

TIMARU



DISTRICT COUNCIL

Te Kaunihera ā-Rohe
o Te Tihi o Maru



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW

Sites and Areas of Significance to Māori S.32 Report

May 2022



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TIMARU DISTRICT PLAN REVIEW
LAND USE PLAN

Timaru District Council

Section 32 Report Sites and Areas of Significance to Māori

May 2022

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1 Sites and Areas of Significance to Māori

1.1 Introduction

Section 6(e) of the RMA requires the Council, in managing the use, development and protection of natural and physical resources through its District Plan, to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka as a matter of national importance.

However, the Operative District Plan does not identify any sites or areas of significance to Māori or include any provisions to manage such sites/areas.

This chapter provides the mechanisms for ensuring these areas are identified and managed to appropriately recognise and provide for the relationship of Māori and their culture and traditions with these areas.

1.2 Community / Stakeholder / Iwi Engagement

The Council has committed to a partnership with Te Rūnanga o Arowhenua in the development of the Proposed District Plan. As part of achieving this the Council established a Tāngata Whenua Steering Group (see **Appendix 1** for the terms of reference for this group).

The steering group has met numerous times to discuss the various parts of the proposed District Plan, particularly focusing on the development of the Mana Whenua chapter, the Significance to Māori (SASM) chapter and the Māori Purpose Zone chapter. These workshops have enabled robust discussion of the issues and collaboration on the methods to respond to issues raised.

The Mana Whenua chapter has provided an important basis for understanding the Māori history of the area and the issues of importance to Kāti Huirapa. A key component to the development of the Sites and Areas of Significance to Māori chapter is the Report on SASM, provided by Aoraki Environmental Consultancy Limited (AECL) on behalf of Kāti Huirapa¹. The AECL SASM Report includes sections relevant to the section 32 analysis and should be read in conjunction with this analysis report.

It is important to note that the concept of a Sites of Significance to Māori Chapter was not included in the initial discussion released in 2016, as it was the National Planning Standards in 2019 which introduced the framework around this topic.

A hui was held with the Tāngata Whenua Steering Group on 11 March 2020, and this worked through the issues and potential content of the draft chapter – see Appendix 2: Notes from hui with Tāngata Whenua Steering Group, 11 March 2020. Although, other hui were held during the development of the Proposed District Plan, this particular hui covered a wide range of topics and provides useful context on the discussions that underpinned the PDP development.

1.3 Feedback on the Draft District Plan

A range of feedback was also provided on the Draft District Plan. Key areas of feedback, and the way they have been responded to, are set out below:

¹ AECL Sites of Significance to Māori Report <https://www.timaru.govt.nz/pdp-supporting-info>

Feedback Summary	Response
<ul style="list-style-type: none"> Submitters questioning the extent of the proposed SASM overlays and how these were determined. 	<ul style="list-style-type: none"> The methodology for identification of sites and identification approach is set out in the AECL SASM Report. The assessment was undertaken by four cultural consultants, who are suitably qualified to undertake the assessment.
<ul style="list-style-type: none"> Concern that where overlays apply to urban zones, the proposed controls will restrict reasonable development potential in line with what is anticipated by the zoning. 	<ul style="list-style-type: none"> Less restrictive controls are now proposed for buildings and structures in urban areas within wāhi taoka and wai taoka overlays.
<ul style="list-style-type: none"> Concern that earthworks provisions are too restrictive, particularly for remedial works and for maintenance and repair of existing infrastructure. 	<ul style="list-style-type: none"> Within the wai taoka overlay, a permitted activity status is provided for earthworks for the purpose of maintenance, repair, or replacement of existing infrastructure, where it also meets specified conditions.
<ul style="list-style-type: none"> The restrictions on buildings and structures are too stringent, particularly the requirement for resource consent to be obtained for all buildings and structures in the wāhi tapu, wai taoka and wai tapu overlays. 	<ul style="list-style-type: none"> Provisions have been refined so that they are targeted only to areas where visual prominence may affect values associated with the site. This also reflects that where earthworks are required to establish building platforms, these are controlled under the earthworks provisions.
<ul style="list-style-type: none"> Concerns that controls are too stringent on intensively farmed stock, quarrying and plantation forestry and may duplicate with regional council controls and/or relate to regional council functions. 	<ul style="list-style-type: none"> Where quarrying is undertaken within a wai taoka overlay and has been authorised by the regional council, it is proposed to only control stockpiling within the overlay under the district plan, to avoid duplication. It is proposed to manage intensively farmed stock within a wai taoka overlay as a restricted discretionary activity. Controls are no longer proposed for plantation forestry on the basis that this is managed under the National Environmental Standard for Plantation Forestry and that Standard does not allow for the District Plan to contain more stringent controls in relation to SASM.

1.4 Strategic directions

The following strategic direction is particularly relevant to the SASM topic:

1 SD-O5 Mana Whenua

The mana whenua status of Kāti Huirapa is recognised and their historic and contemporary relationship with the district's land, water bodies and wetlands, coastal environment, and indigenous species is recognised and provided for by ensuring:

- i. mahika kai resources and habitats of indigenous species are sustained and opportunities for their enhancement or restoration are encouraged;
- ii. the health of water body and wetland environments is protected from adverse effects of land use and development;
- iii. the values of identified sites and areas of significance to Kāti Huirapa are recognised and protected;
- iv. Kāti Huirapa retains, and where appropriate is able to enhance access to their sites and areas of significance;
- v. Māori reserve lands are able to be used by Kāti Huirapa for their intended purposes;
- vi. Kāti Huirapa are able to carry out customary activities in accordance with tikanga;
- vii. Kāti Huirapa are actively involved in decision making that affects their values and interests in these matters and are able to exercise their kaitiakitaka responsibilities.

1.5 Problem definition

1.4.1 The efficiency and effectiveness of the Operative Plan

There is limited provision for SASM in the Operative District Plan. There are no specific sites or areas identified on the planning maps or within the plan. There is mention of takata whenua values in various places in the objectives and policies in the Natural Environment², Heritage³ and Rural Zone⁴ sections. Some key objectives and policies include (emphasis added):

Natural Environment, Issue 1

Policy 2 To protect the heritage, cultural and traditional values associated with natural areas identified by the Council.

Policy 13 To consider varying the size or width of an esplanade reserve or esplanade strip or to consider waiving the requirement to provide an esplanade reserve or esplanade strip in special circumstances.

When considering whether to vary or waive the requirement to provide esplanade protection, the following matters shall be considered: ...

(f) Māori cultural values; ...

Policy 14 To control tree planting, vegetation clearance, structures and earthworks within or adjacent to significant wetlands, rivers and the coast where these activities have the potential to adversely affect natural character and functioning, habitat values, amenity or cultural values.

Natural Environment, Issue 2

Objective 1 That the Takata Whenua have access to those areas of the district to which they attach traditional or cultural value.

² Part B, Section 2 Natural Environment.

³ Part B Section 10 Heritage Values.

⁴ Part D, Section 1 Rural Zones.

Policy 1 To create, maintain and improve opportunities for the Takata Whenua to gain access to mahika kai and other resources.

Natural Environment, Issue 4

Objective 1 That present rights of public access be retained and enhanced. That provision be made for additional access allowing the public to enjoy the amenity and recreational opportunities of the coast, rivers and places of historic and cultural interest in the district.

Policy 1 To promote and enhance opportunities for public access and recreational use of the margins of rivers, wetlands, and coastal areas where compatible with the conservation values of these areas.

When considering whether to provide for access and recreational use of these areas, attention will be given to whether: ...

(c) there are circumstances when public access or public ...

(ii) Tikaka Māori (Māori cultural values); ...

Policy 4 To use esplanade reserves and esplanade strips to protect and enhance river and coastal margins and to use access strips to provide access to and along natural surface waters and the coast, and to other areas of natural, cultural or heritage value. When evaluating whether a river or coastal margin should be given protection, the area shall satisfy one or more of the criteria listed in Policy 8 under Issue 1.

Heritage, Issue 1

Policy 4 When assessing land use and subdivision applications for resource consents, to take into account and where practical avoid any adverse effects on archaeological sites within the district which contain evidence of early Māori or European settlement.

Policy 5 To ensure that, through the implementation of appropriate procedures within the Council's administration, all development and building proposals in close proximity to recorded waahi tapu and archaeological sites are notified to the Historic Places Trust and the Takata Whenua (where the site is associated with Māori history and culture).

Rural Zones

1.3.3 Policy 1 To avoid, remedy or mitigate adverse effects on natural areas containing significant indigenous vegetation and significant habitats of indigenous fauna, the coastal environment, rivers and wetlands.

When assessing resource consent applications Council will have regard to the impact of the proposed land use or subdivision on: ...

- *cultural and heritage values including archaeological sites*

Rural Zones, 1.7 Takata Whenua

Objective Increased opportunities for Takata Whenua to gain access to mahika kai and to have input into matters which may adversely affect mahika kai.

Policy 1 To recognise and provide for the relationship of the Takata Whenua (people of the land) with their culture and traditions.

Policy 2 To have regard for the Takata Whenua as kaitiaki (guardians) of the natural resources in their rohe (district).

Policy 3 To take account of the principles of the Treaty of Waitangi.

However, the methods applied to these provisions focus on consultation and are not directive in terms of process or through rules requiring any action.

In addition to these references, there is general reference to archaeological sites, however it is unclear how many of these actually relate to Māori cultural sites. In any case, there are no rules requiring protection of the few archaeological sites that are referenced by the Plan.

