

**This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.**

## SITES AND AREAS OF SIGNIFICANCE TO MĀORI

### Introduction

The hapū who hold mana whenua in the ~~Timaru~~ District are Kāti Huirapa. The rohe of Kāti Huirapa extends over the area from the Rakaia River in the north to the Waitaki River in the south. The Papatipu Rūnaka that represents Kāti Huirapa is Te Rūnanga o Arowhenua.

As part of fulfilling its obligations under sections 6(e), 6(f), 7(a) and 8 of the RMA, the Council has developed this chapter (and provisions in other chapters) together with rūnaka for the purpose of managing activities that have potential adverse effects on the values of sites and areas that are significant to Kāti Huirapa (SASM).

Where an activity is proposed within a SASM which requires resource consent under another chapter in the District Plan, the objectives and policies in this chapter may also be relevant to consideration of that activity. There are also rules in other chapters, including the Natural Character, Natural Features and Landscapes, Coastal Environment and Earthworks chapters which manage activities that occur in SASMs. These SASM chapter should therefore be read alongside other sections of the District Plan which also consider the effects on SASMs.<sup>1</sup>

Kāti Huirapa worked and travelled extensively across South Canterbury and, as a result, they have historical and cultural connections with land and waterways throughout the ~~Timaru~~ District. To appropriately reflect the depth and breadth of their relationship with the ~~D~~istrict, the approach taken is to firstly identify areas of association, referred to as 'wāhi tūpuna'. This term describes an area with significant associations to cultural traditions, history or identity. Typically, wāhi tūpuna encompass multiple related sites with connections to cultural beliefs, values and uses.

Some smaller areas have been identified because they have highly significant values that Kāti Huirapa consider require special protection. These are categorised as:

- 1. Wāhi taoka — places that are treasured due to their high intrinsic values and their role in maintaining a balanced and robust ecosystem, sustaining quality of life and providing for the needs of present and future generations. Examples include repo raupō, wai puna and mahika kai; and/or
- 2. Wāhi tapu - sacred sites or areas held in reverence according to whakapapa. They may be associated with tākata whenua creation stories, particular events or ceremonies, or valued resources, and include sites such as urupā, pā, Kā tuhituhi o neherā and tauraka waka.

Significant waterways and their margins are also separately identified and are similarly categorised as wai taoka or wai tapu.

The sites and areas identified as being significant to Māori have been grouped in the following categories: wāhi tūpuna, wāhi taoka, wai taoka, wāhi tapu and wai tapu. More detail on each of these is found in MW2.1.7 and MW2.1.9<sup>2</sup>.

In parallel with the process of identifying SASM ~~significant sites and areas~~, threats to the values of the sites and areas from a range of land use activities have been considered. Based on this, the approach to the management of activities agreed with Kāti Huirapa is a layered approach with the following characteristics:

<sup>1</sup> Clause 10(2)(b) relating to TRoNT [185.1, 185.3, 185.7], Westgarth et al [200.7]

<sup>2</sup> Panel Decision Report, Part 6, Section 3.3

1. identification of broad wāhi tūpuna areas within which provisions are used to identify activities that pose particularly serious threats to values and make them subject to a different consent threshold or a more onerous activity status in these areas, or to trigger consultation with mana whenua when resource consent is already needed for some other reason; and
2. identification of particularly important or vulnerable areas as wāhi tapu, wāhi taoka, wai tapu and/or wai taoka where resource consent is needed for a range of activities that could adversely affect cultural values of these areas; and
3. across the District as a whole, policies and matters of discretion provide for consideration of effects on cultural values, particularly when consent is required for key activities with the potential to impact on cultural values, and there are also enabling provisions for customary harvest or other cultural practices of benefit to rūnaka.

~~With respect to access to SASM sites and areas of significance, it should be noted that there is no general right of public access across private land, and landowner consent must be obtained to access any private properties.<sup>3, 4</sup>~~

**Note:** ~~Wai t~~ Taoka overlay consists of an area overlay and a line overlay.

## Objectives

<b>SASM-O1</b>	<b>Decision making</b>
Kāti Huirapa are actively involved in decision making that affects the values of the identified <u>SASM Sites and Areas of Significance to Kāti Huirapa</u> .	
<b>SASM-O2</b>	<b>Access and use</b>
<del>Kāti Huirapa's</del> are able to <sup>5</sup> <u>Access to, maintain and use of</u> resources and areas of cultural value by <u>Kāti Huirapa</u> , within identified <u>SASM Sites and Areas of Significance to Kāti Huirapa</u> , for customary use and cultural purposes, <sup>6</sup> is maintained and, where appropriate, enhanced <sup>7</sup> .	
<b>SASM-O3</b>	<b>Protection of Sites and Areas of Significance to Kāti Huirapa</b>
The values of identified <u>SASM areas and sites of significance to Kāti Huirapa</u> are recognised and protected from inappropriate subdivision, use and development.	

