

**IN THE MATTER OF**      Resource Management Act 1991

**AND**

**IN THE MATTER OF**      Proposed Timaru District Plan

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**Decision Report – Part 6**

**Cultural Values, Sites of Significance to Māori, Historic Heritage and Notable Trees**

**DRAFT FOR TECHNICAL REVIEW**

**3 February 2026**

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# **Cultural Values, Sites of Significance to Māori, Historic Heritage and Notable Trees**

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## 1 MATTERS CONSIDERED IN THIS PART

[1] This section of the Decision Report sets out the Hearing Panel's decisions on the submissions and further submissions relating to Cultural Values, Sites and Areas of Significance to Māori (SASM), Historic Heritage (HH), and Notable Trees (NT).

### *Cultural Values and Sites and Areas of Significance to Māori*

[2] The Cultural Values and SASM provisions recognise the relationship of Māori and their culture and traditions with ancestral lands, water, sites, wāhi tapu, and other taonga. They identify sites and areas of cultural significance and manage activities to avoid, remedy, or mitigate adverse effects on those values, including through appropriate engagement and discovery processes where relevant.

[3] Our decisions on submissions are set out in Sections 2-3 of this Report.

### *Historic Heritage*

[4] The Historic Heritage (HH) Chapter contains provisions to recognise and provide for the protection of historic heritage within Timaru District as is required under s6 of the RMA – Matters of National Importance. There are two elements of HH in the Plan including Historic Heritage Items (HHI) and Historic Heritage Areas (HHA). Schedules 3 and 4 to the Plan (SCHED3 and SCHED4) contain 208 HHI and two HHA, which are notated on the corresponding planning maps.

[5] Our decisions on submissions are set out in Section 4 of this Report.

### *Notable Trees*

[6] The Notable Trees (TREE) Chapter contains provisions to protect trees and groups of trees with significant values. Schedule 5 to the Plan (SCHED5) includes 169 individual trees and Schedule 5b (SCHED5b) includes 27 groups of trees which are notated on the corresponding planning maps.

[7] Our decisions on submissions are set out in Section 5 of this Report.

## 2 BROAD SUBMISSIONS RELATING TO CULTURAL VALUES

### 2.1 ASSESSMENT

[8] ECan [183.5] sought plan-wide amendments to permit the operation, maintenance, repair, replacement and upgrading of existing public flood and erosion protection works, including associated earthworks and vegetation clearance. Ms White considered this relief more appropriately addressed in the Natural Hazards topic.<sup>1</sup> We agree and note that this submission point has been addressed in Part 8 of the Report. No changes are required to the SASM Chapter in response.

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<sup>1</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 6.3.2

[9] Te Rūnanga o Ngāi Tahu [185.1, 185.3, 185.7, 185.8] made a broad submission seeking:

[10] consistent and correct use of Te Reo Māori (including macrons) and Kāi Tahu / Kāti Huirapa terminology across the Plan;

[11] better integration of Kāi Tahu values across the Plan, not just in the SASM Chapter;

- (a) clearer cross-referencing so plan users understand when SASM provisions are relevant; and
- (b) inclusion of cultural matters of control or discretion across all controlled and restricted discretionary rules.

[12] Ms Pull, for Te Rūnanga o Ngāi Tahu<sup>2</sup>, was concerned that the “carving up” of places such as the Rangitata River into multiple chapters risks under-recognising both physical and metaphysical Kāi Tahu values if cultural considerations are confined to the SASM Chapter. Te Rūnanga o Ngāi Tahu sought the plan-wide insertion of two cultural matters of discretion:

- (a) the extent of any adverse social, cultural, and environmental effects, including effects on any sensitive environments; and
- (b) the potential adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects.

[13] We agree that Kāi Tahu values should not be confined to the SASM Chapter and that the Plan must give effect to SD-O5 and higher order direction. We also agree that plan users need a clear signal that SASM objectives and policies may apply even when a consent is triggered under a different chapter.

[14] However, we accept Ms White’s assessment<sup>3</sup> that applying broad cultural matters of discretion across all controlled and restricted discretionary rules would be inefficient, would exceed what is necessary to achieve SD-O5, and would draw Te Rūnanga o Arowhenua / AEC into large numbers of consents with little relationship to Kāti Huirapa values. We also agree that applying cultural matters across rules directed to amenity, built form or internal zone management would not align with the purpose of those provisions.

