

## **ATTACHMENT 8**

### **ASSESSMENT OF IWI MANAGEMENT PLANS**

#### **TE IWI O NGATIWAI IWI ENVIRONMENTAL POLICY DOCUMENT (2007)**

##### ***Minerals Objectives for Ngatiwai rohe***

- *The sustainable extraction and management of mineral and geothermal resources without adverse impacts upon the earth.*
- *The mauri of mineral and geothermal resources is protected and enhanced in ways that enable Tāngata Whenua to provide for their social, economic and cultural wellbeing; and that of generations as yet unborn.*
- *Tāngata Whenua are acknowledged as the kaitiaki of mineral and geothermal resources within their rohe.*
- *The relationship of Tāngata Whenua and their culture and traditions with their ancestral taonga, mineral and geothermal resources, is recognised and provided for as a matter of national importance by councils.*
- *There is an increased Tāngata Whenua involvement in the management and monitoring of mineral and geothermal resources.*
- *Tāngata Whenua traditional environmental knowledge in relation to mineral and geothermal resources is appropriately acknowledged and utilised.*

##### ***Minerals Policies for Ngatiwai rohe***

1. *Prospecting, exploration and mining activities under the Crown Minerals Act are not permitted in areas significant to Tāngata Whenua. Areas significant to Tāngata Whenua include wāhi tapu, fresh waterways, mahinga kai and other places, as identified by Tāngata Whenua.*
2. *Tāngata Whenua promote innovative, sustainable management practices concerning mining, including restoration and rehabilitation programmes.*
3. *Tāngata Whenua are the kaitiaki of mineral and geothermal resources in their rohe.*
4. *Tāngata Whenua are an affected party to any resource consent application within their rohe concerning or potentially affecting mineral or geothermal resources, including applications for sand relocation for beach renourishment, because of their special relationship with these taonga.*
5. *Use will be made of all relevant forms of knowledge and practises and information, including Tāngata Whenua traditional environmental knowledge, in assessments and decision-making around mineral and geothermal resources.*

6. *Whenever Tāngata Whenua are involved in setting conditions for consent, they will then be resourced appropriately by the applicants or council to monitor compliance with those conditions.*

### Assessment

It is recognised that the Pakiri sand has been identified by some mana whenua as being a taonga. To date the proposed site has not been identified as being wahi tapu or of specific specific significance to iwi and it does not contain significant shellfish beds.

The on-going kaitiaki role for mana whenua is still to be developed if resource consent is granted. It could take the form of a Memorandum of Understanding and a supporting Project Agreement which was previously in place for the earlier Pakiri Off-Shore Sand Extraction site for approximately 20 years. This was to enable Ngatiwai to participate in liaison and in consideration of the provision of any specialist cultural advice or recommendations and to recognise their general role as kaitiaki with the consent holder paying a cultural liaison fee to the Ngatiwai Trust Board based on the volume of sand extracted.

### **Water Objectives for Ngatiwai rohe**

- *The mauri of water and soil is protected and enhanced in ways which enable Tāngata Whenua to provide for their social, economic and cultural wellbeing; and that of generations as yet unborn.*
- *The life-supporting capacity of creeks, streams, water bodies, wetlands, swamps, springs, aquifers, thermal waters, estuarine waters and coastal waters enables optimum health and wellness for all Tāngata Whenua; those they host within their rohe; their plants, animals and other whanaunga.*
- *The sustainable management of water, soil and air in a collaborative manner considering all flow on effects.*
- *The relationship of Tāngata Whenua and their culture and traditions with their ancestral waters is recognised and provided for as a matter of national importance by councils.*
- *Tāngata Whenua are acknowledged as the kaitiaki of creeks, streams, water bodies, wetlands, swamps, springs, aquifers, thermal waters, estuarine waters and coastal waters within their rohe.*
- *There is an increased Tāngata Whenua involvement in the management and monitoring of water.*
- *Tāngata Whenua traditional environmental knowledge in relation to water resources is appropriately acknowledged and utilised.*

- *Water use, allocation, and flow will be sustainably managed within Ngatiwai territory.*
- *Water use, allocation, and flow management will enable Tāngata Whenua to provide for their social, economic and cultural wellbeing; and that of generations as yet unborn.*
- *Tāngata Whenua, because of their special relationship with their waters, will be involved in water allocation planning for consumption from their streams, rivers and groundwater resources.*

### **Water Policies for Ngatiwai rohe**

*1. Tāngata Whenua promote innovative, sustainable management practices concerning water. All natural water has value and sustains some form of natural life in the environment. Water is a sacred resource to Tāngata Whenua, to be given the highest level of protection.*

*2. No hierarchical values will be placed on water bodies within any councils planning documents to decide differing levels of protection.*