## Policies

<b>SASM-P1</b>	<b>Involvement of Kāti Huirapa in resource management decisions</b>
Work with Kāti Huirapa to identify and list <u>SASM Sites and Areas of Significance to Kāti Huirapa</u> in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, and recognise and provide for the exercise of rangikiritaka <sup>8</sup> by Kāti Huirapa in decisions made in relation to these sites and areas.	
<b>SASM-P2</b>	<b>Consultation and engagement with Kāti Huirapa</b>
<del>Encourage and facilitate</del> consultation and engagement between landowners/ <del>and</del> applicants <u>with and</u> Kāti Huirapa <u>to</u> :	

<sup>3</sup> Federated Farmers [182.82, 182.95] – Evidence of Rachel Thomas and Greg Anderson, paras 22-24

<sup>4</sup> Panel Decision Report, Part 6, Section 3.3.2

<sup>5</sup> Stack, D [50.4], Digby, M E [122.1], OWL [181.58], Federated Farmers [182.82], Westgarth et al [200.2], Te Tumu Pareora [240.6], Jeaffreson, D and A [244.2]

<sup>6</sup> Clause 10(2)(b) relating to Te Rūnanga o Ngāi Tahu [185.95]

<sup>7</sup> Stack, D [50.4], Digby, M E [122.1], OWL [181.58], Federated Farmers [182.82], Westgarth et al [200.2], Te Tumu Pareora [240.6], Jeaffreson, D and A [244.2]

<sup>8</sup> Clause 16(2)

1. facilitate a better understanding of the values of the ~~SASM sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa and the potential impact of activities on the site or area; and<sup>9</sup>
2. recognise that consultation prior to applying for consent and/or undertaking activities within or adjacent to<sup>10</sup> the identified ~~SASM sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, as being is the most appropriate way to obtain understanding of the potential impact of any activity on the site or area; and
3. ensure that where an activity requiring resource consent is proposed within any ~~SASM sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, there is engagement with Te Rūnanga o Arowhenua to understand the effects of the activity on the identified values of the site or area.<sup>11</sup>

#### **SASM-P3 Use of sites and areas for cultural practices**

Enable Kāti Huirapa to undertake customary harvest and other cultural practices in identified ~~SASM sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, in accordance with tikaka.

#### **SASM-P4 Cultural access**

Maintain existing access, and encourage landowners and applicants to explore opportunities and methods to enhance access, for Kāti Huirapa to the identified ~~SASM sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa for customary use and cultural purposes.<sup>12</sup>

#### **SASM-P5 Protection of values of Sites and Areas of Significance to Kāti Huirapa**

Where an activity is proposed within any wāhi taoka, wāhi tapu, wai taoka or wai tapu overlay<sup>13</sup> Protect the identified values of the sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, protect the identified values of the site or area, through:

1. requiring adherence to<sup>14</sup> on the Accidental Discovery Protocol set out in Appendix 4 ~~accidental discovery protocol~~ for any earthworks<sup>15</sup>; and
2. avoiding adverse effects on identified values<sup>16</sup> which would compromise the<sup>17</sup>:
  - 4-a. retention of connections to whakapapa, history and cultural tradition; and
  - 2-b. protection of mauri and intangible values; and
3. maintenance or enhancement of access by whānau for customary use and cultural purposes; and<sup>18</sup>
- 4-c. protection of site integrity; and
- 5-d. ensuring sustainability of ecosystems supporting taoka species and mahika kai resources; unless it can be demonstrated that<sup>19</sup>.

<sup>9</sup> Rangitata Dairies [44.12, 44.13]

<sup>10</sup> Bonifacio, P [36.18]

<sup>11</sup> Clause 10(2)(b) relating to Westgarth et al [200.6]

<sup>12</sup> Te Rūnanga o Ngāi Tahu [185.95]

<sup>13</sup> Shifted from SASM-P8

<sup>14</sup> Heritage NZ [114.33]

<sup>15</sup> Shifted from SASM-P8

<sup>16</sup> Shifted from SASM-P8

<sup>17</sup> Clause 10(2)(b) relating to Fenlea Farms [171.30] Rooney, A J [177.12] and K J Rooney [197.5]

<sup>18</sup> Clause 10(2)(b) relating to Stack, D [50.4], Digby, M E [122.1], OWL [181.58], Federated Farmers [182.82, 182.88], Westgarth et al [200.2], Te Tumu Pareora [240.6], Jeaffreson, D and A [244.2]

<sup>19</sup> Shifted from SASM-P8

- i. ~~due to the functional needs or operational needs<sup>20</sup> of the activity, it is not possible<sup>21</sup> practicable<sup>22</sup> to avoid all adverse effects<sup>23</sup>; and~~
- ii. ~~any residual effects that cannot be practicably avoided are mitigated, as far as possible<sup>24</sup> practicable<sup>25</sup>, in a way that protects, maintains or enhances the overall values of the site or area<sup>26</sup>; or~~
- iii. ~~for infrastructure, adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure<sup>27</sup>, or for the National Grid, EI-PX5 Managing adverse effects of the National Grid<sup>28</sup>.~~

#### **SASM-P6 Protecting cultural values in wāhi tūpuna areas**

Recognise the significance to Kāti Huirapa of the wāhi tūpuna areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa and protect the identified values of these areas by avoiding significant adverse effects of activities in, or in close proximity to, wāhi tūpuna areas on the connections of Kāti Huirapa to these areas and the ability of the areas to support taoka species and mahika kai.

#### **SASM-P7 Sustainability of ecosystems that support taoka and mahika kai**

Within identified ~~SASM sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa that support taoka species and mahika kai resources:

1. ~~avoid adverse effects on taoka species and access for mahika kai except in relation to infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure<sup>29,30</sup>, or for the National Grid, EI-PX5 Managing adverse effects of the National Grid<sup>31</sup>; and~~
2. enable the maintenance and enhancement of these areas.

