



IN THE MATTER

The Resource Management Act 1991

AND

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Submission 2501 of the Department
of Conservation to the Auckland City
District Plan – Proposed Hauraki Gulf
Islands Section 2006

1. My name is Lynette Hoey. I am tangata whenua of Aotea. I am a submitter to the Auckland City District Plan – Proposed Hauraki Gulf Islands Section 2006 (Submission 1571). I submit on behalf of myself and my whanau.
2. DoC's submission 2501 addresses the Aotea Settlement Area in Motairehe Whanga (Katherine Bay). Some historical information on this area is relevant:
 - a) Ngati Rehua retained much land ownership throughout Aotea until sales outside their control reduced almost all their holdings to the so-called "Native Reserve" in Katherine Bay.
 - b) In the 150 years since the creation of titles in this area, not a single acre has been alienated.
 - c) The urban migration of Maori since the 1960s that affected all rural Maori depleted tangata whenua population on Aotea. Unlike other areas of the country, repopulation has been slower and more difficult than in many mainland areas because of the economic and other constraints of living on Aotea.
 - d) *Tangata whenua are actively working to support the return of whanau to the area. For instance a TPK project has been approved to generate employment with the direct objective of proving economic sustainability for whanau wishing to return to their whenua.*
3. Opportunities for housing development are therefore a critical component of realising this objective. The areas identified in the Aotea Settlement Area are but a small proportion of the full Maori landholding in Katherine Bay. This has consequences:
 - a) For whanau with holdings outside these areas, housing development is less assured.
 - b) Pressure is placed on the whanau with holdings in the specifically recongised areas to provide for others resettlement.
4. DoC's submission is concerned with impact of housing development on ecological values. Tangata whenua of Aotea share that concern, and their kaitiakitanga has operated to maintain those values over time. The DoC estate represents the single largest landholding in Aotea. The potential impact of the implementing the relief sought by DoC would be to further limit legitimate expectations of whanau for occupancy of ancestral land, and effectively increase the already extensive DoC estate.

5. In the DoC submission they cite their responsibilities under s6 of the Conservation Act 1987 (CA). Section 4 of that act requires them to give effect to the principles of the Treaty of Waitangi, which is of direct relevance to this issue.
6. In 3.3 of their submission DoC states that: "the proposed Aotea Settlement Area (Clause 10.b.13) has not been adopted in a manner consistent with the objectives and policies as set out in 10.b.3." In fact 10.b.13 specifically states that the objectives and policies of 10.b.3 also apply to the Aotea Settlement Area. DoC offers no analysis to support their claim of inconsistency.
7. In 3.5 of their submission DoC expresses concern for the impact on ecological values in effects based terms. We can support those concerns, and submit that they are addressed through an effects based implementation of the objectives and policies of the plan as it stands. No further prescriptive specification is required.
8. In 3.7 and 3.8 DoC proposes that no residential provision is made without there first being a *resource management framework being developed, through an appropriate planning exercise*. We can support the need for such a framework, but submit that to delay any residential development until that is in place is not appropriate:
 - a) If there are few building permits sought, then the impacts of residential development within the defined areas, constrained by the objectives and policies of the plan, will be only minor.
 - b) If there is an increase in the number of applications, then the Auckland City Council should give high priority for the development of a Structure Planning exercise appropriate to the Aotea Settlement Area.
 - c) Failure to provide for residential development the Aotea Settlement Area in the current plan review could unreasonably delay provision of opportunities for whanau for an extended period.
9. In DoC's submission the status of Sites of Ecological Significance (SES) and Sensitive Areas (SAs) where they abut or overlap the Aotea Settlement Area is stressed. We submit that any such consideration should be carefully analysed in terms of:
 - a) The extent of SES and SAs, and the proportion of them within the Aotea Settlement Area.
 - b) The extent of Maori land within Katherine Bay, and the proportion of that land within the Aotea Settlement Area.
10. This analysis should be in terms of Part Two of the RMA, and in particular s5 (with respect to the social, economic and cultural wellbeing of Ngati Rehua); s6e, s7a, and s8 of the RMA; and for DoC, in terms of s4 of the CA.
11. DoC has proposed that changes to the current notified plan should be implemented through "consultation with Ngati Rehua":
 - a) While there is land which is customarily held by Ngati Rehua as a hapu, the land in question has title, and belongs to its beneficial owners. There is no single hapu entity which has authority over those individual land parcels.
 - b) While there are entities which provide formal representation for people of Ngati Rehua descent, to expect them to exercise a delegated decision making authority on behalf of individual land titles and their

beneficial owners would create division, and place undue demands on those entities. Only the Maori Land Court can empower a delegation of authority, and that has not occurred.

12. In 4.4 of their submission DoC proposes deletion of the "penultimate paragraph" of 10.b.3.1. This paragraph refers to Claris and Okiwi, and we fail to understand the relevance to this submission.

13. In summary

- a) Opportunities for residential development are critical for Ngati Rehua.
- b) Kaitiakitanga has been, and continues to be, protective of ecological values.
- c) The plan as notified contains sufficient safeguard for ecological values.
- d) Fuller analysis is necessary on the potential impacts on ecological values; and on the social, economic and cultural impacts on Ngati Rehua.
- e) The land in Katherine Bay is not owned by a single tribal entity, but by many beneficial owners.
- f) The proposals of the DoC submission are opposed.

Signed:

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