

Practice and Guidance note

Considering mana whenua values in resource consent processes

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1 Purpose

The purpose of this Practice and Guidance note (PGN) is to support applicants, consultants, mana whenua and council staff to have a common understanding of when and how to consider mana whenua values as part of their resource consent application.

This PGN provides the information and tools to help prepare a resource consent application where mana whenua values require consideration.

Through engagement with mana whenua, this PGN includes a list of Priority Activities that highlight what activities mana whenua are likely to be interested in. These are activities that mana whenua look out for in a resource consent application and are more likely to require a CVA.

Supplementary to this PGN are the Chapter Summaries which were developed to be able to easily identify the triggers to consider mana whenua values in the AUP (OP). The Chapter Summaries provide summaries of the different AUP (OP) chapters that include rules, activity standards, matters for control and discretion that may trigger mana whenua cultural values to be considered in the resource consent process.

2 What are mana whenua values?



Image: Te Ao Māori: The Māori world – He papa tikanga foundational training, Auckland Council 2020.

Mana whenua are Māori with ancestral rights to resources in Tāmaki Makaurau (Auckland) and responsibilities as kaitiaki over their tribal lands, waterways and other taonga.

In Te Ao Māori: the Māori world, the weather, birds, fish and trees, sun and moon are related to each other, and to the people of the land. Mana whenua take a holistic view of the world through their role as kaitiaki (guardians) in the sustainable management of natural and physical resources.

Mana whenua have a sense of identity and belonging to land, air and water. Traditionally, land was not something that could be owned or traded as a commodity. Māori did not seek or possess anything; it was more important to belong. This sense of belonging was a belief that one was born out of the land and implied that there was a relationship between people and the land. Such relationships were embedded in Māori cosmology, attitudes and beliefs. Māori values manifest themselves in many forms in the natural world and can be conceptualized as places, objects, features and things, both tangible and intangible.¹

Often as attributes of land, water, and culture they can be represented in a spatial or geographic context.

Refer to [Appendix A](#) for an explanation of some common mana whenua concepts and values.

3 What is a cultural values assessment (CVA)?

A cultural values assessment (CVA) is prepared by mana whenua and can be in the form of a report, email or other written correspondence. It may include some or all of the following:

- mana whenua cultural values, interests and associations with an area and / or natural resource affected by a proposal;
- how a proposal might impact on those matters; and
- what mitigation of effects mana whenua may seek.

A CVA can vary in size and complexity depending on the nature of the application and how the applicant proposes to avoid, remedy or mitigate any adverse effects on mana whenua values.

Working with mana whenua can help to:

- understand the historical connections that mana whenua may have with the area and site;
- understand the views of mana whenua;
- ensure the Assessment of Environmental Effects (AEE) that must accompany the application fully identifies and addresses the effects of the proposal on mana whenua values and interests;
- obtain written approvals from potentially affected mana whenua iwi authorities to help avoid notification; and
- reduce the risk of processing delays (application being returned under s88 or request for further information under s92 of the RMA) or appeals.

¹ <https://www.landcareresearch.co.nz/science/living/indigenous-knowledge/land-use/values>

4 Resource Management Act 1991 (RMA) requirements

Part 2 – Purpose and principles

Part 2 of the Resource Management Act 1991 (RMA) sets out specific considerations in relation to how mana whenua values and interests must be considered in decision-making processes. This includes the following:

Section 5 Purpose

Section 5 purpose of the RMA provides specific reference to the sustainable management of natural and physical resources in a way, or at a rate that provides for people and communities to provide for their cultural well-being.

Section 5 – Purpose states:

- “(1) *The purpose of this Act is to promote the **sustainable management** of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and **cultural well-being** and for their health and safety while –*
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 6 Matters of national importance

Section 6 (e), (f) and (g) of the RMA provide specific reference to matters of national importance to mana whenua as follows:

*“(6) 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 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, waahi tapu, and other taonga:***

*(f) The protection of **historic heritage** from inappropriate subdivision, use, and development:*

*(g) The protection of **protected customary rights:**”*

Section 7 Other Matters

Under section 7(a) regard must be given to the exercise of kaitiakitanga in managing the use, development and protection of natural and physical resources in accordance with tikanga Māori.

Kaitiakitanga can relate to the management of any natural resource, area, place, or thing (tangible or intangible) which is of physical, economic, social, cultural, historic, and / or spiritual significance to mana whenua.

Section 7 states:

*“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 have particular regard to** –*

kaitiakitanga

*(aa) **the ethic of stewardship ...**”*

Section 8 Principles of Te Tiriti o Waitangi / Treaty of Waitangi

In accordance with section 8, the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) must be taken into account.

Section 8 – Treaty of Waitangi states:

“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 (Te Tiriti o Waitangi).***”

The Treaty is articulated in law through an evolving set of principles.

Treaty principles have been expressed and recognised through a range of courts and the Waitangi Tribunal. They are not exhaustive, and it is recognised that other principles may be developed over time.

The principles include:²

- partnership
- active protection
- rangatiratanga
- reciprocity
- mutual benefit
- options
- right of development
- redress
- informed decision making

Table 1 on the following page provides some examples of the Part 2 matters that are of importance to mana whenua.

² <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/about-the-auckland-plan/Pages/the-treaty-of-waitangi.aspx>

Table 1 Part 2 matters of importance to mana whenua

Part 2 matters	Examples include (but are not limited to):
Ancestral lands	<ul style="list-style-type: none"> • temporal changes to rohe boundaries, often based on ancestry, that impact on the natural resources therein • Māori land administered under Te Ture Whenua Māori Act 1993 or Māori Land Act 1993 • sites and places outlined in Waitangi tribunal claims, treaty settlement claims, deed of settlements and treaty settlement legislation.
Natural resources and features	<ul style="list-style-type: none"> • watercourses • lake beds • riverbeds • coastal marine area • landmarks • mountains • land • soil • water • vegetation • hydrothermal areas • wetlands • air quality
Part 2 matters	Examples include (but are not limited to):
Waahi (sites and places of cultural values)	<ul style="list-style-type: none"> • marae (traditional māori meeting place; The enclosed space in front of a meeting house where people gather) • papakāinga (a housing development for māori people on their ancestral land; A settlement or village which has whakapapa connections to that land) • kaumātua housing (kaumātua are those who hold knowledge of tikanga and reo māori and are recognised by hapū or iwi; One who holds knowledge of tikanga and reo Māori and is recognised by hapū or iwi) • kōhanga reo (māori language nest or māori early childhood centre; Māori language nest or Māori early childhood centre) • mahinga kai (traditional food gathering, processing and harvesting areas such as rivers, bush, sea, gardens) • pā (māori settlements and villages) • tohu (cultural landmarks and indicators in the environment) • historic battle sites

	<ul style="list-style-type: none"> • ūnga waka (waka landing sites) and Tauranga waka (waka anchorage sites)
Waahi tapū (sacred sites) and discrete sites of special significance, often spiritual	<ul style="list-style-type: none"> • urupā (burial grounds) • sites where kōiwi (human bones) have been discovered • tūāhu (sacred shrines) • puna wai (freshwater spring or well often used for blessings) • maunga (mountains or peaks and volcanic cones) including those that have been quarried away.
Taonga (treasures)	<ul style="list-style-type: none"> • whakairo (māori carvings) and pounamu (greenstone) • rongoa (plants used as traditional food sources, for medicinal purposes, and traditional practices such as weaving; medicine, medication or remedy) • te reo (māori language) • mātauranga and tikanga (traditional knowledge and practices) associated with a site, place or resource • māori place names • oral history • waiata (songs) • whakataukī (proverbs)
Protected customary rights	<ul style="list-style-type: none"> • customary marine title areas and protected customary rights identified under the Marine and Coastal Areas (Takutai Moana) Act 2011

Note: [Chapter N of the AUP \(OP\)](#) contains a glossary of Māori terms.

Schedule 4 – Information required in application for resource consent

Clause 7(1)(a) of [Schedule 4](#) of the RMA requires that all assessments of environmental effects must address any effect on those in the neighbourhood, and, where relevant, the wider community, including any cultural effects. Clause 7(1)(d) of Schedule 4 of the RMA requires an AEE to address any effects on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural values.

Schedule 4 of the RMA states:

- “7 Matters that must be addressed by an assessment of environmental effects
- (1) *An assessment of the activity’s effects on the environment **must** address the following matters:*

- (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
- (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations.”

Section 104 – Consideration of applications

Section 104 of the RMA sets out the matters that council must have regard to in considering applications. The **consideration of iwi planning documents and cultural values assessments (CVAs)** provided by mana whenua can be a matter that council considers under **section 104(1)** below.

Section 104 states:

- “(1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *Any relevant provisions of –*
 - (i) *a national environmental standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*
 - (vi) *a plan or proposed plan; and*
 - (c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

5 Other legislative and statutory considerations

There are a number of other legislative and statutory matters that require the consideration of mana whenua values and interests in resource consent processes.

The following provides a summary of some of the common considerations and is not exhaustive.

Treaty Settlement Legislation and Deeds of Settlement

A Te Tiriti / Treaty settlement is an agreement between the Crown and a Māori claimant group to settle the claimant group's historical claims against the Crown. Claimant groups are usually iwi or large hapū (tribes and sub-tribes) that have a long standing historical and cultural association with a particular area.

As of 16 March 2021, within Tāmaki Makaurau, the following groups had completed their individual and collective settlements with a number of settlements still in progress:

Table 2 Treaty settlements

Mana whenua group / collective	Deed of Settlement	Treaty Settlement Legislation
Waikato-Tainui	Deed of Settlement signed on 22 May 1995	Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
Te Uri o Hau	Deed of Settlement signed on 13 December 2000	Te Uri o Hau Claims Settlement Act 2002
Ngāti Manuhiri	Deed of Settlement signed on 21 May 2011	Ngāti Manuhiri Claims Settlement Act 2012
Ngāti Whātua o Kaipara	Deed of Settlement signed on 9 September 2011	Ngāti Whātua o Kaipara Claims Settlement Act 2013
Ngāti Whātua Ōrākei	Deed of Settlement signed on 5 November 2011	Ngāti Whātua Ōrākei Claims Settlement Act 2012
Ngā Mana Whenua o Tāmaki Makaurau	Deed of Settlement signed on 5 December 2012	Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

Te Kawerau ā Maki	Deed of Settlement signed on 22 February 2014	Te Kawerau ā Maki Claims Settlement Act 2015
Ngāi Tai ki Tāmaki	Deed of Settlement signed on 7 November 2015	Ngāi Tai ki Tāmaki Claims Settlement Act 2018
Ngāti Tamaoho	Deed of Settlement signed on 30 April 2017	Ngāti Tamaoho Claims Settlement Act 2018
Te Ākitai Waiohū	Deed of Settlement signed 23 December 2020	Awaiting legislation

Treaty settlement documents provide varying forms of redress which are documented in a deed of settlement and passed into law through treaty settlement legislation.

