitanga.

Section 36B: sets out provisions for local authorities who want to make a joint management agreement

Section 74(2A): requires a territorial authority when preparing or changing a District Plan to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

Schedule 1 of the Act: includes a requirement when preparing a policy statement or plan for council to consult with the Tangata Whenua of Tamatea.

Section 58L-U Mana Whakahono ā Rohe: this section provides for one or more iwi authorities to invite one or more local authorities to enter into a Mana Whakahono ā Rohe (iwi participation arrangement), which is a mechanism to discuss, agree and record ways in which tangata whenua may, through their iwi authorities, participate in the resource management and decision-making processes under the RMA. Mana Whakahono ā Rohe can also assist

councils to comply with their statutory duties under the RMA, including the implementation of sections 6(e), 7(a) and 8.

Guiding Principles for Mana Whakahono ā Rohe:

Amongst other things, parties must endeavour to:

- enhance the opportunities for collaboration amongst all participating authorities; to work together in good faith and in the spirit of cooperation;
- communicate with each other in an open, transparent and honest manner;
- commit to meeting statutory time frames and minimise delays and costs involved in a process; and
- recognise that Mana Whakahono ā Rohe does not limit iwi participation.

TW – Tangata Whenua

Ngā Tangata Whenua o Tamatea

Tōnei au te tū nei i te tihi o te Atua o Mahuru i Ruahine
Here I stand at the peak, Te Atua Mahuru, in the Ruahine ranges

ka titiro whakararo ki ngā waiora o Tukituki,
looking down at the life-giving waters of Tukituki,

e koropiko ana, e haehae ana i te mānia Ruataniwha, e horo rā.
twisting, turning, cutting across the Ruataniwha plains spread out before me.

Ka haere taku tiro ki ngā whare pā o Tamatea,
My focus moves to the settlements of Tamatea,

Tamatea Ariki nui, Tamatea Pōkaiwhenua, Pōkaimoana,
Tamatea the supreme chief, Tamatea who traversed the lands and the oceans,

Ko Pukehou, ko Whatuiapiti, ko Tapairu ko Matawaka ki te raki.
Pukehou, Whatuiapiti, Tapairu and Matawaka are the marae to the North.

Ka titiro atū ke te takutaimoana, mai Kairakau, ki Whangaehu,
I look along the coastline from Kairakau ki Whangaehu,

ko Hikatoa, ko Kere, ko Manuhiri, ko Pihere e noho tonu ra.
where Ngāti Hikatoa, Kere, Manuhiri and Pihere (hapū of the coastal areas) still reside.

Ka hoki taku tiro ki Waipukurau a Ruakuha,
I look back towards Waipukurau,

ki ngā pā tūwatawata, ki Pukekaihau, ki Kaimananawa, e tū mokemoke ai.
to the fighting pa, Pukekaihau and Kaimanawa, standing solitary and without people.

Ka whakatitonga taku tiro ki Rakautātahi,
My gaze turns south to Rakautātahi,

kei reira Te Poho o Whatuiapiti e tū whakahīhi mai.
where Te Poho o Whatuiapiti (the marae) stands proudly.

A, ka tae ki te Takapau, ki te Rangitapu-a-Whata,
Finally, I arrive at Takapau to te Rangitapu-a-Whata,
(The hill overlooking Takapau on which the pā Horehore stood)

Ko Puera kei runga, ko Whatumā kai raro.
Puera stands above and Whatumā lies below.
(Lake Hatuma and Puera [the hill to the south of te Rangitapu-a-Whata],
are both important mahinga kai, food gathering sites)

Tihei Tamatea!

Written by Dr Roger Maaka

< Mihi to be provided by Tangata Whenua >

Commented [SM1]: S125.015 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 1

Ngā Take: Issues

The following provides a summary list of resource management issues currently facing Ngā Tangata Whenua o Tamatea. This is by no means an exhaustive list, but gives an indication of the primary issues to be taken into account and addressed, where appropriate and practicable:

TW-IX **The lack of tangata whenua / mana whenua involvement in resource management decision-making**

TW-11 **The loss of mauri and te mana o te wai, particularly in relation to fresh and coastal waters through the modification and degradation of lakes, rivers, springs and wetlands and traditional food gathering places (mahinga kai) that are central to the well-being of the hapū of Heretaunga Tamatea.**

TW-12 **The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use. The modification and degradation of the environment due to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works that have severely damaged traditional food sources and mahinga kai these resources.**

TW-13 **The loss and alienation of ancestral lands has limited the ability of tangata whenua to access traditional sites and food gathering areas, and to meet their social and economic aspirations.**

Providing for and enabling reasonable ongoing access to remaining sites of cultural significance and mahinga kai is important to tangata whenua – consideration of access to these sites needs to be included in any decisions affecting paper roads, stock routes, culverts and other developments.

With the loss and alienation from ancestral lands, the provision/enabling of papakāinga housing, kaumātua flats, marae-based development is important to enable tangata whenua to use their land in a way that is consistent with their culture and traditions and their social and economic aspirations.

TW-14 **Sites of cultural significance have been modified and lost due to disturbance – for example through earthworks, vegetation clearance and land disturbance activities e.g. harvesting etc.**

TW-15 **Some activities in the vicinity of sacred/sensitive places of significance to tangata whenua, e.g. burial sites/urupā can cause significant offence.**

Commented [SM2]: S125.017 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 2

Commented [SM3]: S120.015, S120.020, S120.021 & S120.022 Heretaunga Tamatea Settlement Trust - TW Topic, Key Issue 3

Commented [SM4]: S125.016 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 7

Commented [SM5]: S125.016 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 7

Commented [SM6]: Right of Reply dated 9 Dec 2022, clarification at request of Cr Taylor.

Consideration of the segregation of food production activities, effluent and solid waste storage or disposal activities or outfalls, storage and use of hazardous substances, and earthworks activities from these sacred places is required.

TW-I6 Lack of and misuse of traditional place names has further alienated tangata whenua from their ancestral lands, water and sites of significance.

Objectives

TW-O1 ~~The role of tTangata whenua are actively involved as kaitiaki in the protection and management of the natural and physical resources of an area_ is acknowledged and provided for.~~

Commented [SM7]: S125.018 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 8

TW-O2 ~~Enable the active participation of tTangata whenua are actively involved in all aspects of the implementation of the Central Hawke's Bay District Plan that affects their relationship with their culture and traditions, ancestral lands, water, sites, wāhi tapu and other taonga.~~

Commented [SM8]: S121.013 Federated Farmers, S129.011 Kāinga Ora - TW Topic, Key Issue 8

TW-O3 Wāhi taonga and sites of significance to tangata whenua are ~~managed and actively protected and managed in partnership with tangata whenua.~~

TW-O4 Tangata whenua are able to protect, develop and use Whenua Māori in a way that is consistent with their culture and traditions and their social and economic aspirations.

Policies

TW-P1 ~~To provide actively engage tangata whenua by providing for timely, effective and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected.~~

Commented [SM9]: S125.022 Ngā hapū me ngā marae o Tamatea, S120.012 Heretaunga Tamatea Settlement Trust - TW Topic, Key Issue 2

TW-P2 To recognise that only tangata whenua can identify their relationship with their culture, traditions, ancestral lands, waterbodies, wāhi tapu and other taonga.

Commented [SM10]: S121.014 Federated Farmers - TW Topic, Key Issue 2

TW-P3 To acknowledge and recognise iwi/hapū management plans as ~~an expression of rangatiratanga to help tangata whenua exercise kaitiaki roles and responsibilities in the district, and as mutually appropriate means of achieving sustainable environmental outcomes.~~

Commented [SM11]: S125.023 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 9

TW-P4 To encourage and support the recognition and use of traditional **Māori place names including and the use of interpretive material and the use of dual Māori signage for all official place names.**

Commented [SM12]: S125.024 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 9

TW-P5 To **actively recognise, support** and provide for development of **papakāinga housing, kaumātua flats and marae-based development, and a range of activities on, Māori Land and Whenua Māori to meet the needs and aspirations of tangata whenua, while ensuring that actual or potentially adverse effects of activities are avoided, remedied or mitigated.**

Commented [SM13]: S125.025 Ngā hapū me ngā marae o Tamatea, S120.013 Heretaunga Tamatea Settlement Trust - TW Topic, Key Issue 9

TW-P6 To identify those areas where there was traditional and customary Māori use of lands and waterways within the District and implement procedures for tangata whenua involvement regarding proposals to disturb ground in and around the identified areas where such activities may have significant adverse effects.

TW-P7 Where there is no agreed procedure between tangata whenua and the resource user, to implement procedures in conjunction with the tangata whenua when any burial sites or Māori artefacts are unearthed or disturbed.

TW-P8 To **work with tangata whenua to identify, maintain and enhance public access to the District's public forests and significant waterways, wetlands and coastal areas, having regard to their traditional the importance as-of mahinga kai, wāhi tāonga and tangata whenua sites of significance.**

Commented [SM14]: S125.026 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 9

TW-P9 To control land development, subdivision, earthworks or other disturbance activities so as to avoid, remedy or mitigate any adverse effects on wāhi tapu and other taonga.

Methods

Methods for implementing the policies:

TW-M1 Tūhono mai Tūhono atū

Te Taiwhenua o Tamatea and the Council have an active and ongoing relationship to advance areas of mutual interest. This is evident by the first Māori Engagement Strategy ('*Tūhono mai Tūhono atū*'), adopted in August 2020 by the Central Hawke's Bay District Council.

Tūhono mai Tūhono atū, developed with the support of Te Taiwhenua o Tamatea, recognizes the special status of **Tangata Whenua mana whenua** and takes into account the Te Tiriti o Wāitangi in resource management making processes as well as increasing cultural capacity and capability of Council to effectively engage with Tangata Whenua.

Commented [SM15]: S122.003 Rongomaraeroa Marae - TW Topic, Key Issue 10

The appointment of the Pou Whatuia, a Māori Engagement Manager, for Council to focus relationship-building between the Council and Tangata Whenua, is another progressive step in consolidating this partnership.

TW-M2 The Heretaunga Tamatea Claims Settlement Act 2018

As a consequence of the settlement, hapū have certain conservation estate rights and responsibilities. These rights and responsibilities managed by the Heretaunga Tamatea Treaty Settlement Trust or its successor, are listed under the following categories:

1. Fee simple sites.
2. Sites administered as Recreation Reserves.
3. Overlay Areas, which recognise the cultural, spiritual and historical association of Tamatea and Heretaunga sites of significance and requires the New Zealand conservation authority to have particular regard to Heretaunga Tamatea values and protection principles.
4. Statutory Acknowledgement Areas, which acknowledge Heretaunga Tamatea cultural, historical and spiritual values under the RMA and Heritage New Zealand *Pouhere Taonga* Act 2014. These statutory acknowledgement areas are scheduled in TW-SCHED1 – Schedule of Statutory Acknowledgement Areas and shown on the Planning Maps.
5. Deed of Recognition Areas, which require the Crown to consult with Heretaunga Tamatea in the management of lands administered by the Department of Conservation or the Commissioner of Crown Lands.

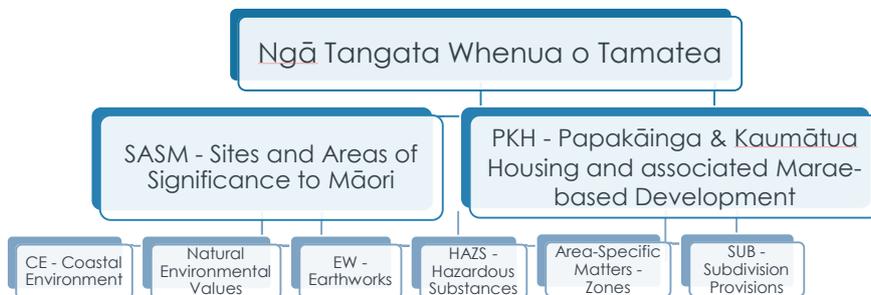
TW-M3 Mana Whakahono ā Rohe

Central Hawke's Bay District Council welcomes the opportunities provided by the Mana Whakahono ā Rohe provisions introduced through the 2017 Amendments to the RMA, and believes that reaching an agreement with iwi relating to consultation required under the Act, including giving effect to relevant Treaty settlements, will mark a significant and important development in the relationship between tangata whenua and the Council.

At the time of the production of this District Plan, the Council has not yet received an application from iwi to develop a Mana Whakahono ā Rohe. It is anticipated during the life of this District Plan (10 years from adoption) that iwi may wish to invite Council to form a Mana Whakahono ā Rohe to provide an agreed approach on the ways tangata whenua can participate in RMA decision making and assist Council with its statutory obligation to tangata whenua under the RMA.

TW-M4 District Plan

Tangata whenua matters are addressed throughout the chapters of the Plan, as summarised below.



1. Wāhi Tapu, Wāhi Taonga and Sites of Significance: All matters concerning sites of cultural, historical and spiritual significance to Ngā Tangata Whenua o Tamatea are addressed in the SASM – Sites and Areas of Significance to Māori and HH – Historical Heritage sections of this District Plan. Sites are contained in SASM-SCHED3 – Schedule of Sites and Areas of Significance to Māori and HH-SCHED2 – Schedule of Heritage Items, and are mapped on the Planning Maps. In addition, the Heritage New Zealand *Pouhere Taonga* Act 2014 specifically deals with archaeological sites. Recorded archaeological sites in the District as at the date of notification of this District Plan are mapped on the Planning Maps (current up-to-date records can be found on the New Zealand Archaeological Association’s Archaeological Site Recording Scheme website (www.archsite.org.nz). Under that Act, it is an offence to modify or destroy any archaeological site without an Authority from Heritage New Zealand Pouhere Taonga.
2. Papakāinga and Kaumātua Housing, and associated Marae-based Development: All matters concerning provision for papakāinga & kaumātua housing and marae-based development are addressed in the PKH - Papakāinga and Kaumātua Housing and Associated Marae-Based Development section of this District Plan.
3. Other District Plan Rules and Standards: Earthworks, land-use activities and setback standards, outstanding natural features and landscapes provisions, significant natural area provisions, coastal environment provisions and general zone provisions, all collectively assist in addressing issues of concern for Ngā Tangata Whenua o Tamatea.
4. District Plan Assessment Matters and Conditions on Resource Consents: To ensure the adverse effects of land use, subdivision or development on sites and areas of cultural and spiritual significance are avoided, remedied or mitigated, as well as in recognising and providing for the relationship of tangata whenua with their culture and traditions (including mauri), ancestral lands, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga in all decision-making.

Commented [SM16]: S84.020 Kairakau Lands Trust - TW Topic, Key Issue 10

TW-M5 Hawke’s Bay Regional Council Functions

Hawke’s Bay Regional Council has various statutory functions and responsibilities including for regional pest management purposes (Hawke’s Bay Regional Pest Management Plan), and

management of activities affecting the quality of air and water (Hawke's Bay Regional Resource Management Plan and Regional Coastal Environment Plan), which specifically address (or will be amended to address) issues such as freshwater management (including Te Mana O Te Wai), introduction of weeds and pests, farm run-off, industrial pollution, and drainage works.