Essentially the operative District Plan is not effective at identifying or protecting sites or areas of significance to Māori.

1.4.2 Issues identified

The report prepared by AECL⁵ identifies that the relationship of Kāti Huirapa with their significant places can only be provided for, as a minimum, by:

- Providing the ability to provide timely input to decision-making about activities that could affect the areas and their values;
- Providing an ongoing ability to access and use resources in accordance with tikanga;
- Recognising of the connections across and between the areas; and
- Ensuring that the values underlying the connection with the area are protected and maintained.
-

The key issue therefore, is the way in which this chapter of the district plan can achieve these identified outcomes.

1.4.3 Best practice / other Council approaches

Section 5.3 of the AECL report assesses the approaches of the territorial authorities that adjoin the Timaru District (Ashburton, Mackenzie, and Waimate Districts) as well as a range of other plans – see Appendix 3: Examples from other District Plans.

The approach in the adjoining districts is similar to that in the operative Timaru District Plan relying primarily on consultation rather than identification of sites and application of rules. There are four identified wāhi tapu sites in the Waimate District Plan with rules requiring consent for alteration of these sites.

In terms of the wider plans reviewed they can be broadly divided into three groups:

1. Those that identify smaller discrete sites and impose strong controls on activities in these areas;
2. Those that identify wider wāhi tūpuna/ cultural landscapes that contain multiple sites and values. In these landscapes, plans generally regulate a smaller range of activities and/or restrict the scope of control; and
3. Those that include a layered approach with two or more tiers of controls reflecting different types of area identified.

⁵ AECL Sites of Significance to Māori Report <https://www.timaru.govt.nz/pdp-supporting-info>

1.6 Statutory and Planning Context

District plans are part of a hierarchy of RMA policy and planning instruments. The RMA prescribes how district plans are to align with other instruments, and this is summarised in the table below:

Statutory document	Alignment requirement for Proposed District Plan	Comment
NZCPS	Give effect to	Implement according to the applicable policy statement's intentions.
NPS/NES		
CRPS		
Regional Coastal Environment Plan	Not be inconsistent with	Are the provisions of the Proposed DP compatible with the provisions of these higher order documents? Do the provisions alter the essential nature or character of what the higher order documents allow or provide for?
Canterbury Land and Water Plan		
Specific management plans and strategies prepared under other legislation	Have regard to	Give genuine attention and thought to the matter As above.
Adjoining district plans: <ul style="list-style-type: none"> Ashburton District Plan Waimate District Plan Westland District Plan Mackenzie District Plan 	Have regard to the extent to which there is a need for consistency	
Iwi Management Plan of Kāti Huirapa	Take into account	Address the matter and record.
Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region		

1.5.1 Resource Management Act

The general Section 32 report for the district plan review sets out an overview of Part 2 of the RMA. Of particular relevance to the topic of SASM, section 6(e) requires the Council, in managing the use, development and protection of natural and physical resources through its District Plan, to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka as a matter of national importance.⁶

In addition, section 7(a) imposes a requirement to have particular regard to kaitiakitanga, and section 8 requires that the principles of the Treaty of Waitangi are taken into account.

1.5.2 National Policy Statements

The following National Policy Statements are of relevance to the SASM topic:

⁶ RMA section 6(e)

National Policy Statements	Relevance
New Zealand Coastal Policy Statement 2010	<p>The NZCPS states policies in order to achieve the purpose of the RMA in relation to the coastal environment.</p> <p>Of particular relevance to this topic is Policy 2 “The Treaty of Waitangi, Tāngata whenua and Māori” which contains the following expectations:</p> <p>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</p> <ul style="list-style-type: none"> • recognise that Tāngata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations; • involve iwi authorities or hapū on behalf of Tāngata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with Tāngata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori; • with the consent of Tāngata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori¹ in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes; • provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available; • take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and • where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and • consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans; • provide for opportunities for Tāngata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as: <ul style="list-style-type: none"> • bringing cultural understanding to monitoring of natural resources; • providing appropriate methods for the management, maintenance and protection of the taonga of Tāngata whenua; • having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non-commercial Māori customary fishing; • in consultation and collaboration with Tāngata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that Tāngata whenua have the right to choose not to

National Policy Statements	Relevance
	<p>identify places or values of historic, cultural or spiritual significance or special value:</p> <ul style="list-style-type: none"> • recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and • provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.
National Policy Statement for Freshwater Management 2020 (NPS-FM)	<p>Most of the provisions within the NPS-FM are targeted at regional plans and Regional Council responsibilities, however some provisions refer to all local authorities or include reference to district plans, including:</p> <p>3.4. Tāngata whenua involvement (1) Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following: (a) identifying the local approach to giving effect to Te Mana o te Wai (b) making or changing regional policy statements and regional and district plans so far as they relate to freshwater management</p> <p>3.5 Integrated management (4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</p>

1.5.3 National Environmental Standards

A territorial authority must prepare and change its district plan in accordance with any regulations.⁷ None of the National Environmental Standards currently in place are of relevance to the SASM topic.

1.5.4 National Planning Standards

A territorial authority must prepare and change its district plan in accordance with any regulations.⁸ The National Planning Standards require that the District Plan must include a SASM chapter, if relevant to the district plan, within the Historical and Cultural Values section under Part 2 District Wide Matters⁹.

If included in the District Plan, the following matters must be located in the SASM chapter:

- descriptions of the sites and areas (e.g., wāhi tapu, wāhi tūpuna, statutory acknowledgement, customary rights, historic site, cultural landscapes, taonga and other

⁷ RMA section 74(1)(f)

⁸ RMA section 74(1)(ea)

⁹ National Planning Standards, 4. District Plan Structure Standard, Mandatory directions, Table 4

- culturally important sites and areas) when there is agreement by Māori to include this information
- b. provisions to manage SASM
- c. a description of agreed process of identification of sites and areas including an explanation of how Tāngata whenua or mana whenua are engaged
- d. a schedule(s) that lists the specific or general location of SASM when this information is provided. This may cross-reference an appendix
- e. a description of any regulatory processes for identification.¹⁰

A glossary may be included and if so, must be located within Part 1, under the Interpretation section.

1.5.5 Ngāi Tahu Claims Settlement Act 1998

The Ngāi Tahu Claims Settlement Act 1998 (NTCSA) recognises a number of Statutory Acknowledgement Areas as having significant cultural, spiritual, historic and traditional associations for Ngāi Tahu. Section 208 of the NTCSA and 95B of the RMA recognise the interests of Ngāi Tahu in statutory acknowledgement areas in regard to notification of resource consent applications and identification of affected parties in regard to activities that may affect land in these areas.

Statutory acknowledgements recognised in the Timaru District are:

- Ōrakipaoa Wetland (Schedule 49 NTCSA); and
- Rangitata River (Schedule 55 NTCSA).
-

1.5.6 Fisheries (South Island Customary Fishing) Regulations 1999

Mātaitai reserves can be declared under the Fisheries (South Island Customary Fishing) Regulations 1999 on application by Tāngata whenua. Mātaitai reserves in and adjacent to the Timaru District are:

- Opihi Mātaitai Reserve, declared in 2014 (Notice L2014/234). This is a freshwater mātaitai. It extends from the Opihi Lagoon up the Opihi River to a point to the south of Pearse Road, and includes the adjoining creeks, streams and tributaries of the Opihi River.
- Waitarakao Mātaitai, declared in 2014 (Notice L2014/236). The Waitarakao Mātaitai Reserve includes fresh and estuarine waters in the Waitarakao/Washdyke Lagoon, all streams and tributaries east of the railway line that flow into the lagoon, and the Seadown Drain.
- Tuhawaiki Mātaitai, declared in 2016 (Notice L2016/149). This includes an area of coastal waters from Ōtipua/ Saltwater Creek to the mouth of the Pureora/ Pareora River.
- Te Ahi Tarakihi Mātaitai, declared in 2016 (Notice L2016/151). This includes coastal waters from near the southern end of Waitarakao/ Washdyke Lagoon to the Caroline Bay Wharf.

1.5.7 Canterbury Regional Policy Statement 2013

A district plan must give effect to any regional policy statement.¹¹

Of particular relevance to the SASM topic, the Canterbury Regional Policy Statement (CRPS) includes Chapter 2 setting out the Issues of Resource Management Significance to Ngai Tahu and Chapter 4 containing Provision for Ngai Tahu and their Relationship with Resources.

Chapter 4 includes a section outlining tools, methods and processes¹² which includes:

¹⁰ National Planning Standards, District-wide Matters Standard, Mandatory directions, section 17.

¹¹ RMA section 75(3)(c)

¹² Canterbury Regional Policy Statement, Chapter 4, section 4.3.

Territorial authorities, in order to give effect to their functions under the RMA will:

4.15 Include provisions for the relationship between Ngāi Tahu, their culture and traditions, and their ancestral lands, water, sites, wāhi tapu and other taonga within district plans.

4.16 Include methods for the protection of Ngāi Tahu ancestral lands, water, sites, wāhi tapu and other taonga within district plans.

4.17 Take into account iwi management plans during plan development.

Territorial authorities, in order to give effect to their functions under the RMA, should consider:

4.18 In the processing of resource consents, the protection of Ngāi Tahu ancestral lands, water sites, wāhi tapu and other taonga.

Other sections of the CRPS include reference to the consideration of cultural values and sites of significance including in chapters relating to land use and infrastructure, ecosystems and indigenous biodiversity and historic heritage.