Statutory acknowledgements

Statutory acknowledgements are a recognition by the Crown of an iwi or hapū (tribe or sub-tribes) cultural, spiritual, historical, and traditional association with specific areas of Crown owned land.

The purpose of statutory acknowledgements is articulated in the relevant treaty settlement legislation and deed of settlement documents.

In general, this includes the following requirements in relation to activities, within, adjacent to, or impacting directly on statutory areas:

- that consent authorities must forward to the post-settlement governance entity summaries of resource consent applications. Auckland Council sends weekly summaries of all resource consent applications to all mana whenua groups which satisfies this requirement.
- that in accordance with section 95E(2)(c) of the Resource Management Act 1991 in determining affected parties, Council must consider whether the post-settlement governance entity may be adversely affected by the granting of a resource consent
- the statutory acknowledgements can be cited as evidence of the association that the entity has with the statutory areas in submissions to, and in proceedings before a consent authority.

Marine and Coastal Areas (Takutai Moana) Act 2011

For coastal resource consents in the common marine and coastal area, it is important to check if any protected customary rights or customary marine titles need to be considered under the [Marine and Coastal Area \(Takutai Moana\) Act 2011 \(MACA\)](#).

Te Ture Whenua Māori Act 1993 or Māori Land Act 1993

Māori land administered under the [Te Ture Whenua Māori Act 1993](#) is subject to a unique legal and governance framework. The Auckland Unitary Plan (Operative in Part) (AUP (OP)) only manages land use and development on Māori land, while the Māori Land Court controls subdivision of land.

There is a finite amount of Māori land remaining in Tāmaki Makaurau and much of that is subject to constraints, it may be land locked or contain areas of high ecological, landscape and other values that have the potential to create barriers and increase the costs of development.

National Environmental Standards Freshwater 2020 (NES-F)

For resource consents involving certain activities that pose risks to freshwater and freshwater ecosystems, in addition to the AUP (OP) rules, the [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#) (NES-F) may also be relevant.

The NES-F includes specific requirements for consideration of Māori cultural values for certain types of resource consents.

For specified restricted discretionary activities you will need to review the NES-F matters for discretion to determine if Māori cultural values need to be considered. For discretionary and non-complying activities, the effects on Māori cultural values also need to be considered especially on activities that are of interest to mana whenua (Table 5).

The policy framework behind the NES-F is the National Policy Statement for Freshwater Management 2020 (Freshwater NPS). Policies 1 and 2 of the Freshwater NPS states that:

- Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

The Freshwater NPS states that council must give effect to Te Mana o te Wai, actively involve tangata whenua in freshwater management and engage with communities to identify long-term visions and environmental outcomes.

The Freshwater NPS can be found [here](#).

National Environmental Standards for Marine Aquaculture 2020 (Marine Aquaculture NES)

The [Marine Aquaculture NES](#) contains provisions specific to replacement resource consents for existing marine farms. Applications for replacement resource consents under the Marine Aquaculture NES have restricted discretionary activity classification.

The Marine Aquaculture NES is not applicable to other resource consent applications, including resource consents applications for new marine farms, s127 change of condition applications, or replacement resource consents for existing marine farms that fall outside the Marine Aquaculture NES.

The Marine Aquaculture NES recognises that tangata whenua values may be a relevant consideration for applications for replacement coastal permits and applications involving realignment and change of species. Schedule 6 of the Aquaculture NES sets out the process for pre-application consultation with tangata whenua for applications under the NES. It also requires reporting of consultation outcomes.

The Marine Aquaculture NES specifies that consultation should be with iwi and hapū.

An applicant may choose to go through the Schedule 6 process or may choose not to. If an applicant chooses to go through the Schedule 6 process the matters of discretion in relation to tangata whenua values are limited to:

“the effects of the activity on matters identified in the report required by clause 5 of Schedule 6”

If an applicant chooses not to go through the Schedule 6 process, the matters of discretion are broadened to:

“the effects of the activity on tangata whenua values.”

Applicants that choose to go through the Schedule 6 process do not need to undertake the council’s CVA process.

Applicants that choose not to go through the Schedule 6 process should implement the council’s CVA process.

In accordance with Schedule 6, council will assist applicants by identifying relevant iwi and hapū. However, at the time of drafting this PGN, council does not have a list of hapū for the region. Until council has compiled this list of hapū, applicants will need to implement the council’s CVA process. Applicants can contact council through the same process as for the council’s CVA process.

6 Auckland Unitary Plan (Operative in Part)

The AUP (OP) provides guidance through objectives, policies, matters for discretion and control and assessment criteria on when mana whenua values should be considered in resource consent decision making.

Chapter B is the regional policy statement which provided an overview of the resource management issues of the Auckland region. The [Regional Policy Statement Chapter B6 - Mana Whenua](#) sets out the regionally significant issues, objectives and policies that are relevant to the 19 mana whenua groups of Tāmaki Makaurau (Auckland).

The objectives and policies of the regional policy statement are separate from the objectives and policies in the plan. The different objectives and policies, rules, standards, matters for control or discretion and assessment criteria in the plan give effect to the regional policy statement.

[Rule C1.2\(1\)](#) in the AUP (OP) outlines the information requirements for resource consent applications, under the provisions of the AUP (OP), and requires that the matters outlined in Schedule 4 of the RMA be addressed. Further information can be sought from an applicant by the council under section 92 of the RMA.

Use Table 3 on the following page to help with your understanding of how to check this for different activity statuses.

Table 3. Activity status

Activities within the AUP (OP) have different activity status ranging from Permitted, Controlled, Restricted Discretionary, Discretionary, Non-complying and Prohibited.

The activity status of an application is relevant in determining if consideration of mana whenua values is required. These are set out below:

Activity status	Relevance to considering mana whenua values
<p>Controlled and restricted discretionary activities</p>	<p>Only where a matter for discretion or control identifies the need to consider effects on:</p> <ul style="list-style-type: none"> • mana whenua values (or similar) • heritage values (where mana whenua cultural heritage is a sub-set) • historic heritage (where mana whenua cultural heritage is a sub-set) • scheduled sites (where mana whenua values are identified in the schedule as a reason for scheduling or in the case of Schedule 14.1 Historic Heritage where the item is identified as a place of Māori interest or significance) • objectives and policies that refer to any of the above.
<p>Discretionary or non-complying activities</p>	<p>Yes</p> <p>However, these matters also need to be considered:</p> <ul style="list-style-type: none"> • If the activity is in the list of priority activities mana whenua are likely to be interested in • If the objectives and policies refer to cultural or mana whenua values • If the activity will likely have any cultural effects or effects on mana whenua values <p>If yes to all of the above matters, The AEE should include an assessment of the activity against any relevant provisions of the AUP (OP). The AEE must also include the information required by clause 7(1)(a) and (d) of Schedule 4.</p>

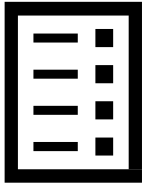




7 Considering mana whenua values in preparing your resource consent application

For external applicants and consultants:

Mana whenua are the experts in their values and interests. It is not possible for the council to provide definitive guidance on whether mana whenua have an interest in an application without asking mana whenua to review the application.

The following steps are explained in more detail in the following sections of this guidance to help you identify when mana whenua values need to be considered.

It is highly recommended to engage with mana whenua early in the process. Engaging with mana whenua prior to lodgement of the resource consent can reduce delays with the processing times.

STEP 1 Does the activity require consideration of mana whenua values under the Auckland Unitary Plan? <small>(Check the Chapter Summaries)</small>	STEP 2 Check the list of activities mana whenua have told us they are interested in. <small>(Table 4-Table 7 below)</small>	STEP 3 Check other relevant information to determine if mana whenua values need to be considered.	STEP 4 If mana whenua values are a relevant consideration, engage early to avoid unnecessary delays once you lodge your application.	STEP 5 Prepare your AEE to demonstrate how mana whenua values have been considered.
				

Step 1: Does the activity require the consideration of mana whenua values under the AUP (OP)?

The [AUP \(OP\) mana whenua values Chapter Summaries in Appendix B](#) provides hyperlinks to summaries of the Auckland Unitary Plan chapters.

Chapters with the **green** highlight indicate there are **controlled, restricted discretionary, discretionary and non-complying activities** that may require the consideration of mana whenua values.

For controlled and restricted discretionary activities, we have included a summary of the relevant matters of control or matters of discretion and assessment criteria that apply.

It is important to note that even though an activity is highlighted green in a Chapter Summary, it does not automatically mean mana whenua will require a Cultural Values Assessment. See [Scenario 1](#) and [Scenario 2 in Appendix B](#).

A quick guide on how to use the AUP (OP) mana whenua values chapter summaries is on [Appendix B](#).

Step 2: Check the list of activities mana whenua have advised us they are likely to be interested in

The following tables have been developed in partnership with mana whenua through the Cultural Values Assessment (CVA) Review Project³ to help you identify those activities that are **likely to be of interest** to mana whenua. This list has also been referred to as a list of '*priority activities*'.

If your activity requires consideration of mana whenua values under Step 1 and is for any of the activities listed below, it is good practice to engage with mana whenua early to avoid any delays processing your application.