Commented [SM17]: S120.015, S120.020, S120.021 & S120.022 Heretaunga Tamatea Settlement Trust - TW Topic, Key Issue 3

TW-M6 Engagement with Neighbouring Hapū and Local Authorities

The Council will liaise with neighbouring hapū and councils in ensuring hapū in the neighbouring Hastings and Tararua Districts are considered, where their interests overlap.

TW-M7 Iwi/Hapū Management Plans

The Council will encourage the preparation and lodgement of Iwi/Hapū Management Plans. Where the plans have been lodged with the Council, Council will be guided by their contents to the extent that they are relevant to the resource management issues of the District.

TW-M8 Information

The following are sources of further information:

1. Ngāti Kahungunu Iwi Inc. website (www.kahungunu.iwi.nz): This website provides information relating to the various hapū comprising Ngāti Kahungunu, including those in the Tamatea rohe;
2. Māori Land Online (www.maorilandonline.govt.nz): This website provides a snapshot of current ownership, trustee, memorial and block information for land that falls within the jurisdiction of the Māori Land Court under Te Ture Whenua Māori Act 1993 and other legislation. This is primarily Māori Customary and Māori Freehold Land, but also includes General Land Owned by Māori, Crown Land Reserved for Māori and some Treaty settlement reserves, mahinga kai and fishing rights areas.
3. Pātaka (Māori Resource Management Mapping Tool): This tool uses digital mapping to show the location and extent of iwi and hapū resources in Hawke's Bay developed by Hawke's Bay Local Authority Shared Services Ltd (HBLASS) and accessed from the Hawke's Bay Regional Council website (www.hbrc.govt.nz). Pātaka brings together information held by local and regional councils and gives tangata whenua a resource to assist with their roles as this region's kaitiaki. It includes the location and contact information for each local marae, customary marine titles, protected customary rights and any iwi/hapū management plans that are available.

Principal Reasons

The principal reasons for adopting the policies and methods:

An effective partnership between the Council and tangata whenua relating to resource management is now in place and continues to grow and develop with strong communication and commitment. Māori cultural development is a priority for Council and Tūhono mai Tūhono

atū ensures that Council continues to consider and promote current and future opportunities for Māori wellbeing.

There is a desire by tangata whenua to maintain and enhance their traditional relationship with their ancestral lands, water, sites, wāhi tapu and other taonga, both in terms of the current economic and social context and the traditional setting. Only tangata whenua can identify those relationships.

Proposals may be of interest or concern to tangata whenua where their relationship, culture and traditions with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga, may be adversely affected. The specific issues that may be of interest or concern to tangata whenua have been outlined above.

The protection of the values of sites and areas of cultural and spiritual significance to tangata whenua requires both identification and an understanding of the sites and areas. If the community is not aware of the sites, or values associated with these sites and areas, then it can become difficult for the impact that any proposed development may have on these sites and areas to be included in the assessment process.

Further research, evaluation and engagement between Council and tangata whenua is necessary to accurately identify, understand, document and map sites of significance to tangata whenua. It is also recognised that information about some sites and areas will be sensitive and tangata whenua may choose to limit the amount of information made publicly available. SASM-SCHED3 is not currently representative of the sites of significance to tangata whenua, therefore effective engagement with tangata whenua is necessary to ensure the ongoing protection and security of sites of significance that are not listed in the District Plan. A plan change or variation may be required in future to include additional sites and areas to the District Plan.

Where sites or areas of significance are not formally included in the District Plan it is recognised that the role that tangata whenua can play within the planning process is more limited and is likely to be as an affected party for certain activities or activities in the coastal environment, near waterbodies, near marae or urupā, or as a submitter when a resource consent application is notified. It is also noted that sites where archaeological evidence is uncovered will be protected by the Heritage New Zealand *Pouhere Taonga* Act 2014 which makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority from Heritage New Zealand *Pouhere Taonga*.

Furthermore, the Council is obliged to include statutory acknowledgements arising from Treaty of Waitangi settlements in its District Plan. In Central Hawke's Bay, the Heretaunga Tamatea Treaty Settlement Act 2018 identifies sites and areas within the District. These are scheduled in the District Plan and shown on the Planning Maps and will further inform identification of persons who may be affected by proposals to protect, use and/or develop land in these areas.

Iwi and hapū seek to provide for and maintain their traditional political structures, such as marae and papakāinga housing, which foster retention of the customs and traditions of Māori. The District Plan provides for these facilities while ensuring the effects arising from this type of development do not adversely impact on the surrounding environment.

Access to mahinga kai (traditional food sources) is also of importance to tangata whenua. Over time, these resources have been increasingly degraded, or access has become more restricted.

The acknowledgement and retention of traditional place names recognises the District's heritage and the relationship of tangata whenua with the resources, lands and places of the District. Failure to recognise traditional place names can cause offense, in light of the values and importance of these places for tangata whenua.

The use and management of land has a direct influence on water quantity and quality in the District. The management of riparian margins and catchments will require the maintenance and enhancement of undisturbed vegetation to act as filters of the water resource. The avoidance of direct discharges of effluent into waterbodies is central to the culture of the tangata whenua and the concept of '*manaaki whenua, manaaki tangata*' – '*care for the land ensures the well-being of the person*'. Land management and water quality are managed primarily by the Hawke's Bay Regional Council.

Earthworks will be controlled in order to facilitate the protection of wāhi tapu and other taonga in the District. These controls apply to sites and areas of significance to Māori listed in SASM-SCHED3 – Schedule of Sites and Areas of Significance to Māori in the District Plan.

SASM – Sites and Areas of Significance to Māori

Introduction

The RMA contains specific obligations in relation to tangata whenua. It identifies as a matter of national importance the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

Traditional Māori culture and values are closely linked to the environment. Land confers dignity and rank, is the resting place for the dead, a spiritual base for traditional beliefs and a heritage for future generations.

Tangata whenua have expressed concern for the quality and condition of resources of significance to them and the need to be notified and consulted when development or land use impacts on this resource.

A small number of sites have historically been identified in the schedules of former District Plans. However, Council acknowledges that there are a great number of sites that have not been identified. Further research, evaluation and engagement between Council and tangata whenua is necessary to accurately identify, understand, document and map this resource. SASM-SCHED3 is not currently representative of these sites, therefore effective engagement with tangata whenua is necessary to ensure the ongoing protection and security of sites of significance that are not listed in the District Plan. In some cases there is a reluctance by tangata whenua to identify the exact location of some Wāhi Tapu sites because of the need to protect their sacredness. Accordingly, it is only those sites that have been identified which are protected by the provisions of the District Plan.

Sites include:

- Old pa sites, excavations and middens (pā tawhito)
- Old burial grounds and caves (ana tūpāpaku)
- Current cemeteries (urupā)
- Battlefields (wāhi pakanga)
- Sacred rocks, trees or springs (ngā toka, rākau tapu)
- Watercourses, swamps, lakes and their edges (waipuna, awa, roto)

The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua. Accordingly, the District Plan seeks to facilitate the opportunity for this to occur as part of the subdivision, development and land-use process.

There are also legal responsibilities that relate to archaeological sites, whether they are identified, unknown, listed or recorded. Section 42 of the Heritage New Zealand Pouhere Taonga Act 2014 makes it an offence for anyone to modify or destroy, or cause to be modified or destroyed, the whole, or any part of any site, if it is known or suspected to be an archaeological site. Section 44 of the Act, requires applications for an authority to modify or

destroy, or cause to be modified or destroyed, an archaeological site to be made to Heritage New Zealand Pouhere Taonga. The location of recorded archaeological sites in Central Hawke's Bay as at the date of notification of the District Plan are shown on the Planning Maps. This is for information purposes only, as an alert to Council and landowners. Landowners are encouraged to search the New Zealand Archaeological Association's database for the latest recorded site information prior to commencing any land disturbance activities. It should be noted that there are many unrecorded archaeological sites, and developers also have a responsibility to avoid damage to these.

Commented [SM1]: S84.003 Kairakau Lands Trust - TW Topic, Key Issue 12

Issues

SASM-I1 Loss of Sites and Areas of Significance to Māori

The degradation or loss of wāhi tapu, wāhi taonga and sites of significance over time, and implications of this for the relationship of tangata whenua with their ancestral lands.

Explanation

Protection of site values and areas of cultural and spiritual significance to tangata whenua requires working with tangata whenua who hold this information and knowledge. It will involve establishing meaningful relationships, information sharing and education about the Māori history of Tamatea/Central Hawke's Bay to understand the value tangata whenua place on their sites, together with a shared objective of achieving site protection.

Sites that are significant to tangata whenua Such sites can be vulnerable to inappropriate land use and development when their location and values are not known or understood. Particular types of works that pose a threat to these site and areas are those that involve excavation or construction. Over time this has resulted in the loss of, or damage to, sites that are important to tangata whenua, and their protection is of ongoing concern. In addition, some land use practices can be offensive to cultural sites, such as the burial of offal or dead stock in close proximity to urupā.

Commented [SM2]: Right of Reply dated 9 Dec 2022, in response to evidence tabled by Stella August, Kairakau Lands Trust in support of S84.004

Protection of site values and areas of cultural and spiritual significance to tangata whenua requires identifying and mapping these sites and areas and understanding their values. This process is led by tangata whenua who hold this information and knowledge.

Objectives

SASM-O1 Recognise and provide for wāhi tapu, wāhi taonga, and sites of significance in the District as being of cultural significance to tangata whenua through whakapapa, and ensure their protection from damage, modification or destruction from land use or other activities.

SASM-O2 Recognise the customary practices of tangata whenua in support of the protection of wāhi tapu, wāhi taonga, and sites of significance.

SASM-O3 Develop partnership between the Council, landowners and tangata whenua in the management of wāhi tapu, wāhi taonga, and sites of significance.

Policies

SASM-P1 To continue to identify, in partnership with tangata whenua, land within the District which contains wāhi tapu, wāhi taonga, and sites of significance .

SASM-P2 To avoid, remedy or mitigate any adverse effects of activities on the values of wāhi tapu, wāhi taonga, and sites of significance.

SASM-P3 To promote a greater awareness and understanding of wāhi tapu, wāhi taonga, and sites of significance **of importance** to tangata whenua.

Commented [SM3]: Minor clarification

SASM-P4 To **consult** **actively engage** with tangata whenua on applications received by the Council for subdivision consents and resource consents relating to proposals affecting or potentially affecting a wāhi tapu, wāhi taonga or site(s) of significance, **including but not limited to sites** identified in SASM-SCHED3 and shown on the Planning Maps.

Commented [SM4]: S125.046 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 12

SASM-P5 To establish a schedule of key hapū / tangata whenua representatives who will be notified of, or consulted on, applications received for subdivision consents or resource consents relating to proposals affecting or potentially affecting wāhi tapu, wāhi taonga, or site(s) of significance.

Rule Overview Table

Use/activity	Rule Number
Maintenance and enhancement of wāhi tapu, wāhi taonga or sites or areas of significance identified in SASM-SCHED3	SASM-R1
Earthworks associated with burials within an existing urupā identified in SASM-SCHED3	SASM-R2
Any maintenance, replacement, or repair of existing network utilities within a site identified in SASM-SCHED3	SASM-R3

Maintenance of existing farm fence lines and farm tracks within a site identified in SASM-SCHED3	SASM-R4
Any other activity within a site identified in SASM-SCHED3 not otherwise provided for	SASM-R5
Activities within 100m of a site identified in SASM-SCHED3	SASM-R6

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities on land within or containing wāhi tapu, wāhi taonga or sites of significance to Māori.

SASM-R1 Maintenance and enhancement of wāhi tapu, wāhi taonga or sites or areas of significance identified in SASM-SCHED3

All Zones	<p>1. Activity Status: PER</p> <p>Where the following condition is met:</p> <p>a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SASM-AM1.</p>
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SASM-R2 Earthworks associated with burials within an existing urupā identified in SASM-SCHED3

All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met: N/A</p>	<p>2. Activity status where compliance not achieved: N/A</p>
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SASM-R3 Any maintenance, replacement, or repair of existing network utilities within a site identified in SASM-SCHED3

All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p>	<p>2. Activity status where compliance not achieved: RDIS</p>
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	<p>a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</p>	<p>Matters over which discretion is restricted: a. SASM-AM1.</p>
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SASM-R4 Maintenance of existing farm fence lines and farm tracks within a site identified in SASM-SCHED3

All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted: a. SASM-AM1.</p>
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SASM-R5 Any other activity within a site identified in SASM-SCHED3 not otherwise provided for

All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</p> <p>b. The activity does not involve offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields.</p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted: a. SASM-AM1.</p>
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SASM-R6 Activities within 100m of a site identified in SASM-SCHED3

All Zones	<p>Activity Status: PER</p> <p>Where the following conditions are met:</p>	<p>Activity status where compliance not achieved: RDIS</p>
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<p>a. The activity does not involve offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields.</p>	<p>Matters over which discretion is restricted: a. SASM-AM1.</p>
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Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

SASM-AM1 General Assessment Matters for Wāhi Tapu, Wāhi Taonga or Sites of Significance

1. The values of the wāhi tapu, wāhi taonga, or site of significance including its value to tangata whenua.
2. Whether the proposed activity may destroy, damage, modify or adversely affect the wāhi tapu, wāhi taonga, or site of significance, particularly in relation to:
 - a. the nature and scale of the proposed activity;
 - b. the design, layout or location of the activity on the site, including associated building platforms, vehicle access and services on the site;
 - c. whether there are alternatives that do not involve destruction, damage, modification or adverse effects.
3. Methods to protect the wāhi tapu, wāhi taonga, or site of significance, including any recommendations from consultation with tangata whenua and (where appropriate) Heritage New Zealand *Pouhere Taonga*.
4. Whether the proposed activity respects the significant values of the wāhi tapu, wāhi taonga, or site of significance and will not dominate or detract from the wāhi tapu, wāhi taonga, or site of significance.
5. Whether the contents of a site contribute towards its significance as wāhi tapu, wāhi taonga, or site of significance and whether regard should be had to conserving those contents.
6. The outcomes and recommendations from any impact assessment undertaken on the effects of the activity on the wāhi tapu, wāhi taonga, or site of significance.
7. When assessing applications Council will have regard to a Māori values assessment or cultural impact assessment prepared for the site of significance.

Note: An archaeological authority from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014, may also be required for activities within Sites and Areas of Significance to Māori. Such an authority is not automatically granted, and can be declined under certain circumstances, even when an activity is permitted in the District Plan or by resource consent. Heritage New Zealand Pouhere Taonga should be contacted for guidance if any activity such as earthworks, fencing or landscaping may modify or destroy any archaeological site.