1.5.8 Canterbury Land and Water Regional Plan - Proposed Plan Change 7

A district plan must not be inconsistent with a regional plan for any matter within the functions of the regional council under section 30(1) of the RMA and must have regard to any proposed regional plan in relation to matters for which the regional council has primary responsibility (RMA sections 74(2)(a)(ii) and 75(4)(b)).

Proposed Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (CLWRP) includes new provisions in Chapter 14 of the CLWRP to protect sites of cultural importance (including wāhi tapu, wāhi taoka, nohoaka, rock art sites and wai puna (springs)) from the effects of the use of land for farming, the take and use of water and the discharge of contaminants. It identifies specific management areas or zones to protect rock art sites and the Opihi and Waitarakao mātaaitai reserves.

These provisions were made effective at the date of notification (13 September 2018), and submissions have been heard, with the independent hearing commissioners having provided a recommendation to the regional council. The regional council released a decision on the recommendations in November 2021. The appeal process is still underway on this Plan Change.

1.5.9 Iwi management plans

Relevant iwi planning documents must also be taken into account in preparation of a district plan.

Te Whakatau Kaupapa (TWK) is a resource management strategy for the Canterbury region that was published by Ngai Tahu in 1990. TWK discusses resource management issues and sets out policies on key issues and there are a number of policies relating to management of significant sites and areas that remain relevant. Key policies seek:

- Consultation with Rūnanga on management practices that will impact on waterways in which they have beneficial rights (TWK p. 4-21, Policy 12);
- Recognition of the importance of wetlands and other areas as mahika kai, maintenance and enhancement of remaining productive mahika kai areas, and consultation with Rūnanga on the management of mahika kai resources (TWK p. 4-24, Policies 3, 4 and 6);
- Full statutory protection of urupā and guarantee of access for Ngāi Tahu to these sites (TWK p. 4-27, Policy 1), and the ability to subdivide urupā from larger lots (TWK pp. 4-27 to 4-28, Policy 3);

- Protection of all Ngāi Tahu archaeological sites, with authority reserved to mana whenua as to whether and how a site may be excavated, and recognition that an archaeological site may be affected by work nearby as well as on the site itself (TWK pp. 4-31 to 4-32, Policies 1-10);
- Protection from disturbance of rock art sites that are of exceptional traditional, spiritual or scientific interest (TWK p. 4-32, Policy 1);
- A requirement for approval of mana whenua for any development that physically impacts significant mauka (mountains and ranges) (TWK, p. 4-37, Policy 2).

The Iwi Management Plan of Kāti Huirapa for the Area Rakaia to Waitaki (IMP) was published in 1992. The IMP advocates for the following matters that are relevant to management of significant sites and areas in the district plan:

- Breeding areas for fish, birds and other species in waterways should not be disturbed;
- Corridors of undisturbed vegetation should be maintained along all rivers, and between rivers and any areas of indigenous vegetation or habitats of indigenous species, to maintain seasonal migration and movement of birds and other species;
- Existing wetlands should be restored;
- Protection and restoration of natural habitats should be encouraged;
- There should be no burning or clearance of indigenous vegetation;
- High altitude slopes and peaks should be kept free of grazing animals and should not be scarred by tracks and roads;
- Access to mahika kai adjacent to Māori Reserves should be maintained to enable exercise of traditional rights and customary uses;
- Any proposal to disturb ground where there was or is traditional and customary use of ancestral lands should be referred to mana whenua first, and if any bones or artefacts are disturbed, the Rūnanga should be contacted and tikanga Māori observed.

The IMP also includes maps identifying sites for protection and restoration of mahika kai.

2 Approach to Evaluation

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

2.1 Scale and significance

The table below sets out the scale and significance of managing SASM in the District in terms of Council's statutory obligations, who may be affected by any proposed changes to the management regime, the type of effects that may occur and where in the district is mostly likely to be affected by the proposed changes to the District Plan.

This will inform the nature and extent of the analysis of the proposed changes to the provisions. For example, proposed provisions that will result in an overall high level of scale and significance will require a more in-depth analysis of proposed objectives, policies and rules including, potentially, an economic analysis, compared to changes that will have a low-level significance.

Issue: SASM		
Reasons for change in policy	<p>District Plan Review</p> <p>Giving effect to a matter of national importance in the RMA</p> <p>Giving effect to a higher order RMA document (NZCPS, NPS, RPS)</p>	High
Relevant Statutory Considerations / Drivers	<p>RMA Parts 6, 7, 8 and 31</p> <p>NZ Coastal Policy Statement</p> <p>National Planning Standards</p> <p>RPS Chapters 2 and 4</p>	High
Degree of shift from status quo required	A moderate shift to give effect to the approach in the National Planning Standards, to provide more explicitly for SASM and to incorporate provisions to ensure identification and protection.	Medium
Who and how many will be affected?	This will affect iwi, landowners and the Council in areas identified as SASM. Approximately, 4000 landowners in the District have an SASM on their property, although not all impacts of this are new, as provisions of the ODP often had a similar effect (this is discussed further below).	High
Degree of impact on, or interest from iwi / Māori	Kāti Huirapa, Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu have a particular interest in this topic and have been actively involved in developing appropriate provisions.	High
When will effects occur?	Effects will occur on an ongoing basis into the future as development and subdivision occurs.	Medium
Geographic scale of impacts / issue	Large areas of the district under the wāhi tupuna provisions and more specific areas under the other more detailed overlays.	Medium
Type of effect(s)	<p>Identification of areas raises awareness.</p> <p>Objectives and policies provide direction on outcomes and the need for protection.</p> <p>Rules manage adverse effects on identified SASM.</p>	Medium
Degree of policy risk, implementation risk, or uncertainty	Although the approach to SASAM is new to Timaru District there is a developing level of understanding now around New Zealand as to understanding of these issues and mechanisms to achieve this. The policy approach has been tailored to this growing understanding. There is a good level of understanding of benefits and costs, and the approach is similar to that employed elsewhere.	Medium
Overall Assessment of Scale and Significance		Medium / High

2.2 Approach to Managing SASM Issues

The objective and policy framework are intended to provide clarity on the need to recognise and provide for SASM, and to ensure that there is involvement in decision making processes by Kāti Huirapa, where these sites are affected.

It is proposed to incorporate policies that focusses on:

- Inclusion of Kāti Huirapa in resource management decisions and consultation and engagement with Kāti Huirapa.
- Provision for customary harvest and other cultural practices, maintaining existing access and encouraging opportunities for enhanced access.
- Protection of the values of sites and areas of significance and management of them in a way that recognises the values of different areas and the threats to identified values.
- Ensuring the sustainability of ecosystems that support taonga and mahinga kai.
-

Rules within the chapter are focused on activities that have been identified as being a potential threat to cultural values, including earthworks, buildings and structures, indigenous vegetation clearance, temporary events, mining and quarrying, subdivision, shelterbelts and woodlots and intensively farmed stock. The rules are generally split between the larger wāhi tupuna areas and the smaller wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays. More restrictive rules are applied to the smaller, more vulnerable or more significant areas.

In addition to the rules within this chapter, there are a range of other supporting provisions in other chapters which will contribute to the outcomes sought. For example, matters of discretion within a range of chapters will require consideration of impacts on cultural values and the cultural overlay areas.

2.2.1 Changes proposed

Given the medium/high level of significance as outlined above and the level of public interest in these provisions which apply across a range of properties in District, it is appropriate to detail the provisions proposed.

Operative Plan	Proposed Plan
Objective and policy framework scattered through the plan and not specific to SASM.	Objective and policy framework specific to SASM emphasising where the issues lie, what the issues entail and how they are to be managed.
No SASMs identified by the Plan or in the Planning Map other than archaeological sites.	SASMs are clearly identified in the Plan with its values and location included in the Plan.
No rules in particular stating 'Sites of Significance to Māori' but there are rules that have a similar effect, that will be specified for comparison below.	Specific rules relating to activities with the potential to be inappropriate or cause adverse effects on cultural values. The most substantive of the proposed rules are Outlined below.

Proposed earthworks rule (SASM R1)

The Operative Timaru District Plan (ODP) does not contain any rules that specifically address earthworks in Sites of Significance to Māori. However, there are controls that have a similar effect for earthworks in riparian areas where setbacks of either 10m or 30m apply (e.g. standards 5.12 to 5.13 Rural 1 Zone) or the proposal is a discretionary activity under rule 1.11.1, 3.15.

Under the Proposed Timaru District Plan (PDP), earthworks in SASM will range from a permitted to restricted discretionary activity status.

(a) Wāhi Tupuna: Earthworks in the Wāhi Tupuna area are permitted up to 750m² under new buildings and structures. This should mean there is no need for resource consent for earthworks for a new house. The rule also permits essential earthworks such as for the maintenance of existing roads and for natural hazard mitigation works:

(b) Wāhi Taoka and Wai Taoka: While earthworks are more limited in the wāhi taoka and wai taoka areas, there are exemptions for earthworks associated with maintenance and repair of existing fences, tracks and other activities. These exemptions should capture the majority of earthworks activities that are conducted in these areas. The earthworks rules in the PDP's Wai Taoka overlay are similar to the earthworks standards in the ODP Rural 1 zones that require earthworks to be setback from rivers and wetlands, although it is acknowledged the PDP's rules apply over a larger area.

