

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE TIMARU DISTRICT COUNCIL**

UNDER THE

The Resource Management Act
1991

IN THE MATTER

Submissions and further
submissions in relation to the
Timaru Proposed District Plan

**LEGAL SUBMISSIONS ON BEHALF OF
WESTGARTH, CHAPMAN, BLACKLER ET AL
(SUBMITTER NO. 200; FURTHER SUBMITTER NO. 269)**

HEARING STREAM E2: CULTURAL VALUES

Dated: 30 January 2025

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MAY IT PLEASE THE COMMISSIONERS

INTRODUCTION

Interests represented by the Submitters

- 1 The Submitters own, and/or operate farming businesses on, properties located variously at Levels, Waitohi, Kakahu, Raincliff, Pleasant Point, Cave, Hazelburn, Rangitata Gorge and Orari Gorge.¹
- 2 Their submission and further submissions on the Proposed Timaru District Plan (**PDP**) relate to the Sites and Areas of Significance to Māori (**SASM**) Chapter in the Proposed Plan and associated SASM planning overlays.² Specifically, the Submissions address the Submitters concerns with respect to:
 - (a) The process adopted by Timaru District Council (**TDC**) for:
 - (i) Determining the boundaries of the SASM planning overlays; and
 - (ii) Developing the rule framework for land use and subdivision within those overlays; and
 - (b) The implications of the PDP's planning framework for SASM for their present farming activities and future land use options.

Structure of legal submissions

- 3 These legal submissions address the residual concerns of the Submitters following the release of the Section 42A Report: Sites and Areas of Significance to Māori and Māori Purpose Zone³ and in light of the recommendations therein in response to submissions. Matters are dealt with in the following order:

¹ Schedules of the properties that the Submitters have an interest in are included as Annexure A to the Submitters' original submission (submission no. 200) and further submissions (further submission no. 269) (**Properties**).

² Submission no. 200; further submission no. 269 (**Submissions**).

³ *Proposed Timaru District Plan Section 42A Report: Sites and Areas of Significance to Māori and Māori Purpose Zone, Report on submissions and furthers submissions, Author: Liz White* (dated 9 December 2024) (**Section 42A Report**).

- (a) The Submitter's summary position on the PDP's planning framework for SASM and recommendations in the Section 42A Report;
- (b) Relevant considerations for the Panel's consideration of submissions and requested drafting changes to the provisions in the SASM Chapter as notified;
- (c) The Submitters remaining concerns, including:
 - (i) The extent of the proposed SASM planning overlays, and in particular, the overlays for SASM related to rock art sites;
 - (ii) The specificity provided in the PDP in relation to the values of identified SASM and land use activities that pose a potential threat to those values; and
 - (iii) The implications of [3](c)(i) and (ii) for resource consent applications required under the rules in the SASM Chapter, including with respect to the scope of consultation and cultural assessment required to support such applications.

Witnesses

- 4 Evidence from the following witnesses has been filed on behalf of the Submitters:
- (a) **James Reese (Reese) Hart**, who has ongoing interests in properties located in the Upper Waitohi and at Levels, and associated sheep and beef livestock, and bull beef, farming operations;
 - (b) **James Hartley Fraser**, who has interests in a property located at Hazelburn, and the associated sheep and stud angus breeding farming business;
 - (c) **Mark Brian Chamberlain**, who has interests in a property located at Hazelburn, and the associated semi-intensive sheep and beef farming business;
 - (d) **Gerald Alister Henry Hargreaves**, who has interests in a property located at Kakahu, and the associated sheep, beef and dairy farming business; and

- (e) **John Benjamin Evans**, who has interests in the farming business run on his family's farm in the Pareora Gorge.