Table 4. Chapter D – Overlays

Mana whenua have advised us they are likely to be interested in activities that are in Chapter D - Overlays
Activities in the following Overlays:
<ul style="list-style-type: none">• D1. High-use Aquifer Management Areas Overlay• D2. Quality-sensitive Aquifer Management Areas Overlay• D3. High-use Stream Management Areas Overlay• D4. Natural Stream Management Areas Overlay• D5. Natural Lake Management Areas Overlay• D6. Urban Lake Management Areas Overlay• D7. Water Supply Management Areas Overlay• D8. Wetland Management Areas Overlay• D9. Significant Ecological Areas Overlay• D10. Outstanding Natural Features and Outstanding Natural Landscapes Overlay• D11. Outstanding Natural Character and High Natural Character Overlay• D14. Volcanic Viewshafts and Height Sensitive Areas Overlay• D17. Historic Heritage Overlay, where the site or place is of interest or significance to mana whenua• Māori sites in schedule 14.1 or the site has been scheduled for its mana whenua values• D21. Sites and Places of Significance to Mana Whenua Overlay.

³ Cultural Values Assessment (CVA) Co-design Wānanga – Consultation Summary Report, 22 May 2020

Table 5. Chapter E – Auckland-wide

Activities mana whenua have advised us they are likely to be interested in Chapter E – Auckland-wide
<p>Wetlands, lakes, rivers, and streams:</p> <ul style="list-style-type: none"> • Works such as damming or shingle removal from lakes, rivers or streams • The location of structures within beds of lakes, rivers or streams • Other forms of disturbance within the beds of lakes, rivers or streams • Damming, diversion, culverts, dredging or piping and reclamation of streams • Modification of wetlands • Structures containing contaminants (e.g., wastewater pipes) located over the beds of lakes, rivers, or streams
<p>Discharges to freshwater:</p> <ul style="list-style-type: none"> • Discharges of contaminants to freshwater or groundwater, particularly wastewater discharges • Discharges to / or diversions of freshwater that result in the mixing of water sources • Stormwater discharges, discharges from treatment devices such as stormwater management methods
<p>Water takes and use:</p> <ul style="list-style-type: none"> • Significant water takes and use, including from groundwater, geothermal, rivers or lakes • Diversion of groundwater in Overlays • Water takes for commercial activities
<p>Discharges to land:</p> <ul style="list-style-type: none"> • Discharges of contaminants, particularly wastewater discharges to land and landfills
<p>Vegetation and biodiversity:</p> <ul style="list-style-type: none"> • Vegetation alteration or removal in an Overlay or on Māori land or on Treaty settlement land • Vegetation alteration or removal within particular thresholds in proximity to a lake, river or stream or mean high water springs • Vegetation alteration or removal of contiguous indigenous vegetation within particular thresholds • Vegetation alteration or removal within wetlands, lakes, rivers and streams

Land Disturbance:

- Land disturbance / earthworks that occurs on or is in close proximity to known sites containing cultural heritage items (refer to the Cultural Heritage Inventory (CHI))
- Land disturbance / earthworks that occurs on or is in close proximity to any scheduled sites or places of significance to Mana Whenua (refer to the Auckland Unitary Plan Overlays and Schedules)
- Land disturbance / earthworks that results in adverse effects on water quality. For example, the discharge of sediment laden water to a surface water body or to coastal water
- Land disturbance / earthworks within the riparian margin (an area of land immediately adjacent to a permanent or intermittent river or stream)
- Land disturbance / earthworks relating to the use and construction of landfill
- Land disturbance / earthworks in high-risk locations that are likely to result in the discovery of cultural heritage. The following locations are generally at a high risk for accidental discovery of kōiwi, archaeology and artefacts of Māori origin.
 - In close proximity to maunga and other geological features such as lavacaves along waterways and the coast and in areas close to where accidental discoveries have occurred in the past as identified on the Cultural Heritage Inventory (CHI) or known to mana whenua.

Table 6. Chapter F - Coastal**Activities mana whenua have advised us they are likely to be interested in Chapter F - Coastal****Activities in the Coastal Marine Area (CMA)**

- Works such as dredging, sand (mineral) removal or mangrove removal
- Reclamation of the CMA
- Declamation
- Aquaculture
- Marinas
- Location of structures in the CMA
- Occupation of space or structures in the CMA
- Discharges of contaminants into the CMA
- Works within mana whenua management precincts (coastal)
- Works within customary marine title and protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011

Table 7. Chapter H – Zones and Chapter I - Precincts

<p>Activities mana whenua have advised us they are likely to be interested in Chapter H – Zones and Chapter I - Precincts</p>
<p>Within the zones and precincts, there are a number of activities that require consideration of “heritage” or “historic heritage” as part of the assessment criteria or relevant objectives and policies.</p> <p>The protection of historic heritage is identified as a matter of national importance under Part 2, s6(f) of the RMA.</p> <ul style="list-style-type: none"> • Mana whenua cultural heritage is a subset of “heritage” and “historic heritage” and needs to be considered as part of your assessment. <p>If the heritage feature is of Maori origin, then a CVA is likely to be required.</p> <p>Sensitive information</p> <p>Please note that information on the location of mana whenua cultural heritage can be highly sensitive and is not always publicly available.</p> <p>To address this, mana whenua will check the application once lodged and will respond if they consider a CVA is required.</p> <p>If you think a CVA may be required, reach out to mana whenua, and begin early engagement.</p>
<p>Wāhi tapu (sacred sites, and discrete sites of special significance often spiritual)</p> <ul style="list-style-type: none"> • Land use, development and subdivision that is on, adjoins, or likely to have adverse effects on: • Sites of Māori origin identified in the Cultural Heritage Inventory (CHI) layer in GeoMaps (within 50m of the site) • Mana whenua cultural heritage • Sites and Places of Significance to Mana Whenua Overlay
<p>Wāhi (sites and places of cultural value)</p> <p>Land use, development and subdivision that will likely have adverse effects on:</p> <ul style="list-style-type: none"> • Land in a Special Purpose – Māori Purpose Zone • Māori freehold land and Māori customary land that is administered under Te Ture Whenua Māori Act 1993 • Treaty Settlement properties and areas subject to statutory acknowledgement and other similar statutory instruments identified in Deeds of Settlement and / or Treaty Settlement legislation

- Maunga (including those that have been quarried away).
- Historic Heritage Overlay, where the site or place is of interest or significance to Māori in schedule 14.1 or the site has been scheduled for its mana whenua values. (AUP (OP)).
- Mana whenua marae
- Mana whenua cultural facilities including kohanga reo, papakāinga, kaumatua housing (these are not mapped).

Step 3: Check other relevant information to determine if mana whenua values need to be considered.

Auckland Unitary Plan – Operative in Part (AUP (OP))

The following sections of the AUP (OP) provide specific considerations that recognise the principles of the Treaty of Waitangi / Te Tiriti o Waitangi (including the principle of redress and the principle of active protection) and require the Council to enable the use and development of land acquired by mana whenua through treaty settlement legislation.

- Chapter B6 - Mana whenua (Regional Policy Statement)
- Chapter E21 – Treaty settlement land (Auckland-wide)
- Appendix 21 – Treaty settlement legislation – statutory acknowledgements.

The legislation noted below have also been discussed in detail on [Section 5 of this PGN](#).

Treaty Settlement Deeds of Settlement and Treaty Settlement Legislation

If an application is adjacent to or within an area subject to a treaty settlement then the relevant deed of settlement documents should be considered in preparing your application.

The treaty settlement documents can be found [here](#).

The treaty settlement legislation can be found by searching through [here](#).

Māori land administered under Te Ture Whenua Māori Act 1993

Māori land administered under [Te Ture Whenua Māori Act 1993](#).

For resource consents involving the development of Māori land, it is important to consider the requirements of the Te Ture Whenua Māori Act 1993 which can be found [here](#).

National Environmental Standards for Freshwater (NES-F) 2020

The NES-F can be found [here](#).

For resource consents involving certain activities that pose risks to freshwater and freshwater ecosystems, in addition to the AUP (OP) rules, the NES-F may also be relevant. It includes specific requirements for consideration of Māori values for certain types of resource consents.

It is advised to check the list of priority activities mana whenua are likely to be interested in on [Tables 4-6 above](#).

Step 4: Engaging with mana whenua

Resource consent applicants are expected to engage with mana whenua when developments affect mana whenua values.

The best way to identify these values and take those into account is through consultation with the relevant iwi authorities prior to lodging the application. **Not all resource consents will require a CVA, even if it is highlighted green in the Chapter Summaries.** This needs to be decided by the relevant iwi authority.

After consideration, mana whenua may formally advise that a CVA is not needed.

Benefits of engaging with mana whenua

Working with mana whenua can help to:

- understand the historical connections that mana whenua may have with the area and site
- understand the views of mana whenua
- ensure the AEE that must accompany the application fully identifies and addresses the effects of the proposal on mana whenua values and interests
- obtain written approvals from potentially affected iwi to help avoid notification
- reduce the risk of having the application returned, processing delays or requests for further information due to supplying an inadequate AEE.

Mana whenua's expectations

When mana whenua are engaged by an applicant, they expect that:

- they have access to all relevant consent information (AEE, plans and any expert reports)
- there is a willingness to meet face-to-face
- their views are respected
- their intellectual property is handled with sensitivity
- they have the right to:
 - decide what their interests in an application are, and declare those interests
 - make submissions on notified applications and be heard in support of those submissions.

When engaging with mana whenua, keeping a record of any consultation is important and must be provided with the resource consent application (clause 6(1)(f) of Schedule 4 of the RMA).

If an application has been amended following engagement with mana whenua, it would be helpful to outline the changes made in response to any matters raised by mana whenua and if an agreement has been reached.

Reaching an agreement with mana whenua is a great outcome. However, if mana whenua concerns cannot be resolved prior to the lodgement of a resource consent, then the application must outline the concerns raised by mana whenua, matters of disagreement and why they concerns were not able to be resolved.

Costs of engaging with mana whenua

Mana whenua organisations, may charge a fee to:

- consider an application
- conduct a site visit
- meet with applicants and their experts
- prepare a cultural values assessment, if one is needed.

Mana whenua organisations should provide a schedule of their fees before any work starts. Applicants can ask for an estimate of costs before they formally engage with mana whenua.

Find mana whenua contacts for your area

Mana whenua are the hapū and iwi who have the mana (authority) over the whenua (land) which is derived through whakapapa (genealogy) and occupation.

Mana whenua interests are represented by 19 mana whenua authorities in Tāmaki Makaurau, Auckland. These are listed in Table 8 below.