Methods

Commented [SM5]: S125.049 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 13

Commented [SM6]: S84.011 Kairakau Lands Trust - TW Topic, Key Issue 14

Methods for implementing the policies:

SASM-M1 Identification and Mapping of Wāhi Tapu, Wāhi Taonga and Sites of Significance

Identifying sites and areas of significance to Māori in SASM-SCHED3 in the District Plan and showing them on the relevant Planning Maps.

SASM-M2 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to applying to wāhi tapu, wāhi taonga and sites of significance:

1. ECO – Ecosystems and Indigenous Biodiversity - identifies those areas of the Central Hawke’s Bay District that have special natural heritage values (indigenous vegetation, habitats of indigenous fauna, riparian values). Many of these areas are also of special spiritual, historic or cultural significance to tangata whenua and assessment matters are provided to ensure these values are taken into account when considering resource consent applications in relation to these areas.
2. NFL – Natural Features and Landscapes – identifies those areas of the Central Hawke’s Bay District that have outstanding or significant landscape values. Many of these landscapes and features are also of special spiritual, historic or cultural significance to tangata whenua and assessment matters are provided to ensure these values are taken into account when considering resource consent applications in relation to these natural landscapes and features.
3. SUB – Subdivision – includes rules relating to subdivisions containing wāhi tapu and wāhi taonga, and ensuring building platforms, servicing infrastructure and any development recognises and ensures that wāhi tapu and wāhi taonga are protected from modification or any further disturbance.
4. EW – Earthworks – assessment matters are provided to ensure these spiritual, historic and cultural values are taken into account when considering resource consent applications affecting wāhi tapu, wāhi taonga and sites of significance.
5. HH – Historical Heritage – in addition to the wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3, there are also wāhi tapu registered under the Heritage New Zealand *Pouhere Taonga* Act 2014. These are listed in the District Plan in HH-SCHED2 and shown on the Planning Maps. Recorded archaeological sites (as at the date of notification of this District Plan) are also shown on the Planning Maps. Contact with Heritage New Zealand *Pouhere Taonga* is advised in such instances.

SASM-M3 Partnership

Working with tangata whenua to develop a cultural landscape overlay identifying areas where there is a high likelihood of wāhi tapu, wāhi taonga and sites of significance being located and to record this information on Council GIS as an alert layer to consult with tangata whenua prior to development in time. Where sites are on private land, landowners are also consulted as part of the identification process.

Commented [SM7]: S121.169 Federated Farmers - TW Topic, Key Issue 14

The Council will work with iwi and hapū to establish contact persons for each hapū, through which consultation will take place. Council will notify the relevant iwi / hapū contact person (as known to the Council) of any subdivision consent, or resource consent application it receives which affects or has the potential to affect any wāhi tapu or wāhi taonga site(s) identified in SASM-SCHED3 and shown on the Planning Maps, within 5 working days of receiving the application.

SASM-M4 Heritage New Zealand Pouhere Taonga

Consultation with Heritage New Zealand *Pouhere Taonga* on applications received by the Council for subdivision consents and land-use consents relating to proposals affecting a wāhi tapu or wāhi taonga or site of significance identified in SASM-SCHED3 and/or a wāhi tapu or wāhi taonga area identified in the New Zealand Heritage List / Rārangi Kōrero (HH-SCHED2).

In addition to the wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3, the provisions of the Heritage New Zealand *Pouhere Taonga* Act 2014 apply with respect to archaeological sites (which can also include wāhi tapu and wāhi taonga etc). This Act makes it an offence to destroy or modify an archaeological site without first obtaining an Archaeological Authority. This applies to both recorded and unrecorded archaeological sites.

It is important that the planning for any building or development takes this requirement into account and undertakes an archaeological assessment if necessary. Developers are encouraged to search the New Zealand Archaeological Association's database for the latest recorded site information, and it is advised to contact Heritage New Zealand *Pouhere Taonga* if any activity such as earthworks, fencing or landscaping may modify, damage or destroy any archaeological site.

Commented [SM8]: S84.013 Kairakau Lands Trust - TW Topic, Key Issue 14

SASM-M5 Land Information Memorandum (LIM) / Project Information Memorandum (PIM)

Under the Building Act 2004, Council is obliged to advise Heritage New Zealand *Pouhere Taonga* of any application for a PIM within 5 days of receipt of the application, where the application affects any registered historic place, historic area, wāhi tapu or wāhi taonga area. The Council is required to include in every PIM any information made available to it by Heritage New Zealand *Pouhere Taonga*.

Where a wāhi tapu, wāhi taonga or site of significance is identified within the boundaries of a property, the Land Information Memorandum (LIM) and PIMs that are issued will identify the wāhi tapu, wāhi taonga or site of significance to Māori, to ensure that the property owner takes this into account when considering future development on the site.

SASM-M6 Information Exchange

Integrated management and information exchange should be facilitated between all parties involved in the management and protection of wāhi tapu and wāhi taonga within the Region and particularly where the protection of wāhi tapu and wāhi taonga is a cross boundary issue.

SASM-M7 Education, Advocacy, Facilitation

1. The Council will continue to develop information for landowners and the public to increase awareness, understanding and appreciation within the local community of the presence and importance of sites and areas of significance to Māori. Information will include for example identifying likely places of location, the process of consultation, and steps landowners can take to avoid, or minimise the impact of Wāhi Tapu, Wāhi Taonga and sites of significance on their land.
2. The Council will encourage landowners to engage with local tangata whenua, hapū and/or marae to develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori.
3. Council will encourage and support the visual acknowledgement of wāhi tapu and other places of significance for example, through signage, information boards, poupou (traditional carved motifs) and other mahi toi

Commented [SM9]: S127.170 Federated Farmers - TW Topic, Key Issue 14

Commented [SM10]: S125.047 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 12

Principal Reasons

The principal reasons for adopting the policies and methods:

Wāhi tapu, wāhi taonga or sites of significance that have been notified to the Council, are identified in SASM-SCHED3 and shown on the Planning Maps. This enables the Council to quickly and easily identify where there are wāhi tapu, wāhi taonga and sites of significance on land which may be affected by proposed activities, and when there is a need to notify tangata whenua. It is acknowledged that additional work by Council in partnership with tangata whenua is required to further develop this list and further that tangata whenua will not always identify all sites for cultural reasons. When considering the protection of sites of cultural significance many factors need to be considered, such as cultural values, intellectual property and capacity, and a range of options for protection needs to be considered. To achieve this a strong partnership underpinned by strong communication and commitment between Council and tangata whenua is essential.

Commented [SM11]: S84.021 Kairakau Lands Trust - TW Topic, Key Issue 10

The mapping of archaeological sites further provides an alert to Council officers and landowners of a potential cultural landscape and the need to consult and engage with hapū and to contact Heritage New Zealand *Pouhere Taonga* early in the planning process.

Where Council receives applications for Discretionary Activity subdivision consents, which separate an identified wāhi tapu into two or more separate titles, or resource consents for activities located on actual wāhi tapu sites, the Council will notify the hapū of these resource consent applications.

A schedule containing the names and addresses of authorised contact persons who will be notified or consulted about applications for subdivisions or land use activities on land containing wāhi tapu or wāhi taonga, is available from the District Council. This will ensure that the relevant hapū / tangata whenua representatives are contacted.

Section 74 of the Heritage New Zealand *Pouhere Taonga* Act 2014 also requires that councils must have particular regard to any recommendations given by Heritage New Zealand *Pouhere Taonga* for measures the Council should take to assist in the conservation and protection of wāhi tapu listed in the New Zealand Heritage List / Rārangi Kōrero. The District

Council will therefore notify and consult with Heritage New Zealand *Pouhere Taonga* for guidance on the appropriate measures to assist in the conservation and protection of wāhi tapu identified in the List in situations where such wāhi tapu / wāhi taonga areas are potentially affected by resource consents.

For Project Information Methods (PIMs), tangata whenua will be invited to provide to the Council any relevant information it wishes to have included about the sites on the PIMs. For subdivision consents and resource consents, Council will invite tangata whenua to work with them and individual developers, to advise on methods that could be used to ensure that the proposed subdivision, structures or activities will not damage, modify or destroy the affected wāhi tapu or wāhi taonga sites. The Council may then, as a result of this consultation, place certain conditions on the subdivision or land use consent, with regard to the nature, location, design or scale of the proposed subdivision or land use activity, including access or structures on the land.

Rohe and local authority boundaries do not neatly match, and in some cases where cultural sites straddle a local authority boundary it will be important to engage with both the appropriate hapū and local authority in the adjacent rohe / district. This is particularly relevant in relation to sites located in the northern coastal areas (Central Hawke's Bay / Hastings District boundary) and in the south (Central Hawke's Bay / Tararua District boundary)

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- SASM-AER1** **Recognition of and provision for tangata whenua cultural relationships associated with wāhi tapu, wāhi taonga and sites of significance.**
- SASM-AER2** **Protection of wāhi tapu and wāhi taonga sites listed in SASM-SCHED3 from the effects of land use activities.**
- SASM-AER3** **Active participation of tangata whenua in the management of their ancestral land and resources.**

APPENDIX 6

Updated Table of Recommended Responses to Submissions and Further Submissions

APPENDIX 5

Tangata Provisions

Table: Updated Summary of Recommended Responses to Submissions and Further Submissions