THE SUBMITTERS' SUMMARY POSITION

- 5 As will be apparent from the Submissions and the evidence that has been filed in support of the Submissions, the Submitters:
- (a) Acknowledge the cultural importance of sites and areas on the Properties and the need for those sites and areas to be protected from the effects of land use activities; and
 - (b) Genuinely view themselves as custodians of those sites and areas.
- 6 In their role as custodians, the Submitters (and those that have owned the Properties before them) have sought, in good faith, to gain knowledge and understanding of the historical and cultural context to the sites and areas, and to protect them. The Submitters therefore genuinely feel let down by the TDC's sole reliance on the advice from Aoraki Environmental Consultancy Limited (**AECL**) and its cultural consultants to inform the development of PDP's planning framework for SASM, and by implication:
- (a) Its disregard of the Submitters' knowledge and understanding of SASM, which has been built over many years and generations of ownership of the Properties and through recent resource consent application processes; and
 - (b) Its failure to recognise the benefits of early engagement with the owners of land on which SASM have been identified in the plan development process, particularly the identification of the values of individual SASM and potential threats to such values.
- 7 Whilst it is acknowledged that the RMA does not impose mandatory consultation obligations on territorial authorities to consult with land owners affected by proposed planning restrictions before the public notification of a district plan, early engagement with landowners as part of district plan development processes regarding SASM has been undertaken elsewhere.⁴

⁴ For example, the Selwyn District Council's section 32 report for the Proposed Selwyn District Plan's proposals for Sites and Areas of Significance to Māori (<https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn->

It also appears that this was suggested by cultural advisors to TDC in the early stages of the PDP's development⁵ but not pursued by TDC.

8 The Submitters wish to commend the TDC's Planning Manager – District Plan Review, Mr Aaron Hakkaart, for the proactive approach he has taken in engaging with the Submitters following the close of the PDP's submission period. That approach, together with the following additional factors, have gone some way to addressing the Submitters' concerns in relation to the rules in the SASM Chapter:

- (a) The advice of the section 42A reporting office, Ms Liz White, that:
 - (i) The rules do not affect existing use rights; and
 - (ii) The earthworks rules in the SASM Chapter do not apply to cultivation as it is expressly excluded from the PDP's definition of "earthworks".
- (b) Ms White's recommended suite of revisions in response to submissions, including to avoid duplication of rules elsewhere in the PDP and other regulation.

9 However, Ms White's advice and recommended revisions do not remedy the Submitters' fundamental concerns regarding the plan development process. Nor do they address the Submitter's concerns as to:

- (a) The absence of evidential justification for the rules adopted in the SASM Chapter to manage the effects of land use activities that could threaten identified values of SASM;
- (b) The apparent conflict of interest arising from fee expectations to complete consultation and engagement on resource consent

[district-plan/selwyn-district-plan-review/supporting-information/section-32-reports](#)) records (at pages 13 and 14) that Selwyn District Council met with representatives of a local agricultural group and sent letters to all landowners who were identified as having a cultural site on their property or were within buffer distances of cultural sites, with information about the district plan review process, how they could get further information on that process and timeframes for providing feedback on reports and draft provisions two years before the formal statutory process for the proposed district plan commenced.

⁵ Expert Cultural Evidence (of John Henry) to Support Section 42A Report: Sites and Areas of Significance to Māori dated 9 December 2024, included as Appendix 3 to the Section 42A Report (**Mr Henry's Evidence**), at [30].

applications required under the PDP with cultural consultants who had a significant role in informing the drafting of the PDP's SASM provisions; and

- (c) Additional, wider-ranging restrictions within SASM that may be introduced by way of future plan changes that affect existing farming business and limit options for future diversification of land use required due to increasing regulation for current and ongoing farming activities.