The following [link](#) will take you to the mana whenua contacts for your area:

Table 8 Mana whenua in Tāmaki Makaurau, Auckland

Tribal collective	Tribal authority	Iwi/hapū
Ngāti Wai	1. Ngāti Wai Trust Board	Ngāti Wai
	2. Ngāti Manuhiri Settlement Trust	Ngāti Manuhiri
	3. Ngāti Rehua Ngāti Wai ki Aotea Trust	Ngāti Rehua Ngāti Wai ki Aotea
Ngāti Whātua	4. Te Rūnanga o Ngāti Whātua	Ngāti Whātua
	5. Te Uri o Hau Settlement Trust	Te Uri o Hau
	6. Ngā Maunga Whakahii o Kaipara	Ngāti Whātua o Kaipara
	7. Ngāti Whātua Ōrākei Māori Trust	Ngāti Whātua Ōrākei
Waiohūa-Tāmaki	8. Te Kawerau Iwi Authority	Te Kawerau a Maki
	9. Makaurau Marae Trustees	Te Ahiwaru Waiohūa
	10. Ngāi Tai ki Tāmaki Trust	Ngāi Tai ki Tāmaki
	11. Ngāti Tamaoho Trust	Ngāti Tamaoho
	12. Te Akitai Iwi Authority	Te Akitai Waiohūa
	13. Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa	Ngāti Te Ata Waiohūa
Waikato-Tainui	14. Te Whakakitenga o Waikato Incorporated	Waikato-Tainui
Marutūahu	15. Ngāti Paoa Iwi Trust Ngāti Paoa Trust Board	Ngāti Paoa
	16. Ngāti Whanaunga Incorporated	Ngāti Whanaunga
	17. Ngāti Tamaterā Treaty Settlement Trust	Ngāti Tamaterā
	18. Ngāti Maru Rūnanga	Ngāti Maru
	19. Te Patukirikiri Iwi Incorporated	Te Patukirikiri

Engaging with mana whenua before lodging an application

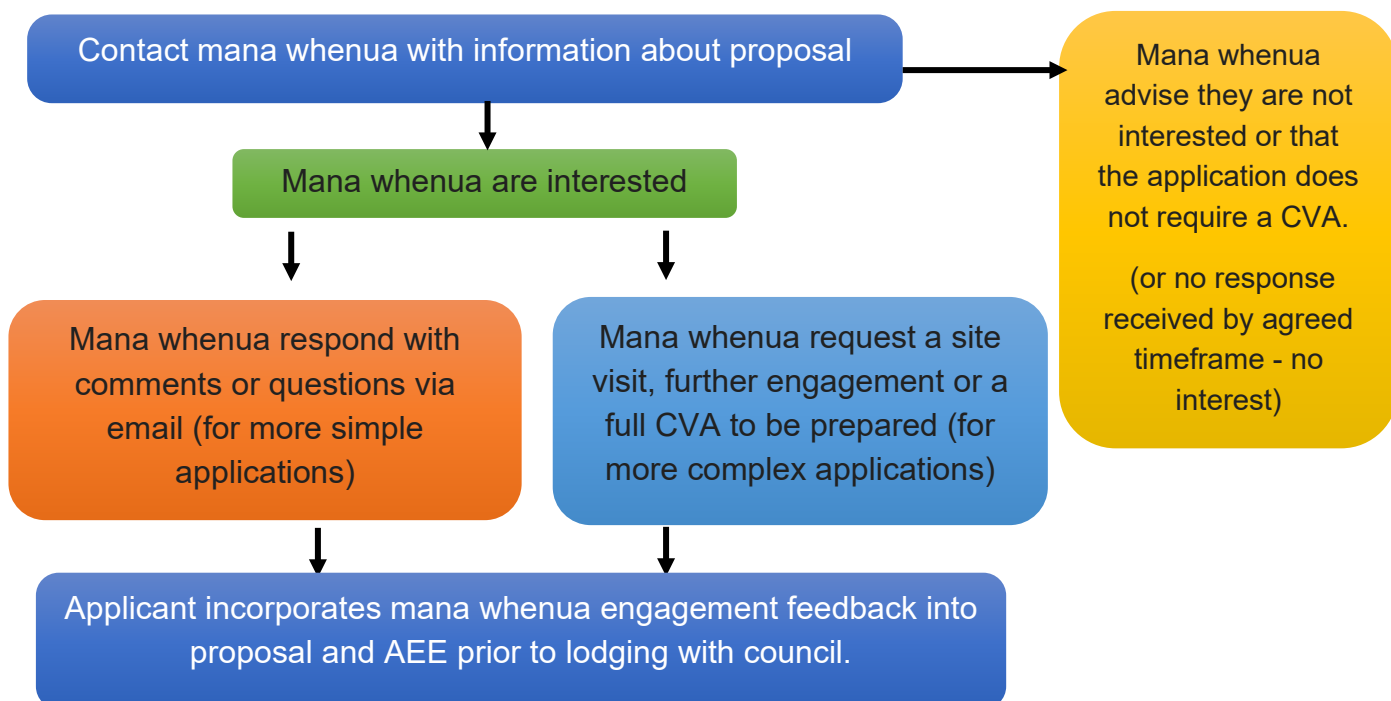
It is good practice to contact the mana whenua kaitiaki for the relevant area to identify if any cultural values assessment is required, prior to lodging an application. Visit the “Find mana whenua contacts for your area” page on the [Auckland Council website](#) for more guidance.

When contacting mana whenua, include a summary of the following:

- the resource consents being applied for that require consideration of mana whenua values [refer to [Mana Whenua Values Quick Reference Tool in Appendix B \(Chapter summaries\)](#)]
- any **Part 2 matters that may be affected** by your proposal [refer to [Table 1](#)]
- any **priority activities that may be of interest** to mana whenua [refer to [Table 4](#) to [Table 7](#)]
- a copy of your AEE and any relevant plans for their review

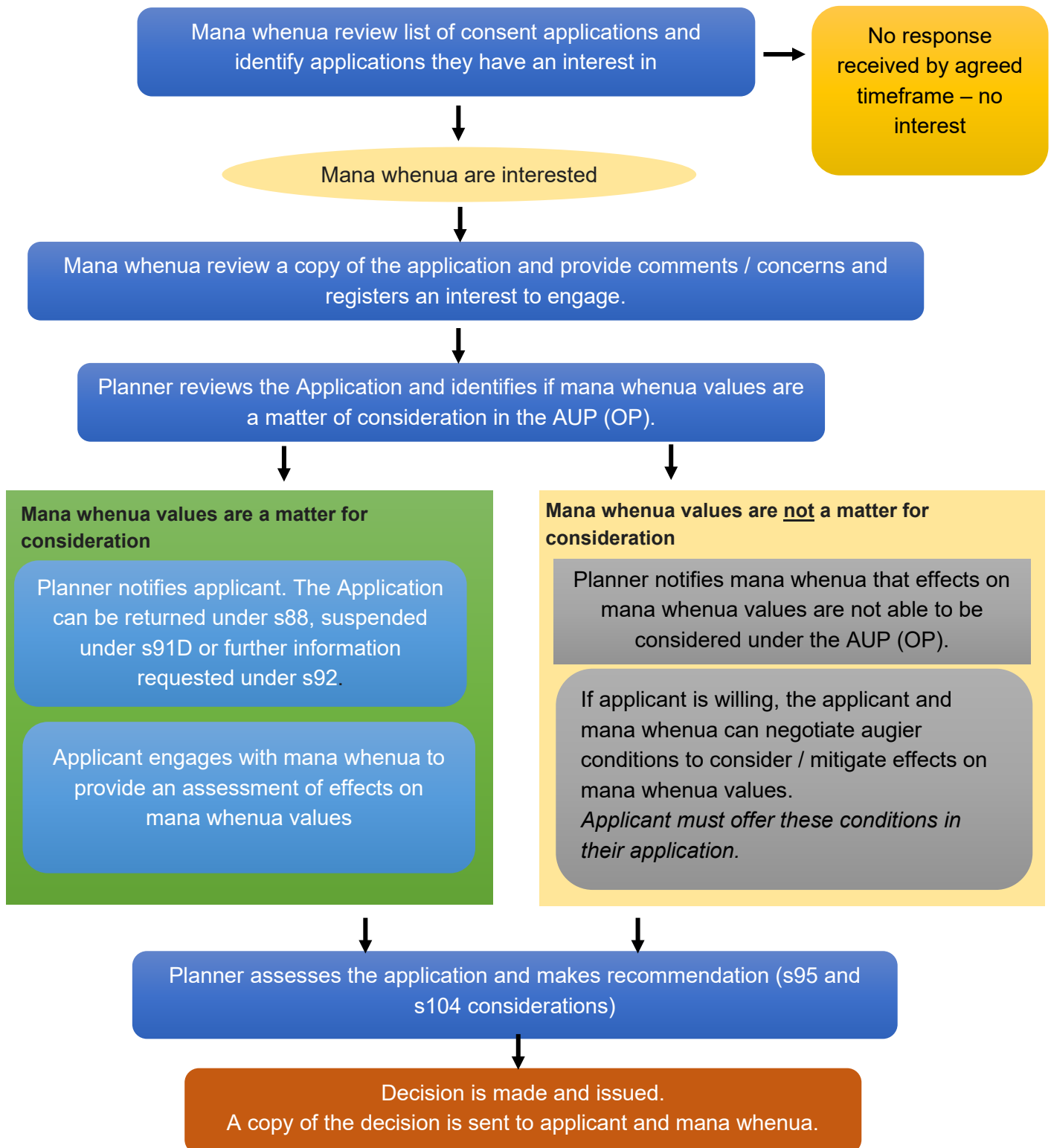
Include a copy of the above correspondence in the AEE, particularly if no response has been received. The correspondence will demonstrate that attempts have been made to engage early.

Not all mana whenua groups have capacity to respond to requests. If no response is received from mana whenua within ten working days, send a follow up email and include this email with the AEE. The expected timeframe for mana whenua to respond is 15 working days.



Engaging with mana whenua after lodging an application

Mana whenua have the opportunity to review resource consent applications once they have been lodged with Council. Mana whenua will notify the processing planner if they consider a CVA is required.