[15] Ms White instead recommended a targeted approach, with a single matter of discretion to address potential cultural effects: “*the potential adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, and any measures to avoid, remedy or mitigate adverse effects*”.<sup>4</sup>

[16] She recommended applying this wording only to rules where there is a clear and plausible link between the activity and potential effects on cultural values.<sup>5</sup> We prefer this

<sup>2</sup> Statement of Evidence of Rachael Pull for Te Rūnanga o Ngāi Tahu, 22 January 2025

<sup>3</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 7.1.8

<sup>4</sup> Liz White, Final Reply: SASM and MPZ, 4 August 2025

<sup>5</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 7.1.7-7.1.9 and Liz White, Final Reply: SASM and MPZ, 4 August 2025, Para 18

approach. It is more aligned with the purpose of individual provisions, avoids unnecessary duplication, and is more workable for plan users and mana whenua.

[17] Across the other s42A Reports<sup>6</sup>, most s42A Report authors concluded that existing matters of discretion already enable consideration of cultural effects when relevant, and that additional cultural matters should be added only where there is a clear and consistent connection to cultural effects. We agree and note that some other chapter-specific requests for additional matters of discretion (for example, in relation to lighting) are addressed in the relevant decision parts.

[18] There were some differences in emphasis between s42A Report authors and Ms White about the extent of cultural matters of discretion in other chapters. Having reviewed Ms White's assessment<sup>7</sup>, relevant topic-based s42A Reports and Replies, we prefer Ms White's integrated plan-wide approach. She had the benefit of hearing all SASM-related evidence and consolidating the table prepared by Te Rūnanga o Ngāi Tahu<sup>8</sup> identifying where cultural matters might be justified.

[19] We accept Ms White's view that<sup>9</sup>:

- (a) cultural matters of discretion should be added only where there is a clear potential for adverse effects on Kāti Huirapa values;
- (b) the drafting of cultural matters of discretion should be aligned across chapters; and
- (c) the SASM Chapter should remain the primary location for objectives and policies relating to sites and areas of significance to Kāti Huirapa, supported by targeted matters of discretion in other chapters.

[20] As author of the ECO Chapter<sup>10</sup>, Ms White had already recommended, and we have accepted in our decisions arising from Hearing D topics, additional matters of discretion for effects on mauri, mahika kai and wāhi tapu or wāhi tāoka values. We agree that the expansion of the ECO-R1 matter of discretion is a logical extension of this approach.

[21] In the GRUZ, Mr MacLennan<sup>11</sup> accepted after further evidence that GRUZ-R23<sup>12</sup> (expansion of existing consented quarries) is the only rural rule where the scale of earthworks and ground disturbance creates a clear potential for adverse effects on cultural values, and we agree that a targeted cultural matter of discretion is appropriate for that rule. We do not

<sup>6</sup> Liz White, Interim Reply: ECO, NATC and NFL Chapters, 28 March 2025; Andrew MacLennan, s42A Report: Rural Zones, 19 June 2024 and Andrew MacLennan, Final Reply: Rural Zones, 4 August 2025; Alanna Hollier, s42A Report: PORTZ and GIZ, 20 June 2024; Andrew Willis, s42A Report: HS and CL, 11 October 2024 and Andrew Willis, Final Reply: SD, CL, HS, SW, EI, TRAN, DWP, NH and CE Chapters; Rachael Williams, s42A Report: Earthworks, Relocated Buildings, Signs and Temporary Activities, 24 March 2025; Rachael Williams, Final Reply: Earthworks & Temporary Activities Chapters, 4 August 2025.

<sup>7</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 7.1.7-7.1.9

<sup>8</sup> Te Rūnanga o Ngāi Tahu, Response to Minute 24: SASM Cultural Values and Matters of Discretion, 31 March 2025

<sup>9</sup> Liz White, Final Reply: SASM and MPZ, 4 August 2025, Para 16-18

<sup>10</sup> Liz White, Final Reply: ECO, NATC and NFL Chapters, 4 August 2025, Para 17-18 and Table (ECO-R1 row)

<sup>11</sup> Andrew MacLennan, s42A Report: Rural Zones, 19 June 2024, Para 301-307

<sup>12</sup> Now renumbered GRUZ-R25 in the Decision Version of the provisions.

extend this to GRUZ-R21 or GRUZ-R22<sup>13</sup>, as those rules address amenity and general rural land-use matters where the rule triggers do not present a consistent or plausible pathway for cultural effects, and including cultural matters would not be efficient or aligned with the targeted approach adopted across the Plan.