10 It is therefore the Submitters' preference that TDC start again; i.e.,:

- (a) The SASM Chapter, the SASM overlays, and all other references to SASM within the PDP be removed from the PDP; and
- (b) A new planning framework for SASM (e.g., by way of a variation to the PDP) be developed following:
 - (i) Engagement with all stakeholders, including the owners of land on which SASM have been identified by AECL and its cultural advisors, specifically in the development of SASM planning overlays;
 - (ii) The completion of:
 - (1) The identification of the values of each individual SASM, informed by that stakeholder engagement and the outcome of consultation with Kāti Huirapa in prior resource consenting processes under the Resource Management Act 1991 (**RMA**);
 - (2) Expert assessment of the actual and potential effects of land use activities that threaten those values; and
 - (3) A fresh assessment under section 32 of the RMA that identifies suitable (not superior) and the least restrictive regime required to manage the effects of such activities, including e.g., redefining (i.e., reducing) SASM overlays to reflect what is actually

required (as supported by expert evidence) to manage those effects.

- 11 The Submitters acknowledge that this approach may not be favoured by the Panel, particularly in light of the TDC's obligations in terms of sections 6(e), 6(f), 6(g), 7(a) and 8 of the RMA and to ensure the PDP conforms with the requirements of the National Planning Standard 2017 (**National Planning Standard**) in terms of district plan structure and the content of SASM chapters. If that is the case, the Submitters would support Ms White's revisions (which are accepted by Kāti Huirapa⁶), subject to the following changes:
- (a) The extent of mapped area of wāhi tapu sites that relate to rock art (SASM8 and SASM9) be reduced to include the specific rock art sites and a 10m "buffer area" around those sites; and
 - (b) More specificity in Schedule 6 – Schedule of Sites and Areas of Significance to Kāti Huirapa (**Schedule 6**) of the values of identified SASM and the principal threats (i.e. land use activities) to those listed values.
- 12 It is submitted that Ms White's recommended revisions to the SASM Chapter, subject to the additional textual changes sought by the Submitters, are required to ensure the rules in the SASM Chapter:
- (a) Implement the objectives and policies of that Chapter;
 - (b) Are "appropriate" within the context of section 32 RMA, and in terms of efficiency and effectiveness, represent suitable (not superior) and the least restrictive regime for managing the effects of land use activities that potentially threaten the values of SASM, as supported by evidence;
 - (c) Do not unnecessarily duplicate other rules in the PDP and other existing regulatory processes for the protection of SASM.

⁶ As confirmed in Mr Henry's Evidence.

RELEVANT CONSIDERATIONS FOR THE PANEL'S CONSIDERATION OF SUBMISSIONS AND POTENTIAL DRATING CHANGES

- 13 It is submitted that the following considerations are relevant to the Panel's consideration of submissions on the PDP, and more specifically, the PDP's proposed planning framework for SASM and Ms White's recommended revisions to that framework:
- (a) The statutory framework for district plans and related principles established by caselaw; and
 - (b) Other considerations, such as:
 - (i) The evidence available to the Panel, including in the form of reports prepared by or for TDC in support of the PDP's proposed planning framework for SASM (as notified) or included in the Section 42A Report, and evidence filed by or on behalf of submitters; and
 - (ii) The approach adopted by other district councils for SASM Chapters in recent district plans.
- 14 As the Panel will be aware, the statutory framework for district plan rules traverses several sections of the RMA. Of particular relevance to the Submissions and the matters addressed in the legal submissions that follow in relation to the Submitters' remaining concerns following the release of the Section 42A Report, those provisions direct that:
- (c) The PDP must state:⁷
 - (i) The objectives for the district; and
 - (ii) The policies to implement the objectives; and
 - (iii) The rules to implement the policies.

⁷ RMA, section 75(1).