Resource Consents Mana Whenua Facilitation Service

Applicants are able to use the council's Mana Whenua Facilitation Service once a resource consent is lodged.

The Mana Whenua Facilitation Service within the Resource Consents Department provides the following services:

- provides updates to mana whenua of applications that have been lodged within their rohe area to determine if they have an interest in the application.
- provides copies of lodged applications to mana whenua so that they can review lodged applications to determine whether a cultural values assessment is required.
- notifies the processing planner when mana whenua registers an interest in an application.
- assists the processing planner and applicant to follow up with mana whenua if a response has not been received.

The expected timeframe for mana whenua to respond is 15 working days.

Early engagement with mana whenua will enable an applicant to prepare a robust AEE, that can:

- (a) advise of the outcome of consultation with mana whenua (clause 6(1)(f) of Schedule 4 of the RMA), and
- (b) properly address the matters in clause 7(1)(a) and (d) of Schedule 4 of the RMA and should therefore be undertaken prior to lodgement of an application with council.

Once an application has been lodged, the Mana Whenua Facilitation Service assists the processing planner, mana whenua and the applicant to initiate communication with each other on applications that are being processed.

The facilitators do not provide technical advice regarding enquiries from applicants, or from mana whenua relating to specific applications. The processing planner will respond to these.

Statutory tools

For a resource consent planner, these are the statutory tools under the RMA to consider when looking at an application:

[Section 88](#)

Under s88(3), a consent authority may, within 10 working days after an application was first lodged, determine that the application is incomplete if the application does not include the information prescribed by regulations or include the information relating to the activity, including an assessment of the activity's effects on the environment, which is required under Schedule 4 of the RMA.

If the activity requires consideration of mana whenua values and the application does not include an assessment of effects and engagement with mana whenua, then the council can find the application as incomplete under s88(3), in which case it is then required to return the application under s88(3A).

[Section 91D](#)

Under s91D, an applicant may request the consent authority to suspend the processing of a non-notified application. This can be used by applicants if they require engagement with mana whenua after lodging a resource consent application and when using the Mana Whenua Facilitation Service.

The request from an applicant to suspend the processing of an application must be made by written or electronic notice and the consent authority must give written or electronic notice to the application confirming the date on which the suspension started.

[Section 92](#)

Under s92, a consent authority may request the application to provide further information relating to the application.

If an application included an assessment of mana whenua values and engagement with mana whenua but it requires further information, the consent authority can seek for this further information to be provided and will place the application on hold until the applicant has done so.

The applicant has 15 working days to provide the information. If the applicant requires more than 15 working days to provide the information, reasonable further time can be provided by consent authority under s92A(2).

If the applicant does not respond with 15 working days or refuses to provide the information, section 95C(2) of the RMA requires that the application is publicly notified.

Step 5: Preparing the resource consent application and include an assessment of effects on mana whenua values

Objectives and policies (discretionary and non-complying activities)

Chapter B6. Mana Whenua was developed in partnership with the 19 mana whenua groups of Tāmaki Makaurau Auckland. It contains the Regional Policy Statement objectives, policies and methods to address the Issues of Significance to Mana Whenua.

For all relevant discretionary and non-complying activities in the AUP (OP) it is important that an assessment of effects considers the objectives and policies of this chapter in addition to any other relevant objectives and policies of the AUP (OP).

Matters for discretion and control (restricted discretionary and controlled activities)

For restricted discretionary and controlled activities, the AUP (OP) identifies through matters of discretion (for restricted discretionary activities) and matters of control (for controlled activities) that require consideration of mana whenua values.

It is important that an assessment of effects can demonstrate how these have been considered.

Provide a summary of the engagement undertaken with mana whenua and any cultural values assessments received in preparing your application.

- a summary of the mana whenua groups contacted
- a copy of the information provided to mana whenua for review if different from the initial information submitted.
- a summary of feedback and recommendations received from the mana whenua groups (including those that responded but did not have an interest).
- a summary of any groups who have been contacted that did not provide a response, including copies of correspondence and emails to demonstrate that attempts have been made to engage with mana whenua.

Recommendations on how to avoid, remedy or mitigate any adverse effects

Where a cultural values assessment has been provided by mana whenua, it should identify recommendations from mana whenua on how to avoid, remedy or mitigate any adverse effects on mana whenua values.

It is important that the application provides a summary of the recommendations that have been made by mana whenua and outlines how it is proposed to address these recommendations.

Some options include:

- a. Incorporate mana whenua recommendations into the design prior to lodgement
 - If there are specific matters that have been agreed the applicant may wish to incorporate these into their design prior to lodging the application, include an explanation in the AEE of how these have been addressed.
 - b. Request in writing that recommendations be included as a condition of consent
- If recommendations are agreed, the applicant, may offer these specific conditions to be included as conditions of consent. These need to be offered in writing to the processing planner and the relevant mana whenua representative should also be informed to keep them in the loop.
 - Discuss alternatives with mana whenua if there are challenges implementing recommendations into the design.
 - In some cases, it may not be possible to achieve the outcome that mana whenua is seeking. It is good practice to go back to mana whenua to explain any challenges and discuss alternative options and document the process followed, and any outcomes agreed in the AEE.

Useful links and information sources

The following section provides links to websites and guidance that can help understand good practice guidance to help understand mana whenua values and to mitigate adverse effects.

Iwi Planning Documents

A number of mana whenua groups have their own iwi management plans that help to guide their inputs into resource management processes. Where these are publicly available, they are usually found on the respective mana whenua groups websites. Iwi management plans are public information and can be requested when required.

NIWA Kaitiaki Tools

[Kaitiaki tools](#) is a store of knowledge for people who manage natural resources. It contains information about the environmental impacts of different kinds of land use and industries, and how these will affect water quality and mahinga kai. It also helps people apply this information to the resource consent process.

[GD01 – Stormwater Management Devices in the Auckland Region](#), December 2017

Provides guidance developed in partnership with mana whenua on designing for a water sensitive Auckland and includes recommendations on how to reflect mana whenua values in stormwater management.

[GD05 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region](#), October 2018

Provides guidance for the selection, design and use of erosion and sediment control practices and measures for land disturbing activities. It includes consideration of mana whenua values during the earthworks phase and treatment options.

[Science Learning Hub – Pokapū Akoranga Pūtaiao](#)

Provides useful information to help understand mātauranga māori.

[Te Aranga Design Principles, Auckland Design Manual](#)

Provides guidance on incorporating Māori values into design.

8 Council section 92 considerations

When an application is lodged, the council planner will check the following matters to determine if consideration of mana whenua values is required and whether a CVA/s is required.

Has the applicant engaged with mana whenua prior to lodging the application?

Does the application provide an assessment of effects on mana whenua values?

Does the application provide how any adverse effects on mana whenua values will be avoided, remedied or mitigated?

Are there any other matters that need to be considered under other legislation?

For controlled or restricted discretionary activities:	
<ul style="list-style-type: none"> Does the activity require consideration of mana whenua values through relevant matters for control or discretion? Is the proposed activity within the list of priority activities mana whenua are likely to be interested in? (refer to Tables 4-7). Check the Chapter Summary for the activity if there are matters for control or discretion 	Y/N
For discretionary of non-complying activities:	
<ul style="list-style-type: none"> Is the proposed activity within the list of priority activities mana whenua are likely to be interested in? (refer to Tables 4-7). Are there any mana whenua values and interests in the vicinity of the application site that may be affected? Does the proposal provide an assessment of the relevant objectives and policies of the AUP (OP)? 	Y/N

9 Considering mana whenua values in decision making processes

The following guidance is available to help support decision-makers (council staff such as team leaders and principal and senior planners and duty commissioners) to consider mana whenua values in decision making.

Environmental Protection Authority – Te Hāutū – Mātauranga Framework

Provides guidance for decision makers to understand, test and probe mātauranga when it is presented in evidence. It can be found [here](#).

Ministry for the Environment, Māori Values Supplement, December 2010

Provides guidance to decision-makers to help them take into account Māori values and world views into decision making. The purpose of the supplement is to assist RMA hearings commissioners to:

- understand key concepts and values underpinning the Māori world view of the environment.
- integrate Māori values into decision-making at hearings
- facilitate practical expression of tikanga Māori in hearings.

It can be found [here](#).

Appendix A. Māori Concepts and Values

The concepts and values which position whanaungatanga / relationships to each other and the environment as pivotal and paramount to well-being, help navigate and determine tikanga, the correct course of action in any given circumstance.

Mana whenua are the experts in their values and only they can determine how they may be affected by an application.

Some of these concepts and values are as follows:

Table 9 Māori concepts and values⁴

Māori concepts and values	Meaning
Tikanga Māori	<p>Tikanga derives from the root word 'tika', which means correct, right, appropriate and fair. Tikanga is understood, at a basic level, as the most correct way of doing something (Rewi & Duncan, 2018)</p> <p>There are several ways of looking at tikanga...An obvious way is to consider (it) as a means of social control. Looked at it from this point of view, tikanga Māori controls interpersonal relationships, provides ways for groups to meet and interact. It is difficult to imagine any social situation where tikanga Māori has no place (Mead, 2003)</p> <p>Tikanga may be seen as pragmatic and open ended...flexible and subject to reinterpretation according to the circumstances (Durie, 2010)</p>
Whakapapa	<p>Whakapapa is more than genealogy of people. The worldview of Māori when it comes to whakapapa is that everything is interrelated from the sky to the land. We come from Papa-tū-ā-nuku. We are born of the land.</p> <p>Our mana comes from the land (Sadler, 2010)</p>
Mana	<p>Mana is lawful permission delegated by the gods to their human agents and accompanied by the endowment of spiritual power to act on their behalf and in accordance with their revealed will (Marsden, 1968).</p> <p>Mana is a concept that captures all aspects of authority over all things (Piripi, 2010).</p>
Tapu	<p>Tapu is a person, place or thing which is sacred, set apart and special. Restrictions can be permanent or temporary (Marsden, 1968). Furthermore, tapu is the intrinsic well-being of all people, of all beings and the land (Tate, 2012).</p>
Noa	<p>That which is not sacred, set apart, special or restricted. That which can be used and consumed.</p>
Mauri	<p>Mauri is a power invested in all living things. It is a life force that binds together the physical and spiritual elements required for them to exist (Rewi & Duncan, 2018). Positive actions can restore and enhance the mauri of a being or thing and in turn negative actions can have detrimental and dire consequences (Fa'au, 2014).</p>

⁴ He papa tikanga – Foundational Training, Auckland Council 2020

Whanaungatanga	In te ao Māori there is no entity that exists in isolation. A person exists because of their whanaungatanga/relationships to the ātua, other people and the whenua/land. The belonging to whānau, to hapū, to iwi, to a rohe/a geographical location directly affects a person, shapes them, constitutes their being and determines who they are. (Tate, 2012)
Manaakitanga	Manaakitanga is a guiding principle which encourages people to make decisions and act in ways that enhance the mana of everyone
Māori concepts and values	Meaning
	simultaneously through acts of aroha/love, care and generosity (Rewi & Duncan, 2018).
Kaitiakitanga	Kaitiakitanga in relation to the environment is an enduring and fundamental principle that aids in the wise management of the environment, its biodiversity and the human communities that live there. Kaitiakitanga is a right and a responsibility (Kawharu, 2018).
Rangatiratanga	A rangatira/leader is responsible for weaving the people together. Mana/authority is bestowed upon rangatira by the people. Rangatiratanga is the exercise of mana in the application and enforcement of tikanga to ensure the well-being of the people and the land.
Tika	To do what is correct, that which is mindful of the well-being of others and the environment.
Pono	Integrity. To be pono is to walk one's talk.
Aroha	Love, compassion, patience and empathy.