(c) Wāhi Tapu and Wai Tapu: While consent is required for all earthworks in the Wāhi tapu and Wai tapu areas, there are few of these areas, they are very sacred and therefore sensitive to earthworks. Most of the Wāhi Tapu sites are small, but they range in size and the largest is 287ha. There is only one Wai Tapu stream (Awarua Stream), which limits the effect of that rule. The rule for the Wai Tapu overlay is similar to the earthworks standards of the ODP. While it may seem extreme to require consent for all earthworks, a spade through a rock art site would cause irreversible damage. Existing use rights will apply to some existing activities (e.g. gardening) that will further mitigate the effect of the rule.

Proposed rules for Buildings and structures (SASM R2)

The rules have been drafted so the construction of a house should be permitted, subject to a range of standards being met. The rules generally apply to wāhi taoka areas non urban areas only as residential, commercial and industrial areas, are excluded from the provisions.

However, resource consent is required for all buildings in the wāhi tapu and wai tapu areas as a restricted discretionary activity. There are very few of these areas and they hold high value and are sacred, so any new buildings and structures, including addition and alterations, in these areas has the potential to significantly affect the cultural values associated with them. Standard 5.11 of the Rural 1 zone of the ODP requires all buildings and structures to be setback from 30m from wetlands and 20m from waterbodies. Non-compliance with this rule defaults to a discretionary activity under rule 1.11.1, 3.15. This means the PDP's Wai tapu rules have a similar effect to the ODP rules.

Proposed rules for Indigenous vegetation clearance (SASM-R3)

Indigenous vegetation clearance in culturally significant areas is not regulated under the ODP. Although, significant indigenous vegetation clearance requires consent (as a non-complying activity) and clearance of indigenous vegetation is subject to setback standards under standard 5.9 of the General 1 zone. Table B2 in the ODP includes parameters for identifying significant indigenous vegetation which, which cover a very broad area and therefore the effect of proposed SASM-R3 is very similar to the effect of the significant indigenous vegetation and significant habitats of indigenous fauna rules of the ODP.

Under the PDP, clearance of indigenous vegetation in SASM is a permitted activity in a number of scenarios, detailed at SASM-R3 PER-1 to PER-7 and summarised as follows:

- (a) For mahika kai by Ngāi Tahu or other customary uses;
- (b) As required in emergency situations;
- (c) For the purpose of maintenance, repair, or replacement of existing lawfully established fences, vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or network utilities;
- (d) Where the vegetation was planted for harvesting purposes;
- (e) Where the vegetation was planted for domestic or amenity purposes, or a shelterbelt;
- (f) Where clearance is necessary for removing pest plants or pest animals, or as part of restoration or enhancement; and
- (g) For hazard mitigation.

In the event the permitted thresholds are not met, clearance of indigenous vegetation is proposed to be a restricted discretionary activity. Therefore, any clearance of indigenous vegetation that does not fall under the significant indigenous vegetation definition, that is located in a SASM site, and is not for one of the permitted purposes in SASM-R3, will no longer be a permitted activity and will be restricted discretionary.

Proposed rules – Mining and quarrying (SASM-R5)

The rules of the ODP and the PDP are very similar in effect. The ODP rules to the rules:

- (a) Permit quarrying in the bed of a river authorised by the Regional Council (ODP rule 1.11.1, 1.22(b));
- (b) Permit mining and quarrying up to 100 cubic metres per year (ODP rule 1.11.1, 1.22(a)) in other areas; and
- (c) Require a discretionary activity consent for mining and quarrying to 100 cubic metres per year (ODP rule 1.11.1, 3.4).

In comparison SASM-R5:

- (a) Permits mining and/or quarrying in the Wāhi Tupuna area up to 750m²;
- (b) Permits quarrying in the bed of a river authorised by the Regional Council;
- (c) Requires a restricted discretionary consent for non-compliance with (a) and (b).

While a non-complying resource consent is required for mining and quarrying in the Wāhi Taoka, Wāhi tapu and Wai tapu Overlay areas, the number of properties in Wāhi tapu and Wai tapu Overlays are limited. Further, although the extent of some of the Wāhi tapu Overlays is not insignificant and the Wāhi Taoka Overlay is large, a discretionary resource consent would be required under 1.11.1, 1.22(a) of the ODP for any mine or quarry with extraction over a 100 cubic metres per year.

Proposed rule – Intensively farmed stock (SASM-R6)

'Intensively farmed stock' is not defined under the ODP and therefore not regulated as such. The ODP permits most farming activities, but does classify 'factory farming' as a discretionary activity, and therefore deals with an aspect of intensively farmed stock in a similar way to proposed SASM-R6.

Under the PDP, 'intensively farmed stock' is proposed to be a restricted discretionary activity in the wai taoka overlay, and a non-complying activity in the wāhi taoka, wāhi tapu, and wai tapu overlays.

While the proposed definition of 'intensively farmed stock' is broad, it does not include all forms of farming activity and has some exemptions. Further the effect of the rule is very limited by the fact that most farms will have existing use rights to continue intensively farming stock. The spatial extent of the overlays further limits the effect of this rule.

Proposed rule – Subdivision (SASM-R7)

The only restriction the ODP places on subdivision in relation to SASM is that subdivision of any site that contains an archaeological site is listed as discretionary activity under rule 6.3.5. This would therefore capture some of the cave art sites identified in the PDP's Wāhi Tapu overlay. Otherwise subdivision in the ODP is classified as a controlled activity under rule 6.3.4 with no control in relation to SASM.

This means that aside from properties containing an archaeological site, this SASM-R7 will elevate the activity status of subdivision from a controlled activity under the ODP to a discretionary activity under the PDP. The rule therefore does not change the fact that resource consent will be required, it only alters the fact that the resource consent can be refused and that there is scope to impose conditions in relation to SASM.

2.3 Quantification of Costs and Benefits

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. It is considered that the adverse effects on SASM are difficult to quantify in monetary terms and it is seen as inappropriate to try to do so, therefore a detailed economic analysis has not been undertaken to assist in the quantification of benefits and costs.

2.4 Choice of Evaluation Method(s)

Given the scale and significance of the issues related to SASM, it is proposed to assess the preferred option against the status quo. The options will be assessed using a cost-benefit analysis, given the discussion above on costs and benefits.

2.5 Proposed objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

SASM-O1 Decision Making

Kāti Huirapa are actively involved in decision making that affects the values of the identified sites and areas of significance to Kāti Huirapa.

SASM-O2 Assess and Use

Kāti Huirapa are able to access, maintain and use resources and areas of cultural value within identified sites and areas of significance to Kāti Huirapa.

SASM-O3 Protection of sites and areas of significance

The values of identified areas and sites of significance to Kāti Huirapa are recognised and protected from inappropriate subdivision, use and development.

3 Evaluation of Objectives

Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the RMA. The following table has been used to evaluate the appropriateness of the relevant objectives.

Category	Criteria	Comments
Relevance	Directed to addressing a resource management issue	Achieves The objectives seek to provide clarity and direction around the three key outcomes being sought through this chapter and which deal directly with resource management issues for cultural values.
	Focused on achieving the purpose of the Act	Achieves The objectives directly address a matter of national importance set out in section 6(e) of the Act, as well as sections 7 and 8.
	Assists a council to carry out its statutory functions	Achieves The objectives set the direction for ensuring identification, recognition and protection of SASM, as well as the direction to achieve engagement and ensure access to cultural sites and areas.
	Within scope of higher-level documents	Achieves The objectives will give effect to the NZCPS, NPS-FM, NPS and the CRPS by ensuring that the District Plan includes provisions to provide protection of SASM.
Feasibility	Acceptable level of uncertainty and risk	Achieves The Council has worked closely with rūnanga to understand the issues and how they can be managed. This knowledge is supported by the Tāngata Whenua steering group process and the comprehensive report prepared by AECL.
	Realistically able to be achieved within council's powers, skills and resources	Achieves The Council is able to achieve these outcomes within Council's powers, skills and resources, but will also rely on input from Kāti Huirapa and Te Runanga o Arowhenua.

Acceptability	Consistent with identified iwi/Māori and community outcomes	Achieves The proposed approach has been developed in conjunction with the Tāngata Whenua steering group and is agreed as meeting the needs of iwi.
	Will not result in unjustifiably high costs on the community or parts of the community	Achieves The proposed provisions are based on similar provisions being applied elsewhere in New Zealand and are tailored to be specific to the issues of relevance within this District. These are not expected to result in unjustifiably high costs on the community or parts of the community when understood in the light of the requirement to give effect to the Act and higher order documents.

4 Identification of Options for policies and methods

Section 32(1)(b) of the RMA requires an examination of whether the provisions in the proposal are the most appropriate way are to achieve the objectives, by: identifying other reasonably practicable options for achieving the objectives; assessing the efficiency and effectiveness of the provisions in achieving the objective; and summarising the reasons for deciding on the provisions. The following sections therefore identify other reasonably practicable options, assess the efficiency and effectiveness of each option, and provide an overall summary on why the proposed approach has been chosen.

The evaluation of provisions has been bundled because they are expected to work together to achieve the objectives.

4.1 Option 1: Tailored approach

This option provides a tailored approach to dealing with identification and recognition of SASM, including protection of these sites and areas from inappropriate activities. It also deals with wider issues around proper engagement, consultation at appropriate times, provision for enabling appropriate activities and tailored rules.

The intent of this approach is to give effect to the outcomes sought by Kāti Huirapa for the areas of significance to them. It reflects the recommendations of the Tāngata Whenua Steering Group, with further refinements made in response to feedback received on the draft District Plan.