#### **SASM-P8 Protection of wāhi taoka, wāhi tapu, wai taoka and wai tapu sites and areas<sup>32</sup>**

~~Where an activity is proposed within any of the wāhi taoka sites, wāhi tapu sites, wai taoka areas and wai tapu areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, ensure that:~~

- ~~1. there is engagement with Te Rūnanga o Arowhenua to understand the effects of the activity on the identified values of the site or area, including the connections of Kāti Huirapa to the site or area, the mauri of the site or area, site integrity, and the ability of the site or area to support taoka species and mahika kai; and~~
- ~~2. an accidental discovery protocol is prepared and adopted for any earthworks; and~~
- ~~3. any adverse effects on identified values are avoided unless it can be demonstrated that:
 
  - a. due to the functional needs of the activity, it is not possible to avoid all adverse effects; and
  - b. any residual effects that cannot be practicably avoided are mitigated, as far as possible, in a way that protects, maintains or enhances the overall values of the site or area; and
  - c. where any historical loss of values can be remediated.~~

<sup>20</sup> Transpower [159.67]

<sup>21</sup> Evidence of Rachael Pull, paras 104-106

<sup>22</sup> Transpower [159.67]

<sup>23</sup> Shifted from SASM-P8

<sup>24</sup> Evidence of Rachael Pull, paras 104-106

<sup>25</sup> Transpower [159.67]

<sup>26</sup> Shifted from SASM-P8

<sup>27</sup> TDC [42.43], OWL [181.59] and KiwiRail [187.53]

<sup>28</sup> Transpower [159.67]

<sup>29</sup> TDC [42.43], OWL [181.59] and KiwiRail [187.53]

<sup>30</sup> TDC [42.43], OWL [181.59] and KiwiRail [187.53]

<sup>31</sup> Transpower [159.67]

<sup>32</sup> Clause 10(2)(b) relating to Fenlea Farms [171.30] Rooney, A J [177.12] and K J Rooney [197.5]

## Rules

**Note:** Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

SASM-R1	Earthworks not including quarrying and mining	
<p><b>1. Within the General Rural Zone or Rural Lifestyle Zone and within one or more of the following:</b><sup>33</sup></p> <p><b>Wāhi Tūpuna Overlay (outside an ONL or VAL overlay)</b><sup>34</sup></p> <p><b>(excluding the Māori Purpose Zone)</b></p>	<p><b>Note:</b> <del>For</del> earthworks associated with quarrying and mining, see <u>SASM-R4 and SASM-R5</u>.</p> <p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The activity is either:</p> <ol style="list-style-type: none"> <li>1. earthworks, including those associated with and under new buildings/structures and those necessary for the installation of infrastructure / <u>network</u><sup>39</sup> utilities, do not exceed a maximum area of <u>750<sup>40</sup>2000m<sup>2</sup> in any 12-month period per site<sup>41</sup></u>; or</li> <li>2. earthworks for the purpose of maintaining, <u>repairing</u><sup>42</sup> or <u>replacing</u><sup>43</sup> existing <u>fences</u><sup>44</sup>, roads, tracks, <u>pipelines</u><sup>45</sup>, <u>buildings</u><sup>46</sup> or natural hazard mitigation works, and are within the footprint or <u>the area of ground previously</u><sup>47</sup> modified ground</li> </ol>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</li> <li>2. <del>whether a cultural impact assessment has been undertaken and</del><sup>53</sup> the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</li> <li>3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values <del>as identified through engagement with Te Rūnanga o Arowhenua</del><sup>54</sup>; and</li> <li>4. <del>effects on sites where there is the potential for kōiwi or artefacts to be discovered, including consideration of the need to implement an accidental</del></li> </ol>

<sup>33</sup> Fonterra [165.79], Silver Fern Farms [172.46] and Alliance Group [173.45, 173.46], Westgarth et al [200.7], Aitken et al [237.14]

<sup>34</sup> Westgarth et al [200.7]

<sup>39</sup> Broughs Gully [167.48]

<sup>40</sup> Bonifacio, P [36.21], Rooney Holdings [174.28], GJH Rooney [191.28], Rooney Group [249.28], Rooney Farms [250.28], Rooney Earthmoving [251.28], TDL [252.28]

<sup>41</sup> Z Energy [116.12], Te Rūnanga o Ngāi Tahu [185.98]

<sup>42</sup> Pye Group [35.1], Connolly, S [136.1]

<sup>43</sup> Rangitata Dairies [44.14]

<sup>44</sup> Pye Group [35.1]

<sup>45</sup> Pye Group [35.1], Rangitata Dairies [44.14]

<sup>46</sup> Te Kotare [115.28], Waipopo Huts [189.40]

<sup>47</sup> Clause 16(2)

<sup>53</sup> Clause 16(2)

<sup>54</sup> Clause 16(2)

