20 August 2018

Hon Nanaia Mahuta
Planning standards, c/- Ministry for the Environment,
PO Box 10362, Wellington 6143.

Tēnā koe Minister Mahuta

Independent Māori Statutory Board Submission on the Draft National Planning Standards 2018

Te Atua tōku piringa ka puta ka ora
Maumaharatanga ki ngā tini aitua o te motu haere koutou
Honohono tātou te hunga ora kia tātou, pai marire
Panga atu te reo karanga ki ngā wha topito o Tāmaki nui tonu
Karanga atu ra

1 Introduction

1.1.1. The Independent Māori Statutory Board welcomes the opportunity to provide feedback on the Draft National Planning Standards and welcomes discussions with the Ministry for the Environment on points raised in this submission.

1.1.2. The Independent Māori Statutory Board whose purpose is to assist Auckland Council to make decisions, perform functions, and exercise powers identifies Māori participation in decision-making and management of natural resources as an issue of significance.

1.1.3. To ensure there are opportunities for participation in decision-making and management of natural resources by Māori the Auckland Unitary Plan (Operative in Part) (the AUP) was developed in extensive consultation with Mana Whenua and Mataawaka in Auckland; including the development of the Regional Policy Statement (RPS) structure, definitions and content of the AUP.
1.1.4. This submission is in two sections. The first section states the position of the Independent Māori Statutory Board (the Board) regarding the Draft National Planning Standards (the standards). The second section identifies two of the draft standards that will impact the AUP in areas that have been developed with Māori. This section also comments on the new tangata whenua chapter that will be introduced in the standards.

1.1.5. The two standards discussed in this submission that require the AUP to change are not supported in their current form by the Board. The new tangata whenua chapter is supported by the Board.

2 The position of the Independent Māori Statutory Board

2.1. The Independent Māori Statutory Board supports in principle the need for National Planning Standards. The Board believes Auckland should align with the standards where possible for good planning practice.

2.2. The Independent Māori Statutory Board supports the Auckland Council submission on the Draft National Planning Standards.

2.3. The Independent Māori Statutory Board agrees with the Auckland Planning Committee that the timeframe for this process should have been extended to allow for Council’s consultation with affected groups including Mana Whenua and Mataawaka in Auckland.

3 Standards that will impact areas of the AUP which were developed with Māori

3.1. S-CP Draft Combined Plan Structure Standard – The Board is concerned that ‘Part 3 – Regional Policy Statement’ of this standard does not include a section for tangata whenua. The AUP has a Mana Whenua section in the RPS which clearly states the resource management issues of significance to iwi authorities in the region; this section was requested by and developed with Mana Whenua. The Mana Whenua section in the RPS leaves no ambiguity in meeting requirements under s62(b) of the RMA. The Mana Whenua section of the AUP RPS provides consistency and sets the context for Mana Whenua provisions across the region. The Board recommends a similar Mana Whenua or Tangata Whenua section is incorporated in the standard.

3.2. CM-1: Draft Definitions standard – The Board is concerned that the locally defined term ‘Mana Whenua’ in the AUP will be changed under this standard without engagement with Mana Whenua in Auckland. The AUP definition of Mana Whenua was developed with Mana Whenua and refers to possessors of authority regarding ancestral rights as opposed to the RMA definitions of Mana Whenua and Tangata Whenua which refer to the authority possessed and customary rights.

The Board recommends flexibility within the standard. Flexibility for Mana Whenua to accept the meanings provided for ‘Tangata Whenua’ and ‘Mana Whenua’ in the RMA; or develop and define their own terms and meanings should be provided.
While the purpose for standardising definitions for consistency is understood, flexibility here could provide a better level of relevance and accuracy within plans.

The term and meaning chosen by Mana Whenua should be used consistently throughout the plan e.g. the heading for ‘sites of significance to Māori’ within the combined plan structure could read ‘sites of significance to Mana Whenua’. The values being identified and protected are values that are associated with iwi within the region, not all Māori.

3.3. S-TW: Draft Tangata Whenua Structure Standard – The Board supports this standard. This standard should not compromise providing a tangata whenua section in Part 3 – Regional Policy Statement.

Changes sought

- That the Combined Plan Structure Standard includes in the RPS a mandatory section for resource management issues of significance to iwi authorities.

- Flexibility for Mana Whenua to accept the RMA terms and meanings for ‘mana whenua’ and ‘tangata whenua’ or develop terms and meanings that are relevant and accurate for their iwi and or region.

Please liaise with the Board’s CEO, Brandi Hudson [---] or [---] if you would like to discuss the report with us.

Naku noa

David Taipari

Chairman

Independent Māori Statutory Board