4.2 Option 2: Status Quo

This option involves a continuation of the operative Plan provisions including the current policies scattered throughout the plan and no rules.

5 Evaluation of Options

5.1 Evaluation table

The following tables provide an evaluation of the two options set out above:

OPTION 1 Tailored Approach			
Benefits Environmental	Economic	Social	Cultural

<p>The provisions will enhance the cultural environment and will in turn provide wider ecological benefits through reducing development pressure in these identified areas, such as riparian and coastal areas Medium</p>		<p>None identified</p> <p>Although as noted in the assessment of the Proposed provisions in section 2 of this report, often the impact of the provisions in practical terms is not significantly different from the ODP approach for the majority of the District. Low</p>	<p>The proposed provisions will benefit the community by raising awareness of cultural values and areas of significance. The proposed approach may additionally provide benefits to recreation and amenity values which are valued by the community through the protection of places of cultural value. Medium</p>	<p>The outcomes achieved by the proposed provisions will enable the Council to ensure that SASM are appropriately identified, recognised and provided for thus meeting the needs of iwi. High</p>
Costs		Economic	Social	Cultural
<p>Low None identified</p>		<p>Medium The provisions will have some economic cost to those private landowners or occupiers who have SASM identified on their property and who are subject to restrictions over activities undertaken within these areas.</p> <p>There will be some economic cost in introducing new rules which require monitoring and implementation by Council and working with iwi and landowners to achieve the required outcomes</p>	<p>Medium A change to the approach may be of concern to some landowners</p>	<p>Low None identified</p>
Efficiency	This option is an efficient method of meeting the objectives given the costs and benefits identified above, and the issues identified with the existing provisions.			
Effectiveness	This option will be effective at implementing the objectives and more effective than the status quo.			
Strategic Direction(s)	This option is better aligned with the strategic objectives as it allows for incorporation of cultural values and protection of SASM.			

Overall Appropriateness of Option 1	This option is the most appropriate in achieving the objective.
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OPTION 2 Status Quo			
Benefits Environmental	Economic	Social	Cultural
Low The status quo provisions do not identify or protect SASM and thus do not provide any benefit to the environment	Low There may be savings in terms of time and cost as the Council and community are familiar with the provisions	Low Continuation of the existing approach provides familiarity along with a level of certainty to the community	Low There is mention of considering cultural values
Costs Environmental	Economic	Social	Cultural
Medium The existing provisions do not enable protection of the environment in relation to cultural sites and areas	Low None identified	Low Continuation of the existing approach provides familiarity along with a level of certainty to the community.	High The outcomes achieved by the existing provisions do not provide for cultural values or protection of cultural sites
Efficiency	This option is not efficient in terms of providing for identification or protection of SASM or cultural values affected by activities		
Effectiveness	This approach would not be effective in achieving the objectives of identification, recognition and protection, engagement or access		
Strategic Direction(s)	This option does not directly contribute to the relevant strategic objective as it does not provide for cultural values or SASM.		
Overall Appropriateness of Option 2	This option is not the most appropriate as it would only achieve the objectives in part		

5.2 Risk of Acting or Not Acting

Where there is uncertain or insufficient information about the subject matter of the provisions, section 32(2)(c) requires an evaluation of the risk of acting or not acting in the way proposed. In this case it is considered that there is little uncertainty in the issues or the potential significance of the issues. It is considered that there is considerable information available through the steering group process and the reporting provided to understand what is proposed and the necessity for this.

It is therefore concluded that there is a low risk of acting in the proposed manner to introduce updated and replacement provisions to appropriately manage the approach to Sites and Areas of Significance to Māori.

6 Preferred Option

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The evaluation demonstrates that Option 1 is the most appropriate option as:

- The approach will give effect to the Act and higher order documents.
- It will provide for the identification, recognition and protection of Sites and Areas of Significance to Māori.
- The provisions will be more directive in terms of the necessity of recognising and protecting Sites and Areas of Significance to Māori.
- The benefits outweigh the costs and the approach will be effective in ensuring these outcomes are achieved.
-

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also negligible given the extent of work undertaken on this topic.

This preferred approach will appropriately provide for the needs of iwi to retain connections to the land and their history.

Appendices:

Appendix 1: Tāngata Whenua Steering Group Terms of Reference

Steering Group Role

1. Make recommendations to Timaru District Council's Environmental Services Committee and Te Rūnanga o Arowhenua regarding Draft District Plan's Tāngata whenua chapters.

Deliverables

2. The Group will recommend objectives, policies, and rules for the sites of significance to Māori chapter and the Māori Special Purpose zone (or similar).
3. The above shall be made to the Environmental Services Committee and Te Rūnanga o Arowhenua by no later than the end of November 2019.

Steering Group Membership:

4. The steering group will be made up of the following:
 - a. An elected member of the Timaru District Council
 - b. Mark Geddes, District Planning Manager, Timaru District Council
 - c. Two cultural advisors from Aoraki Environmental Consultancy
 - d. Sandra McIntyre, representing Aoraki Environmental Consultancy
5. Specialist assistance to the group will be provided by Timaru District Council on an as required basis.
6. The meetings will be chaired by an elected member of Timaru District Council.

Group Operation Principles

7. Members of the Steering group agree to:
 - a. Collaborative with one another.
 - b. Be outcome focused.
 - c. Make decisions by consensus. If consensus cannot be reached, a report on the points of disagreement will be provided to the Environmental Services Committee and Te Rūnanga o Arowhenua, along with the points of major agreement.
 - d. Ensure recommendations are practical and capable of being implemented.
 - e. In making recommendations, be aware of limited agency resources and the need to budget for actions.
 - f. Endorse the following District Plan matters provided by Aoraki Environmental Consultancy Ltd:
 - o The definition of Te Reo Māori terms
 - o Description of Tāngata whenua issues and values
 - o The identification of sites of significance to Māori
 - o Outcomes sought for the Māori purposes zone.
 - g. The recommendations as to policy approach made by Aoraki Environmental Consultancy Ltd will be considered by the group but do not bind the collaborative group or the Council and may be amended.

Appendix 2: Notes from hui with Tāngata Whenua Steering Group, 11 March 2020

11 March 2020 - Hui at Arowhenua Marae for SASM chapter

(Black text is the table from the AECL report, red text is the notes taken at the hui)

Activity	Management approach		
	Wāhi tūpuna	Wāhi taoka/ wāhi tapu	Wai taoka/ wai tapu
Earthworks	Assessment when consent required; lower threshold for consent in some zones	Very low threshold for consent; consent for removal of earth/ materials	Consent for all
	<p>All earthworks needing consent <u>anywhere</u> in the district should have an archaeological discovery protocol condition, and there needs to be a matter of discretion to consider impacts on cultural values for earthwork consents. Within the wāhi tupuna area agreed to trigger consent at 200m² at 0.5m deep as there could be potential finds in all of these areas. Consider CON status? Or RDIS if potential need to decline consent. Require through the consent process that rūnanga and/or archaeologist be on site during dig, and accidental discovery protocol condition on all consents in cultural areas. Include conditions on the way the earthworks are done to ensure that discovery is possible, e.g., x-ray, or ground penetrating radar or similar. Investigate what conditions can be used – ask NZHPT for examples and look at other council provisions. Temuka and Washdyke wāhi tupuna areas have a higher likelihood of finds. Consider more restrictive rules or higher activity status? Amend earthwork rules to not exempt earthworks under buildings within wāhi tupuna areas in case of finds.</p>	<p>All earthworks in these specific areas to need consent (with definition of earthworks to exempt fence posts and the like). Require through the consent process that rūnanga and/or archaeologist be on site during dig, and accidental discovery protocol condition. Ensure that earth/materials are not removed from these areas – include this as part of matters of discretion. Need to have material cleansed before removing. RDIS status to enable decline on inappropriate proposal in these special areas.</p>	
Structures	Assessment when consent required	Limits on location and scale	Consent for all
	In rural areas: Intensive farming and rural industry have the potential to have impacts, but these already need consent anyway in the rural zones. Best to have matter of discretion on the impact on cultural values. Issue relates to	Larger wāhi tapu areas and wāhi taoka areas to have same limits as ONL areas – scale and height of buildings – to enable some use within reason.	

