

ATTACHMENT NINE: 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

To date, the proposed site has not been identified as being wahi tapu or of specific special significance to iwi and it does not contain significant shellfish beds.

Consultation is currently underway and the on-going kaitiaki role for mana whenua is still to be developed.

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 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 ongoing 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. No

effects are expected on significant ecological areas in the wider area or on any rare or significant habitats.

Consultation is currently underway and the ongoing kaitiaki role for mana whenua is still to be developed.

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

As outlined elsewhere:

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. An initial meeting has been held with this Trust Board.

Patuharaheke Te Iwi Trust Board (the Trust Board that represents the Patuharaheke Hapu who are the mana whenua of the subject area). Consultation is well underway with this Trust Board and fortnightly meetings are now being held.

The nature of any ongoing relationship and monitoring by the Trust Board(s) if consent is granted is still to be developed and may evolve over time. A key component of this could be the role of a Maturanga Maori Liaison Group and cultural liaison agreement.

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 proposed extraction area is close to the anchorage sites used by fuel tankers and log carriers, and with viewing distances to the extraction area starting 4.2km from the shoreline of Bream Bay, both the William Fraser and its sand extraction operations would be difficult to distinguish from other maritime movements and operations. The William Fraser would have a smaller profile than the other vessels at anchor and would appear quite remote. Sand extraction occurs underwater and would not be visible from the shoreline or close to it. The plume created by the discharge is both limited in size and temporal in nature and does not result in a long-term or significant adverse visual effect.

On the basis that the sand extraction would not create any significant holes or trenches that might give rise to sand eroding from Bream Bay's beachfront and dune corridor, the shoreline would, for all intents and purposes, remain as it currently is.

It is recognised that Patuharakeke currently enjoys access to Marsden Point's distal spit via a 'ceremonial path' past the current Northport and CONZ facilities. However, it is only the terminus of this pathway that is exposed to the extraction area – outside the confines of Whangarei Harbour. The area of extraction would be more than 4.3km from this point and operations within it would be juxtaposed against vessels either within the harbour anchorage area in Bream Bay or moving in and out of the harbour.

As a result, it is considered that any landscape and visual effects would be of a very low to insignificant order.

PATUHARAKEKE HAPU ENVIRONMENTAL MANAGEMENT PLAN 2014

3.1.2 Objectives

a) Patuharakeke are acknowledged as the kaitiaki of all resources within our rohe and are actively involved in the decision-making, management, monitoring and enhancement of those resources including water, soils, mineral, air, flora and fauna and heritage.

b) The relationship of Patuharakeke and our culture and traditions with our ancestral taonga is recognised and provided for as a matter of national importance by Councils and other statutory agencies. c) Maturanga Patuharakeke or traditional Patuharakeke environmental knowledge is acknowledged, protected and utilised.

3.1.3 Policies

a) Patuharakeke are recognised as the kaitiaki of all resources, including water bodies, energy, soils, minerals, air, flora, fauna and heritage, in our rohe.

a) Use will be made of relevant Maturanga Patuharakeke/traditional Patuharakeke environmental knowledge and practice in management and decision-making associated

with all resources, including water bodies, soils, minerals, air, flora, fauna, energy and heritage. The intellectual property rights associated with that knowledge will be respected and protected.

b) PTB are an interested and potentially affected party to any notified and non-notified resource consent application within our rohe concerning or potentially affecting any resource because of our special relationship with these taonga. When PTB is involved in setting conditions for a consent, the applicant or council will resource PTB to regularly monitor and review those conditions.

Assessment

Consultation is well underway with this Trust Board and fortnightly meetings are now being held. Information exchange is underway and dialogue is expected between the various specialists used by MBL and the Trust Board so that use is made of relevant Matauranga Patuharakeke/traditional Patuharakeke environmental knowledge.

The nature of any ongoing relationship and monitoring by the Trust Board if consent is granted is still to be developed and may evolve over time. A key component of this could be the role of a Matauranga Maori Liaison Group and cultural liaison agreement.

The Sites of Significance Plan for Patuharakeke is provided below and the proposed sand extraction site is outside any of the identified sites of significance.