[22] For the Port Zone, Ms Hollier<sup>14</sup> did not support adding a cultural matter to PORTZ-R3, given its focus on industrial activities and reverse sensitivity within an already modified environment. Ms White agreed. We accept their advice.

[23] For Hazardous Substances, Mr Willis<sup>15</sup> accepted that cultural matters should apply only where hazardous facilities are located in “Sensitive Locations”. He and Ms White recommended targeted wording for HS-R1. We accept this approach.

[24] For Earthworks, Ms Williams<sup>16</sup> and Ms White<sup>17</sup> recommended adding a matter of discretion in EW-R1 to address potential adverse effects on Kāti Huirapa values where excavation and ground disturbance may occur. We accept that advice. They did not recommend including such a matter in EW-S5, which is a technical stability standard for transmission line support structures and does not present a plausible pathway for effects on cultural values. We agree that extending the matter of discretion to EW-S5 would not be necessary or efficient and would not be consistent with the targeted approach adopted across the Plan.

[25] For Temporary Activities, Ms Williams<sup>18</sup> confirmed she supported including a matter of discretion in TEMP-R3 where the rule is triggered by permanent or mechanical excavation, and Ms White recommended applying the same Kāti Huirapa effects wording used in other relevant rules to maintain consistency across the Plan. We accept their advice, as excavation under TEMP-R3 has a clear potential to affect cultural values and warrants a targeted matter of discretion.

[26] For Energy and Infrastructure, Mr Willis<sup>19</sup> and Ms White jointly assessed the rules identified by Te Rūnanga o Ngāi Tahu and concluded that most relate to operational or technical network functions where the effects are not of a kind that would give rise to adverse effects on Kāti Huirapa values. Their evidence was that EI-R26.2<sup>20</sup>, which provides for certain three-waters infrastructure in non-rural zones, is the only EI rule where the nature of the works and their interaction with land and water create a clear and plausible pathway for cultural effects. In contrast, EI-R22<sup>21</sup> manages the construction and maintenance of underground

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<sup>13</sup> Now renumbered GRUZ-R23 and GRUZ-R24 in the Decision Version of the provisions.

<sup>14</sup> Alanna Hollier, s42A Report: PORTZ and GIZ, 20 June 2024, Para 392-398

<sup>15</sup> Andrew Willis, s42A Report: Hazardous Substances and Contaminated Land, 15 March 2024, Para 146-165

<sup>16</sup> Rachael Williams, s42A Report: Earthworks, Relocated Buildings, Signs and Temporary Activities, 24 March 2025, Para 187-198; Rachael Williams, Final Reply: Earthworks & Temporary Activities Chapters, 4 August 2025, Para 11-13

<sup>17</sup> Liz White, Final Reply: SASM and MPZ Chapters, 4 August 2025, Para 17

<sup>18</sup> Rachael Williams, s42A Report: Earthworks, Relocated Buildings, Signs and Temporary Activities, 24 March 2025, Para 187-198; Rachael Williams, Final Reply: Earthworks & Temporary Activities Chapters, 4 August 2025, Para 16-18

<sup>19</sup> Andrew Willis, Final Reply: SD, CL, HS, SW, EI, TRAN, DWP, NH and CE Chapters, 4 August 2025, Para 19-26

<sup>20</sup> Now renumbered EI-R24 in the Decision Version of the provisions.

<sup>21</sup> Rule now deleted from the Decision Version of the provisions.

three-waters infrastructure and is directed to technical performance within existing corridors and does not present a consistent or realistic pathway for cultural effects. EI-R40<sup>22</sup> concerns new landfills within the Bird Strike Management Overlay and is focused on aviation safety outcomes rather than land or water disturbance. The s42A Report authors advised that extending cultural matters of discretion to EI-R22, EI-R40 or any other EI rules would not be well aligned with their purpose or efficient under s32AA. We accept their analysis and include a matter of discretion only in EI-R26.2.<sup>20</sup>

[27] For Stormwater, Mr Willis<sup>23</sup> and Ms White considered whether any of the rules raised by Te Rūnanga o Ngāi Tahu warranted additional matters of discretion to address potential effects on Kāti Huirapa values. Their evidence was that SW-R2<sup>24</sup>, which manages stormwater discharges to land and water, already contains focused considerations directed to technical capacity, treatment, design standards, and network performance, and that the rule trigger does not create a consistent or realistic pathway for adverse cultural effects to be considered. They concluded that adding a matter of discretion to SW-R2 would not be necessary or efficient. We accept their analysis and make no changes to the Stormwater rules.