Activity	Management approach		
	Wāhi tūpuna	Wāhi taoka/ wāhi tapu	Wai taoka/ wai tapu
	<p>maintenance of connection to broader cultural landscape and historic use, and whether the scale or use of the building impacts on access, connections of cultural value.</p> <p>Same issues in urban areas for industrial buildings.</p>	<p>Smaller wāhi tapu areas to have no structures as these can adversely impact on special values.</p> <p>Sandra and AECL to determine which go in which category above.</p> <p>Wai sites: All structures to need consent - RDIS</p>	
Indigenous vegetation clearance	Assessment when consent required; possibly lower threshold for consent	Consent for all (and for removal of any vegetation, not just indigenous)	Consent for all
	<p>Check wording in biodiversity chapter to ensure that matters of discretion enable assessment of cultural values for clearance.</p>	<p>Tapu areas also have the issue of removal of the vegetation from the area and the need to cleanse it first.</p> <p>Sandra to follow up on which areas to differentiate between.</p> <p>Non-indigenous vegetation clearance limited to 50m² but excluding domestic gardens.</p> <p>Removal of any indigenous vegetation to need consent – RDIS</p>	
Incompatible land uses (see Table 3 for details)	Consent where not already required; possible higher activity status	Consent where not already required; setback requirement around edges; possible higher activity status	Consent where not already required; setback requirement; possible higher activity status
	<p>Activities that by their nature are culturally offensive: pollutants / contamination, specifically culturally offensive: Quarrying and mining, Wastewater treatment and disposal, landfills, Hazardous facilities, cemeteries and crematoria. Use of the land irrespective of whether regional discharge consents are needed.</p> <p>All of these to need consent in wāhi tupuna areas and within a buffer area from these areas. Need to discuss appropriate buffer scale.</p> <p>If these activities all need consent irrespective of zone, then no need for special rules in these areas.</p> <p>Quarries – DISC or NC everywhere</p> <p>Haz facilities – need consent everywhere except industrial zone. Acknowledge that industry needs to be allowed in industrial zone but look to have a setback from the zone boundary to internalise hazardous facilities within the zone. Offensive industries need consent also.</p>		

Activity	Management approach		
	Wāhi tūpuna	Wāhi taoka/ wāhi tapu	Wai taoka/ wai tapu
	<p>Check what is permitted in the rural zones, especially rural industry activities – scale of outdoor storage adjacent to wāhi tapu areas – screening for amenity.</p> <p>Infrastructure chapter - Wastewater treatment plant needs consent, new ones and any extension to existing.</p> <p>Plantation forestry – need legal advice on whether TDC can control this given the NES-PF when the regulations don't allow explicitly for rules for cultural areas, but the MPI guidance says that this is possible. If this can be controlled, then no plantation forestry in rock art and wāhi tapu areas.</p> <p>Impact of irrigation on rock art sites – if ECan's PC7 deals with this then TDC doesn't have to.</p> <p>Landfill or waste transfer station – if these need a consent then there needs to be consideration of impact on cultural values – matter of discretion and cover in policy.</p> <p>Temporary events that impact on rock art sites – ensure this does not happen in those sites and a buffer around them. Sandra resolve this.</p> <p>Intensive farming – issue with discharge to land and impact on water supplies, and water security concerns. Degradation of soil. Community drinking water chapter being developed. ECan issue primarily.</p>		
Subdivision design	Assessment when consent required; possible higher activity status	Higher activity status; trigger for esplanade provisions	Higher activity status; trigger for esplanade provisions
	<p>Ensure that earthworks for subdivision purposes are not exempt from earthworks rules above.</p> <p>Ensure that matters of discretion require consideration of cultural values.</p> <p>Require esplanades for access at the time of subdivision.</p> <p>Issue is with the way a subdivision fragments the land and enables activity to occur, restricts access.</p> <p>Design of subdivision to fit with the wider landscape, connections, following landforms, enabling access.</p> <p>Landscape feng sui</p>	Same as for wāhi tupuna but that there should not be fragmentation of these areas – stronger activity status.	
Infrastructure	Assessment when consent required; possibly lower threshold for consent or higher activity status for some types of infrastructure	Lower threshold for consent; possible setback requirement and higher activity status for some types of infrastructure	Consent for all
	Control earthworks for the purpose of infrastructure.	Control earthworks for the purpose of infrastructure.	

Activity	Management approach		
	Wāhi tūpuna	Wāhi taoka/ wāhi tapu	Wai taoka/ wai tapu
Land drainage	Consent for all	Consent for all	Consent for all
	<p>Earthworks aspect covered above. ECan cover some elements of this issue and subdivision covers some of this also. Nothing specific for this chapter.</p>		
Stormwater management	Activity standard	Activity standard	Activity standard
	<p>Runoff, stormwater management etc – cover in infrastructure and other chapters not in this one.</p>		
Noise	Assessment when consent required	Possible lower threshold for consent	Possible lower threshold for consent
	<p>Assessment matter to consider cultural values.</p>		

Policy signals

Infrastructure and utilities, including notices of requirement processes, need to consider the potential for impacts on cultural values when determining location and design of new or upgraded facilities.

Appendix 3: Examples from other District Plans

Plan	Description of Approach
<p>Christchurch District Plan</p> <p>Second generation plan</p> <p>Operative 2017</p> <p>Christchurch District Council</p>	<p>Christchurch District Plan – provisions relating to Ngāi Tahu contained in three chapters</p> <p><u>Chapter 1</u> – Front-end provisions regarding mana whenua, sites of cultural significance, representatives of Ngāi Tahu, iwi management plans, statutory acknowledge areas – flows into statutory context and introduction to the plan.</p> <p><u>Chapter 3</u> – Strategic Directions</p> <p>3.3.3 Ngāi Tahu mana whenua</p> <p>A strong and enduring relationship between the Council and Ngāi Tahu mana whenua in the recovery and future development of Ōtautahi (Christchurch City) and the greater Christchurch district, so that:</p> <ol style="list-style-type: none"> Ngāi Tahu mana whenua are able to actively participate in decision making; and Ngāi Tahu mana whenua’s aspirations to actively participate in the revitalisation of Ōtautahi are recognised; and Ngāi Tahu mana whenua’s culture and identity are incorporated into, and reflected in, the recovery and development of Ōtautahi; and Ngāi Tahu mana whenua’s historic and contemporary connections, and cultural and spiritual values, associated with the land, water and other taonga of the district are recognised and provided for; and Ngāi Tahu mana whenua can retain, and where appropriate enhance, access to sites of cultural significance. Ngāi Tahu mana whenua are able to exercise kaitiakitanga. <p><u>Chapter 9</u> – 9.5 Ngāi Tahu values and the natural environment</p> <p>Objectives</p> <p>9.5.2.1.1 Objective - Areas and sites of Ngāi Tahu cultural significance</p> <p>The historic and contemporary relationship of Ngāi Tahu mana whenua with their ancestral lands, water, sites, wāhi tapu and other taonga is recognised and provided for in the rebuild and future development of Ōtautahi, Te Pātaka o Rākohi and the greater Christchurch Area.</p>

Plan	Description of Approach
	<p>9.5.2.1.2 Objective - Integrated management of land and water</p> <p>Ngāi Tahu cultural values, including as to natural character, associated with water bodies, repo / wetlands, waipuna / springs and the coastal environment of Ōtautahi, Te Pātaka o Rākaihautū and the greater Christchurch Area are maintained or enhanced as part of the rebuild and future development of the district - Ki Uta Ki Tai (from the mountains to the sea).</p> <p>9.5.2.1.3 Objective - Cultural significance of Te Tai o Mahaanui and the coastal environment to Ngāi Tahu</p> <p>The cultural significance of Te Tai o Mahaanui, including Te Ihutai, Whakaraupō, Koukourārata, Akaroa, Te Waihora, Te Roto o Wairewa and the coastal environment as a whole to Ngāi Tahu is recognised and Ngāi Tahu are able to exercise kaitiakitanga and undertake customary uses in accordance with tikanga within the coastal environment.</p> <p>Policies</p> <p>9.5.2.2.1 Policy - Wāhi Tapu and Wāhi Taonga</p> <ul style="list-style-type: none"> a. Avoid any disturbance of urupā, except for activities associated with the identification and protection of such sites which are undertaken by the relevant rūnanga or their authorised agent. b. Protect Wāhi Tapu / Wāhi Taonga sites from inappropriate development, disturbance, damage or destruction, and ensure activities adjoining these sites do not adversely affect them. <p>9.5.2.2.2 Policy - Ngā Tūranga Tūpuna</p> <ul style="list-style-type: none"> a. Recognise the historic and contemporary relationship of Ngāi Tahu with the areas and landscapes identified as Ngā Tūranga Tūpuna and: <ul style="list-style-type: none"> i. facilitate opportunities to provide information about the historic occupation or use of these areas by Ngāi Tahu and associated values; ii. incorporate representation of the association of Ngāi Tahu with these areas into the design of public buildings and/or community facilities, and in the subdivision and development or redevelopment of residential or commercial areas;

Plan	Description of Approach
	<ul style="list-style-type: none"> iii. manage earthworks involving disturbance of soils below a depth not previously disturbed by cultivation or building foundations; iv. facilitate opportunities to enhance mahinga kai and other customary use of taonga species through planting and landscaping; v. enhance the natural character and cultural values of water bodies, waipuna / springs, repo / wetlands and coastal waters, including reinstating original water courses where practicable; vi. maintain or restore natural features with cultural values within these areas; and vii. ensure that cultural values are recognised and provided for in the design, location and installation of utilities, while enabling their safe, secure and efficient installation. <p>9.5.2.2.3 Policy - Ngā Wai</p> <ul style="list-style-type: none"> a. Recognise the cultural significance of the water bodies, waipuna / springs, repo / wetlands and those parts of the coastal environment identified as Ngā Wai, and manage the effects of land uses and activities on the surface of water to: <ul style="list-style-type: none"> i. protect the natural character of these water bodies and coastal waters by maintaining their natural character where it is high and enhancing it where it is degraded, including through the reinstatement of original water courses where practicable; ii. recognise historic and contemporary Ngāi Tahu customary uses and values associated with these water bodies and coastal waters and enhance opportunities for customary use and access; iii. ensure any land uses or activities on the surface of water in or adjoining these sites do not adversely affect taonga species or Ngāi Tahu customary uses in these areas; iv. ensure new land uses do not create an additional demand to be able to discharge sewage or stormwater directly into Ngā Wai, other water bodies or the coastal marine area, and address the need for existing land uses to discharge untreated sewage or stormwater into these areas; and v. ensure that cultural values are recognised and provided for in the design, location and installation of utilities, while enabling their safe, secure and efficient installation.