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.003	Hawke's Bay Regional Council	TW - Ngā Tangata Whenua o Tamatea	No changes	Accept in part (subject to decisions on other submissions)	No
S31.001	Peggy Scott	District Plan Framework	Fix what you have broken	Reject	No
S55.011	Heritage New Zealand Pouhere Taonga	Glossary	Amend glossary term for 'Wāhi Tapu' as follows: 'a treasured place has the same meaning as in section 6 of the HNZPTA 2014 (as set out below) means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.'	Accept	Yes
S55.012	Heritage New Zealand Pouhere Taonga	[General]	Add a new section or subsection in the Proposed Plan to refer to Te Tiriti.	Accept	Yes
FS5.022	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
FS13.005	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S55.014	Heritage New Zealand Pouhere Taonga	TW - Ngā Tangata Whenua o Tamatea	Retain 'TW - Nga Tangata Whenua o Tamatea' chapter as notified.	Accept in part (subject to decisions on other submissions)	No
S64.002	Department of Conservation	TW-11	Retain TW-11.	Accept in part (subject to decisions on other submissions)	No
FS9.285	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part (subject to decisions on other submissions)	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S64.003	Department of Conservation	TW-I2	Retain TW-I2.	Accept in part (subject to decisions on other submissions)	No
FS9.286	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part (subject to decisions on other submissions)	
S64.004	Department of Conservation	TW-I3	Retain TW-I3.	Accept	No
FS9.287	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.005	Department of Conservation	TW-I4	Retain TW-I4.	Accept	No
FS9.288	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.006	Department of Conservation	TW-I5	Retain TW-I5.	Accept	No
FS9.289	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.007	Department of Conservation	TW-I6	Retain TW-I6.	Accept	No
FS9.290	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.008	Department of Conservation	TW - Issues	Ensure 'Issues' is appropriately consulted on, recognised as not always complete and a living document as circumstances change.	Accept	No
FS9.291	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.009	Department of Conservation	TW-O1	Retain TW-O1.	Accept in part (subject to decisions on other submissions)	No
FS9.292	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part (subject to decisions on other submissions)	
S64.010	Department of Conservation	TW-O2	Retain TW-O2.	Accept in part (subject to decisions on other submissions)	No
FS9.293	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part (subject to decisions on other submissions)	
FS23.27	Kāinga Ora - Homes and Communities		Disallow	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S64.011	Department of Conservation	TW-03	Retain TW-03.	Accept in part (subject to decisions on other submissions)	No
FS9.294	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part (subject to decisions on other submissions)	
S64.012	Department of Conservation	TW-04	Retain TW-04.	Accept	No
FS9.295	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.013	Department of Conservation	TW-P1	Retain TW-P1.	Accept in part (subject to decisions on other submissions)	No
FS9.296	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part (subject to decisions on other submissions)	
FS23.28	Kāinga Ora - Homes and Communities		Disallow	Reject	
S64.014	Department of Conservation	TW-P2	Retain TW-P2.	Accept	No
FS9.297	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.015	Department of Conservation	TW-P3	Retain TW-P3.	Accept in part (subject to decisions on other submissions)	No
FS9.298	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part (subject to decisions on other submissions)	
S64.016	Department of Conservation	TW-P4	Retain TW-P4.	Accept in part (subject to decisions on other submissions)	No
FS9.299	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part (subject to decisions on other submissions)	
S64.017	Department of Conservation	TW-P5	Retain TW-P5.	Accept in part (subject to decisions on other submissions)	No
FS9.300	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part (subject to decisions on other submissions)	
S64.018	Department of Conservation	TW-P6	Retain TW-P6.	Accept	No
FS9.301	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S64.019	Department of Conservation	TW-P7	Retain TW-P7.	Accept	No
FS9.302	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.020	Department of Conservation	TW-P8	Retain TW-P8.	Accept	No
FS9.303	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.021	Department of Conservation	TW-P9	Retain TW-P9.	Accept	No
FS9.304	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S84.017	Kairakau Lands Trust	Mihi	No relief sought. [Amend 'Mihi' to correct spelling and capitalisation errors?]	Accept	Yes (pending advice from Tangata Whenua)
FS5.001	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S84.018	Kairakau Lands Trust	TW - Ngā Tangata Whenua o Tamatea	No relief sought. [Amend 'Mihi' to correct spelling and capitalisation errors?]	Accept in part	Yes (pending advice from Tangata Whenua)
S84.019	Kairakau Lands Trust	TW-P7	No relief sought. [Review and amend TW-P7 to ensure intent is being accurately portrayed?]	Reject	
S84.020	Kairakau Lands Trust	TW-M4	Amend TW-M4 as follows: 'Wāhi Tapu, Wāhi Taonga and Sites of Significance... Under that Act, it is an offence to modify or destroy an any archaeological site without an Authority from Heritage New Zealand Pouhere Taonga.'	Accept	Yes
S84.021	Kairakau Lands Trust	TW - Principal Reasons	Amend 'TW - Principal Reasons' to include consideration of other options and processes to ensure the protection of sites of significance to Māori, beyond just identifying sites in the Plan.	Accept	Yes
FS5.029	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S120.006	Heretaunga Tamatea Settlement Trust	Foreword	Amend paragraph 7 of the 'Foreword' as follows: '...'	Accept in part	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			It will also provide for a range of different housing opportunities including papakāinga and kaumātua and other housing opportunities to meet the social and housing needs of tangata whenua in our community to ensure that tangata whenua have the opportunity to return to their land.		
FS5.003	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part	
S120.008	Heretaunga Tamatea Settlement Trust	[General]	Amend the wording throughout the Proposed Plan to reflect the statutory requirement to engage tangata whenua as a cultural expert to inform any development and decision making process.	Reject	No
FS23.48	Kāinga Ora - Homes and Communities		Allow in part	Reject	
S120.009	Heretaunga Tamatea Settlement Trust	Ngā Reo o te Takiwa: Representative Voices	Amend 'Ngā Reo o te Takiwa: Representative Voices' in relation to 'Heretaunga Tamatea Treaty Settlement Trust' as follows: 'For the purposes of the District Plan, tangata whenua interests are represented by: ... Heretaunga Tamatea Treaty Settlement Trust (HTTST): for issues identified in the Heretaunga Tamatea Claims Settlement Act 2018. The HTTST represents the treaty settlement interests of the Tamatea hapū and marae to ensure the betterment of the hapū and marae. HTTST is the mandated voice and representative entity which includes considering the extent to which proposed planning policy and development may impact on the historical, cultural and spiritual interests of the various hapū and those areas under statutory acknowledgement and /or the Heretaunga Tamatea Claims Settlement Act 2018. ...' ...'	Accept	Yes
FS5.025	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S120.011	Heretaunga Tamatea Settlement Trust	TW-I3	Amend paragraph 3 of TW-I3 as follows: 'With the loss and alienation from ancestral lands, the provision/enabling of a range of housing options including rural and residential housing , papakāinga housing, kaumātua flats, marae-based development is important to enable tangata whenua to use their land in a way that is consistent with their culture and traditions and their social and economic aspirations.'	Reject	No
S120.012	Heretaunga Tamatea Settlement Trust	TW-P1	Amend TW-P1 as follows: 'To provide for opportunities for tangata whenua to actively engage in a timely, effective and meaningful way engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected which recognises:	Accept in part (subject to decisions on other submissions)	Yes
FS23.49	Kāinga Ora - Homes and Communities		Allow in part	Accept in part (subject to decisions on other submissions)	
S120.013	Heretaunga Tamatea Settlement Trust	TW-P5	Amend TW- P5 as follows: 'To recognise actively promote, enhance and provide for development of, and a range of activities on, Māori Land to meet the needs and aspirations of tangata whenua, while ensuring that actual or potentially adverse effects of activities are	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			avoided, remedied or mitigated.'		
FS23.50	Kāinga Ora - Homes and Communities		Allow in part	Accept in part	
S120.015	Heretaunga Tamatea Settlement Trust	TW - Ngā Tangata Whenua o Tamatea	Add a new objective in the 'TW - Tangata Whenua' chapter in the Proposed Plan as follows: 'Te Mana o te Wai, intrinsic values of ecosystems and the life supporting capacity of the district's natural resources are recognised and provided for.' And add such consequential changes throughout the Proposed Plan to implement 'te mana o te wai' through the relevant objectives, policies, rules and methods.	Accept in part	Yes
S120.020	Heretaunga Tamatea Settlement Trust	ECO-OXX (new objective)	Include two new objectives in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'ECO-O3 The relationship of tangata whenua and their culture and traditions, values, interests and associations associated with waterbodies are recognised and provided for.ECO-O4 Subdivision, use and development within the District is undertaken in an integrated manner that recognises Te Mana o te Wai for all receiving waters and minimises changes in the hydrological regime of those waters.'	Reject	No
FS25.50	Federated Farmers of New Zealand		Disallow	Accept	
FS5.077	Ngā hapū me ngā marae o Tamatea		Allow	Reject	
S120.021	Heretaunga Tamatea Settlement Trust	ECO-PXX (new policy)	Add a new policy in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'ECO-P10 Recognise, protect and enhance significant indigenous biodiversity and natural wetlands, while recognising and providing for Te Mana o te Wai.'	Reject	No
FS25.51	Federated Farmers of New Zealand		Disallow	Accept	
FS5.078	Ngā hapū me ngā marae o Tamatea		Allow	Reject	
S120.022	Heretaunga Tamatea Settlement Trust	ECO-MXX (new method)	Add a new method in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'Methods to recognise and provide for Te Mana o te Wai in receiving waters.'	Accept in part	Yes
S120.028	Heretaunga Tamatea Settlement Trust	Glossary	No relief sought.	Accept in part (subject to decisions on other submissions)	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.011	Federated Farmers of New Zealand	TW-I1	Delete TW-I1.	Reject	No
FS9.11	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.012	Federated Farmers of New Zealand	TW-I2	Delete TW-I2.	Reject	No
FS9.12	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.013	Federated Farmers of New Zealand	TW-O2	Amend TW-O2 as follows: 'Enable the active participation of tangata whenua in all aspects of the implementation of the Central Hawke's Bay District Plan where appropriate. '	Accept in part	Yes
FS9.13	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.014	Federated Farmers of New Zealand	TW-P1	Amend TW-P1 as follows: 'To provide for timely, effective and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected. '	Accept	Yes
FS9.14	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S122.001	Rongomaraeroa Marae Trustees	Mihi	Amend 'Mihi' at the start of the Proposed Plan to correct errors and acknowledge all hapu and marae. Remove bias towards Takapau. [refer full submission for specific detail]	Accept in part	Yes (pending advice from Tangata Whenua)
FS5.002	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part	
FS13.001	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	
S122.002	Rongomaraeroa Marae Trustees	Glossary	Correct use of Māori terms, including 'tapu' [refer full submission].	Accept in part	Yes
S122.003	Rongomaraeroa Marae Trustees	TW-M1	Clarify use of terms 'mana whenua' and 'tangata whenua' [refer full submission].	Accept	Yes (pending advice from Tangata Whenua)
FS5.028	Ngā hapū me ngā marae o Tamatea		Allow in part		
S122.004	Rongomaraeroa Marae Trustees	[General]	Specific relief sought is unclear - refer full submission.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S122.005	Rongomaraeroa Marae Trustees	[General]	The Treaty of Waitangi should be moved to its own section.	Accept	Yes
FS5.023	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
FS13.006	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S122.006	Rongomaraeroa Marae Trustees	[General]	Define the terms 'Cultural Values', 'Māori Values', and 'Archaeological Values'. Include these matters in the 'Part 2 - District-Wide Matters' section of the Proposed Plan. [refer full submission]	Reject	No
S125.001	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Mihi	Retain the 'mihi' as notified.	Accept	No
S125.002	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Foreword	Reword the 'Foreword' so that it accurately reflects the various historical and contemporary connections to the area. The redrafting of this section should be undertaken through collaboration with mana whenua to accurately record their respective history and knowledge. This section should be written in both English and te reo.	Accept in part	No
FS13.002	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	
S125.003	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Glossary	Add a new definition for 'Māori Land' in the 'Glossary'. The definition should be that used in Te Ture Whenua Māori Act 1993 or such other definition that accurately describes Māori land.	Accept	Yes
FS13.003	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S125.005	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Glossary	Amend the definition of 'Mahinga Kai' in the 'Glossary' so that it meets mana whenua's understanding of mahinga kai. This should include the following wording, or such other wording that gives effect to this submission: 'The customary gathering of food and natural materials, the food and resources themselves and the places where those resources are gathered.'	Accept	Yes
FS13.004	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S125.006	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Te Whakataki: Introduction	Reword the 'Te Whakataki: Introduction' so that it meets mana whenua aspirations including the use of te reo. This section should be redrafted to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. The amended wording should be drafted collaboratively with the mana whenua of the District.	<u>Reserved Accept in part (in so far as this section has been redrafted with tangat whenua</u>	<u>Yes</u>

Commented [SM1]: Tangata whenua submitters have worked together to provide updated wording for this chapter. These changes were tabled at the Hearing on 17 November 2022. Some final amendments were provided post the hearing and these have been incorporated into the changes attached in Appendix 5.

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			This section should be written in both English and te reo.	submitters. Full translation in both reo and English may or may not occur depending on resourcing and timing	
FS13.008	Heretaunga Tamatea Settlement Trust		Allow	Reserved-Accept in part	
S125.007	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	Te Whakataki: Introduction	Amend the 'Te Whakataki: Introduction' to include the following (or alternative wording to similar effect): 'Te Tītiri o Waitangi/Treaty of Waitangi also includes the principles of partnership, participation and protection that underpin the relationship between tangata whenua/mana whenua and the District Council.'	Accept	Yes
FS13.009	Heretaunga Tamatea Settlement Trust		Allow	Yes	
S125.008	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	RLR - Rural Land Resource	Amend the 'RLR - Rural Land Resource' chapter to include the following text (or alternative wording to similar effect): 'Tangata whenua/mana whenua are able to develop papakainga housing, kaumātua flats and marae-based development on rural Whenua Māori or Māori Land.'	Reject	No
FS13.012	Heretaunga Tamatea Settlement Trust		Allow Amend the 'RLR - Rural Land Resource' chapter to include the following text (or alternative wording to similar effect): 'Tangata whenua/mana whenua are able to develop papakainga housing, kaumātua flats and marae-based development on rural Whenua Māori or Māori Land.'	Reject	
S125.016	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW - Ngā Tangata Whenua o Tamatea	Redraft the 'Mihī' at the beginning of the 'TW - Ngā Tangata Whenua o Tamatea' chapter in the Proposed Plan to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe including an appropriate mihi whakatau. The amended wording should be drafted collaboratively with the mana whenua of the District. This section should be written in both English and te reo.	Accept in part	Yes (pending advice from Tangata Whenua)
FS13.013	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	
S125.017	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW - Issues	Amend 'Ngā Take: Issues' to include the following text (or alternative wording to similar effect): 'The lack of mana whenua involvement in resource management decision-making. The loss of mauri particularly in relation to fresh and coastal waters. The continuing loss of quality, quantity, and access to mahinga kai and natural resources for customary use.'	Accept	Yes
FS23.85	Kāinga Ora - Homes and Communities		Allow in part	Accept in part	
S125.018	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-01	Retain TW-01, but with the following amendments (or words to similar effect): 'The role of Tangata whenua/mana whenua are actively involved as kaitiaki in the protection and management of the natural and physical resources of an area is acknowledged and provided for.'	Accept in part	Yes
S125.019	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-02	Retain TW-02, but with the following amendments (or words to similar effect): 'Enable the active participation of Tangata whenua/mana whenua are actively involved in all aspects of the	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			implementation of the Central Hawke's Bay District Plan including decision-making processes. '		
S125.020	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-03	Amend TW-03 as follows (or words to similar effect): 'Wāhi taonga and sites of significance to tangata whenua are managed and actively protected and managed in partnership with mana whenua. '	Accept	Yes
FS23.86	Kāinga Ora - Homes and Communities		Allow in part	Accept in part	
S125.021	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-04	Retain TW-04 as notified.	Accept	No
S125.022	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P1	Retain TW-P1, but with the following amendments (or words to similar effect): 'To provide for timely, effective and meaningful engagement withTo actively involve tangata whenua, including by providing for timely, effective and meaningful engagement, in resource management decision-making and implementation where tangata whenua are interested and/or affected.'	Accept in part	Yes
S125.023	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P3	Retain TW-P3, but with the following amendments (or words to similar effect): 'To acknowledge and recognise iwi/hapū management plans as an expression of rangatiratanga to help tangata whenua/mana whenua exercise kaitiaki roles and responsibilities in the district , and as mutually appropriate means of achieving sustainable environmental outcomes.'	Accept	Yes
S125.024	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P4	Retain TW-P4, but with the following amendments (or words to similar effect): 'To encourage and support the recognition and use of traditional Māori place names includingand the use of interpretive material and the use of dual Māori signage for all official place names. '	Accept in part	Yes
S125.025	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P5	Retain TW-P5, but with the following amendments (or words to similar effect): 'To recognise and provide for development of, and a range of activities on, Māori Land and Whenua Māori to meet the needs and aspirations of tangata whenua like papakāinga housing, kaumātua flats and marae-based development , while ensuring that actual or potentially adverse effects of activities are avoided, remedied or mitigated.'	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S125.026	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P8	Retain TW-P8, but with the following amendments (or words to similar effect): 'To work with tangata whenua/mana whenua to identify , maintain and enhance appropriate public access to the District's public forests and significant waterways, wetlands and coastal areas, having regard to their traditional the importance as-of protecting mahinga kai, wahi tāonga and tangata whenua sites of significance. '	Accept	Yea
FS23.87	Kāinga Ora - Homes and Communities		Allow in part		
S125.027	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P2	Retain TW-P2 as notified.	Accept	No
S125.028	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P6	Retain TW-P6 as notified.	Accept	No
S125.029	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P7	Retain TW-P7 as proposed.	Accept	No
S125.030	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-P9	Retain TW-P9 as notified.	Accept	No
S125.031	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-PXX (new policy)	Add a new policy in the 'TW - Nga Tangata Whenua o Tamatea' chapter in the Proposed Plan as follows (or alternative wording to similar effect): 'To formalise power sharing with tangata whenua/mana whenua through the use of tools in the Resource Management Act (RMA) such as joint management arrangements, mana whakahono ā rohe, and transfer and delegations of power.'	Reject	
S125.032	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-MXX (new method)	Retain the methods in 'TW - Methods' as notified, but add the following: ' Include an Accidental Discovery Protocol to address Māori artefacts or koiwi (human remains) disturbed by earthworks. '	Reject	No
FS23.88	Kāinga Ora - Homes and Communities		Allow in part	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S125.033	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-M1	Retain TW-M1 as notified.	Accept in part (subject to decisions on other submissions)	No
S125.034	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-M2	Retain TW-M2 as notified, and include overlay areas and statutory acknowledgements from other applicable Treaty settlements.	Accept in part	Yes (Pending advice from Tangata Whenua regarding additional Statutory Acknowledgement Overlays)
S125.035	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-M3	Amend TW-M3 to include the following (or alternative wording to similar effect): 'CHBDC enter into a partnered management agreement with mana whenua so that they are actively involved in resource management decision-making processes in Tamatea.CHBDC delegates its powers under section 33 of the RMA to mana whenua to make decisions around resource management that includes (but is not limited to) monitoring and enforcement of resource consent conditions.CHBDC develops and resources mana whakahono ā rohe participation arrangement with mana whenua.'	Reject	No
S125.036	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	TW-M4	Retain TW-M4 as notified.	Accept	No
S125.071	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	[General]	Amend the provisions of the Plan, including policies and rules, that prevent the development of Māori-owned land. In particular, the Plan should include provisions that enable access to Māori-owned land from state highways and arterial roads where that is the only practicable access option.	Accept in part	No
FS13.042	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	
S125.072	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	[General]	No relief sought.	Accept	
S125.073	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	[General]	We support the provisions of the Plan that already recognise and provide for this relationship, and ask that any provisions that do not do this are amended to achieve that outcome.	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S129.010	Kāinga Ora - Homes and Communities (Kāinga Ora)	TW - Ngā Tangata Whenua o Tamatea	Kāinga Ora seeks minor amendments to specific provisions as set out in subsequent submission points to reduce ambiguity as to when and how tangata whenua are to be involved in resource consent applications.	Accept in part (subject to decisions on other submissions)	
S129.011	Kāinga Ora - Homes and Communities (Kāinga Ora)	TW-02	Amend TW-02 as follows: 'Enable the active participation of tangata whenua in all aspects of the implementation of the Central Hawke's Bay District Plan, particularly in relation to matters potentially impacting Wāhi Tapu, Wāhi Taonga and Sites of Significance. ' And amendments are required in the Proposed Plan to provide clarity in policy direction for when and how to involve tangata whenua in the implementation of the Central Hawke's Bay District Plan. They may be consequential amendments in other parts of the Proposed Plan as a result of a change in this section.	Accept in part	Yes
FS17.20	Horticulture New Zealand		Allow	Accept in part	
FS5.030	Ngā hapū me ngā marae o Tamatea		Disallow	Reject	
S129.012	Kāinga Ora - Homes and Communities (Kāinga Ora)	TW-P1	Amend TW-P1 as follows: 'To provide for timely, effective and meaningful engagement with tangata whenua in resource management decision-making and implementation where tangata whenua are interested and/or affected. '	Accept	Yes
FS17.21	Horticulture New Zealand		Allow	Accept	
S134.001	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	Ngā Reo o te Takiwa: Representative Voices	Amend the listing of 'Ngā Reo o te Takiwā: Representative Voices' to include 'Ngāti Kere Hapū Authority'.	Accept	Yes
FS5.026	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
FS13.0010	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S134.002	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	[General]	Amend the Tangata Whenua section to reflect the active development of a co-governance capability at CHBDC and co-governance capacity for mana whenua.	Accept in part	Yes (but in response to specific submission points)
FS5.024	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part	
FS13.007	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S134.004	Ngāti Kere Hapū Authority (Ngati Kere Hapu Authority)	TW - Ngā Tangata Whenua o Tamatea	We recommend that the planning regulations should require that resource consents automatically include a formal cultural impact assessment. We recommend that the CHBDC should actively develop training for tangata whenua around capability in assessment of resource consents and to develop capacity for the same.	Accept in part	No
FS17.19	Horticulture New Zealand		Disallow	Reject	
S134.005	Ngāti Kere Hapū Authority	Strategic Direction TW- Ngā Tangata Whenua o Tamatea	We recommend that the Proposed Plan recognises in the 'Tangata Whenua' chapter, the likely population increase of mana whenua returning to their homes areas and states a commitment to planning for the promotion of land development and housing opportunities for this eventually.	Accept in part	No
FS13.014	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	