[28] We also accept Ms White's recommendation<sup>25</sup> to amend the SASM Introduction to clarify that:

- (a) SASM objectives and policies may be relevant even when consent is triggered elsewhere; and
- (b) other chapters also manage activities within SASMs.

[29] We are satisfied that improved Te Reo Māori usage, targeted cultural matters of discretion in selected rules, and clearer SASM guidance together provide a more proportionate response to the submission from Te Rūnanga o Ngāi Tahu than applying cultural matters plan-wide.

## 2.2 DECISION

[30] We adopt Ms White's analysis and recommendations on the broad submissions relating to cultural values.

[31] We accept the submissions seeking clearer integration of Kāi Tahu values and improved use of Te Reo Māori. These outcomes are implemented through terminology changes and targeted amendments across the Plan, with the final wording set out in **Appendix 3**.

[32] We accept the relief seeking additional cultural matters of control or discretion in selected rules<sup>26</sup> where there is a clear nexus to cultural values, using the common wording

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<sup>22</sup> Now renumbered EI-R38 in the Decision Version of the provisions.

<sup>23</sup> Andrew Willis, Final Reply: SD, CL, HS, SW, EI, TRAN, DWP, NH and CE Chapters, 4 August 2025, Para 23-24

<sup>24</sup> Rule now deleted from the Decision Version of the provisions.

<sup>25</sup> Liz White, s42A Report: SASM and Māori Purpose Zone Chapters, 9 December 2024, para 7.1.12

<sup>26</sup> ECO-R1, GRUZ-R25, HS-R1, EW-R1, TEMP-R3 and EI-R24.2 as set out in the Decision Version of the provisions.

agreed with chapter authors and as set out in **Appendix 3**. We do not accept the relief seeking plan-wide cultural matters of control or discretion.

[33] We accept the recommended amendment to the SASM Introduction as set out in **Appendix 3**. In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan, and for giving effect to other relevant statutory instruments.

### **3 SITES AND AREAS OF SIGNIFICANCE TO MĀORI**

#### **3.1 BROAD SUBMISSIONS**

##### **3.1.1 Assessment**

[34] A small number of submitters (including three who sought deletion of the entire chapter<sup>27</sup>) raised broad concerns about the SASM framework. Their reasons included concerns that the Chapter would mean all land use will be governed by Māori; that it will create uncertainty over future development of land and impact on land values; and that it would affect property rights, including by enabling Māori to access private property.

[35] In her s42A Report<sup>28</sup>, Ms White recommended rejecting these submissions. She considered that removing the SASM Chapter would be inconsistent with s6(e) of the RMA, which requires recognition and provision for the relationship of Māori and their culture and traditions with ancestral lands, water, sites, wāhi tapu and taoka. While cultural matters appear in other Proposed Plan chapters, she considered that, without the SASM Chapter and the identification of specific sites and areas, the wider Plan framework would not be sufficient to meet those obligations.

[36] Ms White<sup>29</sup> also clarified that the SASM Chapter does not result in all land use being governed by Māori, nor does it confer a right of access to private property. Instead, SASM-O1 provides for involvement of Kāti Huirapa only where activities may affect the values of identified SASMs. In her view, this enables the Council to appropriately take those values into account while retaining ultimate decision-making responsibility. This approach is consistent with the tikanga-based expectations and ki uta ki tai framework described in the Mana Whenua Chapter.

[37] Stack [50.2] raised broader concerns, including the potential for conflicting iwi or rūnanga viewpoints, and the implications of the provisions for food production. Ms White<sup>30</sup> disagreed, noting that constraints on land use arise in other overlay chapters (ONLs, Indigenous Biodiversity, Heritage) and that the s32 analysis already considered rural productivity and associated costs. She also stated she was unaware of any conflict between iwi and rūnanga and noted that Arowhenua participated in plan development and that Te Rūnanga o Ngāi Tahu broadly supports the chapter.