5.4 Soils and Minerals

5.4.2 Objectives

a) The mauri of mineral and soil resources is protected and enhanced in ways that enable Patuharakeke to provide for our social, economic and cultural wellbeing; and that of generations to come.

b) The sustainable use and management of mineral and soil resources without adverse impacts.

5.4.3 Policies

a) Prospecting, exploration and mining activities are not permitted in areas significant to Patuharakeke.

b) Patuharakeke promote innovative, sustainable management practices for mining and quarrying operations, including rehabilitation.

Assessment

As outlined above consultation is currently underway and this will determine over time the position of the proposal in terms of Policy 5.4.3 a).

9.1 Coastal Water Quality

9.1.2 Objectives

a) Whangarei Terenga Paraoa, Bream Bay and our estuaries are precious taonga and the home of myriad species and are respected for their taonga value above all else.

b) The mauri and cultural health of the harbour, Bream Bay and our estuaries is protected and enhanced in ways that enable Patuharakeke to provide for our physical, social, economic and cultural wellbeing.

c) Patuharakeke have a leading role in managing, monitoring and enhancing coastal water quality in our rohe.

d) The management of coastal water quality in Te Tai Tokerau occurs on an integrated catchment basis and is led by tangata whenua.

e) Coastal water quality standards relevant to Patuharakeke are developed and implemented by agencies and monitored by kaitiaki.

9.1.3 Policies

a) Coastal water quality is required to be consistent with protecting and enhancing customary fisheries, and with enabling Patuharakeke to exercise their customary rights and safely harvest kaimoana.

b) Patuharakeke will participate fully in any decision-making over the management of coastal waters in our rohe.

c) Decision-makers will ensure that economic costs do not take precedence over the cultural, environmental and intergenerational costs of degrading coastal water quality.

e) PTB will oppose any new consent applications seeking the direct discharge of contaminants to coastal water, or where contaminants may enter coastal waters.

g) NRC will implement rigorous controls restricting the ability of boats to discharge sewage, bilge water and rubbish in our harbour, estuaries and coastal waters.

Assessment

As outlined above consultation is currently underway and this will determine over time the position of the proposal in terms of the relevant policies. However, it is noted that the proposed does not result in long-term or adverse effects on coastal waste quality, there is no direct discharge of contaminants and there is no discharge of sewage or bilge water during the sand extraction operation. Likewise, there will be no effects on recreational or commercial fishers and there are no known significant shellfish beds within the proposed extraction area.

9.4 Offshore Oil Exploration and Mining

9.4.2 Objective

a) Offshore petroleum exploration and mining is not permitted within the boundaries of our gazetted rohe moana (see 5 below), and extending in an easterly direction from Patuharakeke landward coastal boundaries to the limit of New Zealand's Exclusive Economic Zone ('EEZ').

9.4.3 Policies

a) Patuharakeke will oppose any offshore petroleum exploration and mining proposals within the boundaries of our gazetted rohe moana, and extending in an easterly direction from Patuharakeke landward coastal boundaries to the limit of New Zealand's EEZ.

b) The Crown and petroleum and mining companies are required to engage in early, and good faith consultation with Patuharakeke should any proposed prospecting, exploration or drilling licences be sought within the boundaries of our gazetted rohe moana, and extending in an easterly direction from Patuharakeke landward coastal boundaries to the limit of New Zealand's Exclusive Economic Zone.