<b><u>Wāhi taoka overlay</u></b>	comprised <sup>48</sup> by the existing <u>fence</u> , <sup>49</sup> road, track, pipeline, building <sup>50</sup> or natural hazard mitigation works; <u>or</u>	discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and <sup>55</sup>
<b><u>Wai taoka overlay (outside the bed of a river or<sup>35</sup> a riparian margin)<sup>36</sup></u></b>	3. <u>earthworks authorized by the Canterbury Regional Council for maintenance of existing rock weirs and river works to the same level and extent as occurring as at 1 January 2000;</u> <sup>51</sup> and	5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the <u>SASM site or area of significance</u> ; and
<b><u>Wai tapu overlay (outside the bed of a river or<sup>37</sup> a riparian margin)<sup>38</sup></u></b>	<b>PER-2</b> Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, <u>t</u> <u>The earthworks are undertaken in accordance with the Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.</u> <sup>52</sup>	6. the appropriateness of any mitigation measures proposed, <u>including the need for an accidental discovery protocol</u> ; <sup>56</sup> and 7. <u>whether the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the <u>SASM site/area</u>, and any potential to:</u> a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the <u>SASM site/area</u> ; or c. provide for the relationship of Kāti Huirapa with their taoka; <u>or</u> d. <u>maintain or enhance the ability of Kāti Huirapa to access and use the <u>SASM Site or Area of Significance</u>.</u> <sup>57</sup> commensurate with the scale and nature of the proposal; and 8. <u>any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</u> <sup>58</sup> 9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and

<sup>35</sup> RDRML [234.1]<sup>36</sup> Westgarth et al [200.7]<sup>37</sup> RDRML [234.1]<sup>38</sup> Westgarth et al [200.7]<sup>48</sup> Clause 16(2)<sup>49</sup> Clause 10(2)(b) relating to Pye Group [35.1]<sup>50</sup> Clause 10(2)(b) relating to Pye Group [35.1], Rangitata Dairies [44.14]<sup>51</sup> RDRML [234.1]<sup>52</sup> Pye Group [35.1], NZDF [151.11], Alliance Group [173.46], Rooney Holdings [174.98], GJH Rooney [191.98], Rooney Group [249.98], Rooney Farms [250.98], Rooney Earthmoving [251.98] and TDL [252.98]<sup>55</sup> Clause 16(2)<sup>56</sup> Clause 16(2)<sup>57</sup> Clause 16(2)<sup>58</sup> Clause 16(2)



		<p>10. in respect of <u>network</u><sup>59</sup> utilities, the extent to which the proposed <u>network</u><sup>60</sup> utility has functional needs <u>or operational needs</u><sup>61</sup> for its location; and</p> <p>11. <u>for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken</u><sup>62</sup>.</p> <p><b>Note:</b> Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</p>
<p><b>2. Wāhi Taoka and Wai Taoka Overlay</b><sup>63</sup></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks are for the purpose of maintenance, repair, or replacement, of any of the following:</p> <ol style="list-style-type: none"> <li>1. existing fencing; or</li> <li>2. existing tracks or roads; or</li> <li>3. existing reticulated stock water systems including troughs; or</li> <li>4. existing natural hazard mitigation works; and</li> </ol> <p><b>PER-2</b> The earthworks are only undertaken within the footprint or modified ground comprised by the existing item; and</p> <p><b>PER-3</b> Any replacement item is of the same nature, character and scale of the item being replaced; and</p> <p><b>PER-4</b> The Accidental Discovery Protocol commitment form, contained within APP4 – Form confirming a commitment to adhering to an Accidental Discovery Protocol, has</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</li> <li>2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and</li> <li>3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</li> <li>4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and</li> </ol>

<sup>59</sup> Broughs Gully [167.48]

<sup>60</sup> Broughs Gully [167.48]

<sup>61</sup> Transpower [159.69]

<sup>62</sup> Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80.

<sup>63</sup> Westgarth et al [200.7]

	<p>been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks</p>	<ol style="list-style-type: none"> <li>5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and</li> <li>6. the appropriateness of any mitigation measures proposed; and</li> <li>7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to: <ol style="list-style-type: none"> <li>1. affirm the connection between mana whenua and place; or</li> <li>2. enhance the cultural values of the site/area; or</li> <li>3. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and</li> </ol> </li> <li>8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</li> <li>9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</li> <li>10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.</li> </ol> <p><b>Note:</b> Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</p>
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<p><b>3. Wāhi tapu and wai tapu<sup>64</sup> overlays</b></p>	<p><b>Activity status:</b> <u>Permitted</u> <del>Restricted</del> <u>Discretionary</u></p> <p><b>Where:</b></p> <p><b>RDISPER-1</b>  <u>Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, the<sup>65</sup> earthworks are undertaken in accordance with the Accidental Discovery Protocol contained within APP4; and</u></p> <p><b>PER-2</b>  <u>All earthworks, including those associated with and under new buildings/structures, and including those necessary for the installation of infrastructure/ utilities. Within SASM-1a, SASM-4a, and SASM-4c, SASM-8 and SASM-9, the<sup>66</sup> earthworks are for the purpose of maintaining, repairing or replacing existing fences, roads, tracks, pipelines, buildings, rock weirs or natural hazard mitigation works, and are within the footprint or the area of ground previously modified by the existing fence,<sup>67</sup> road, track, pipeline, building or natural hazard mitigation works<sup>68</sup>, or</u></p> <p><b>PER-3</b>  <u>Within SASM-8 and SASM-9, all earthworks, including those associated with and under new buildings/structures and those necessary for the installation of infrastructure/network utilities, do not exceed a maximum area of 2,000m<sup>2</sup> in any 12-month period per site.<sup>69</sup></u></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <del>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to</del></li> </ol>	<p><b>Activity status when compliance not achieved:</b> <del>Not applicable</del> <u>Restricted</u> <u>Discretionary</u></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u></li> <li>2. <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u></li> <li>3. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u></li> <li>4. <u>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM site or area of significance; and</u></li> <li>5. <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and</u></li> <li>6. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM site/area, and any potential to:</u> <ol style="list-style-type: none"> <li>a. <u>affirm the connection between mana whenua and place; or</u></li> <li>b. <u>enhance the cultural values of the SASM site/area; or</u></li> <li>c. <u>provide for the relationship of Kāti Huirapa with their taoka; or</u></li> <li>d. <u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance</u></li> </ol> </li> </ol>
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<sup>64</sup> Rooney Holdings [174.28], GJH Rooney [191.28], Westgarth et al [200.7], Rooney Group [249.28], Rooney Farms [250.28], Rooney Earthmoving [251.28], TDL [252.28]