References:

Reilly, M., Duncan, S., Leoni, G., Paterson, L., Carter, L., Rātima, M., & Rewi, P. (2018). **Te Kōparapara: An Introduction to the Māori World**. Auckland: Auckland University Press.

Tate, Pā Henare. (2012). **He Puna Iti i te Ao Mārama: A Little Spring in the World of Light**. New Zealand: Libro International.

Mead, H. M. (2003). **Tikanga Māori: Living by Māori Values**. New Zealand: Huia Publishers.

Walker, R. (2004). **Ka whawhai tonu mātou: The struggle never ends**. Auckland: Penguin. Royal, Te A. C. (Ed.). **The Woven Universe: Selected Writings of Rev. Maori Marsden**. Otaki: Estate of Rev. Maori Marsden, 2003.

Justice Joe Williams (The first Māori Supreme Court Judge) [Opening Keynote Address Ngāpae o te Māramatanga Indigenous Conference](#) (2016).

Appendix B. AUP (OP) mana whenua values Chapter Summaries

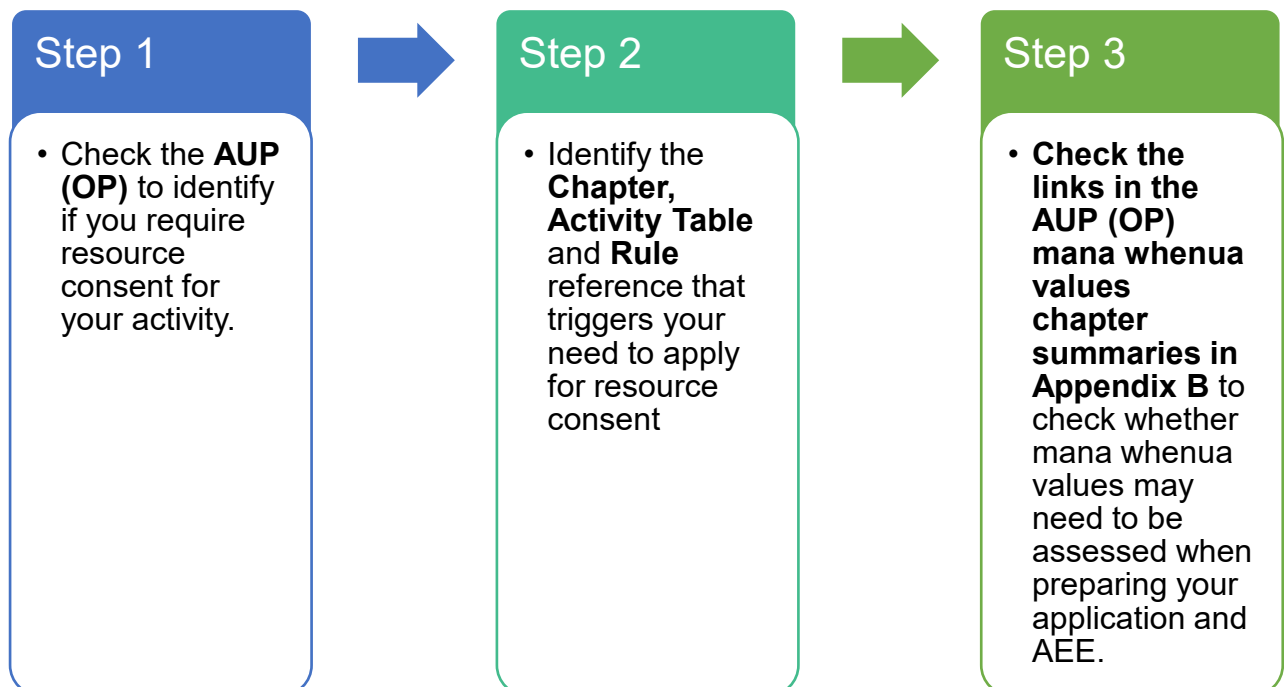
Checking the Activity Tables and Assessment Criteria

How to use the AUP (OP) mana whenua values Chapter Summaries Tool:

[Chapter Summaries Index](#) provide a summary of the relevant AUP (OP) chapters that include rules and activity standards requiring Mana Whenua cultural values to be assessed as part of your Assessment of Environmental Effects (AEE).

- Follow the 'Activity Table Links' to open a PDF file with more detailed information highlighting the specific rules and activity standards in that chapter which require Mana Whenua cultural values to be considered.
- The activity tables are highlighted in green to help quickly identify if mana whenua values may need to be considered as part of the application.
- Where a restricted discretionary activity or controlled activity is identified the relevant assessment criteria have been included at the end of the page.

Disclaimer: This information is current and correct as at the date in the "Date Reviewed" column. Please check the AUP (OP) directly to confirm if there have been any plan modifications since this date.



What information does an AUP (OP) mana whenua values chapter summary provide?

Example from the **AUP (OP) Chapter E6. Wastewater Network Management chapter summary:**

Note:

This document is a summary of the relevant Auckland Unitary Plan (Operative in Part) (AUP (OP)) chapters to assist with determining if mana whenua values can be considered in relation to a consent application under the AUP (OP).

The AUP (OP) is updated over time and updates will be made to these chapter summaries quarterly. This chapter summary reflects the AUP (OP) provisions as of June 2021. As changes may be made to the AUP (OP) more frequently than this document is updated, please refer to the AUP (OP) for the full text and provisions.

E6. Wastewater network management

Table E6.4.1 Activity table

Activity	Activity status
(A1) Discharge of untreated wastewater overflows onto or into land and/or into water from a new wastewater network in urban areas (excluding wastewater treatment plants)	P
(A2) Discharge of wastewater onto or into land and/or into water from wastewater networks by way of exfiltration	P
(A3) Discharge of untreated wastewater overflows onto or into land and/or into water from a wastewater network in existing urban areas (excluding wastewater treatment plants) where the discharge does not comply with Standard E6.6.1 and is not otherwise provided for by another rule in Table E6.4.1	RD
(A4) Discharge of untreated wastewater overflows onto or into land and/or into water from an existing separated wastewater network servicing existing urban areas (excluding wastewater treatment plants)	C
(A5) Discharge of untreated wastewater overflows onto or into land and/or into water from an existing combined sewer network (excluding wastewater treatment plants)	RD
(A6) Discharge of treated or untreated wastewater onto or into land and/or into water from a wastewater treatment plant	D
(A7) Any other discharge of wastewater onto or into land and/or into water from a wastewater network	D

The Chapter Summary highlights activities that trigger the consideration of mana whenua values in green.

For any controlled or restricted discretionary activity that require the consideration of mana whenua values, the relevant matters for discretion are identified,

E6.8. Assessment – restricted discretionary activities

E6.8.1. Matters of discretion

For the discharge of untreated wastewater overflows onto or into land and/or into water from a wastewater network in existing urban areas (excluding wastewater treatment plants) where the discharge does not comply with Standard E6.6.1 and is not otherwise provided for by another rule in Table E6.4.1:

- the effects on Mana Whenua values.

It is important to note that even though an activity is highlighted green in the Chapter Summary, it does not automatically mean mana whenua will require a Cultural Values Assessment.

Scenarios when a Cultural Values Assessment may not be required

It is important to note that even though an activity is highlighted green in the Chapter Summary, it does not automatically mean mana whenua will require a Cultural Values Assessment.

Mana whenua will advise if a CVA is required.

The Chapter Summaries can be used as a tool to identify specific rules in the AUP (OP) that triggers consideration of mana whenua values. The discretion is still with mana whenua to confirm if a CVA is required.

There are three main factors to consider:

1. What is the proposal and what is the activity status?
2. Is the activity in the list of priority activities mana whenua are likely to be interested in?
3. Could this activity have any cultural effects or effects on mana whenua values?

We have two scenarios below demonstrating that not all highlighted activities in the Chapter Summaries will result in a Cultural Values Assessment. However, it is important to note that these are only examples.

Scenario 1:

An activity that is highlighted green in the Chapter Summary but is not in the list of priority activities mana whenua are interested in:

Integrated Residential Development is a discretionary activity in the Residential – Single House Zone under rule H3.4.1(A9):

(A9)	Integrated Residential Development	D	
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It is highlighted green as any discretionary or non-complying activities in the AUP (OP) can require an assessment of mana whenua values.

However, if we check the list of priority activities (Table 4 to Table 7) that mana whenua are likely to be interested in, Integrated Residential Development is not on the list of activities. Furthermore, any assessment should still be proportionate to *why* the application is discretionary.

In this example, it is a discretionary activity because of that particular type of land use and the sensitivity of the zoning, not because of its potential effects on mana whenua values.

Based on the Integrated Residential Development activity alone as a reason for consent, it is unlikely that this proposal will require CVA unless there is some other factor such as proximity to an archaeology site.