SASM – Sites and Areas of Significance to Māori

Table: Updated Summary of Recommended Responses to Submissions and Further Submissions

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S30.001	Mataweka Marae Waipawa	SASM-SCHED3	Add the following significant Mana Whenua Wahi Tapu sites to the SASM Schedule: 1. Mataweka Urupa - We are unsure if our current urupa is listed, therefore we would like to ensure that it is. Situation at approximately 233 Tapairu Rd, which is situated a few hundred metres from the current Mataweka marae. 2. Old Mataweka Pa site - early 1800s. Was situated down by the riverside of the Waipawa river at the end of Tapairu Road. Flooding forced the relocation of the Mataweka marae to its current site. Oil painting attached. 3. Old Mataweka urupa - the urupa that serviced the old Mataweka Pa site was also down beside the Waipawa River. Map attached. 4. Te Hauapu fortified pa - along the Waipawa river. Map attached. 5. Hutana Memorial Trees and wahi tapu site - Trees currently stand on banks of Waipawa River at the end of Tapairu Road Waipawa - photos attached.	Accept in part	Yes
FS5.054	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part	
FS7.026	Heritage New Zealand Pouhere Taonga		Allow	Accept in part	
FS13.025	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	
S55.041	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Clarify which schedule (HH-SCHED2 or SASM-SCHED3) is most appropriate for the following items: 'HH-64 - Te Pā o Tuanui ' / SASM-34 - clarify the relationship and, if retained in SASM-SCHED3, add identifiers (name etc). 'HH-65 - Te Pā Horehore ' / SASM-25 Hore Hore Pā ' - clarify the relationship and, if retaining in both schedules, align the map markers. 'HH-66 - Rangitoto ' / SASM-26 Rangitoto Pā ' - clarify the relationship and which schedule is most appropriate, and align the map markers. 'HH-67 - Kaiwhitikitiki Urupā and Hēnare Matua Tahu Whakamaumarahara ' / SASM-63 Kaiwhitikitiki Urupā and Hēnare Matua Tohu Whakamaumarahara ' - clarify the relationship and which schedule is most appropriate. 'HH-68 - Kahotea' / HH-10 [SASM-10 Kahotea (North)?] / SASM-11 Kahotea (South)' - clarify the relationship and which schedule is most appropriate. Also, clarify whether 'SASM-39 Kahotea' (also called Kahotea and located nearby on the map) is a duplicate or not and, if not, consider adding more identifiers to clarify that these are different places. Also, consider whether it is appropriate to split the item into North and South as is currently in SASM-SCHED3, or a single item to match the NZ Heritage List listing.	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S55.046	Heritage New Zealand Pouhere Taonga	SASM - Sites and Areas of Significance to Māori	Retain the 'SASM - Sites and Areas of Significance to Maori' chapter, apart from the minor amendments requested elsewhere in this submission.	Accept	No
FS5.061	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S55.047	Heritage New Zealand Pouhere Taonga	MAPS	Either define the extent of SASM sites, or include a buffer area managed by the rules (radius distance from the SASM marker).	Reject	No
S55.048	Heritage New Zealand Pouhere Taonga	SASM-SCHED3	Consider adding more information to SASM-SCHED3, including: <ul style="list-style-type: none"> • Location information, including address and legal description. • Name of the place, where this is known. • More detail on site type (summary description) where this is available. • Site values. 	Reject	No
FS23.70	Kāinga Ora - Homes and Communities		Allow	Reject	
FS5.058	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject	
S55.050	Heritage New Zealand Pouhere Taonga	SASM-SCHED3	Amend SASM-58 in SASM-SCHED3 to add the name ' Eparaima ' and ' HNZPT List number 7676 ' in the Site Identifier column.	Accept	Yes
FS5.057	Ngā hapū me ngā marae o Tamatea		Allow	Accept	Yes
FS13.026	Heretaunga Tamatea Settlement Trust		Allow	Accept	Yes
S55.051	Heritage New Zealand Pouhere Taonga	SASM-SCHED3	Amend SASM-60 in SASM-SCHED3 to add the name ' Tokatea ' and identifying information including ' HNZPT List number 7672 ' to the Site Identifier column.	Accept	Yes
FS13.027	Heretaunga Tamatea Settlement Trust		Allow	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS5.056	Ngā hapū me ngā marae o Tamatea		Allow	Accept	Yes
S55.052	Heritage New Zealand Pouhere Taonga	SASM-SCHED3	Add new site, being HNZPT List number 7717 'Te Awakari a Tamanui', in either HH-SCHED2 or SASM-SCHED3.	Reject	No
FS5.055	Ngā hapū me ngā marae o Tamatea		Allow	Reject	
FS13.028	Heretaunga Tamatea Settlement Trust		Allow	Reject	
S55.081	Heritage New Zealand Pouhere Taonga	MAPS	Map the extent of the 'SASM - Sites and Areas of Significance to Māori' items on the planning maps.	Reject	No
FS5.098	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject	
S70.001	Peggy Scott	SASM - Sites and Areas of Significance to Māori	To leave it in the hands of the hapu, whanau, kaitiaki.	Accept in part	No
S81.070	Horticulture New Zealand	SASM-R4	Retain SASM-R4.	Accept in part (subject to decisions on other submissions)	No
FS5.046	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part (subject to decisions on other submissions)	
S81.071	Horticulture New Zealand	SASM-R5	Retain SASM-R5.	Accept	No
FS5.049	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S84.003	Kairakau Lands Trust	SASM - Introduction	Amend 'SASM - Introduction' to include reference to both the Heritage New Zealand Pouhere Taonga (HNZPT) Act and the New Zealand Archaeological Association (NZAA) database.	Accept	Yes (pending advice from Tangata Whenua)
FS23.80	Kāinga Ora - Homes and Communities		Disallow	Reject	
FS5.031	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
FS7.017	Heritage New Zealand Pouhere Taonga		Allow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS13.016	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S84.004	Kairakau Lands Trust	SASM-I1	Amend SASM-I1 to reflect that engagement should be led by Council, as Tangata Whenua hold this information and knowledge and values cannot be fully expressed on a map.	Recommendation Reserved Accept	<u>Yes</u> - - - - -
FS5.062	Ngā hapū me ngā marae o Tamatea		Allow		
S84.005	Kairakau Lands Trust	SASM-R1	Remove 'Permitted Activity' status for any activity affecting a wāhi tapu, wāhi taonga or site or area of significance.	Accept in part	No
FS5.043	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part	
FS7.021	Heritage New Zealand Pouhere Taonga		Disallow	Accept in part	
S84.006	Kairakau Lands Trust	SASM-R2	Clarify whether SASM-R2 is lawful.	Accept	No
FS5.044	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept	
S84.007	Kairakau Lands Trust	SASM-R3	Clarify whether SASM-R3 is lawful.	Accept	No
FS5.045	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept	
S84.008	Kairakau Lands Trust	SASM-R4	Clarify whether SASM-R4 is lawful.	Accept	No
FS5.047	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept	
S84.009	Kairakau Lands Trust	SASM-R5	Clarify whether SASM-R5 is lawful.	Accept	No
FS5.050	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part	
FS7.023	Heritage New Zealand Pouhere Taonga		Allow in part	Accept in part	
S84.010	Kairakau Lands Trust	SASM-R6	Clarify whether SASM-R6 is lawful.	Accept	No