<sup>65</sup> Clause 10(2)(b) relating to Pye Group [35.1], NZDF [151.11], Alliance Group [173.46], Rooney Holdings [174.98], GJH Rooney [191.98], Rooney Group [249.98], Rooney Farms [250.98], Rooney Earthmoving [251.98] and TDL [252.98]

<sup>66</sup> Panel Decision Report, Part 6, Section 3.9.2

<sup>67</sup> Clause 10(2)(b) relating to Pye Group [35.1]

<sup>68</sup> Bonifacio, P [36.21] Rangitata Dairies [44.14], Hart, J [58.4], Connolly, S [136.1], Rooney Holdings [174.28], GJH Rooney [191.28], Rooney Group [249.28], Rooney Farms [250.28], Rooney Earthmoving [251.28], TDL [252.28]

<sup>69</sup> Panel Decision Report, Part 6, Section 3.9.2

	<p>which the proposal responds to, or incorporates the outcomes of that consultation; and</p> <p>2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</p> <p>3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</p> <p>4. effects on sites where there is the potential for kōiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and</p> <p>5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and</p> <p>6. the appropriateness of any mitigation measures proposed; and</p> <p>7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</p> <ul style="list-style-type: none"> <li>a. affirm the connection between mana whenua and place; or</li> <li>b. enhance the cultural values of the site/area; or</li> <li>c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and</li> </ul> <p>8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</p>	<p><u>commensurate with the scale and nature of the proposal;</u></p> <p>7. <u>where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</u></p> <p>8. <u>in respect of network<sup>70</sup> utilities, the extent to which the proposed network<sup>71</sup> utility has functional needs or operational needs<sup>72</sup> for its location; and</u></p> <p>9. <u>for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken<sup>73</sup>.</u></p> <p><b><u>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</u></b></p>
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<sup>70</sup> Broughs Gully [167.48]

<sup>71</sup> Broughs Gully [167.48]

<sup>72</sup> Transpower [159.69]

<sup>73</sup> Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80

	<p>9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</p> <p>10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.</p> <p><b>Note:</b> <del>Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</del></p>	
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SASM-R2	Buildings and structures, including additions and alterations to existing buildings and structures and network utilities	
<p>1. <u>Wāhi taoka Overlay (outside of residential zones, commercial and mixed use zones, or the General Industrial Zone or the Port Zone)</u><sup>74</sup></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> For buildings or structures located outside of the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone<sup>75</sup>, the following limitations apply<sup>76</sup>:</p> <ol style="list-style-type: none"> <li>1. The maximum height of buildings and structures does not exceed 59<sup>77</sup>m above ground level; and</li> <li>2. Buildings and structures are not located within 20m vertical or 100m horizontal of any ridgeline; and</li> <li>3. Buildings and structures are not located at any point above 900m above sea level; and<sup>78</sup></li> <li>4. The maximum footprint of any building or structure does not exceed 300m<sup>2</sup>.</li> </ol> <p><b>Note:</b> <del>For buildings or structures located within the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone, there is no limitation.</del><sup>79</sup></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</li> <li>2. <del>whether a cultural impact assessment has been undertaken and</del><sup>80</sup> the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</li> <li>3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua<sup>81</sup>; and</li> <li>4. whether there are alternative methods, locations or designs</li> </ol>

<sup>74</sup> Clause 16(2)<sup>75</sup> Clause 16(2)<sup>76</sup> Clause 16(2)<sup>77</sup> Bonifacio, P [36.22], Federated Farmers [182.93], Beattie, D M [238.2]<sup>78</sup> Bonifacio, P [36.22]<sup>79</sup> Clause 16(2)<sup>80</sup> Clause 16(2)<sup>81</sup> Clause 16(2)

		<p>that would avoid or mitigate the impact of works on the values associated with the <u>SASM site or area of significance</u>; and</p> <p>5. the appropriateness of any mitigation measures proposed, <u>including the need for an accidental discovery protocol</u><sup>82</sup>; and</p> <p>6. <del>whether the extent to which the</del> proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the <u>SASM site/area</u>, and any potential to:</p> <ul style="list-style-type: none"> <li>a. affirm the connection between mana whenua and place; or</li> <li>b. enhance the cultural values of the <u>SASM site/area</u>; or</li> <li>c. provide for the relationship of Kāti Huirapa with their taoka; <u>or</u></li> <li>d. <u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance</u>.<sup>83</sup></li> </ul> <p>commensurate with the scale and nature of the proposal; and</p> <p>7. <del>any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</del><sup>84</sup></p> <p>8. in respect of <u>network</u><sup>85</sup> utilities, the extent to which the proposed <u>network</u><sup>86</sup> utility has functional needs <u>or operational needs</u><sup>87</sup> for its location; <u>and</u></p> <p>9. <u>for regionally significant infrastructure, the extent of any local, regional or national</u></p>
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<sup>82</sup> Clause 16(2)<sup>83</sup> Clause 16(2)<sup>84</sup> Clause 16(2)<sup>85</sup> Broughs Gully [167.48]<sup>86</sup> Broughs Gully [167.48]<sup>87</sup> Transpower [159.69]