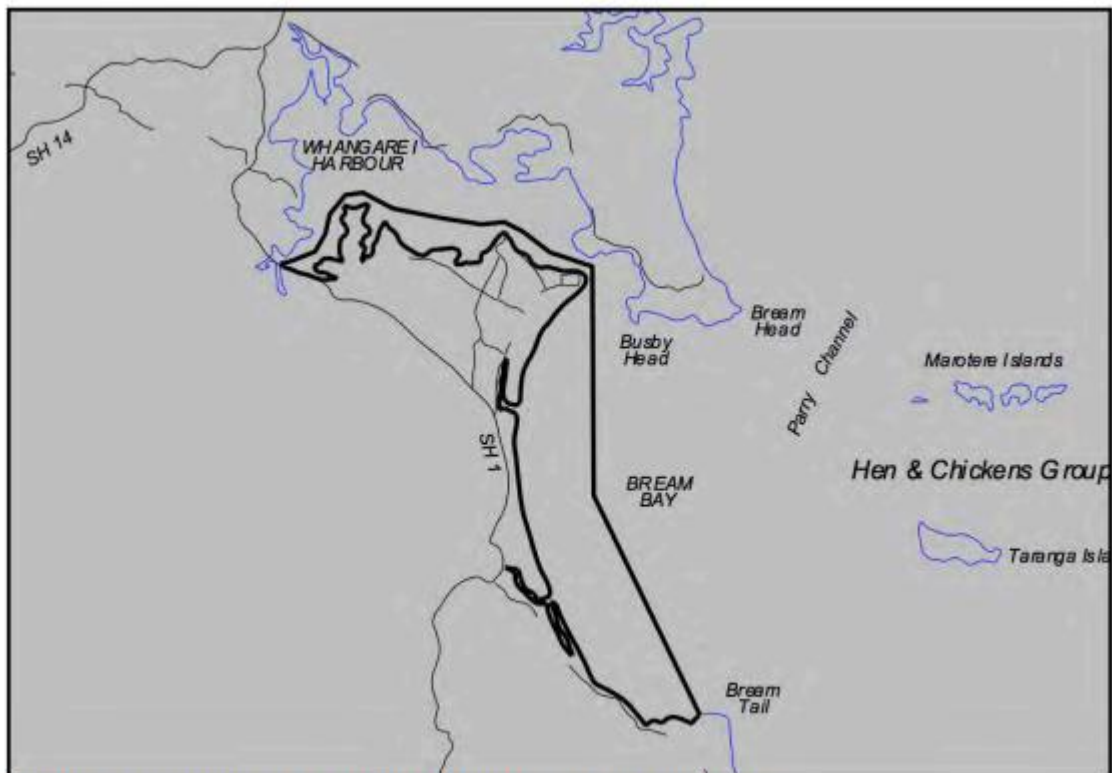


Figure 5: Patuharakeke Rohe Moana Gazetted Boundaries

Assessment

Given the separate objectives and policies on minerals, it is unclear if the oil exploration and mining objectives and policies apply to sand extraction. To date, this has not been raised in consultation with the Trust Board.

9.7 Marine Mammals

9.7.2 Objectives

a) Increased numbers of healthy whales and dolphins inhabiting and migrating through our coastal waters and harbour.

b) A strong partnership between DOC and Patuharakeke with regard to the management of marine mammal strandings and cultural harvest in our rohe.

c) Revival of matauranga and tikanga associated with marine mammal strandings and cultural use.

9.7.3 Policies

a) The cultural, spiritual, historic and traditional association of Patuharakeke with marine mammals, and the rights to exercise rangatiratanga and kaitiakitanga over marine mammals is guaranteed by Te Tiriti o Waitangi.

b) The relationship between Patuharakeke and DOC for the recovery, disposal, storage and distribution of beached marine mammals shall be guided by the principles of partnership.

c) To require that a standard procedure be introduced that Patuharakeke are involved in the determination of burial sites for beached whales that do not survive, and that burial locations are retained as waahi taonga and therefore protected from inappropriate use and development.

Assessment

The marine mammals most likely affected by the proposal include the few species that frequent the wider region associated with Mangawhai / Bream Bay year-round or on a semi-regular basis. These species include common dolphins, bottlenose dolphins, orcas, Bryde's whales, leopard seals and fur seals.

It is expected that the overall risk of any significant adverse effects for marine mammals arising (from both the sand extraction activity and transiting of the extraction vessel to and from the site) will be no greater than minor.

Recommended conditions of consent will include the requirement for a Marine Mammal Management Plan and adherence to the Ports of Auckland's Hauraki Gulf voluntary transit protocol for commercial shipping.

Patuharakeke Cultural Landscape



Figure 4: Patuharakeke Sites of Significance Overlay