Commented [SM2]: Right of Reply (9 December 2022 in response to evidence provided by Kairakau Lands Trust (S84.004)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS5.052	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part	
S84.011	Kairakau Lands Trust	SASM-AM1	Amend SASM-AM1(2) to refer to the Heritage New Zealand Pouhere Taonga Act.	Accept	Yes
FS7.024	Heritage New Zealand Pouhere Taonga		Disallow	Reject	
S84.012	Kairakau Lands Trust	SASM-M3	Retain SASM-M3.	Accept in part (subject to decisions on other submissions)	No
FS5.039	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part (subject to decisions on other submissions)	
S84.013	Kairakau Lands Trust	SASM-M4	Amend SASM-M4 to refer to the New Zealand Archaeological Association database.	Accept	Yes
FS5.038	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S84.024	Kairakau Lands Trust	SASM - Objectives	No relief sought. [Retain 'SASM - Objectives']	Accept	No
S84.025	Kairakau Lands Trust	SASM - Policies	No relief sought. [Retain 'SASM - Policies']	Accept in part (subject to decision on other submissions)	No
S120.016	Heretaunga Tamatea Settlement Trust	SASM-SCHED3	It is important for Central Hawke's Bay District Council to continue to work alongside tangata whenua to identify wāhi tapu, wāhi taonga and sites and areas of significance to Māori to add to Schedule 43[SASM-SCHED3] and the Planning Maps.	Accept in part	No
FS5.060	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part	
S121.158	Federated Farmers of New Zealand	SASM - Introduction	Amend the final paragraph in 'SASM - Introduction' as follows: '... The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua. Accordingly, the District Plan seeks to facilitate the opportunity for this to occur by adopting a partnership approach which recognises the importance of all parties, as part of the subdivision, development and land use process. '	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.158	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS5.032	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
FS13.017	Heretaunga Tamatea Settlement Trust		Disallow	Accept	
S121.159	Federated Farmers of New Zealand	SASM-O3	Retain SASM-O3 as proposed. And include a new 'SASM - Method' as per submission.	Accept	No
FS9.159	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS5.033	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part	
S121.160	Federated Farmers of New Zealand	SASM-P1	Amend SASM-P1 as follows: 'To continue to identify, in partnership with tangata whenua and landowners , land within the District which contains wāhi tapu, wāhi taonga, and sites of significance.'	Reject	No
FS9.160	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS5.034	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
FS13.022	Heretaunga Tamatea Settlement Trust		Disallow	Accept	
S121.161	Federated Farmers of New Zealand	SASM-P3	Amend SASM-P3 as follows: 'To promote a greater awareness and understanding of wāhi tapu, wāhi taonga, and sites of significance of importance to tangata whenua, and assist resource users conducting activities near recorded sites and in the event of a discovery of unrecorded sites. ' And include a new 'SASM - Method' as per submission.	Reject	No
FS7.018	Heritage New Zealand Pouhere Taonga		Disallow	Accept	
FS5.035	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.161	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.162	Federated Farmers of New Zealand	SASM-P4	Retain SASM-P4 as proposed.	Accept in part (subject to decisions on other submissions)	No
FS9.162	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow		
S121.163	Federated Farmers of New Zealand	SASM-P5	Retain SASM-P5 as proposed.	Accept	No
FS9.163	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS5.036	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S121.164	Federated Farmers of New Zealand	SASM-R1	Retain SASM-R1 as proposed.	Accept	No
FS9.164	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS5.042	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S121.165	Federated Farmers of New Zealand	SASM-R4	Amend SASM-R4 as follows: 'Maintenance of existing farm fence lines and farm tracks Primary production activities within a site identified in SASM-SCHED3 1. Activity Status: PER Where the following conditions are met: a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance. ...'	Reject	No
FS9.165	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS5.048	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS7.022	Heritage New Zealand Pouhere Taonga		Allow in part	Reject	
FS13.023	Heretaunga Tamatea Settlement Trust		Disallow		
S121.166	Federated Farmers of New Zealand	SASM-R5	Retain SASM-R5 (provided relief sought for SASM-R4 is accepted).	Reject	No
FS13.024	Heretaunga Tamatea Settlement Trust		Disallow	Accept	
FS9.166	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS5.051	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
S121.167	Federated Farmers of New Zealand	SASM-R6	Retain SASM-R6 as proposed.	Accept	No
FS9.167	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS5.053	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S121.168	Federated Farmers of New Zealand	SASM-M1	Amend SASM-M1 as follows: 'Identifying sites and areas of significance to Maori in SASM-SCHED3 in the District Plan and showing them on the relevant Planning Maps. Any new sites and areas will be incorporated using a Schedule 1 process. '	Reject	No
FS9.168	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS23.35	Kāinga Ora - Homes and Communities		Allow	Reject	
FS5.037	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
S121.169	Federated Farmers of New Zealand	SASM-M3	Amend SASM-M3 as follows: 'Partnership Working with tangata whenua to develop a cultural landscape overlay identifying areas where there is a high likelihood of wāhi tapu, wāhi taonga and sites of significance being located and to record this information on Council GIS as an alert layer to consult with tangata whenua prior to development in time. Where sites are on private land, landowners are included and involved early in this process.	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			...		
FS9.169	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS5.040	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept	
S121.170	Federated Farmers of New Zealand	SASM-MXX (new method)	Add a new method in the 'SASM - Sites and Areas of Significance to Māori' chapter in the Proposed Plan as follows: 'Support landowners to manage, maintain and preserve sites and areas of significance to Māori, including by:1. increasing awareness, understanding and appreciation within the local community of the presence of and importance of identified sites and areas of significance to Māori;2. encouraging landowners to engage with local tangata whenua and/or marae and develop positive working relationships in respect of the ongoing management and/or protection of sites or areas of significance to Māori;3. providing assistance to landowners to preserve, maintain and enhance sites and areas of significance to Māori;4. Waiving consent and processing fees.'	Accept in part	Yes
FS7.025	Heritage New Zealand Pouhere Taonga		Allow	Accept in part	
FS5.041	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept	
FS17.42	Horticulture New Zealand		Allow	Accept in part	
FS9.170	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.171	Federated Farmers of New Zealand	SASM-SCHED3	Adjust the location and extent of 'Sites and Areas of Significance to Maori' in SASM-SCHED3 according to landowner submissions. And ensure landowners are aware of non-regulatory methods and assistance available to them.	Reject	No
FS9.171	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS5.059	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
FS13.029	Heretaunga Tamatea Settlement Trust		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S125.039	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-O1	Retain SASM-O1 as notified.	Accept	No
FS13.018	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S125.040	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-O2	Retain SASM-O2 as notified.	Accept	No
FS13.019	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S125.041	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-O3	Retain SASM-O3 as notified.	Accept	No
FS13.020	Heretaunga Tamatea Settlement Trust		Allow	Accept	
S125.042	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P1	Retain SASM-P1 as notified.	Accept	No
.					
S125.043	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P2	Retain SASM-P2 as notified.	Accept	No
.					
S125.044	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P3	Retain SASM-P3 as notified.	Accept	No
.					
S125.045	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P5	Retain SASM-P5 as notified.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S125.046	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-P4	Retain SASM-P4 but with the following amendments: 'To consult actively involve with tangata whenua on applications received by the Council for subdivision consents and resource consents relating to proposals affecting or potentially affecting a wāhi tapu, wāhi taonga or site(s) of significance, including but not limited to those identified in SASM-SCHED3 and shown on the Planning Maps.'	Accept	Yes
FS25.32	Federated Farmers of New Zealand		Disallow	Reject	
FS7.019	Heritage New Zealand Pouhere Taonga		Allow	Accept	
S125.047	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-PXX (new policy)	Add [a new policy?] to the 'SASM - Sites and Areas of Significance to Māori' chapter in the Proposed Plan as follows (or alternative wording to similar effect): To encourage and support the visual acknowledgement of wāhi tapu and other places of significance through signage, information boards, poupou (traditional carved motifs) and other mahi toi.	Accept in part	Yes
FS13.021	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	
S125.048	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-M3	Redraft SASM-M3 to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe, including the principle of partnership. The amended wording should be drafted collaboratively with the mana whenua of the District.	Reject	No
S125.049	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM - Rules	Redraft 'SASM - Rules' to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe so that these sites are given the highest level of protection which may include a more stringent activity status in the District Plan. The amended wording should be drafted collaboratively with the mana whenua of the District. And amend this section to include the following (or alternative wording to similar effect): The proposed activity should be designed in partnership and consultation with mana whenua. The proposed activity should be designed to avoid all known places and areas of significance to Māori where possible by encouraging consideration of alternative development locations and including the provision of protective buffer areas. The proposed activity should be subject to a Māori values assessment or cultural impact assessment. The proposed activity should mitigate or remedy any damage to any significant sites that have been damaged from past earthworks, construction of structures and buildings or erosion. The proposed activity should achieve positive heritage outcomes and provisions including the use of a covenant to protect significant places and areas.	Accept in part	Yes
FS7.020	Heritage New Zealand Pouhere Taonga		Allow in part	Accept in part	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S125.050	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SASM-SCHED3	Update 'SASM-SCHED3' with additional sites, to be identified collaboratively with the mana whenua of the District.	Accept in part	No
S129.061	Kāinga Ora - Homes and Communities (Kainga Ora)	SASM - Sites and Areas of Significance to Māori	Kāinga Ora considers that the following amendments are necessary to ensure that 'sites and areas of significance to Maori' are sufficiently protected: 1. Kāinga Ora considers that in its current form, SASM-I1 does not clearly articulate the implications and potential adverse effects resulting from degradation and/or loss of wāhi tapu, wāhi taonga and sites of significance over time to tangata whenua. This needs to be properly stated and documented in SASM-I1, as the potential adverse effects will determine the type of response and degree of management required through subsequent provisions. 2. Where locations are known, 'silent file' features and sites should be mapped in consultation with iwi to ensure that they are appropriately protected and to provide greater clarity to all parties on when tangata whenua may be directly impacted by a resource consent application. 3. Greater clarity regarding the spatial extents of archaeological sites and sites of significance is needed to confirm whether an activity will trigger resource consenting requirements under HH and/or SASM provisions.	Reject	No
FS5.064	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject	
FS7.016	Heritage New Zealand Pouhere Taonga		Allow	Reject	
S134.003	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	SASM - Sites and Areas of Significance to Māori	We recommend that the Council works with tangata whenua to develop a more effective method for identifying wāhi tapu and updates the list of wāhi tapu sites in the Plan using that method. We recommend that the planning regulations should require that resource consents automatically include a formal cultural impact assessment. We recommend that the CHBDC should actively develop training for tangata whenua around capability in assessment of resource consents and to develop capacity for the same.	Accept in part	No
FS17.40	Horticulture New Zealand		Disallow Reject submission for all resource consents to require a formal cultural impact assessment.	Accept	
FS23.92	Kāinga Ora - Homes and Communities		Disallow	Reject	
FS5.063	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part	
FS13.015	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	

PKH – PAKAKĀINGA AND KAUMĀTUA HOUSING, AND ASSOCIATED MARAE-BASED DEVELOPMENT

Table: Updated Summary of Recommended Responses to Submissions and Further Submissions

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.032	Hawke's Bay Regional Council	PKH - Papakāinga And Kaumātua Housing, and Associated Marae-Based Development	No changes	Accept in part (subject to decision on other submissions)	No
S57.086	Fire and Emergency New Zealand	PKH-O3	Retain PKH-O3 as notified.	Accept	No
S57.087	Fire and Emergency New Zealand	PKH-P4	Retain PKH-P4 as notified.	Accept	No
S57.088	Fire and Emergency New Zealand	PKH-P6	Retain PKH-P6 as notified.	Accept	No
S57.089	Fire and Emergency New Zealand	PKH-P10	Retain PKH-P10 as notified.	Accept	No
S57.090	Fire and Emergency New Zealand	PKH-R1	Retain PKH-R1 as notified.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.091	Fire and Emergency New Zealand	PKH-R2	Retain PKH-R2 as notified (subject to amendment sought to PKH-S2).	Accept	No
S57.092	Fire and Emergency New Zealand	PKH-R4	Retain PKH-R4 as notified.	Accept in part (subject to decisions on other submissions)	No
S57.093	Fire and Emergency New Zealand	PKH-S2	Add the following to 'Amenities and Servicing' in PKH-S2: '1. 2. Any papakāinga and kaumātua housing development must provide the following: a. Firefighting water supply in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 Note: Further advice and information about how an alternative and satisfactory communal firefighting water supply can be provided to papakāinga and kaumātua housing can be obtained from Fire and Emergency New Zealand.'	Accept	Yes
FS5.093	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part	
S57.094	Fire and Emergency New Zealand	PKH-S10	Retain PKH-S10 as notified.	Accept	No
S59.003	Karl Tipene	PKH - Papakāinga And Kaumātua Housing, and Associated Marae-Based Development	No relief sought. Implicit request to amend standards and/or clarify the relationship between the 'Papakāinga' chapter and the underlying zone.	Accept in part	Yes
S77.001	Sheeran Associates Ltd	PLH-I1	Retain PKH-I1.	Accept	No
S77.002	Sheeran Associates Ltd	PKH-O1	Retain PKH-O1.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S77.003	Sheeran Associates Ltd	PKH-O2	Retain PKH-O2.	Accept	No
S77.004	Sheeran Associates Ltd	PKH-O3	Retain PKH-O3.	Accept	No
S77.005	Sheeran Associates Ltd	PKH - Policies	Retain 'PKH - Policies'.	Accept	No
S77.006	Sheeran Associates Ltd	PKH - Rules	Retain 'PKH - Rules'.	Accept in part (subject to decisions on other submissions)	No
S77.007	Sheeran Associates Ltd	PKH-R4	Retain PKH-R4.	Accept in part (subject to decisions on other submissions)	No
S77.008	Sheeran Associates Ltd	PKH - Assessment Matters	Retain 'PKH - Assessment Matters'.	Accept	No
S77.009	Sheeran Associates Ltd	PKH - Methods	Retain 'PKH - Methods'.	Accept	No
S84.022	Kairakau Lands Trust	PKH-P2	Retain PKH-P2.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S120.024	Heretaunga Tamatea Settlement Trust	PKH-R4	Amend PKH-R4 to provide for 'Papakāinga and kaumatua housing on land held under General Title not already provided for' as a Controlled Activity (in line with PKH-R2).	Reject	Yes
FSS.095	Ngā hapū me ngā marae o Tamatea		Allow	Reject	
S125.070	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	PKH - Papakāinga And Kaumātua Housing, and Associated Marae-Based Development	Retain the provisions in the 'PKH - Papakāinga and Kaumātua Housing, and Marae-Based Development' chapter as notified.	Accept in part (subject to decisions on other submissions)	No
S126.001	Hawke's Bay District Health Board	PKH-S2	Amend PKH-S2(1) as follows: 'Residential Units Amenities and Servicing 1. Each residential unit within the papakāinga and kaumātua housing development must provide the following: a. e. Domestic Water Storage Tank (where public water reticulation is not available), and if drinking water is supplied to more than 1 dwelling then includes installation of a water treatment device that meets the 'Acceptable Solution and verification methods for drinking water' as advised by the Drinking Water regulator Taumata Arowai.	Accept in part	Yes
FSS.094	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part	
S129.142	Kāinga Ora - Homes and Communities (Kainga Ora)	PKH-S2	Amend PKH-S2(1) as follows: 'Residential Units Amenities and Servicing: 1. Each residential unit within the papakāinga and kaumātua housing development must provide the following: a. ... b. Outdoor Service Space – for each residential unit, there must be a minimum continuous area for outdoor service space, contained in one area within the net area of the site, of 15m² with a minimum dimension of 3m. ...'	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS5.092	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject	
S129.238	Kāinga Ora - Homes and Communities (Kainga Ora)	PKH - Papakāinga And Kaumātua Housing, and Associated Marae-Based Development	Amendments and/or deletion of several standards sought for the 'PKH - Papakainga and Kaumatua Housing, and associated Marae-Based Development' chapter [refer submission points S129.142 and S129.143].	Reject	No
S134.006	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	PKH - Papakāinga And Kaumātua Housing, and Associated Marae-Based Development	We recommend that the Proposed Plan states a commitment to promoting housing opportunities for hapū members across all classes of land.	Accept in part	Yes
FS23.93	Kāinga Ora - Homes and Communities		Allow	Accept in part	
FS13.043	Heretaunga Tamatea Settlement Trust		Allow	Accept in part	

APPENDIX 7

Tangata Whenua Submissions on Other Provisions of the PDP

Table: Cross Plan Review of Recommended Responses to Tangata Whenua Submissions and Further Submissions

Hearing Stream 1 Natural and Coastal Environment Topics

- Ecosystems and Indigenous Biodiversity
- Natural Features and Natural Features and Landscapes / NFL-SCHED6
- Open Space and Recreation / Public Access / Activities on the Surface of Water
- Coastal Environment / CE-SCHED7 / Large Lot Residential (Coastal)

Ecosystems and Indigenous Biodiversity

S42A Reporting Officer – Stella Morgan

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?	Review Comments
S59.004	Karl Tipene	ECO - Ecosystems and Indigenous Biodiversity	Oppose all SNA on Māori land	Reject <u>Accept in part</u>	No	Whilst reporting officers have not recommended removing SNA from Māori Land, they have proposed an additional new policy "To enable the use and development of māori land that supports the values of significant indigenous vegetation and/or significant habitats of indigenous fauna" (Refer S42A report – SNA Mapping, Key Issue 1 paragraphs 4.3.4 –4.3.9). This policy also reflects guidance in the 2022 NPS-IB Exposure Draft, in particular clause 3.18(2) which provides for consideration of development of Māori land within SNA. Amend recommendation
FS5.066	Nga'hapu me nga marae o Tamatea		Disallow	Accept <u>in part</u>		
S120.018	Heretaunga Tamatea Settlement Trust	ECO-OXX (new objective)	Add a new objective in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'The relationship of tangata whenua and their traditions and culture with indigenous vegetation and fauna are recognised and provided for.'	Accept	Yes	
FS5.076	Nga'hapu me nga marae o Tamatea		Allow	Accept		
S120.020	Heretaunga Tamatea Settlement Trust	ECO-OXX (new objective)	Include two new objectives in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'ECO-03 The relationship of tangata whenua and their culture and traditions, values, interests and associations associated with waterbodies are recognised and provided for.ECO-04 Subdivision, use and development within the District is undertaken in an integrated manner that recognises Te Mana o te Wai for all receiving waters and minimises changes in the hydrological regime of those waters.'	Reject	No	Reporting officers recommended submissions seeking new objectives and policies relating to Te Mana o te Wai be rejected for the reasons outlined in S42A Tangata Whenua report, Key Issue 3. However, it is relevant to note that an amendment to Issue TW-11 and Method TW-M5 has been recommended that identifies Te Mana o te Wai as an important issue to tangata whenua. No change to recommendation necessary.