		<p><u>benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken</u><sup>88</sup>.</p> <p><b>Note:</b> Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</p>
<p><b>2. Wāhi tapu and wai tapu</b><sup>89</sup> <b>overlays, (excluding SASM1c, SASM2 and SASM3a, SASM8 and SASM9) – SASM1a, SASM4a and SASM 4c only</b><sup>90</sup></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</li> <li>2. whether a cultural impact assessment has been undertaken and<sup>91</sup> the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</li> <li>3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua<sup>92</sup>; and</li> <li>4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the <u>SASM site or area of significance</u>; and</li> <li>5. the appropriateness of any mitigation measures proposed, <u>including the need for an accidental discovery protocol</u><sup>93</sup>; and</li> <li>6. <del>whether the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the <u>SASM site/area</u>, and any potential to:</del> <ol style="list-style-type: none"> <li>a. affirm the connection between mana whenua and place; or</li> <li>b. enhance the cultural values of the <u>SASM site/area</u>; or</li> <li>c. provide for the relationship of Kāti Huirapa with their taonga; <u>or</u></li> </ol> </li> </ol>	<p><b>Activity status when compliance not achieved: Not applicable</b></p>

<sup>88</sup> Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80

<sup>89</sup> Westgarth et al [200.7]

<sup>90</sup> Hart, J [58.5]

<sup>91</sup> Clause 16(2)

<sup>92</sup> Clause 16(2)

<sup>93</sup> Clause 16(2)

	<p>d. <u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance</u>.<sup>94</sup></p> <p>commensurate with the scale and nature of the proposal; and</p> <p>7. <del>any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</del><sup>95</sup></p> <p>8. in respect of <u>network</u><sup>96</sup> utilities, the extent to which the proposed <u>network</u><sup>97</sup> utility has functional needs <u>or operational needs</u><sup>98</sup> for its location; and</p> <p>9. <u>for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken.</u><sup>99</sup></p> <p><i>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</i></p>	
<b>SASM-R3</b>	<b>Indigenous vegetation clearance</b> <sup>100</sup>	
<b>Wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays</b>	<p><b>Activity status: ECO-R1 applies</b></p> <p><b>Activity status: Permitted</b><sup>101</sup></p> <p><b>Where:</b></p> <p><b>PER-1</b> The indigenous vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses; or</p> <p><b>PER-2</b> The indigenous vegetation to be cleared is causing an imminent danger to human life, structures, or utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p><b>PER-3</b></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <del>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</del></li> <li>2. <del>whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6—Schedule of Sites and Areas of</del></li> </ol>

<sup>94</sup> Clause 16(2)<sup>95</sup> Clause 16(2)<sup>96</sup> Broughs Gully [167.48]<sup>97</sup> Broughs Gully [167.48]<sup>98</sup> Transpower [159.69]<sup>99</sup> Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80<sup>100</sup> **Panel Decision Report, Part 6, Section 3.12.2**<sup>101</sup> Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]



	<p>The indigenous vegetation clearance is 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; or</p> <p><b>PER-4</b> The indigenous vegetation has been planted and managed specifically for the purpose of harvesting; or</p> <p><b>PER-5</b> The indigenous vegetation has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes or as a shelterbelt; or</p> <p><b>PER-6</b> The indigenous vegetation clearance is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement; or</p> <p><b>PER-7</b> The indigenous vegetation clearance is for natural hazard mitigation works and is authorised under ECO-R2 (either as a permitted activity, or through a resource consent having been obtained).</p>	<p>Significance to Kāti Huirapa; and</p> <p>3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</p> <p>4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and</p> <p>5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the site or area of significance; and</p> <p>6. the appropriateness of any mitigation measures proposed; and</p> <p>7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</p> <ul style="list-style-type: none"> <li>a. affirm the connection between mana whenua and place; or</li> <li>b. enhance the cultural values of the site/area; or</li> <li>c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and</li> </ul> <p>8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</p> <p>9. where the works will remove indigenous vegetation, the</p>
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		<p>nature of any effects on mahika kai and other customary uses; and</p> <p>10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.</p> <p><b>Note:</b> <i>Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</i></p>
<b>SASM-R434<sup>102</sup></b>	<b>Temporary events</b>	
<p>Wāhi tapu, and wai tapu overlays (excluding <b>SASM1c</b>, <b>SASM2</b> and <b>SASM3a</b>)<sup>103</sup></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> Any temporary event where this is limited to a<sup>104</sup> cultural event undertaken in accordance with tikanga<sup>105</sup>; or</p> <p><b>PER-2</b> Any planned social occasion; or<sup>106 107</sup></p> <p><b>PER-23<sup>108</sup></b> Any temporary event within SASM8 or SASM9 that is undertaken outside a Significant Natural Area (SNA).<sup>109</sup></p>	<p><b>Activity status when compliance not achieved: <u>Non-complying Restricted discretionary</u></b><sup>110</sup></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u></li> <li>2. <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u></li> <li>3. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u></li> <li>4. <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and</u></li> <li>5. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti</u></li> </ol>