*9. Water must be seen and managed in an integrated, holistic way as per its cycle, and as an element of the life supporting the natural and physical environment. Water should not be viewed just as a running stream, a lake, or an aquifer, with no relationship to the other resources within its environment.*

*10. All activities concerning or potentially affecting creeks, streams, water bodies, wetlands, swamps, springs, aquifers, thermal waters, estuarine waters and coastal waters within a water catchment will be managed in an integrated way on a catchment basis.*

*13. Tāngata Whenua are the kaitiaki of water in their rohe.*

*14. Tāngata Whenua are an affected party to any resource consent application within their rohe concerning or potentially affecting water use, allocation, flow, quality, or quantity because of their special relationship with this taonga.*

*15. Use will be made of all relevant forms of knowledge and practises, including Tāngata Whenua traditional environmental knowledge, in assessments and decision-making around water.*

*16. Whenever Tāngata Whenua are involved in setting conditions for a consent, they will then be resourced appropriately by the applicants or council to monitor compliance with those conditions.*

### **Assessment**

The effects on water quality from the sand extraction activity have been monitored during sand extraction (including the discharge of excess material) at the Pakiri sand extraction sites. Based on this monitoring:

(1) The water quality assessments undertaken to date at Pakiri have confirm the rapid reduction in both TSS and turbidity, so that within a short time and distance, water quality values for turbidity and suspended solids return to the ambient levels expected in a coastal environment. This is due to the majority of discharged material being oversized and rapidly descending through the water column to the seabed, with any residual material dispersing via water currents and wave action.

(2) The discharged material is only material extracted from the same environment – this material has been demonstrated (via laboratory analyses) to be clean and free of all potentially toxic contaminants (i.e. metals, PAHs and PCBs. Thus, during seabed disturbance, there is a negligible risk of mobilisation of contaminants and negligible risk of contaminants impacting on local water quality and potential ecological receptors.

It is therefore considered that no on-going effects on water quality and its mauri will result from the sand extraction operation.

#### ***Indigenous Fauna Objectives for Ngatiwai rohe***

- *The maintenance and restoration of natural species.*
- *The enhancement of endemic and endangered indigenous animals.*
- *Tāngata Whenua are acknowledged as the kaitiaki of all indigenous animals and their associated ecosystems within their rohe.*
- *There is an increased Tāngata Whenua involvement in the management of indigenous animals.*
- *Tāngata Whenua traditional environmental knowledge in relation to animals is appropriately acknowledged and utilised.*

#### ***Indigenous Fauna Policies for Ngatiwai rohe***

*5. Indigenous fauna are taonga tuku iho to Tāngata Whenua.*

*6. Tāngata Whenua are the kaitiaki of their indigenous fauna.*

*7. Ngatiwai kaitiakitanga will be recognised as a viable management approach with respect to its indigenous fauna.*

*8. Tāngata Whenua are an affected party to any resource consent application within their rohe concerning or potentially impacting indigenous biodiversity, because of their special relationship with these taonga.*

*9. Use will be made of all relevant forms of knowledge and practises and information, including Tāngata Whenua traditional environmental knowledge, in assessments and decision-making around indigenous fauna.*

*10. Whenever Tāngata Whenua are involved in setting conditions for a consent, they will then be resourced appropriately by the applicants or council to monitor compliance with those conditions.*

*11. Only after appropriate effective engagement and adequate remediation or mitigation, or safety or security reasons, will Tāngata Whenua support any negative or destructive impacts on their indigenous fauna.*

#### Assessment

Adverse effects on threatened species can be avoided. The site is not identified as a significant ecological area and does not contain any rare or significant habitats. The pre-sand extraction assessment will provide for the exclusion of any areas where Stony Coral are identified but Stony Coral are not expected to be found in the sand extraction area.

No adverse effects are expected on significant ecological areas in the wider area or on any rare or significant habitats.

The on-going kaitiaki role for mana whenua is still to be developed if resource consents are granted.

#### **Engagement Objectives for Ngatiwai rohe**

- *Tāngata Whenua are acknowledged as the kaitiaki of their rohe.*
- *The relationship of Tāngata Whenua and their culture and traditions with their ancestral taonga, is recognised and provided for as a matter of national importance by councils.*
- *There is an increased Tāngata Whenua involvement in the management and monitoring of environmental resources.*

#### **Engagement Policies for Ngatiwai rohe**

*1. Tāngata Whenua are an affected party to any resource consent application within their rohe concerning or potentially affecting environmental resources, because of their special relationship with these taonga.*

*2. Whenever Tāngata Whenua are involved in setting conditions for consent, they will then be resourced appropriately by the applicants or council to monitor compliance of those conditions.*

#### Assessment

The Ngatiwai Trust Board (as the mandated iwi authority of Ngātiwai iwi, whose rohe extends from Rakaumangamanga (Bay of Islands) in the north to Mahurangi (Warkworth) in the south, and across to Aotea (Great Barrier) including the off-shore islands.