Commented [SM1]: Heard as part of Hearing Stream 4(2), refer S42A report, Tangata Whenua Topic, Key Issue 3

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?	Review Comments
FS5.077	Ngā hapū me ngā marae o Tamatea		Allow	Reject		
FS25.50	Federated Farmers of New Zealand		Disallow	Accept		
S120.021	Heretaunga Tamatea Settlement Trust	ECO-PXX (new policy)	Add a new policy in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'ECO-P10 Recognise, protect and enhance significant indigenous biodiversity and natural wetlands, while recognising and providing for Te Mana o te Wai.'	Reject	No	Reporting officers recommended submissions seeking new objectives and policies relating to Te Mana o te Wai be rejected for the reasons outlined in S42A Tangata Whenua report, Issue 3. However it is relevant to note that an amendment to Issue TW-11 and Method TW-M5 has been recommended that identifies Te Mana o te Wai as an important issue to tangata whenua. No change to recommendation necessary.
FS25.51	Federated Farmers of New Zealand		Disallow	Accept		
FS5.078	Ngā hapū me ngā marae o Tamatea		Allow	Reject		
S120.022	Heretaunga Tamatea Settlement Trust	ECO-MXX (new method)	Add a new method in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows: 'Methods to recognise and provide for Te Mana o te Wai in receiving waters.'	Accept in part	Yes	An amendment to Method TW-M5 has been recommended that identifies 'Te Mana O Te Wai' as an important issue to tangata whenua. No change to recommendation.
S125.004	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	WETLAND (NATURAL) / NATURAL WETLAND (Definition)	Retain the definition of 'Wetland (Natural)/Natural Wetland', but amend it to be consistent with the definition in the NPSFM 2020. The definition should include the following wording: 'means a wetland (as defined in the RMA) that is not: (a) A wetland constructed by artificial means (unless it is constructed to offset impacts on, or restore, an existing or former natural wetland); or (b) A geothermal wetland; or (c) Any areas of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling.'	Reject	No	My position remains unchanged in this regard. No change to recommendation.
S125.051	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-IXX (new issue)	Add a new issue in the 'ECO - Ecosystems and Indigenous Biodiversity' chapter in the Proposed Plan as follows (or alternative wording to similar effect): 'The inability of mana whenua to exercise kaitiakitanga in the protection of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.'	Accept in part	Yes	No change to recommendation necessary.
FS13.031	Heretaunga Tamatea Settlement Trust		Allow	Accept		
S125.052	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P1	Retain ECO-P1 as notified.	Accept (subject to amendments from other submissions)	No	No need to review recommendation.
S125.053	Ngā hapū me ngā marae o Tamatea	ECO-P2	Retain ECO-P2 as notified.	Accept (subject to amendments from other submissions)	No	No need to review recommendation.

Commented [SM2]: Heard as part of Hearing Stream 4(2), refer S42A report, Tangata Whenua Topic, Key Issue 3

Commented [SM3]: Heard as part of Hearing Stream 4(2), refer S42A report, Tangata Whenua Topic, Key Issue 3

Submission Point	Submitter/Further Submitter Name (Nga hapu me nga marae o Tamatea)	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?	Review Comments
S125.054	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P3	Retain ECO-P3 as notified.	Accept	No	No need to review recommendation.
S125.055	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P4	Retain ECO-P4 as notified.	Accept	No	No need to review recommendation.
S125.056	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P5	Retain ECO-P5 as notified.	Accept	No	No need to review recommendation.
S125.057	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P6	Retain ECO-P6 as notified.	Accept	No	No need to review recommendation.
S125.058	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P7	Retain ECO-P7 as notified.	Accept	No	No need to review recommendation.
S125.059	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P8	Retain ECO-P8 as notified.	Accept	No	No need to review recommendation.
S125.060	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO-P9	Retain ECO-P9 as notified.	Accept	No	No need to review recommendation.
S125.061	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO - Rules	Retain 'ECO - Rules' as notified, but make amendments to ensure that they provide an appropriate pathway for Māori landowners to be able to actively use their whenua.	Reject	No	Whilst no changes to the rules to reflect this submission point have been recommended, reporting officers have proposed an additional new policy 'To enable the use and development of māori land where it supports the values of significant indigenous vegetation and/or significant habitats of indigenous fauna' (Refer S42A report – SNA Mapping, Issue 1 paragraphs 4.3.4 – 4.3.9).

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?	Review Comments
						This policy also reflects guidance in the 2022 NPS-IB Exposure Draft, in particular clause 3.18(2) which provides for consideration of development of Māori land within SNA. No change to recommendation.
S125.075	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO - Assessment Matters	Amend 'ECO - Assessment Matters' to ensure that the rules provide an appropriate pathway for Māori landowners to be able to actively use their whenua.	Accept	Yes	A new Assessment Matter ECO-AM12 was recommended for inclusion in response to this submission point. Therefore, no change to recommendation
S125.076	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	ECO - Methods	Amend 'ECO - Methods' to ensure that the rules provide an appropriate pathway for Māori landowners to be able to actively use their whenua.	Reject	No	No additional methods have been recommended. Therefore no change to recommendation
S134.007	Ngāti Kere Hapū Authority (Ngāti Kere Hapu Authority)	ECO - Ecosystems and Indigenous Biodiversity	[Ensure provision for papakāinga - kaumatua housing in the Proposed Plan is not impeded by 'Significant Natural Area' provisions where these areas overlay residual lands owned by Māori.] We recommend that CHBDC launch an intensive communication and with mana whenua of Tamatea around land and housing development.	Accept in part	No	Proposed Policy ECO-P10 may in part further address this submission. (Refer recommendation on S59.002 in S42A Report - SNA Mapping, Issue 1 paragraphs 4.3.4 - 4.3.9) No change to recommendation required
FS13.030	Heretaunga Tamatea Settlement Trust		Allow	Reject		
FS5.073	Ngā hapū me ngā marae o Tamatea		Allow in part	Reject		

Natural Features and Landscapes

S42A Reporting Officer - Rowena Macdonald

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S64.074	Department of Conservation	NFL-P5	Retain NFL-P5.	Accept	No	No need to review recommendation.
FS29.2	Water Holdings Hawke's Bay		Allow	Accept		
FS9.357	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept		

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
FS1.2	Tukituki Water Security Project		Allow	Accept		
FS13.036	Heretaunga Tamatea Settlement Trust		Allow	Accept		No change to recommendation necessary
S75.064	Royal Forest and Bird Protection Society NZ	NFL-P5	Delete NFL-P5.	Reject	No	No change to recommendation necessary.
FS29.4	Water Holdings Hawke's Bay		Disallow	Accept		
FS28.001	Liz Munroe		Disallow	Accept		No change to recommendation necessary.
FS1.4	Tukituki Water Security Project		Disallow	Accept		
FS25.69	Federated Farmers of New Zealand		Disallow	Accept		
FS5.082	Ngā hapū me ngā marae o Tamatea		Allow	Withdrawn		No change to recommendation necessary
S75.067	Royal Forest and Bird Protection Society NZ	NFL-SCHED6	Retain all the natural features and landscapes listed in NFL-SCHED6.	Accept	No	No need to review recommendation.
FS5.086	Ngā hapū me ngā marae o Tamatea		Allow	Accept		
S109.001	Will Foley	MAPS	Limit the area of land mapped as 'ONF-5 Three Sisters' on the Planning Maps [identified as 'ONF-5 Northern end of Nga Kaihinaki-a-Whata and Te Whata Kokako' in NFL-SCHED6] to just encompass 'The Three Sisters'.	Reject	No	No change to recommendation necessary.
FS5.096	Ngā hapū me ngā marae o Tamatea		Disallow	Accept		No change to recommendation necessary
S125.062	Ngā hapū me ngā marae o Tamatea	NFL – Introduction	Retain 'NFL – Introduction' as notified.	Accept	No	No change to recommendation necessary
S125.063	Ngā hapū me ngā marae o Tamatea	NFL-P1	Amend NFL-P1 so that it meets mana whenua aspirations including a more detailed description of the role of mana whenua in preventing the loss of landscape values.	Reject	No	Whilst no specific changes have been recommended to this Policy, when applying for resource consent under these provisions the objectives and policies of the Strategic Direction, Tangata Whenua chapter would also apply. In that sense Objectives TW-O1, TW-O2 and Policies TW-P1 and TW-P2 would have particular relevance. It is also noted that NFL-P1 specifically recognizes the need to have regard to associational factors, including historical association, and value to tangata whenua. No change to recommendation necessary.
S125.064	Ngā hapū me ngā marae o Tamatea	NFL-P3	Amend NFL-P3 so that it meets mana whenua aspirations including a more detailed description of the role of mana whenua in preventing the loss of landscape values.	Reject	No	Whilst no specific changes have been recommended to this Policy, when applying

Commented [SM4]: Refer letter dated 9 November 2021 Liz Munroe to District Plan Manager, CHBDC.

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
						for resource consent under these provisions the objectives and policies of the Strategic Direction, Tangata Whenua chapter would also apply. In that sense Objectives TW-01, TW-02 and Policies TW-P1 and TW-P2 would have particular relevance. It is also noted that NFL-P3 specifically provides for the role of tangata whenua as kaitiaki over those outstanding natural features and landscapes which have cultural association. No change to recommendation necessary
S134.008	Ngāti Kere Hapū Authority	NFL – Natural Features and Landscapes	[Ensure provision for papakainga / apakainga – kaumatua housing in the Proposed Plan is not impeded by 'Outstanding Natural Feature', and 'Significant Amenity Feature' provisions where such features overlay residual lands owned by Māori.] We recommend that CHBDC launch an intensive communication and with mana whenua of Tamatea around land and housing development.	Accept in part	No	This matter was addressed in the Natural Features and Landscapes S42A Report, (Key Issue 2) which concluded an appropriate district plan pathway is present that reflects the requirements of RMA S6(b). The provisions in the NFL chapter respond to Councils obligations under RMA S6(b). The additional policy recommended for inclusion in the ECO chapter (refer above) responds to direction indicated in the NPS-IB Exposure, and a similar approach is not recommended here. No change to recommendation necessary

Open Space and Recreation / Public Access / Activities on the Activities on the Surface of Water

S42A Reporting Officer – Stella Morgan

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S125.065	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	PA-I1	Retain PA-I1 as notified.	Accept	No	No change to recommendation necessary.

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S125.066	Ngā hapū me ngā marae o Tamatea (Ngā hapu me ngā marae o Tamatea)	PA-01	Retain PA-01 as notified.	Accept	No	No change to recommendation necessary.
S125.067	Ngā hapū me ngā marae o Tamatea (Ngā hapu me ngā marae o Tamatea)	PA – Policies	Redraft the policies in "PA – Policies" to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. It needs to meet mana whenua aspirations to access key sites of significance and protect and provide for freshwater, coastal and cultural enhancement. Outside of these uses access should be managed to protect the cultural safety of freshwater and coastal waterbodies. The amended wording should be drafted collaboratively with the mana whenua of the District.	Reject/ Accept in part	No	Recommended amendment to Policy TW-P8 (refer Tangata Whenua S42A Topic Report Key Issue 9, S125.026 Ngā hapū me ngā marae o Tamatea) emphasises working with tangata whenua with respect to public access. As Council develops this relationship, better understanding of the history, relationships, and whakapapa of Māori in the rohe will inform development of the District Plan. Amend recommendation from reject to accept in part in so far as the amendment to Policy TW-P8 partially addresses this submission.
FS25.73	Federated Farmers		Disallow	Accept		

Commented [SM5]: This submission point is partly addressed by amendments to S125.026 Ngā hapū me ngā marae o Tamatea - TW Topic, Key Issue 9

Coastal Environment (including Large Lot Residential (Coastal))

S42A Reporting Officer – Rowena MacDonald

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S125.069	Ngā hapū me ngā marae o Tamatea	CE – Coastal Environment	Retain the provisions in the 'CE – Coastal Environment' chapter as notified.	Accept in part	No	No change to recommendation necessary.
S134.009	Ngāti Kere Hapū Authority	CE - Coastal Environment	[Ensure provision for papakāinga - kaumatua housing in the Proposed Plan is not impeded by 'Coastal Environment Area' and 'High Natural Character Area' provisions where these areas overlay residual lands owned by Māori.] We recommend that CHBDC launch an intensive communication and with mana whenua of Tamatea around land and housing development.	Accept in part	No	This matter was addressed in the S42A Coastal Environment Report, Issue 1 which concluded an appropriate district plan pathway is present. The provisions in the CE chapter respond to Councils obligations under RMA S6(a) and the provisions of the New Zealand Coastal Policy Statement (NZCPS). The additional

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
						<p>policy recommended for inclusion in the ECO chapter (refer above) responds to direction indicated in the NPS-IB Exposure, and a similar approach is not recommended here.</p> <p>No change to recommendation necessary.</p>

Hearing Stream 2 Urban Environment, Sustainability, and General District Wide Matters' Topics

- Urban Environment (including General Residential Zone / Commercial Zone, General Industrial Zone / Settlement Zone / Subdivision – Urban)
- Strategic Direction: Sustainable Subdivision and Building
- Noise / Signs
- Light / Temporary Activities

Urban Environment

S42A Reporting Officer – Janeen Kydd-Smith

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S120.014	Heretaunga Tamatea Settlement Trust	UFD-OXX (new objective)	Add a new objective in the 'UFD - Urban Form and Development' chapter in the Proposed Plan as follows: 'Papakāinga housing that provides for the ongoing relationship of tangata whenua with their culture and traditions and with their ancestral lands and for their cultural, environmental, social and economic wellbeing.'	Reject	No	No change recommended as the reporting officer considered that this matter is already addressed by provisions in the PKH- Papakāinga Housing, Kaumātua Flats and Marae-based Development chapter district-wide chapter, as well as provisions of the Tangata Whenua chapter e.g. Objective TW-O4 and Policy TW-P5. (Refer S42A Urban Environment Report Issue 3) No change to recommendation necessary.
FS23.51	Kāinga Ora - Homes and Communities		Allow	Reject	No	

Strategic Direction: Sustainable Subdivision and Building

S42A Reporting Officer – Janeen Kydd-Smith

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S125.009	Ngā hapū me ngā marae o Tamatea	SSB-O1	Retain SSB-O1 as notified.	Accept	No	No need to review recommendation.
S125.010	Ngā hapū me ngā marae o Tamatea	SSB-P1	Retain SSB-P1 as notified.	Accept in part, insofar as the policy is retained but amended in response to other submissions	No	No need to review recommendation.

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S125.011	Ngā hapū me ngā marae o Tamatea	SSB-P2	Retain SSB-P2 as notified.	Accept	No	No need to review recommendation.
S125.012	Ngā hapū me ngā marae o Tamatea	SSB-P3	Retain SSB-P3 as notified.	Accept	No	No need to review recommendation.
S125.013	Ngā hapū me ngā marae o Tamatea	SSB-P4	Retain SSB-P4 as notified.	Accept	No	No need to review recommendation.
S125.014	Ngā hapū me ngā marae o Tamatea	SSB-P5	Retain SSB-P5 as notified.	Accept	No	No need to review recommendation.
S125.015	Ngā hapū me ngā marae o Tamatea	SSB-P6	Retain SSB-P6 as notified.	Accept	No	No need to review recommendation.