- (d) The PDP must give effect to the National Planning Standards,⁸ which for the SASM Chapter includes the following minimum requirements:⁹
- a. *descriptions of the sites and areas (eg, wāhi tapu, wāhi tūpuna, statutory acknowledgement, customary rights, historic site, cultural landscapes, taonga and other culturally important sites and areas) when there is agreement by Māori to include this information*
 - b. *provisions to manage sites and areas of significance to Māori*
 - c. *a description of agreed process of identification of sites and areas including an explanation of how tangata whenua or mana whenua are engaged*
 - d. *a schedule(s) that lists the specific or general location of sites and areas of significance to Māori when this information is provided. This may cross-reference an appendix*
 - e. *a description of any regulatory processes for identification*

15 Unfortunately, the Panel does not have the benefit of any detailed guidance from the Courts regarding the implementation of the abovementioned directives for SASM Chapters under the National Planning Standards. However, it is submitted that those directives provide a useful starting point for the Panel's consideration of potential drafting changes to the SASM Chapter as notified for addressing concerns raised by submitters. Recent examples of SASM Chapters developed in other districts may also provide useful guidance.

⁸ RMA, section 75(3).

⁹ National Planning Standards, Section 7. District-wide Matters standard, clause 17 (page 33).

16 In relation to the SASM rules and the requirements of section 32 RMA, we submit that the following general caselaw principles are relevant to the Panel's considerations:

- (a) Section 32 requires a value judgment as to what on balance, is the most appropriate, when measured against the relevant objectives.¹⁰ 'Appropriate' means suitable, and there is no need to place any gloss upon that word by incorporating that it be superior.¹¹
- (b) Where the purpose of the RMA and objectives of the Plan can be met by a less restrictive regime, then that regime should be adopted.¹² Such an approach reflects the requirement in section 32(1)(b)(ii) to examine the efficiency of the provision and promotes the purpose of the RMA by enabling people to provide for their well-being while addressing the effects of their activities.¹³
- (c) Uncertainty and costs following from generalised plan wording can be avoided by providing greater clarity within plan provisions.¹⁴

17 We also note recent confirmation from the High Court as to the necessity for evidence to inform the section 32 RMA evaluation,¹⁵ and consequently, justification for the approach adopted in any proposal (e.g., proposed plan) following that evaluation.

REMAINING CONCERNS OF THE SUBMITTERS

18 As already noted, should the Panel be minded to retain the SASM Chapter in the PDP despite the concerns of the Submitters in relation to the plan development process, the Submitters would support Ms White's

¹⁰ *Rational Transport Society Incorporated v New Zealand Transport Agency* [2012] NZRMA 298, at [45] (Bundle of Authorities, **Tab 1**).

¹¹ *Rational Transport Society Incorporated v New Zealand Transport Agency* [2012] NZRMA 298, at [45] (Bundle of Authorities, **Tab 1**).

¹² *Royal Forest & Bird Protection Society of New Zealand Inc v Whakatane District Council* [2017] NZEnvC 051, at [59] (Bundle of Authorities, **Tab 2**).

¹³ *Royal Forest & Bird Protection Society of New Zealand Inc v Whakatane District Council* [2017] NZEnvC 051, at [59]. Bundle of Authorities, **Tab 2**.

¹⁴ *Heritage New Zealand Pouhere Taonga v West Coast Regional Council* [2020] NZEnvC 80, at [216] (Bundle of Authorities, **Tab 3**).

¹⁵ *Rayonier New Zealand Ltd v Canterbury Regional Council* [2024] NZHC 1478 (Bundle of Authorities, **Tab 4**).

recommended revisions to the SASM Chapter subject to changes to the following, which are now addressed:

- (a) The extent of the SASM overlays; and
 - (b) Schedule 6.
- 19 The Submitters key concern with the extent of the SASM planning overlays included in the PDP as notified relates to the lack of supporting evidence:
- (a) That demonstrates the values of the SASM identified in Schedule 6 are across all of the land areas subject to the SASM overlays;
 - (b) As to the effects of land use activities that threaten those values, to justify the extent of the SASM overlays, and in particular the “buffer areas” around rock art sites.
- 20 They have a related concern with respect to the level of detail provided in Schedule 6 as to the values of SASM and the land use activities that pose a threat to those values.