<sup>102</sup> Retain notified rule number, consequential to decision to retain SASM-R3

<sup>103</sup> Hart, J [58.6], Beattie, D M [238.3]

<sup>104</sup> Clause 16(2)

<sup>105</sup> Clause 16(2)

<sup>106</sup> Hart, J [58.6], Beattie, D M [238.3]

<sup>107</sup> Panel Decision Report, Part 6, Section 3.13.2

<sup>108</sup> Schedule 1, cl10(2)(b)

<sup>109</sup> Hart, J [58.6]

<sup>110</sup> Hart, J [58.6], Beattie, D M [238.3]

		<p>Huirapa culture, history and identity associated with the <u>SASM site/area</u>, and any potential to:</p> <ol style="list-style-type: none"> <li><u>affirm the connection between mana whenua and place; or</u></li> <li><u>enhance the cultural values of the <u>SASM site/area</u>; or</u></li> <li><u>provide for the relationship of Kāti Huirapa with their taoka; or</u></li> <li><u>maintain or enhance the ability of Kāti Huirapa to access and use the <u>SASM Site or Area of Significance</u>; commensurate with the scale and nature of the proposal.</u></li> </ol> <p><b><u>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</u></b></p>
<b>SASM-R545<sup>111</sup></b>	<p><b>Mining and quarrying activities<sup>112</sup> not otherwise listed</b></p> <p><b><u>Where this rule applies within an Outstanding Natural Landscape or Outstanding Natural Feature/Visual Amenity Landscape Overlay, NFL-R10 applies and prevails over this rule<sup>113</sup></u></b></p>	
<p><b>1. Wāhi tūpuna Overlay (outside an ONL or VAL overlay)<sup>114</sup></b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The mining and/or quarrying <u>activity<sup>115</sup></u> do not exceed a maximum area of 750m<sup>2</sup> <u>per site<sup>116</sup></u>; and</p> <p><b>PER-2</b> <u>Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, the earthworks are undertaken in accordance with the Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol;</u></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</li> <li><del>whether a cultural impact assessment has been</del></li> </ol>

<sup>111</sup> **Retain notified rule number, consequential to decision to retain SASM-R3**

<sup>112</sup> Road Metals [169.17, 169.18] and Fulton Hogan [170.18, 170.19]

<sup>113</sup> **Clause 10(2)(b) consequential amendment to Westgarth et al [200.7]**

<sup>114</sup> Westgarth et al [200.7]

<sup>115</sup> Road Metals [169.17, 169.18] and Fulton Hogan [170.18, 170.19]

<sup>116</sup> Te Rūnanga o Ngāi Tahu [185.102]

	<p>has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.<sup>117</sup></p>	<p>undertaken and<sup>118</sup> the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</p> <ol style="list-style-type: none"> <li>3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values <del>as identified through engagement with Te Rūnanga o Arowhenua<sup>119</sup></del>; and</li> <li>4. <del>effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and<sup>120</sup></del></li> <li>5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the <del>SASM site or area of significance</del>; and</li> <li>6. the appropriateness of any mitigation measures proposed, <u>including the need for an accidental discovery protocol</u>;<sup>121</sup> and</li> <li>7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the <u>SASM site/area</u>, and any potential to:</li> </ol>
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<sup>117</sup> Pye Group [35.1], NZDF [151.11], Alliance Group [173.46], Rooney Holdings [174.98], GJH Rooney [191.98], Rooney Group [249.98], Rooney Farms [250.98], Rooney Earthmoving [251.98] and TDL [252.98]

<sup>118</sup> Clause 16(2)

<sup>119</sup> Clause 16(2)

<sup>120</sup> Clause 16(2)

<sup>121</sup> Clause 16(2)

		<p>a. affirm the connection between mana whenua and place; or</p> <p>b. enhance the cultural values of the <u>SASM site/area</u>; or</p> <p>c. provide for the relationship of Kāti Huirapa with their taoka; or</p> <p>d. <u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance</u>.<sup>122</sup></p> <p>commensurate with the scale and nature of the proposal; and</p> <p>8. <del>any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</del><sup>123</sup></p> <p>9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</p> <p>10. <del>in respect of utilities, the extent to which the proposed utility has functional needs for its location.</del><sup>124</sup></p> <p><b>Note:</b> Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</p>
2. Wāhi tūpuna Overlay (within an ONL or VAL overlay) <sup>125</sup>	Activity status: NFL-R10 applies	
32 <sup>126</sup> . Wāhi taoka, wāhi tapu,	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable

<sup>122</sup> Clause 16(2)<sup>123</sup> Clause 16(2)<sup>124</sup> Clause 16(2)<sup>125</sup> Panel Decision Report Part 6, Section 3.14.<sup>126</sup> Schedule 1, cl10(2)(b).