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<sup>27</sup> Wallace, P [6.1], Eggleton, B [37.1], Yeandle, R [253.1]

<sup>28</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.1.6

<sup>29</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.1.8-8.1.10

<sup>30</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.1.8

[38] Conversely, several submitters supported the SASM Chapter, including DOC [166.28] and Te Rūnanga o Ngāi Tahu [185.90], who considered the provisions essential for recognising and protecting sites of significance and sustaining ecosystems that support taoka and mahika kai.

[39] We received no expert planning or cultural evidence supporting the relief to delete the SASM Chapter or opposing it in principle. Cultural evidence from Mr Henry confirmed long-standing cultural landscape relationships, whakapapa associations and tikanga values underpinning Schedule 6, consistent with the Mana Whenua Chapter's account of ki uta ki tai, mauri, mahika kai and wāhi tapu. The AEC 2020 Report<sup>31</sup> and 2021 Letter<sup>32</sup>, prepared for the Council, also support the mapped values and methodology.

[40] Having considered the submissions, cultural evidence, s42A assessments, legal submissions and the statutory context, we are satisfied that the SASM Chapter is necessary to give effect to s6(e); does not alter private property rights or confer decision-making authority over general land use to Māori; is supported by evidence; and is not undermined by any evidence of conflict between iwi or rūnanga positions.

### **3.1.2 Decision**

[41] We adopt Ms White's analysis and recommendations in relation to these broad submissions and, for the reasons she sets out in her s42A Report and subsequent Reply materials, we retain the SASM Chapter.

[42] This retention of the Chapter is supported by the Council's original s32 evaluation.

## **3.2 MAPPING / SCHEDULING OF SITES AND AREAS**

### **3.2.1 Assessment**

[43] Many submissions addressed the mapping of SASMs. Common themes included the overall extent of the overlays (both generally and on specific properties), the methodology used to define their spatial extent, the relationship of mapping to physical features on the ground, the level of information provided about values and threats, economic and regulatory implications for landowners, and concerns about consultation and perceived "third party permission" requirements.<sup>33</sup>

[44] As part of our deliberations we arranged, with the cooperation of landowners, to visit several properties and locations in the District that were subject to SASM Overlays. We did this to assist our understanding of the context and the land uses in those areas.

[45] In her s42A Report<sup>34</sup>, Ms White summarised the submitter concerns, including submissions that:

<sup>31</sup> Aoraki Environmental Consultancy Ltd, "Sites and Areas of Significance to Māori – Assessment Report," March 2020

<sup>32</sup> Aoraki Environmental Consultancy Ltd, "Feedback on Draft SASM Mapping and Methodology," Letter to Timaru District Council, 30 June 2021

<sup>33</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.2.2–8.2.6 and 8.2.30-8.2.32

<sup>34</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.2.3–8.2.5 and 8.2.30

- (a) questioned why SASMs cover large areas of farmland and extend beyond rivers or riparian margins;
- (b) contended that the mapping does not resemble natural features or has not been “ground-truthed”;
- (c) sought more specific information about the values present, what is being protected, and which activities pose a threat;
- (d) raised concerns about the restrictiveness of the overlay rules and potential economic impacts; and
- (e) expressed unease about needing “permission” from mana whenua and the implications of SASM identification for property rights.

#### *Evidence and methodology*

[46] As part of the District Plan review, the Council commissioned AEC, the mandated resource management agency for Te Rūnanga o Arowhenua, to prepare the SASM assessment.<sup>35</sup> The AEC Report<sup>36</sup> sets out a methodology using aerial photography, mātauranga Māori, whakapapa and cultural tradition, alongside existing mapped and documented information. As we have discussed in Part 1 of the Decision, we accept this as an appropriate and robust basis for identifying SASMs. We place significant weight on the cultural evidence of Mr Henry<sup>37</sup>, who gave evidence as a mandated kaitiaki for Arowhenua and described the SASM mapping as informed by both archival sources and mana whenua mātauranga, including cultural mapping information that is not in the public domain.

[47] We also record that, in accordance with Minutes 7, 8 and 38, the Panel convened a public-excluded session during Hearing H to receive cultural and spatial information relating to SASMs that could not be presented in an open forum. This process enabled us to hear additional evidence from Mr Henry, Takerei Norton, Cultural Historian, Te Rūnanga o Ngāi Tahu, and Tewera King, Ūpoko for Arowhenua and Waihao, and to view sensitive mapping information, including material contained within the Arowhenua Heritage Viewer, under confidentiality orders. The information received in Hearing H formed part of the evidential basis for our assessment of the SASM Overlays.