Noise / Signs

S42A reporting officer - Stella Morgan

No tangata whenua submissions or further submissions

Light / Temporary Activities

S42A reporting officer – Rowena Macdonald

No tangata whenua submissions or further submissions

Hearing Stream 3 Rural Topics

– Rural Environment (Volumes 1 – 4)

Rural Environment (Volumes 1 – 4)

S42A Reporting Officer's – Rowena Macdonald and Janeen Kydd-Smith

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S120.010	Heretaunga Tamatea Settlement Trust	RLR-PXX (new policy)	Add a new policy in the 'RLR - Rural Land Resource' chapter in the Proposed Plan as follows: "Tangata whenua recognise the need for an economically sustainable rural environment which has access to reliable stored water resources to ensure the productive capacity of the land is maintained."	Reject	No	A similar submission point was also considered in the S42A Tangata Whenua report. (Refer S125.008 Ngā hapū me ngā marae o Tamatea, Issue 4). No change was recommended as it was considered that this matter was already addressed by provisions in the PKH-Papakāinga Housing, Kaumātua Flats and Marae-based Development District-wide Chapter, as well as provisions of the Tangata Whenua Chapter (eg Objective TW-04 and Policy TW-P5). No change to recommendation necessary.
FS29.1	Water Holdings Hawke's Bay		Allow	Reject		
FS8.021	Silver Fern Farms Limited		Allow	Reject		
FS1.1	Tukituki Water Security Project		Allow	Reject		
S120.023	Heretaunga Tamatea Settlement Trust	SUB-S1	Amend SUB-S1(8) as follows: 'Rural Lifestyle Zone 8.A 2,500m2 minimum lot size where a 4,000m2 average is achieved.'	Accept in part	Yes	No change to recommendation necessary.
FS27.6	Livingston Properties Limited		Allow	Accept in part		
FS5.089	Ngā hapū me ngā marae o Tamatea		Allow in part	Accept in part		
S120.025	Heretaunga Tamatea Settlement Trust	GRUZ-R10	Amend GRUZ-R10 to provide for 'Community Facilities' that exceed 100m2 gross floor area per site as Controlled Activities.	Reject	No	No change to recommendation necessary.
FS17.103	Horticulture New Zealand		Disallow	Accept		

Hearing Stream 4 – Historic Heritage Topic

– Historic Heritage and Notable Trees

Historic Heritage and Notable Trees

S42A Reporting Officer - Stella Morgan

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S55.058	Heritage New Zealand Pouhere Taonga	SUB-PXX (new policy)	Add new policy as follows: 'Only allow subdivision of sites containing scheduled heritage items or Sites and Areas of Significance to Māori where it can be demonstrated that the values of the scheduled item can be maintained and there is sufficient land provided around the scheduled place to protect associated cultural and heritage values.'	Reject Accept in part (in so far as new Assessment matters have been recommended in the subdivisions chapter. (Refer also S129.123 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.)	No	The SASM chapter recognizes that additional work is required outside of the current process to better address protection of cultural sites. There also was considerable discussion at the wānanga about this matter, and an acknowledgement protecting these sites requires a larger piece of collaborative work that establishes tangata whenua's approach to cultural landscapes / identifying overlays etc. A new Assessment Matter has been recommended in the Subdivision Chapter (refer S42A Subdivision Report, Key Issue 7) that will in part ensure this matter is addressed at the time of subdivision. Change recommendation from reject to accept in part.
FS23.71	Kāinga Ora - Homes and Communities		Disallow	Accept Reject		
FS5.088	Ngā hapū me ngā marae o Tamatea		Allow	Reject Accept in part		
S55.082	Heritage New Zealand Pouhere Taonga	MAPS	Check the NZAA data base for recorded archaeological sites, and show all on the planning maps, including V23/5.	Accept	Yes	No change to recommendation necessary.
FS5.097	Ngā hapū me ngā marae o Tamatea		Allow	Yes		
S84.001	Kairakau Lands Trust	HH - Introduction	Amend the second to last paragraph of 'HH - Introduction' as follows: 'There are also legal responsibilities that relate to all archaeological sites...	Accept	Yes	No change to recommendation necessary.

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
			Landowners are encouraged to search the New Zealand Archaeological Association's database for the latest recorded site record information prior to commencing any land disturbance activities.'			
FS7.007	Heritage New Zealand Pouhere Taonga		Allow	Accept in part		
FS23.79	Kāinga Ora - Homes and Communities		Disallow	Reject		
S84.002	Kairakau Lands Trust	HH - Principal Reasons	Amend the last paragraph in 'HH - Principal Reasons' as follows: 'Unrecorded archaeological sites may be are usually accidentally discovered during earthworks and irreparably damaged . Therefore, it is also important that applicants seek advice at an early stage when earthworks are proposed, especially in areas known to be the site of associated with pre-1900 activity.'	Accept	Yes	No change to recommendation necessary.
FS7.014	Heritage New Zealand Pouhere Taonga		Allow	Accept		
S84.023	Kairakau Lands Trust	National Environmental Standards	No relief sought.	Noted		No change to recommendation necessary.
FS7.011	Heritage New Zealand Pouhere Taonga		Allow			
FS9.481	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow			

Hearing Stream 5 – Hazards and Risks, Earthworks, and Subdivision Topics

- Contaminated Land and Hazardous Substances
- Natural Hazards and Climate Change
- Earthworks, Mining and Quarrying
- Subdivision - General

Contaminated Land and Hazardous Substances

S42A Reporting Officer – Rowena Macdonald

No tangata whenua submissions or further submissions

Natural Hazards and Climate Change

S42A Reporting Officer – Rowena Macdonald

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S125.037	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	NH-P10	Retain NH-P10 as notified.	Accept	No	No change to recommendation necessary.
S125.038	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	NH - Policies	Redraft the policies in the 'NH - Natural Hazards' chapter in the Proposed Plan to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. This includes working with mana whenua to develop, apply, monitor, and enforce holistic river management practices. The amended wording should be drafted collaboratively with the mana whenua of the District.	Reject	No	Council have worked with Tamatea Tangata Whenua throughout the Plan review process to draft district wide provisions that more fully reflect the history, relationships and whakapapa of Māori in the rohe. In particular, this has resulted in significant changes to the Part 1 Tangata Whenua Chapter, that describes Tamatea's ngā reo o te takiwa / representative voices and presents marae pepeha as context to the Plan, and the District Wide Tangata Whenua Chapter which applies across the Plan. As such the objectives and policies in the Tangata Whenua Chapter would also apply to any consent application pursuant

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
						to the rules of the NH-Natural Hazards Chapter.
						Therefore no change to recommendation.

Earthworks, Mining and Quarrying

S42A Reporting Officer – Rowena Macdonald

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?	Review Comments
S55.071	Heritage New Zealand Pouhere Taonga	EW-SXX (new standard)	Insert a new Standard as follows: 'EW-S10 Earthworks with sites identified as Historic Heritage in SCHED2 or Sites and Areas of Significance to Māori in SCHED3 All Zones: 1. The earthworks are not within a site identified as Historic Heritage in SCHED2 or identified as a Site or Area of Significance to Māori in SCHED3, unless the earthworks are limited to trenching necessary for the installation of service connections or effluent disposal systems, or interments in existing cemeteries or urupā.'	Accept in part	No	No change to recommendation necessary.
FS5.091	Nga hapū me nga marae o Tamatea		Allow	Accept in part		
FS25.85	Federated Farmers of New Zealand		Disallow	Accept in part		
FS23.73	Kāinga Ora - Homes and Communities		Disallow	Accept		
S84.014	Kairakau Lands Trust	EW - Earthworks	Add specific objectives or policies in the 'EW - Earthworks' chapter that relate to ensuring that cultural sites are protected. Council should employ earthworks contractors who have had sufficient training or a certain level of competency in regards to recognising sites of significance to Māori.	Accept in part	No	No change to recommendation necessary.
FS25.78	Federated Farmers of New Zealand		Disallow	Accept in part		
FS23.82	Kāinga Ora - Homes and Communities		Allow in part	Accept in part		

Subdivision

S42A Reporting Officer – Janeen Kydd-Smith

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S125.068	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SUB - Subdivision	Amend the 'SUB - Subdivision' chapter in the Proposed Plan to incorporate the Whānau Ora Outcomes Framework as part of future spatial and urban design. The amended wording should be drafted collaboratively with mana whenua of the District and would include the following outcomes: a) Whānau are self-managing and empowered leaders. b) Whānau are leading healthy lifestyles. c) Whānau are confidently participating in Te Ao Māori (the Māori world). d) Whānau are participating fully in society e) Whānau are economically secure and successfully involved in wealth creation. f) Whānau are cohesive, resilient and nurturing. g) Whānau are responsible stewards of their living and natural environment.	Reject	No	To some degree these matters are covered by the provisions in the District Wide Tangata Whenua Chapter, but with an emphasis on the environment and recognition of tangata whenua's special ancestral relationship with the natural world. No change to recommendation necessary.
FS23.89	Kāinga Ora - Homes and Communities			Accept		
FS13.041	Heretaunga Tamatea Settlement Trust			Reject		
S84.015	Kairakau Lands Trust	SUB - Subdivision	Require a cultural assessment during the subdivision consent process to ensure that sites of significance to Māori are identified before any parcel of land changes ownership. Require the NZAA ArchSite database to be checked. Require subdivisions within 100m of a recorded site to be checked by an archaeologist or suitably experienced person. Require subdivisions within an area of known Māori occupation or where cultural activity is suspected to be checked by an archaeologist or suitably experienced person in every instance.	Reject	No	The matter of cultural assessment was also addressed in the S42A Tangata Whenua Report (refer Key Issue 2 paragraphs 6.4.33 – 6.3.37). It was concluded that it would be unlikely that 'Council would require cultural impact assessments on 'any development' and this is a call that must be made by Council on a case-by-case basis'. Therefore no change to recommendation.
FS13.040	Heretaunga Tamatea Settlement Trust			Reject		
FS7.027	Heritage New Zealand Pouhere Taonga			Reject		
FS23.81	Kāinga Ora - Homes and Communities			Accept		
FS5.087	Ngā hapū me ngā marae o Tamatea			Reject		

S129.123	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AMXX (new assessment matter)	Add a new assessment matter in the 'SUB - Subdivision' chapter in the Proposed Plan as follows: 'SUB-AMX Subdivision of land partly or wholly containing an identified heritage item, archaeological site, or site or area of significance to Māori 1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, archaeological site, or site of significance to Maori that would not otherwise be enabled without subdivision. 2. Any relevant findings and/or recommendations of investigations carried out by a qualified archaeologist that are supplied with the application. 3. Any relevant consultation and/or engagement with tangata whenua. 4. Whether the subdivision will involve land disturbance that may have adverse effects on the heritage item, archaeological site, or site of significance to Maori. 5. The degree to which adverse effects on the heritage item, archaeological site, and/or site of significance to Maori can be mitigated through subdivision or subsequent land use consents.'	Accept in part (Refer to Analysis and Recommendation under Key Issue 7: Rules)	Yes	No change to recommendation necessary.
FS7.031	Heritage New Zealand Pouhere Taonga			Accept in part		
FS5.090	Ngā hapū me ngā marae o Tamatea			Accept in part		

Hearing Stream 6 – Mapping and Miscellaneous

- SNA Mapping Natural Environment
- Mapping and Rezoning Requests (Volume 1)
- Mapping and Rezoning Requests (Volume 2)
- Miscellaneous

SNA Mapping

S42A Reporting Officer – Tiffany Gray

Submission Point	Submitter/ Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S59.002	Kari Tipene	ECO-SCHED5	Oppose SNA-533. Oppose all SNA on Māori land.	Accept in part	Yes	Additional policy proposed (refer S42A SNA Mapping Report Key Issue 1 S59.002 K Tipene). No change to recommendation necessary.
FS5.065	Ngā hapū me ngā marae o Tamatea		Oppose	Allow	No	
S84.016	Kairakau Lands Trust	MAPS	Remove ONFs [ONF-7], SNAs [SNA-214, SNA-217, SNA-220, SNA-223 & SNA-229], and HNCAs [HNC-2] on Kairakau Lands Trust land.	Reject	No	Noting that in this submitters evidence, Ms August was opposed to the principle of SNA on Māori land given Māori role as kaitiaki, particularly where that land is ancestral land. The additional policy proposed in the S42A SNA Mapping Report Key Issue 1 (S59.002 K Tipene) may also in part address general concerns identified by this submitter. No change to recommendation necessary.

Mapping and Rezoning Requests (Volumes 1 & 2)

S42A Reporting Officers – Rowena Macdonald and Janeen Kydd-Smith

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Revised Officer Recommendation following TW Hearing (tracked changes)	Amendments to Proposed Plan? (tracked changes)	Review Comments
S59.001	Karl Tipene	MAPS	Re-zoning of Māori-owned land around the coastal settlement and Pa/Cooks Tooth Rd areas to a mix of General Residential, Rural Lifestyle, Residential Coastal and Papakainga.	Reject	No	No change to recommendation necessary.
S120.001	Heretaunga Tamatea Settlement Trust	MAPS	Include provision for the opportunity for tangata whenua to live on the margins of the Lake Whatumā. Amend the zoning over part of Section 7 Block II Motuotaraia Survey District from 'Rural Production Zone' to 'Rural Lifestyle Zone' (as shown in Appendix 2 of the full submission).	Reject	No	No change to recommendation necessary.
S120.002	Heretaunga Tamatea Settlement Trust	MAPS	Include provision to enable the development of an environmental education facility. Amend the zoning of Lot 1 DP 7057 to include the 'Community Facility (CF)' notation over the site, to enable the use of the site for environmental education purposes and associated facilities (as shown in Appendix 2 of the full submission).	Reject	No	No change to recommendation necessary.
S120.003	Heretaunga Tamatea Settlement Trust	MAPS	Include provision for tangata whenua to live on their land on Pukeora Scenic Drive. Amend the zoning of Pt Lot 1 DP 25272 from 'General Rural Zone' to 'Rural Lifestyle Zone' in line with the Indicative Structure Plan (as shown in Appendix 2 of the full submission).	Reject	No	No change to recommendation necessary.
S120.004	Heretaunga Tamatea Settlement Trust	MAPS	Include provision for tangata whenua to live on their land on Pukeora Scenic Drive. Amend the zoning over approximately 39ha of Lot 4 DP 25272 from 'General Rural Zone' to 'Rural Lifestyle Zone', and a further 11ha from 'General Rural Zone' to '[General] Residential Zone' in line with the Indicative Structure Plan (as shown in Appendix 2 of the full submission).	Accept in part	Yes	No change to recommendation necessary.
S120.005	Heretaunga Tamatea Settlement Trust	MAPS	Amend the Planning Map to include a 'Community Facility (CF)' notation over the area of Te Aute College (as shown in Appendix 2 of the full submission).	Accept	Yes	No change to recommendation necessary.

Miscellaneous

S42A Reporting Officer – Stella Morgan

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?	Review Comments
S120.007	Heretaunga Tamatea Settlement Trust	COMMUNITY FACILITY (Definition)	Amend the definition of 'Community Facility' as follows: 'means land and buildings and other facilities used by members of the community for educational, environmental and training , recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility. '	Reject	No	No change to recommendation necessary.
FS17.4	Horticulture New Zealand		Disallow Reject submission to amend the definition of community facility.	Accept		
S125.074	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	[General]	We support provisions of the Plan that give effect to the National Policy Statement for Freshwater Management 2020 (NPSFM 2020), and request that any provisions that are inconsistent with the NPSFM 2020 are amended.	Accept	No	No change to recommendation necessary.