Values to be protected within SASM

- 21 In their evidence, Mr Fraser and Mr Evans have referred to recent resource consenting processes to authorise farming land use and forestry activities on their properties respectively. As Mr Fraser and Mr Evans have explained, the approach to consultation with agencies representing the interests of mana whenua on the potential effects of such activities on cultural values of the sites on their properties has focused primarily on effects on the integrity of rock art sites only, informed by advice received from the Ngāi Tahu Māori Rock Art Trust.¹⁶
- 22 The Submitters acknowledge the advice from Kāti Huirapa representative, Mr John Henry, regarding the cultural sensitivities in identifying some wāhi tapu sites. However, it is submitted that in the absence of evidence as to the location and extent of such sites, there is no justification for the extent of the rock art site SASM overlays in light of the evidence of Mr Fraser and Mr Evans. Certainly, it appears that at least with respect to SASM8 and

¹⁶ Statement of Evidence of James Hartley Fraser dated 23 January 2025, at [17] to [19]; Statement of Evidence of John Benjamin Evans dated 23 January 2025, at [28].

SASM9, the extent of the proposed overlays would have the effect of introducing new sites or areas of significance to manawhenua, which is contrary to Mr Henry's advice that this was not intended as part of the PDP plan development process.¹⁷

- 23 In our submission, it would be preferable for the PDP to provide as much specificity as possible on the values of each identified SASM and the land use activities that pose a potential threat to those values. Such an approach was adopted in the SASM provisions in the Dunedin City Plan, a copy of which is included in the Bundle of Authorities accompanying these legal submissions at Tabs 5 and 6.
- 24 We submit that such an approach would ensure greater certainty for not only potential consent applicants, but also TDC's consent processing staff and Kāti Huirapa representatives as to the framework for consultation, and where appropriate, the development of recommendations as to potential consent conditions. Ultimately, this would reduce the costs of future consenting processes for applicants and accordingly (with respect to matters of efficiency and effectiveness) be more appropriate in terms of the requirements of section 32 RMA than the more generalised approach adopted by the PDP as notified and Ms White's recommended revisions.

"Buffer areas" around rock art site SASM

- 25 Ms White recommends the reduction of the "buffer area" around rock art site SASMs (SASM8 and SAMS9) from 300m to 250m, the intention being that this is area within which activities could adversely affect the integrity of a particular SASM.¹⁸ The rationale for this recommendation is stated as being to align with the approach adopted in the decision on Plan Change 24 to Mackenzie District Plan (**PC24 Decision**), which Ms White indicates was considered more appropriate in terms of matters regulated by the district plan.¹⁹
- 26 The difficulty for the Panel in this hearing is the absence of evidence demonstrating that a 250m buffer area is required to manage the effects of activities regulated by the PDP on the integrity of rock art sites, such as the

¹⁷ At [32].

¹⁸ Section 42A Report, at [8.2.25] (page 37).

¹⁹ Section 42A Report, at [8.2.26] (page 37)

generation of dust and ground disruption. None of the reports relied on by TDC to expressly address the buffer area required in that regard.

- 27 As noted earlier in these submissions, it is our submission that the approach adopted in other district plans, provides useful guidance to the Panel as to what may be appropriate for the PDP. To assist the Panel, a summary of the approaches adopted in a selection of district plans for SASM, including “buffer areas”, is included in Annexure A of these legal submissions. That summary demonstrates the range of different approaches that have been adopted for protecting identified SASM, which includes significantly less “buffer areas” than that proposed in the PDP as notified and recommended by Ms White.
- 28 The Submitters consider a 10m “buffer area” would be sufficient to manage the effects of earthworks on SASM related to rock art sites (addressed by SASM-R1). However, they acknowledge larger setbacks may be justified for more significant land disturbance activities such as mining and quarrying, and plantation forestry from such SASM (addressed by SASM-R5, SASM-R5A and SASM-R8). By way of example, we note in this regard the approach taken in the rules of the New Plymouth District Plan, which include consent triggers for such activities within 50m and 100m of identified sites, depending on the type of activity and its effects profile.