[48] The AEC Report explains that the SASM framework distinguishes between broader wāhi tūpuna (cultural landscapes) and more discrete sites within those landscapes, such as wāhi taoka, wāhi tapu, wai taoka and wai tapu.<sup>38</sup> Wāhi tūpuna typically encompass multiple related sites and features (including trails, waterbodies, settlements, mahika kai areas, burial sites, and other landscape markers), reflecting Kāti Huirapa seasonal movement patterns rather than a way of life centred on fixed settlements. Identification of larger SASM areas therefore reflects the way in which tūpuna used and related to the wider landscape. Consistent

<sup>35</sup> Ms White, SASM s42A Report, para 8.2.13

<sup>36</sup> Aoraki Environmental Consultancy Ltd, Sites and Areas of Significance to Māori – Assessment Report, March 2020

<sup>37</sup> John Henry, “Appendix 3 – Cultural Evidence” S42A Report on SASM and MPZ, 9 December 2024, Paras 1–7, 20–22

<sup>38</sup> Aoraki Environmental Consultancy Ltd, Sites and Areas of Significance to Māori – Assessment Report, March 2020; Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.2.14–8.2.17.

with Ms White's hearing evidence, the visible rock art can be understood as a "signpost" that points to that wider cultural landscape. The art itself is not the limit of what is significant, but an indicator of the surrounding area that was lived in, travelled through, and used for mahika kai. This supports the use of mapping that does not simply follow cadastral or topographic boundaries where that would under-represent the extent of the cultural landscape identified by mana whenua.

[49] Mr Henry's cultural evidence further explained that SASM boundaries are not intended to follow property boundaries, roads, or topographical lines, but reflect the spatial extent of the cultural values associated with each area.<sup>39</sup> He confirmed that the areas identified often comprise cultural landscapes rather than single point features, including resources, travel routes, mahika kai areas and landscape markers. He explained that this pattern is consistent with Kāti Huirapa's seasonal movements to gather food and resources. In his view, the significance of these areas does not change simply because contemporary land uses (such as pastoral farming) are now present. We accept this evidence and do not consider the presence of farmland or other modified land uses to undermine the cultural justification for the mapped areas. The appropriateness of regulation of land use within the mapped areas is addressed further below. We also accept Mr Henry's view<sup>40</sup> that relying solely on the goodwill of current landowners is insufficient, given that properties may be on-sold, and that removing land from these cultural landscapes in the planning maps cannot undo or rewrite the historical relationship between Kāti Huirapa and these places.

[50] Mr Henry<sup>41</sup> also confirmed that Rūnanga association with waterbodies is not confined to the wetted riverbed but extends to the margins and adjacent land used for access, mahika kai and travel, and that the lack of flowing water in some smaller waterways reflects more recent changes to the waterbodies rather than any reduction in their cultural importance. He stated that the association with, and significance of, these sites is known to mana whenua and does not require "ground-truthing" by site visits for the purposes of District Plan Mapping. He also explained that Arowhenua drew on internal cultural mapping tools and whakapapa-based knowledge, alongside the AEC work, so that the location and significance of these sites are already well understood by mana whenua without needing further physical inspection. We accept that evidence. We therefore do not accept submissions suggesting that SASMs should be reduced or removed because parts of a mapped stream are now dry, because no site visits have occurred, or because the boundaries do not follow cadastral or topographical features.

[51] Finally, we note that Ms White provided a supplementary statement<sup>42</sup> prepared in response to Minute 38. In that statement she confirms that the recommended refinements to the SASM Chapter were developed in consultation with AEC planners Ms Hall and Ms Davidson, and that Mr Henry was comfortable with those recommendations. We are satisfied

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<sup>39</sup> John Henry, "Appendix 3 – Cultural Evidence" S42A Report on SASM and MPZ, 9 December 2024, Para 24

<sup>40</sup> John Henry, "Appendix 3 – Cultural Evidence" S42A Report on SASM and MPZ, 9 December 2024, Para 28-30

<sup>41</sup> John Henry, "Appendix 3 – Cultural Evidence" S42A Report on SASM and MPZ, 9 December 2024, Para 24 and 31-33

<sup>42</sup> Liz White, Supplementary Statement: Sites and Areas of Significance to Māori, 4 August 2025, paras 2.2.1-2.2.2

that those changes sit within the cultural evidential foundation already provided by the AEC Report, the 2021 Letter and Mr Henry's evidence.