and wai tapu overlays		
<b>SASM- R5A6<sup>127</sup></b>	<b><u>Mining and quarrying activities outside the bed of a river</u></b> <sup>128</sup>	
<b>2. Wai taoka Oo<sub>u</sub>verlay</b>	<p><b>Activity status: <del>Permitted</del> <u>Restricted Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li><u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u></li> <li><u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u></li> <li><u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u></li> <li><u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol;</u></li> <li><u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM <del>site/area</del>, and any potential to:</u> <ol style="list-style-type: none"> <li><u>affirm the connection between mana whenua and place; or</u></li> <li><u>enhance the cultural values of the SASM <del>site/area</del>; or</u></li> <li><u>provide for the relationship of Kāti Huirapa with their taonga; or</u></li> <li><u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM <del>Site or Area of Significance</del>; commensurate with the scale and nature of the proposal; and</u></li> </ol> </li> <li><u>where the mining or quarrying activity will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses</u></li> </ol> <p><b><u>Note:</u></b> <u>Quarrying activities within the bed of a river are managed under the Canterbury Land and Water <del>Regional</del> <u>oPlan</u>.</u></p>	<p><b>Activity status when compliance not achieved with PER-1: <del>Restricted Discretionary</del></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li><del>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</del></li> <li><del>whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</del></li> <li><del>the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</del></li> <li><del>whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</del> <ol style="list-style-type: none"> <li><del>affirm the connection between mana whenua and place; or</del></li> <li><del>enhance the cultural values of the site/area; or</del></li> <li><del>provide for the relationship of Kāti Huirapa with their taonga; commensurate with the scale and nature of the proposal; and</del></li> </ol> </li> </ol>

<sup>127</sup> Schedule 1, cl10(2)(b).<sup>128</sup> Clause 10(2)(b) relating to Road Metals [169.17], Fulton Hogan [170.19], ECan [183.67]



	<p><b>Where:</b></p> <p><b>PER-1</b> The quarrying is from the bed of a river, and is authorised under the Canterbury Land and Water Regional Plan (either as a permitted activity, or through a resource consent having been obtained); and<sup>129</sup></p> <p><b>PER-2</b> Excavated materials are removed from the bed the bed of the within 10 days.<sup>130</sup></p>	<p><del>5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.</del></p> <p><b>Activity status when compliance not achieved with PER-2:</b> <b>Discretionary</b></p>
<b>SASM-R6</b>	<b>Intensively farmed stock<sup>131</sup></b>	
<p><b>1.</b> <b>Wai taoka Overlay</b></p>	<p><del>Activity status: Restricted discretionary</del></p> <p><del>Matters of discretion are restricted to:</del></p> <ol style="list-style-type: none"> <li><del>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</del></li> <li><del>2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</del></li> <li><del>3. the potential adverse effects of the activity on the values associated with the Site, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</del></li> <li><del>4. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</del> <ol style="list-style-type: none"> <li><del>a. affirm the connection between mana whenua and place; or</del></li> <li><del>b. enhance the cultural values of the site/area; or</del></li> <li><del>c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and</del></li> </ol> </li> </ol>	<p><del>Activity status where compliance not achieved:</del> <b>Not applicable</b></p>

<sup>129</sup> ECan [183.67]<sup>130</sup> Road Metals [169.17], Fulton Hogan [170.19]<sup>131</sup> EJAPS [4.2], Hargreaves, T [29.2], Pye Group [35.2], Bonifacio, P [36.24], Stack, D [50.8], Hart, J [58.7], Rangitata Dairies [44.15], Moore, D and J [100.6], Fenlea Farms [171.31], Alliance Group [173.49], Rooney, A J [177.13], KJ Rooney [197.6], Beattie, D M [238.4]

	5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.	
2. Wāhi taoka, wāhi tapu, and wai tapu overlays	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>SASM-R7</b>	<b>Subdivision<sup>132</sup></b>	
Wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: not applicable</b>
<b>SASM-R67<sup>133</sup></b>	<b><del>Shelterbelts or w</del><sup>134</sup> <u>Woodlots or plantation commercial</u><sup>135</sup> forestry</b>	
Wāhi tapu Overlay — SASM8 and SASM9 only	<b>Activity status: <del>Non-complying</del> <u>Restricted Discretionary</u></b>  <b><u>Matters of discretion are restricted to:</u></b> <ol style="list-style-type: none"> <li>1. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u></li> <li>2. <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u></li> <li>3. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u></li> <li>4. <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol;</u></li> <li>5. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM site/area, and any potential to:</u> <ol style="list-style-type: none"> <li>a. <u>affirm the connection between mana whenua and place; or</u></li> <li>b. <u>enhance the cultural values of the SASM site/area; or</u></li> </ol> </li> </ol>	<b>Activity status where compliance not achieved: not applicable</b>

<sup>132</sup> Speirs, B [66.48]<sup>133</sup> **Schedule 1, cl10(2)(b).**<sup>134</sup> Hart, J [58.2, 58.8], Peel Forest [105.11], McArthur, K and J [113.8], Federated Farmers [182.99], Beattie, D M [238.5]<sup>135</sup> TRoNT [185.105] - Evidence of Rachael Pull, paras 112-114

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|  | <ul style="list-style-type: none"><li>c. <u>provide for the relationship of Kāti Huirapa with their taonga; or</u></li><li>d. <u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance;</u></li></ul> <p><u>commensurate with the scale and nature of the proposal; and</u></p> <p>6. <u>where the woodlots or commercial forestry activity will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses.</u></p> |  |
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