SASM not related to rock art sites

- 29 For completeness, it is noted that the Submitters accept that controls on land disturbance and new buildings/structures (including additions and alterations of buildings/structures) in SASM not related to rock art sites identified in Schedule 6 (such as wahi tupuna, wahi taoka, wai tapu and other wahi tapu SASM), may be justified on the basis of potential effects of such activities on the values of such SASM. However, again, it is submitted that the Panel will need to be satisfied there is sufficient evidence to justify such controls from an effects perspective.

CONCLUDING COMMENTS

- 30 In our submission, the varied and wide-ranging issues process-related issues raised in the Submission and evidence filed on behalf of the Submitters provide a valid basis for the Panel to recommend:

- (a) The deletion of the SASM provisions, including the SASM overlays, in the PDP; and
- (b) A new suite of SASM provisions and overlays be developed in consultation with all stakeholders, including owners of land within which sites or areas of cultural significance are known to exist.

31 For the reasons outlined, the Submitters consider this to be the preferred option.

32 However, the Submitters acknowledge this option may not be favoured by the Panel due to statutory directions for district plans and the desirability of not delaying the introduction of district planning restrictions for SASM. If that is the case, the Submitters would support the revisions to the provisions of the SASM Chapter recommended by Ms White, subject to the additional changes addressed in these submissions in relation to “buffer areas” for SASM related to rock art sites and Schedule 6.

33 It is submitted that those revisions and additional changes would be appropriate and necessary to:


- (a) Give effect to the National Planning Standards; and
- (b) Satisfy the statutory requirements in relation to district plan provisions, including with respect to the section 32 evaluation and in light of the evidence available to the Panel.


Dated: 30 January 2025




G Hamilton / L O'Brien
Counsel for Westgarth, Chapman, Blackler et al

ANNEXURE A – OTHER DISTRICT PLANS AND THEIR APPROACH TO MANAGEMENT OF ACTIVITIES WITHIN SASM

District Plan	Approach to management of activities within SASM	
	Mapping	Rules
<p>Central Hawke's Bay District Plan (Operative in Part (2024)).</p>	<ul style="list-style-type: none"> SASM sites are mapped using a small icon to indicate the presence of SASM on a property (). The extent of the SASM is not mapped but is often described in full in the schedule. E.g., SASM-9 is described in SASM-SCHED3 as: <i>Ngati Tuwharetoa Old Pā – one of three pā associated with Kahotea. Pā with transverse ditch and bank. Interior, lateral terracing with pits and house sites on northwest and southwest sides. Small tihī 8x10 paces. A flat 'marae' 25x19 places near the entrance.</i> There are no “buffers” mapped around SASM sites. 	<ul style="list-style-type: none"> Nearly all activities are permitted within a site identified in SASM-SCHED3 where no activity will destroy, damage, or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance. If compliance with the permitted activity condition cannot be achieved, the activity requires restricted discretionary consent. Discretion is restricted to the 'General Assessment Matters for Wāhi Tapu, Wāhi Taonga or Sites of Significance' in SASM-AM1. SASM-R6 provides that activities within 100m of a site identified in SASM-SCHED3 are permitted where the activity does not involve offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields. If compliance with the permitted activity condition cannot be achieved, the activity requires restricted discretionary consent. Discretion is restricted to the 'General Assessment Matters for Wāhi Tapu, Wāhi Taonga or Sites of Significance' in SASM-AM1. 65 SASM are listed and described in SCHED-3.