The nature of any on-going relationship and monitoring by the Trust Board if consent is granted is still to be developed and may evolve over time. It may be deemed by mana whenua that any formal relationship is better addressed at the hapu, Omaha Marae or whanau level and would be in addition to any separate relationship agreement with the Te Uri o Hau Settlement Trust.

### ***Ngatiwai Landscapes Objectives for Ngatiwai rohe***

- *The relationship of Tāngata Whenua and their culture and traditions with their ancestral lands, water, sites, Wāhi tapu and other taonga is recognised and provided for as a matter of national importance by councils.*
- *The protection of areas or sites of customary value.*

### **Assessment**

The relationship of mana whenua with the landscape is recognised.

No significant physical landscape effects are expected to occur. On the basis that the sand extraction would not create any significant holes or trenches that might give rise to sand eroding from the Pakiri beach, the shoreline would, for all intents and purposes, remain as it currently is (but recognising that the shoreline is a dynamic environment which changes over time).

### **Te Uri o Hau Kaitiakitanga o Te Taiao (2011)**

#### ***Takutai Moana : Marine and Coastal Area and Harbours***

##### ***Objectives***

*Integrated management of the marine and coastal area and the Kaipara and Mangawhai harbours within the statutory area of Te Uri o Hau led by tangata whenua/ahi kā.*

##### ***Policies***

*Protect the biodiversity of the marine and coastal area, and the Kaipara and Mangawhai Harbours through sustaining the mauri of ecological systems within harbours and estuaries in accordance with Te Uri o Hau customary practices and lore.*

### **Assessment**

Based on the assessments to date it is considered that the proposal will not have an effect on the wider biodiversity of the Mangawhai/Pakiri Embayment and therefore the proposal is not contrary to this objective and policy.

## **Fish**

### *Objectives*

*Promote the sustainable management of fish, toheroa, eels, shell-fish, seaweed and aquatic life for Te Uri o Hau future generations.*

### *Policies*

*Maintain the potential of fisheries resources to meet the reasonable foreseeable needs of future generations by ensuring the sustainability of natural fisheries resources through Te Uri o Hau tikanga.*

### Assessment

The proposal will not impact on fin fish or commercial or recreational fisheries.

## **Minerals**

### *Objectives*

*Protocols are developed and implemented that provide for Te Uri o Hau values in the management of minerals within the statutory area of Te Uri o Hau.*

### *Policies*

*Te Uri o Hau is to be consulted of any mining activities that are to occur in the statutory area of Te Uri o Hau. Particular regard is to be given to Te Uri o Hau cultural and environmental concerns.*

*Te Uri o Hau will seek to reserve land with taonga such as natural landscapes, characteristics, features, wāhi tapu, wāhi taonga, and archaeological sites from the extraction of minerals within the statutory area of Te Uri o Hau.*

*Biological diversity is preserved to the highest possible extent. The investigation and utilisation of Te Uri o Hau mineral resources is provided for, whilst ensuring that associated effects on the whenua are avoided or remedied.*

### Assessment

MBL has an on-going relationship with Te Uri o Hau Settlement Trust and the Trust did not oppose the earlier Pakiri Off-Shore Sand Extraction application and provided cultural evidence for MBL at the Environment Court Hearing.

The Trust has been consulted by MBL in respect to this fast track application and is supportive of this Fast-Track Application.

Based on their earlier Cultural Values Assessment for sand extraction at Pakiri, it is understood that the proposal is not contrary to these objectives and policies.

### **Biodiversity**

#### *Policies*

*The protection and preservation of plants and animals of all kinds, air, water and soil in or on which any plant or animal lives or may live, systems interacting with any living organisms, and their environment; and any other interest in natural resources for future generations.*

#### Assessment

Although the proposal will have an immediate effect on benthic species within the extraction area, there will be negligible effects on biodiversity beyond the extraction area.

### **Marine Mammals**

#### *Policies*

*Preserve, protect, and manage marine mammals through rangatiratanga and kaitiakitanga.*

#### Assessment

With the implementation of the Marine Mammal Management Plan and following the Ports of Auckland Hauraki Gulf Marine Transit Protocol the risk to mammals has been deemed nil to negligible.

### **Minerals and Sand Extraction**

#### *Objective*

*That all future sand extraction is land-based, and minerals are extracted within and outside the statutory area of Te Uri o Hau at a rate that is sustainable for future generations, and is profitable for Te Uri o Hau.*

#### *Policies*

*Enable sand extraction at a rate and in a manner that will be sustainable for future generations.*

#### Assessment

It is recognised that the proposal is contrary to the stated objective in terms of not being land based.

As outlined above, MBL has an on-going relationship with Te Uri o Hau Settlement Trust. The Trust is supportive of this Fast-Track Application.