There may also be other triggers such as overlays, the site being located within a Statutory Acknowledgement Area, or other relevant legislation such as the MACA Act that may apply to the site.

Scenario 2:

Activities that are highlighted green in the Chapter Summaries and one is in the list of priority activities mana whenua are interested in:

A proposal to construct a new building in the Business – Heavy Industry Zone for a commercial service that requires excavation and groundwater diversion. The site is also in a Wetland Management Areas Overlay.

In the Business – Heavy Industry Zone, a new building is a permitted activity under rule H16.4.1(A35):

(A35)	New buildings	P
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However, commercial services in this zone are a non-complying activity under rule H16.4.1(A5):

(A5)	Commercial services	NC
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The diversion of groundwater caused by excavation within a wetland management area overlay is a restricted discretionary activity under rule E.7.4.1(A28)E7.4.1:

(A28)	The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet the permitted activity standards or not otherwise listed	RD	RD	RD
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Checking the list of Priority Activities mana whenua are interested in, diversion of groundwater is listed. The matters of discretion (E7.8.1) also states:

E7.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) General:
 - (a) the effects on Mana Whenua values.

Therefore, with regards to this proposal, whilst the activity status is non-complying, the commercial service activity reason for consent is unlikely to be of sufficient interest to mana whenua that would require a CVA. However, the groundwater aspect of the proposal may require a CVA as it is in the list of priority activities (being within an overlay area) and the AUP (OP) includes mana whenua values as matters for discretion.

AUP (OP) mana whenua values chapter summaries index:

Note:

If the chapter is highlighted **green**, the chapter contains rules where mana whenua values may be considered. If the chapter is not highlighted, there are no activities or rules that trigger mana whenua values to be considered.

It is important to note that just because an activity is highlighted green in the Chapter Summary, it does not automatically mean mana whenua will require a Cultural Values Assessment.

The list below is an overview of the Chapter Summaries. Please click the link for each chapter to go to the actual Chapter Summary document. Then check that against the tables above.

CHAPTER C – GENERAL RULES		
Chapter C – General Rules	Activity Table Link	Date Reviewed
Chapter C1	C1	June 2021

CHAPTER D – OVERLAYS	
Chapter D – Overlays	Date Reviewed
Natural Resources	
D1 – High-use Aquifer Management Areas Overlay	June 2021
D2 – Quality-sensitive Aquifer Management Areas Overlay	June 2021
D3 – High Use Stream Management Areas Overlay	June 2021
D4 – Natural Stream Management Areas Overlay	June 2021
D5 – Natural Lake Management Areas Overlay	June 2021
D6 – Urban Lake Management Areas Overlay	June 2021
D7 – Water Supply Management Areas Overlay	June 2021
D8 – Wetland Management Areas Overlay	June 2021
D9 – Significant Ecological Areas Overlay	June 2021
Natural Heritage	
D10 – Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay	June 2021
D11 – Outstanding Natural Character and High Natural Character Overlay	June 2021
D12 – Waitākere Ranges Heritage Area Overlay	June 2021
D13 – Notable Trees Overlay	June 2021
D14 – Volcanic Viewshafts and Height Sensitive Areas Overlay	June 2021
D15 – Ridgeline Protection Overlay	June 2021
D16 – Local Public Views Overlay	June 2021
Historic Heritage and Special Character	
D17 – Historic Heritage Overlay	June 2021
D18 – Special Character Areas Overlay – Residential and Business	June 2021
D19 – Auckland War Memorial Museum Viewshaft Overlay	June 2021
D20 – Deleted	
D20A – Stockage Hill Viewshaft Overlay	June 2021

Mana Whenua	
D21 – Sites and Places of Significance to Mana Whenua Overlay	June 2021
Built Environment	
D22 – Identified Growth Corridor Overlay	June 2021
Infrastructure	
D23 – Airport Approach Surface Overlay	June 2021
D24 – Aircraft Noise Overlay	June 2021
D25 – City Centre Port Noise Overlay	June 2021
D26 – National Grid Corridor Overlay	June 2021
D27 – Quarry Buffer Area Overlay	June 2021

CHAPTER E – AUCKLAND-WIDE

Chapter E – Auckland-wide	Date Reviewed
Natural resources	
E1 – Water quality and integrated management	June 2021
E2 – Water quantity, allocation and use	June 2021
E3 – Lakes, rivers, streams and wetlands	June 2021
E4 – Other discharges of contaminants	June 2021
E5 – On-site and small scale wastewater treatment and disposal	June 2021
E6 – Wastewater network management	June 2021
E7 – Taking, using, damming and diversion of water and drilling	June 2021
E8 – Stormwater – Discharge and diversion	June 2021
E9 – Stormwater quality – High contaminant generating carparks and high use roads	June 2021
E10 – Stormwater management area – Flow 1 and Flow 2	June 2021
E11 – Land disturbance – Regional	June 2021
E12 – Land disturbance – District	June 2021
E13 – Cleanfills, managed fills and landfills	June 2021
E14 – Air quality	June 2021
E15 – Vegetation management and biodiversity	June 2021
E16 – Trees in open space zones	June 2021
E17 – Trees in roads	June 2021
E18 – Natural character of the coastal environment	June 2021
E19 – Natural features and natural landscapes in the coastal environment	June 2021
Mana Whenua	
E20 – Māori land	June 2021
E21 – Treaty Settlement Land	June 2021
Built Environment	
E22 – Artworks	June 2021
E23 – Signs	June 2021
E24 – Lighting	June 2021
E25 – Noise and vibration	June 2021

Infrastructure		
E26 – Infrastructure:	<ul style="list-style-type: none"> • E26.2 Network Utilities - All zones and roads • E26.3 Network Utilities and electricity generation - Vegetation Management • E26.4 Network utilities – Trees in roads and open space zones and Notable Trees Overlay • E26.5 Network Utilities – Earthworks all zones and roads • E26.6 Earthworks overlays except Outstanding Natural Features Overlay • E26.7 Earthworks Outstanding Natural Features Overlay • E26.8 Network Utilities - Historic Heritage Overlay • E26.9 Network Utilities - -Special Character Areas Overlay - Residential and Business • E26.10 Network Utilities - Sites and Places of Significance to Mana Whenua Overlay • E26.11 Network Utilities - Volcanic Viewshafts and Height Sensitive Areas Overlay • E26.12 Network Utilities - Auckland War Memorial Museum Viewshaft, Local Public Views, Ridgelines Overlays • E26.13 Network utilities and electricity generation – Outstanding Natural Landscapes Overlay, Outstanding Natural Character and High Natural Character Overlay • E26.14 Network utilities and electricity generation – Outstanding Natural Features Overlay 	June 2021
E27 – Transport		June 2021
E28 – Mineral extraction from land		June 2021
E29 – Emergency management area – Hazardous facilities and infrastructure		June 2021
Environmental Risk		
E30 – Contaminated land		June 2021
E31 – Hazardous substances		June 2021
E32 – Biosolids		June 2021
E33 – Industrial and trade activities		June 2021
E34 – Agrichemicals and vertebrate toxic agents		June 2021
E35 – Rural production discharges		June 2021
E36 – Natural hazards and flooding		June 2021
E37 – Genetically modified organisms		June 2021
Subdivision		
E38 – Subdivision – Urban		June 2021
E39 – Subdivision – Rural		June 2021
Temporary Activities		
E40 – Temporary Activities		June 2021

CHAPTER F – COASTAL

Chapter F – Coastal	Date Reviewed
F1 – Introduction to the Regional Coastal Plan	June 2021
F2 – Coastal – General Coastal Marine Zone	June 2021
F3 – Coastal – Marina Zone	June 2021
F4 – Coastal – Mooring Zone and Moorings outside the Coastal Mooring Zone	June 2021
F5 – Coastal – Minor Port Zone	June 2021

F6 – Coastal – Ferry Terminal Zone	June 2021
F7 – Coastal – Defence Zone	June 2021
F8 – Coastal – Coastal Transition Zone	June 2021
F9 – Vehicles on beaches	June 2021

CHAPTER G – RURAL URBAN BOUNDARY (RUB)

Chapter G – Rural Urban Boundary (RUB)	Date Reviewed
G1 – Rural Urban Boundary	June 2021

CHAPTER H – ZONES

Chapter H – Zones	Date Reviewed
H1 – Residential – Large Lot Zone	June 2021
H2 – Residential – Rural and Coastal Settlement Zone	June 2021
H3 – Residential – Single House Zone	June 2021
H4 – Residential – Mixed Housing Suburban Zone	June 2021
H5 – Residential – Mixed Housing Urban Zone	June 2021
H6 – Residential – Terrace Housing and Apartment Buildings Zone	June 2021
H7 – Open Space Zones	June 2021
H8 – Business – City Centre Zone	June 2021
H9 – Business – Metropolitan Centre Zone	June 2021
H10 – Business – Town Centre Zone	June 2021
H11 – Business – Local Centre Zone	June 2021
H12 – Business – Neighbourhood Centre Zone	June 2021
H13 – Business – Mixed Use Zone	June 2021
H14 – Business – General Business Zone	June 2021
H15 – Business – Business Park Zone	June 2021
H16 – Business – Heavy Industry Zone	June 2021
H17 – Business – Light Industry Zone	June 2021
H18 – Future Urban Zone	June 2021
H19 – Rural Zones	June 2021
H20 – Rural – Waitākere Foothills Zone	June 2021
H21 – Rural – Waitākere Ranges Zone	June 2021
H22 – Strategic Transport Corridor Zone	June 2021
H23 – Special Purpose – Airports and Airfields Zone	June 2021
H24 – Special Purpose – Cemetery Zone	June 2021
H25 – Special Purpose – Healthcare Facility and Hospital Zone	June 2021
H26 – Special Purpose – Major Recreation Facility Zone	June 2021
H27 – Special Purpose – Māori Purpose Zone	June 2021
H28 – Special Purpose – Quarry Zone	June 2021
H29 – Special Purpose – School Zone	June 2021
H30 – Special Purpose – Tertiary Education Zone	June 2021