District Plan	Approach to management of activities within SASM	
	Mapping	Rules
New Plymouth District Plan (Appeals Version – 2024)	<ul style="list-style-type: none"> SASM sites are mapped using a small icon to indicate the presence of SASM on a property (). The extent of the SASM site is mapped separately as the ‘SASM Extent’. This is unique to each SASM. A “buffer” zone is mapped across some, not all, SASM. This buffer is unique to each SASM and can range between 50m and 200m. It is noted that whilst there is the ability to map a 200m buffer for SASM sites, the SASM rules only restrict activities up to 100m from the SASM extent. 	<p>The following activities are permitted if compliant with the permitted activity conditions:</p> <ul style="list-style-type: none"> Land disturbance (excluding earthworks) within 50m of the extent of the mapped SASM; Alterations to structures, and demolition or removal of structures, where the structure does not form part of the SASM; Erection of, additions to, or relocation of structures within 50 to 100m of the SASM. Maintenance and repair of network utility structures within the extent of, or within 50m of a mapped SASM; <p>The following activities require resource consent:</p> <p><i>Restricted Discretionary:</i></p> <ul style="list-style-type: none"> Upgrades to network utility structures in the General Industrial Zone, Open Space and Recreation Zone, Special Purpose Zone, and Rural Zone, within the extent of a SASM or within 50m of the extent of a SASM. Upgrades to network utility structures in the Commercial and Mixed Use Zone and the Residential Zone, within the extent of a SASM. <p><i>Discretionary:</i></p> <ul style="list-style-type: none"> Erection of, additions to, or relocations of structures and associated earthworks in the General Industrial Zone, Open Space and Recreation Zone, Special Purpose Zone, and

District Plan	Approach to management of activities within SASM	
	Mapping	Rules
		<p>Rural Zone within 50m of the extent of a mapped SASM.</p> <ul style="list-style-type: none"> Erection of, additions to, or relocations of structures and associated earthworks in the Commercial and Mixed Use Zone and Residential Zone within the extent of a mapped SASM. Earthworks within the extent of a SASM or within 50m of the extent of a mapped SASM. Subdivision of land that contains any part of a SASM. Modification or destruction of a SASM. <p>SCHEd-3 lists the Archaeological Sites (AS) and SASMs in the District. The schedule details for each site:</p> <ul style="list-style-type: none"> The Site ID; The Site description; The Site name; The location of the site; The details of mana whenua associated with the site; Whether the site is associated with a silent file; Whether the Site is mapped to its extent; Whether the site is AS or SASM; The NZAA Reference; and The HNZPT Category / Reference. <p>There are 4,030 sites identified and detailed in SCHEd-3.</p>
Whanganui District Plan	<ul style="list-style-type: none"> SASM sites are mapped using a small icon to indicate the presence 	The proposed Appendix K – Archaeological and Wahi Tupuna

District Plan	Approach to management of activities within SASM	
	Mapping	Rules
(Proposed Plan Change 63 – Historic Heritage, Notified).	<p>of SASM on a property ().</p> <ul style="list-style-type: none"> A “Buffer Area” is mapped across some SASM in accordance with the information contained in Appendix K. This buffer is unique to each SASM and ranges from a default 50m buffer to the entire SASM extent. No buffers apply to sites recorded as wahi tupuna. 	<p>lists:</p> <ul style="list-style-type: none"> The Site list number; The NZAA number; Description of the site; Location (longitude and latitude coordinates); Comments; The prescribed buffer; and WDC reference number. <p>Where a buffer is not prescribed, a note at the top of the appendix explains that:</p> <p><i>“Sites without an indicated buffer shall default to an estimated buffer of 50m. These sites have not been specifically research. The Historic Places Act applies regardless of any District Plan Buffer specified so care should be taken beyond any buffer also. No buffer shall apply to sites recorded as wahi tupuna.”</i></p> <p>The rules relating to SASM are contained within the Historic Heritage Chapter. Activities in / around SASM are only regulated in the ‘North West Structure Plan Area’.</p> <p>The following are restricted discretionary activities in the ‘North West Structure Plan Area’, subject to compliance with the performance standards:</p> <ul style="list-style-type: none"> Earthworks on any part of a site which contains a recorded wāhi tūpuna identified in Appendix K, except where an Archaeological Authority has been obtained from Heritage