Plan	Description of Approach
	<p>9.5.2.2.4 Policy - Archaeological sites</p> <p>a. Avoid damage to or destruction of Ngāi Tahu mana whenua archaeological sites within identified sites of Ngāi Tahu cultural significance or any unmarked or unrecorded archaeological site when undertaking earthworks, building or utility activities.</p> <p>9.5.2.2.5 Policy - Engagement with Rūnanga</p> <p>a. Ngāi Tahu and Council to encourage and facilitate the engagement of landowners and resource consent applicants with the relevant rūnanga prior to undertaking activities and/or applying for resource consent, within or adjacent to identified sites of Ngāi Tahu cultural significance (including silent file areas). Where prior applicant engagement has not been undertaken Council will consult with the relevant rūnanga.</p> <p>9.5.2.2.6 Policy - Identified Sites of Ngāi Tahu Cultural Significance</p> <p>a. Kaitiakitanga, and the relationship of Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga, shall be recognised and provided for by managing cultural values of identified sites of Ngāi Tahu cultural significance in the manner set out in Policies 9.5.2.2.1 to 9.5.2.2.5.</p> <p>9.5.2.2.7 Policy - Future work</p> <p>a. The Council will:</p> <ul style="list-style-type: none"> i. work with Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga to provide recognition and protection through reclassifying the full extent of the silent file areas set out in the Mahaanui Iwi Management Plan 2013 and Kaitōrete Spit (identified in Schedule 9.5.6.2), via a plan change; ii. involve landowners when determining the appropriate approach to be taken to protection under i. above, and provide encouragement to landowners to protect identified sites of Ngāi Tahu cultural significance; and iii. facilitate the further identification and classification of sites of cultural significance to Ngāi Tahu mana whenua for inclusion in the District Plan, via a plan change, over time; iv. monitor the effects of land uses on identified sites of Ngāi Tahu cultural significance and address adverse effects through regulatory and non-regulatory methods, including via a plan change.

Plan	Description of Approach
	<p>Rules</p> <p>Only one rule for the chapter is for wāhi tapu / wāhi taonga sites – these areas are shown on planning maps.</p> <p>Initial “how to interpret rules” section has detailed instructions, including acknowledgement of the other matters of discretion throughout the plan.</p> <p>Matters of discretion for all overlays includes matter “Whether the relevant Papatipu Rūnanga has been consulted, the outcome of that consultation, and whether the development or activity responds to, or incorporates the outcome of that consultation”</p>
<p>Auckland Unitary Plan</p> <p>Second generation plan</p> <p>Operative in part 2016</p> <p>Auckland Council</p>	<p>Chapter D21 – Sites and places of significance to Mana Whenua Overlay</p> <p>Two objectives</p> <p>(1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.</p> <p>(2) Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.</p> <p>Policies</p> <p>(1) Avoid the physical destruction in whole or in part of sites and places of significance during earthworks.</p> <p>(2) Avoid significant adverse effects on the values and associations of Mana Whenua with sites and places of significance to them.</p> <p>(3) Require subdivision, use and development, where adverse effects on site and places of significance cannot practicably be avoided, to remedy or mitigate those adverse effects by:</p> <p>(a) enhancing the values of the scheduled site or place of significance and the relationship of Mana Whenua with their tāonga, commensurate with the scale and nature of the proposal;</p> <p>(b) incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;</p>

Plan	Description of Approach
	<p>(c) recognising and providing for the outcomes articulated by Mana Whenua through an assessment of environmental effects with Mana Whenua and within iwi planning documents;</p> <p>(d) demonstrating consideration of practicable alternative methods, locations or designs that would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; and</p> <p>(e) demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua. Reflect within the development the relationship of the scheduled site or place of significance within the context of the wider local history and whakapapa.</p> <p>(5) Recognise that some activities may have such significant adverse effects on Mana Whenua values that they are culturally inappropriate when considering the nature of the scheduled site or place of significance and associated values.</p> <p>(6) Manage the adverse effects of subdivision where scheduled sites and places of significance to Mana Whenua are split into multiple land parcels.</p> <p>(7) Provide incentives to encourage the protection and enhancement of scheduled sites and places of significance to Mana Whenua.</p> <p>(8) Recognise that the intangible values of sites or places of significance can be protected and enhanced even where the site or place has been significantly modified or destroyed.</p> <p>(9) Enable existing network utilities and electricity generation facilities on sites and places of significance including:</p> <ul style="list-style-type: none"> (a) use and operation; and (b) minor upgrading, maintenance and repair in a manner that avoids, where practicable, or otherwise remedies or mitigates adverse effects on cultural values. <p>(10) Avoid where practicable the use of scheduled sites and places of significance to Mana Whenua for new infrastructure where this affects cultural values.</p>

Plan	Description of Approach
	<p>(11) Require an assessment of environmental effects where proposed works may have adverse effects on the values associated with sites or places of significance to Mana Whenua.</p> <p>Rules relating to identified sites (as shown on maps) focus on development (non-invasive archaeological survey, Minor work for the purpose of preserving or maintaining scheduled sites and places of significance to Mana Whenua, temporary activities, disturbance in the CMA, new buildings and structures, alterations and additions with increased footprint), land disturbance, infrastructure and subdivision.</p>
<p>Dunedin District Plan</p> <p>Second generation plan</p> <p>Appeals version 2019</p> <p>Dunedin City Council</p>	<p>Chapter 14 Mana whenua</p> <p>Sets out background, issues, values</p> <p>Objective</p> <p>The relationship between Mana whenua and the natural environment is maintained or enhanced, including the cultural values and traditions associated with:</p> <ul style="list-style-type: none"> a. wāhi tūpuna; b. mahika kai; and c. occupation of original native reserve land through papakāika. <p>Policies</p> <p>Policy 14.2.1.1 Only allow activities in or adjacent to wetlands and coastal and riparian areas that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, where adverse effects on mahika kai are avoided, or if avoidance is not practicable, are no more than minor.</p> <p>Policy 14.2.1.2 Require buildings, structures, earthworks and network utilities to be set back an adequate distance from the coast and water bodies that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai.</p>

Plan	Description of Approach
	<p>Policy 14.2.1.3 Only allow subdivision of land adjacent to water bodies and the coast that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, where the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai.</p> <p>Policy 14.2.1.4 Only allow activities that are identified as a threat to wāhi tūpuna in Appendix A4, where adverse effects on the relationship between mana whenua and the wāhi tūpuna are avoided, or if avoidance is not practicable, are no more than minor.</p> <p>Policy 14.2.1.5 Only allow cemeteries, crematoriums and landfills where any adverse effects on mana whenua values, including the relationship between mana whenua and sites of cultural importance to them, are avoided or, if avoidance is not practicable, are no more than minor.</p> <p>Policy 14.2.1.6 Enable mana whenua to live in original native reserve areas where any adverse effects will be adequately managed in line with the objectives and policies of the relevant zone.</p> <p>Policy 14.2.1.7 Require residential buildings used for papakāika to be removed from a site when they are no longer used for that purpose.</p> <p>Rules</p> <p>Relate to a range of activities and wahi tupuna mapped areas (shown on maps).</p>
<p>Porirua Proposed District lan</p> <p>Second generation plan</p> <p>Hearings under way</p>	<p>Sites and areas of significance to māori</p> <p><u>Objectives</u></p> <p>SASM-O1 Recognising sites and areas of significance</p> <p>Sites and areas of significance to Ngāti Toa Rangatira are recognised.</p> <p>SASM-O2 Kaitiakitanga</p> <p>Ngāti Toa Rangatira are able to exercise kaitiakitanga in relation to sites and areas of significance to them in Porirua City.</p> <p>SASM-O3 Subdivision, use and development</p>

Plan	Description of Approach
	<p>The values associated with sites and areas of significance to Ngāti Toa Rangatira are not lost due to inappropriate modification, subdivision, use and development.</p> <p><u>Policies</u></p> <p>SASM-P1 Identifying sites of significance</p> <p>Work with Te Rūnanga o Toa Rangatira to identify and schedule sites and areas of significance to them in APP6 - Schedule of Sites and Areas of Significance to Māori, as well as their respective cultural and spiritual values.</p> <p>SASM-P2 Maintenance and restoration</p> <p>Enable maintenance and restoration of sites and areas of significance to Ngāti Toa Rangatira included in APP6 - Schedule of Sites and Areas of Significance to Māori where the cultural and spiritual values of the site or area can be protected or managed.</p> <p>SASM-P3 Small-scale earthworks</p> <p>Enable small-scale earthworks where necessary for burials within an existing urupā.</p> <p>SASM-P4 Animal grazing</p> <p>Allow animal grazing as a means of vegetation maintenance on sites listed in APP6 - Schedule of Sites and Areas of Significance to Māori.</p> <p>SASM-P5 Earthworks</p> <p>Protect the values of sites and areas listed in APP6 - Schedule of Sites and Areas of Significance to Māori from the effects of earthworks, while enabling maintenance or minor upgrades of existing network infrastructure where values will not be adversely affected.</p> <p>SASM-P6 Use and development</p> <p>Only allow any other use and development on sites and areas of significance listed in APP6 - Schedule of Sites and Areas of Significance to Māori, where it can be demonstrated that the site's values are protected and maintained, having regard to:</p>