CHAPTER I – PRECINCTS

Precincts	Date Reviewed
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Auckland wide	
I100 – Boat Building Precinct	June 2021
I101 – Motorsport Precinct	June 2021
I102 – Rowing and Paddling Precinct	June 2021
I103 – Waitematā Navigation Channel Precinct	June 2021
City Centre	
I200 – Arts, Civic and Entertainment Precinct	June 2021
I201 – Britomart Precinct	June 2021
I202 – Central Wharves Precinct	June 2021
I203 – City Centre Residential Precinct	June 2021
I204 – Cook Street Depot Precinct	June 2021
I205 – Downtown West Precinct	June 2021
I206 – Karangahape Road Precinct	June 2021
I207 – Learning Precinct	June 2021
I208 – Port Precinct	June 2021
I209 – Quay Park Precinct	June 2021
I210 – Queen Street Valley Precinct	June 2021
I211 – Viaduct Harbour Precinct	June 2021
I212 – Victoria Park Market Precinct	June 2021
I213 – Westhaven - Tāmaki Herenga Waka Precinct	June 2021
I214 – Wynyard Precinct	June 2021
Central	
I300 – Alexandra Park Precinct	June 2021
I301 – ASB Showgrounds Precinct	June 2021
I302 – ASB Tennis Arena Precinct	June 2021
I303 – Auckland War Memorial Museum Precinct	June 2021
I304 – Auckland Zoo Precinct	June 2021
I305 – Avondale 1 Precinct	June 2021
I306 – Avondale 2 Precinct	June 2021
I307 – Avondale Racecourse Precinct	June 2021
I308 – Central Park Precinct	June 2021
I309 – Cornwall Park Precinct	June 2021
I310 – Eden Park Precinct	June 2021
I311 – Ellerslie 1 Precinct	June 2021
I312 – Ellerslie 2 Precinct	June 2021
I313 – Ellerslie Racecourse Precinct	June 2021
I314 – Epsom Precinct	June 2021
I315 – Gabador Place Precinct	June 2021
I316 – Grafton Precinct	June 2021
I317 – Hillsborough Precinct	June 2021
I318 – Monte Cecilia Precinct	June 2021
I319 – MOTAT Precinct	June 2021
I320 – Mount Albert 2 Precinct	June 2021
I321 – Mount Smart Stadium Precinct	June 2021
I322 – Mount Wellington 5 Precinct	June 2021
I323 – Observatory Precinct	June 2021
I324 – Ōkahu Bay Precinct	June 2021

I325 – Ōkahu Marine Precinct	June 2021
I326 – Ōrākei 1 Precinct	June 2021
I327 – Ōrākei 2 Precinct	June 2021
I328 – Ōrākei Point Precinct	June 2021
I329 – Saint Heliers Precinct	June 2021
I330 – Saint Lukes Precinct	June 2021
I331 – St John's Theological College Precinct	June 2021
I332 – Tāmaki Precinct	June 2021
I333 – Three Kings Precinct	June 2021
I334 – Wairaka Precinct	June 2021
I335 – Western Springs Stadium Precinct	June 2021
I336 – Sylvia Park Precinct	June 2021
I336 – Sylvia Park Precinct Appendix	June 2021
I337 – Riddell Road Precinct	June 2021
South	
I400 – Ardmore 3 Precinct	June 2021
I401 – Ardmore Airport Precinct	June 2021
I402 – Auckland Airport Precinct	June 2021
I403 – Beachlands 1 Precinct	June 2021
I403.11.1 – Beachlands 1 Precinct Appendix	June 2021
I404 – Beachlands 2 Precinct	June 2021
I405 – Big Bay Precinct	June 2021
I406 – Bombay 1 Precinct	June 2021
I407 – Bruce Pulman Park Precinct	June 2021
I408 – Clevedon Precinct	June 2021
I409 – Clevedon Waterways Precinct	June 2021
I410 – Drury South Industrial Precinct	June 2021
I410.11.1 – Drury South Industrial Appendix	June 2021
I411 – ECOLight Stadium Precinct	June 2021
I412 – Flat Bush Precinct	June 2021
I413 – Franklin A&P Showgrounds Precinct	June 2021
I414 – Franklin Trotting Club Precinct	June 2021
I415 – Glenbrook Steel Mill Precinct	June 2021
I416 – Karaka 1 Precinct	June 2021
I417 – Karaka North Precinct	June 2021
I418 – Kingseat Precinct	June 2021
I418.11.5 – Kingseat Precinct Appendix	June 2021
I419 – Mana Whenua Management Precinct	June 2021
I420 – Māngere 1 Precinct	June 2021
I421 – Māngere 2 Precinct	June 2021
I422 – Māngere Gateway Precinct	June 2021
I423 – Māngere Puhinui Precinct	June 2021
I424 – Manukau 2 Precinct	June 2021
I425 – Manukau Precinct	June 2021
I426 – Matingarahi Precinct	June 2021
I427 – Pacific Events Centre Precinct	June 2021
I428 – Papakura Precinct	June 2021

I429 – Pararēkau and Kopuahingahinga Island Precinct	June 2021
I430 – Patamahoe Precinct	June 2021
I431 – Pine Harbour Precinct	June 2021
I432 – Puhinui Precinct	June 2021
I433 – Pukekohe Hill Precinct	June 2021
I434 – Pukekohe Park Precinct	June 2021
I435 – Pukewairiki Precinct	June 2021
I436 – Rosella Road Precinct	June 2021
I437 – Runciman Precinct	June 2021
I438 – Takanini Precinct	June 2021
I439 – Waiuku Precinct	June 2021
I440 – Wattle Bay Precinct	June 2021
I441 – Whitford Precinct	June 2021
I442 – Whitford Village Precinct	June 2021
I443 – Florence Carter Avenue Precinct	June 2021
North	
I500 – Albany 3 Precinct	June 2021
I501 – Albany 9 Precinct	June 2021
I502 – Albany Centre Precinct	June 2021
I503 – AUT MIS Precinct	June 2021
I504 – Bayswater Marina Precinct	June 2021
I505 – Chelsea Precinct	June 2021
I506 – Dairy Flat Precinct	June 2021
I506.11.2 – Dairy Flat Precinct Appendix	June 2021
I507 – Devonport Naval Base Precinct	June 2021
I508 – Devonport Peninsula Precinct	June 2021
I509 – Greenhithe Precinct	June 2021
I510 – Gulf Harbour Marina Precinct	June 2021
I511 – Hatfields Precinct	June 2021
I512 – HMNZ Dockyard Precinct	June 2021
I513 – Kaipara Flats Airfield Precinct	June 2021
I514 – Kakanui Point Precinct	June 2021
I515 – Kawau Island Precinct	June 2021
I516 – Kumeū Precinct	June 2021
I517 – Kumeū Showgrounds Precinct	June 2021
I518 – Leigh Marine Laboratory Precinct	June 2021
I519 – Long Bay Precinct	June 2021
I520 – Martins Bay Precinct	June 2021
I521 – Matakana 1 Precinct	June 2021
I522 – Matakana 2 Precinct	June 2021
I523 – Matakana 3 Precinct	June 2021
I524 – North Harbour Stadium and Domain Precinct	June 2021
I525 – North Shore Airport Precinct	June 2021
I526 – North Shore Events Centre Precinct	June 2021
I528 – Ōmaha South Precinct	June 2021
I529 – Ōrewa 1 Precinct	June 2021
I529.11– Ōrewa 1 Precinct Appendix	June 2021

I530 – Ōrewa 2 Precinct	June 2021
I531 – Ōrewa 3 Precinct	June 2021
I532 – Pinewoods Precinct	June 2021
I533 – Red Beach Precinct	June 2021
I534 – Riverhead 3 Precinct	June 2021
I535 – Rodney Landscape Precinct	June 2021
I536 – Silverdale 2 Precinct	June 2021
I537 – Silverdale 3 Precinct	June 2021
I538 – Smales 1 Precinct	June 2021
I539 – Smales 2 Precinct	June 2021
I540 – Takapuna 1 Precinct	June 2021
I541 – Te Arai North Precinct	June 2021
I542 – Te Arai South Precinct	June 2021
I543 – Waimana Point Precinct	June 2021
I544 – Wainui Precinct	June 2021
I545 – Waiwera Precinct	June 2021
I546 – Warkworth 3 Precinct	June 2021
I547 – Wēiti Precinct	June 2021
I548 – Whangaparāoa Precinct	June 2021
I549 – Akoranga Precinct	June 2021
I550 – Millwater South Precinct	June 2021
I551 – Highgate Precinct	June 2021
I552 – Warkworth Clayden Road Precinct	June 2021
West	
I600 – Babich Precinct	June 2021
I601 – Bethells Precinct	June 2021
I602 – Birdwood Precinct	June 2021
I603 – Hobsonville Corridor Precinct	June 2021
I604 – Hobsonville Marina Precinct	June 2021
I605 – Hobsonville Point Precinct	June 2021
I605.11 – Hobsonville Point Precinct Appendix	June 2021
I606 – Lincoln Precinct	June 2021
I607 – New Lynn Precinct	June 2021
I608 – Ōrātia Village Precinct	June 2021
I609 – Penihana North Precinct	June 2021
I610 – Redhills Precinct	June 2021
I611 – Swanson North Precinct	June 2021
I612 – Te Henga Precinct	June 2021
I613 – Trusts Arena Precinct	June 2021
I614 – Wainamu Precinct	June 2021
I615 – Westgate Precinct	June 2021
I616 – Proposed Whenuapai 3 (PC5)	
Special Housing Areas	
Understanding Special Housing Areas	June 2021
Ardmore 2	June 2021
Birdwood 2	June 2021
Clarks Beach	June 2021

Drury 1	June 2021
Drury South Residential Precinct	June 2021
Flat Bush Sub-precinct C	June 2021
Franklin 2	June 2021
Glenbrook 3	June 2021
Hingaia 1	June 2021
Hingaia 2	June 2021
Hingaia 3	June 2021
Hobsonville Point sub-precinct F	June 2021
Huapai 2	June 2021
Huapai Triangle	June 2021
Mangere Gateway Sub-precinct E	June 2021
Opaheke 1	June 2021
Scott Point	June 2021
Whenuapai 1	June 2021
Whenuapai 2	June 2021

CHAPTER L – SCHEDULES

Schedules	Date Reviewed
H14.1 – Schedule of Historic Heritage	June 2021