District Plan	Approach to management of activities within SASM	
	Mapping	Rules
		<p>New Zealand for the works.</p> <ul style="list-style-type: none"> • Earthworks activities on sites not identified in Appendix K, except where a person suitably qualified in mana whenua cultural history or archaeology certifies in writing that the proposed earthworks will not damage or destroy any identifiable wāhi tapu. <p>If compliance is not achieved, the activity will require a discretionary resource consent.</p>
<p>Proposed Waitomo District Plan (Hearings held in November 2024).</p>	<p>SASM sites are mapped using an overlay that shows the extent of the SASM without a buffer area. The Cultural Alert Layer is also mapped to show the extent of the site without a buffer area.</p> <p>In the Section 42A Report for Chapter 25 – Sites and Significance to Māori, the Reporting Officer at [105] rejects a submission requesting a 50m buffer be added around sites identified in SCHED-5. The Reporting Officer’s recommendation was:</p> <p><i>“It is considered that when the sites were identified the extent of the boundaries was sufficient to ensure that an additional buffer area was not required, as it took into consideration the area that was to be protected to ensure that the site was not undermined or damaged by activities on its periphery.”</i></p>	<p>SASM are listed in SCHED-3 (identified by mana whenua), and wāhi tapu sites are listed in SCHED-4 (Heritage New Zealand Pouhere Taonga sites listed under the Heritage New Zealand Pouhere Taonga Act 2014). The provisions of the plan treat these sites in exactly the same manner, but they are differentiated in the schedules because of the difference in the way they have been identified.</p> <p>‘Cultural Alert Layer Sites’ are listed in SCHED-5 and do not trigger the requirement for resource consent. Cultural Alert Layer Sites “are of particular importance to mana whenua. [...] Many of the sites include productive farm land, residential properties or are on reserves. On these sites, mana whenua have signalled the need to balance the protection of lawfully established activities with the requirement to avoid inappropriate development. In order to achieve this balance, sites subject to the</p>

District Plan	Approach to management of activities within SASM	
	Mapping	Rules
		<p>cultural alert layer do not directly trigger the requirement for resource consent. However, if resource consent is required for another matter within this alert layer, an assessment of the impact of the activity on the cultural heritage values of the site is required.”</p> <p>SCHED-3 and SCHED-5 details for each site:</p> <ul style="list-style-type: none"> • Unique ID; • Map reference; • Location; • Legal description; • Site Name; • Category; • Values Summary. <p>SCHED-4 details for each site:</p> <ul style="list-style-type: none"> • Unique ID; • Map reference; • Site name; • Location; • Legal description; • HNZ list entry legal description; • HNZ category • HNZ description of values. • Values Summary. <p>The following activities are permitted in the mapped extent of SASM listed in SCHED-3 and wāhi tapu sites listed in SCHED-4 if compliant with the permitted activity conditions:</p> <ul style="list-style-type: none"> • Earthworks associated with burials • Maintenance of sites • Internal alterations to existing buildings

District Plan	Approach to management of activities within SASM	
	Mapping	Rules
		<ul style="list-style-type: none"> • External additions to existing buildings • Accessory buildings including shipping containers where foundations are required • Demolition and/or removal of structures • Minor earthworks • Marae complex or papakāinga housing development • Official signs, interpretative signs, temporary signs, footpath signs including sandwich boards and teardrop flags. <p><i>Restricted Discretionary</i></p> <ul style="list-style-type: none"> • Earthworks for any other purpose. • Repositioning a building within a scheduled site. <p><i>Discretionary</i></p> <ul style="list-style-type: none"> • Signs (other than temporary signs) that are not located on the same site as the activity they advertise or signs that do not relate to the activity carried out on the site, and signs, not otherwise listed in SASM - Table 1. <p><i>Non-Complying</i></p> <ul style="list-style-type: none"> • Destruction or demolition of a feature or item on a scheduled site • Any other new or relocated building located on a scheduled site • Plantation Forestry