Plan	Description of Approach
	<ol style="list-style-type: none"> Whether there are alternative methods, locations or designs that would avoid or reduce the impact on the values associated with the site or area of significance; Outcomes articulated by Te Rūnanga o Toa Rangatira through an assessment of environmental effects, cultural impact assessment or iwi planning documents; The potential to enhance the values of the site of significance and the relationship of Ngāti Toa Rangatira with their taonga, commensurate with the scale and nature of the proposal; How values of significance to Ngāti Toa Rangatira, including tikanga, kaitiakitanga and mātauranga Māori may be incorporated; and Any practical mechanisms to maintain or enhance the ability of Ngāti Toa Rangatira to access and use the site or area of significance for karakia, monitoring, customary purposes and ahi kā roa. <p>SASM-P7 Demolition or destruction of sites</p> <p>Avoid the demolition or destruction of sites and areas of significance included in APP6 - Schedule of Sites and Areas of Significance to Māori.</p> <p>SASM-P8 Subdivision</p> <p>Only allow subdivision of sites or areas of significance listed in APP6 - Schedule of Sites and Areas of Significance to Māori where it can be demonstrated that:</p> <ol style="list-style-type: none"> Values identified in APP6 - Schedule of Sites and Areas of Significance to Māori are maintained and protected; Sufficient land is provided around the site of area listed in APP6 - Schedule of Sites and Areas of Significance to Māori to protect identified values; and The remainder of the site is of a size which continues to provide it with a suitable setting to values identified in APP6 - Schedule of Sites and Areas of Significance to Māori. <p>Rules</p>

Plan	Description of Approach						
	<p>Relate to earthworks, maintenance and restoration of sites, animal grazing, new buildings / structures and extensions to footprints, new infrastructure, subdivision, destruction of a site.</p> <p>Sites are listed in a schedule and shown on maps.</p>						
<p>Proposed Selwyn District Plan notified in October 2020</p> <p>Hearings currently under way</p>	<p>The PDP describes and identifies Wāhi Tapu and Wāhi Taonga; Ngā Wai and Ngā Tūranga Tūpuna</p> <p>There is one overarching policy which states:</p> <div><p>ASM-O1</p><p>The historic and contemporary relationship of Ngāi Tahu mana whenua with their ancestral lands, water, sites, wāhi tapu, and is recognised and protected.</p></div> <p>The rules are as follows:</p> <div><p>ASM-R1</p><p>New Buildings and Structures</p></div> <table><tr><td>SASM Wāhi Tapu Overlay</td><td>Activity Status: PER 1. Any new, or addition to an existing, building or structure.</td><td>Activity status when compliance not achieved: 2. When compliance with any of SASM-R1.a is not achieved, the activity shall be restricted to the following: 3. When compliance with any of SASM-R1.b is not achieved, the activity shall be restricted to the following:</td></tr><tr><td>SASM Wāhi Taonga Overlay</td><td>Where: The building or structure:<div><div><p>a. is a non-habitable building or structure less than 10m² in area and 2m in height; and</p><p>b. is not located with any maunga identified in SASM-SCHED1; and</p><p>c. is not a major hazard facility.</p></div></div></td><td>Matters for discretion: 4. The matters of discretion in relation to SASM-R1.1 shall be: <div><div><p>a. Those matters relevant to the site classification for Control or Discretion.</p></div></div> Notification: 5. Any application arising from SASM-R1.1 shall require the written approval of the Council. Absent their written approval, notice shall be given to the Council and Heritage New Zealand Pouhere Taonga.</td></tr></table>	SASM Wāhi Tapu Overlay	Activity Status: PER 1. Any new, or addition to an existing, building or structure.	Activity status when compliance not achieved: 2. When compliance with any of SASM-R1.a is not achieved, the activity shall be restricted to the following: 3. When compliance with any of SASM-R1.b is not achieved, the activity shall be restricted to the following:	SASM Wāhi Taonga Overlay	Where: The building or structure: <div><div><p>a. is a non-habitable building or structure less than 10m² in area and 2m in height; and</p><p>b. is not located with any maunga identified in SASM-SCHED1; and</p><p>c. is not a major hazard facility.</p></div></div>	Matters for discretion: 4. The matters of discretion in relation to SASM-R1.1 shall be: <div><div><p>a. Those matters relevant to the site classification for Control or Discretion.</p></div></div> Notification: 5. Any application arising from SASM-R1.1 shall require the written approval of the Council. Absent their written approval, notice shall be given to the Council and Heritage New Zealand Pouhere Taonga.
SASM Wāhi Tapu Overlay	Activity Status: PER 1. Any new, or addition to an existing, building or structure.	Activity status when compliance not achieved: 2. When compliance with any of SASM-R1.a is not achieved, the activity shall be restricted to the following: 3. When compliance with any of SASM-R1.b is not achieved, the activity shall be restricted to the following:					
SASM Wāhi Taonga Overlay	Where: The building or structure: <div><div><p>a. is a non-habitable building or structure less than 10m² in area and 2m in height; and</p><p>b. is not located with any maunga identified in SASM-SCHED1; and</p><p>c. is not a major hazard facility.</p></div></div>	Matters for discretion: 4. The matters of discretion in relation to SASM-R1.1 shall be: <div><div><p>a. Those matters relevant to the site classification for Control or Discretion.</p></div></div> Notification: 5. Any application arising from SASM-R1.1 shall require the written approval of the Council. Absent their written approval, notice shall be given to the Council and Heritage New Zealand Pouhere Taonga.					

Plan	Description of Approach		
	SASM-R2 Earthworks		
	SASM Wāhi Tapu Overlay	Activity status: PER 1. Earthworks	Activity status when compliance not achieved: 2. When compliance with SASM-R2.1 is not achieved, the activity is restricted to the following matters:
	SASM Wāhi Taonga Overlay	Where: The earthworks are:	Matters for discretion: 3. The exercise of discretion in relation to SASM-R2.1 is restricted to the following matters:
	SASM Ngā Tūranga Tūpuna Overlay	a. within land previously disturbed by previous earthworks, cultivation, plantings (trees, pasture or crops), or buildings; and b. to a depth no greater 200mm; or c. for the purposes of excavating a well or bore within the Ngā Tūranga Tūpuna overlay; or d. associated with interments in a burial ground, cemetery or urupa on land that is classified as Māori Land within the Māori Purpose Zone.	a. Those matters relevant to the site classification as set out in SASM-Matters for Control or Discretion .
			Notification: 4. Any application arising from SASM-R2.2. shall require notification. Absent their written approval, the relevant Rūnanga, and Heritage New Zealand.
	SASM-R3 Primary Industry		
	SASM Wāhi Tapu Overlay	Activity status: RDIS 1. Any Primary Industry activity	
	SASM Wāhi Taonga Overlay	Matters for discretion: 2. The exercise of discretion in relation to SASM-R3.1.a is restricted to:	
		a. Those matters relevant to the site classification as set out in SASM-Matters for Control or Discretion .	
		Notification:	

Plan	Description of Approach
	<p>3. Any application arising from SASM-R3.1. shall not be subject to public notification. Absent their written approval, notice shall only be served on the applicant and Heritage New Zealand Pouhere Taonga.</p>
	<p>SASM-R4 Intensive Primary Production</p>
SASM Wāhi Tapu Overlay	<p>Activity status: RDIS</p> <p>1. Any new intensive primary production activity or the expansion of an existing intensive primary production activity</p>
SASM Wāhi Taonga Overlay	<p>Matters for discretion:</p> <p>2 The exercise of discretion in relation to SASM-R4.1 is restricted to:</p> <p>a. Those matters relevant to the site classification as set out in SASM-Matters for Control or Discretion.</p> <p>Notification:</p> <p>3. Any application arising from SASM-R4.1. shall not be subject to public notification. Absent their written approval, notice shall only be served on the applicant and Heritage New Zealand Pouhere Taonga.</p>
	<p>SASM-R5 Mineral Extraction</p>
SASM Wāhi Tapu Overlay	<p>Activity status: RDIS</p> <p>1. The establishment of a new, or the expansion of an existing mine, quarrying activity, or farm quarry.</p>
SASM Wāhi Taonga Overlay	<p>Where:</p> <p>a. The activity is located within the Ngā Tūranga Tūpuna overlay</p>
SASM Ngā Tūranga Tūpuna Overlay	<p>Matters for discretion:</p> <p>2. The exercise of discretion in relation to SASM-R5.1.a. is restricted to :</p>

Plan	Description of Approach
	<p>a. Those matters relevant to the site classification as set out in SASM-Matters for Control or Discretion.</p> <p>Note: GRUZ-R21 manages Mineral Extraction in the General Rural Zone as a Restricted Discretionary Activity. Matters of Discretion are set out in G R21.2.d inclusive.</p> <p>Notification:</p> <p>3. Any application arising from SASM-R5.1.a. shall not be subject to public notification. Absent their written approval, notice shall only be served on the applicant, the Council, Rūnanga, and Heritage New Zealand Pouhere Taonga.</p>
	<p>©</p> <p>SASM-R6 Plantation Forestry</p>
	<p>SASM Wāhi Tapu Overlay Activity Status: RDIS</p> <p>1. The establishment of a new, or expansion of an existing plantation forest.</p> <p>SASM Wāhi Taonga Overlay Matters for discretion:</p> <p>2. The exercise of discretion in relation to SASM-R7.1 is restricted to:</p> <p>a. Those matters relevant to the site classification as set out in SASM-Matters for Control or Discretion.</p> <p>SASM Ngā Tūranga Tūpuna Overlay Notification:</p> <p>3. Any application arising from SASM-R6.1. shall not be subject to public notification. Absent their written approval, notice shall only be served on the applicant, the Council, and Heritage New Zealand Pouhere Taonga.</p>