### *Requests to reduce or realign SASMs*

[52] Several submitters sought reconsideration of the overall extent of SASMs or removal/reduction of particular SASMs, including SASM-3, SASM-4, SASM-6, SASM-7, SASM-8, SASM-9, SASM-12, SASM-17, SASM-20, SASM-22 and SASM-23.<sup>43</sup> Some requested that mapping be confined to discrete features or limited to the riverbed only; others sought realignment to follow stop banks or property boundaries, or alignment with regional planning overlays. Mr Henry reviewed these submissions<sup>44</sup> and did not identify any changes to the SASM mapping that he considered appropriate, given the cultural landscapes, travel routes and mahika kai areas involved. Ms White similarly concluded<sup>45</sup> that the mapped extents already represent the areas within which cultural values are present and require recognition and protection from inappropriate activities. We accept their conclusions and do not consider further narrowing or realignment of SASMs to discrete "points", riverbeds only, stop banks, surveyed boundaries, or other physical features to be warranted.

[53] We note that ECan [183.168] supported the identification of SASMs as consistent with the relevant Regional Policy Statement direction, and that Te Rūnanga o Ngāi Tahu [185.37] supported the mapping and scheduling of SASMs subject to minor amendments to SCHED6. We give weight to that support. The minor editorial matters raised can be addressed through the Council's plan maintenance processes.

### *Specificity of SCHED6*

[54] Submissions also queried the level of specificity in SCHED6 and sought clearer descriptions of values and threats, and amendments to require identification of specific activities that pose a risk to each SASM.<sup>46</sup> Ms White compared SCHED6 with the ONL, ONF and VAL schedules in the Proposed Plan and with comparable District Plans and considered the level of detail to be appropriate and consistent with those instruments. She explained that the schedule is structured around wāhi tūpuna, wāhi taoka, wāhi tapu, wai taoka and wai tapu, each of which is defined and further explained in the Mana Whenua Chapter, and that threats are more appropriately addressed through the rule framework, in the same way that landscape schedules identify values while the rules address risks. AEC<sup>47</sup> noted that detailed locational information is intentionally withheld in some cases to avoid vandalism and because some historical and spiritual information is held by specific individuals rather than all mana whenua.

<sup>43</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Paras 8.2.4-8.2.5, 8.2.7-8.2.8 and 8.2.27-8.2.28; submissions including Brosnan [84.1], Smith [63.1], Glenwillow [99.1], Rogers [92.2], Jamieson [129.1], Hutchison [130.1], McCullough [137.1], Fenlea Farms [171.28], Rooney [177.10], K J Rooney [197.3], Beattie [238.1-238.1B], Jeaffreson [244.2], Wallwork [2.1], Zwarts [17.1], Just Cows [23.1], Bonifacio, P [36.25], Stack [50.9], Peel Forest [105.2], Coles [76.1-76.2], EJAPS [4.1, 4.5], Bloxham [97.1], Barkers [179.1], Batty [222.1], Hart [58.2], Glass [83.1].

<sup>44</sup> John Henry, "Appendix 3 – Cultural Evidence" S42A Report on SASM and MPZ, 9 December 2024, Para 24, 28-31 and 33.

<sup>45</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Paras 8.2.13-8.2.17, 8.2.20, 8.2.24 and 8.2.28

<sup>46</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Paras 8.2.4-8.2.5, 8.2.21-8.2.24

<sup>47</sup> AEC, Timaru District Plan Review: Report on Sites and Areas of Significance to Māori, March 2020, Section 3.3

Counsel for the Limestone Group<sup>48</sup> submitted that any overlay should be grounded in evidence of the cultural values present, identify the land-use activities that could threaten those values, and impose only those restrictions reasonably needed to protect them. We agree with that expectation and consider it is met here because the AEC Report, the 2018 Guideline<sup>49</sup> and 2019 Rock Art Report<sup>50</sup> (together known as the Rock Art Reports) and Mr Henry's evidence together provide the evidential foundation, and, as we discuss further below the SASM rule framework has been tailored to target only those activities that present a material risk to the identified values. We accept that approach and are satisfied that the level of detail in SCH6 is appropriate.

[55] We are satisfied the evidential foundation meets the legal threshold for Schedule 1 plan-making, and that no further cultural surveys or site visits were required as a matter of law to support the identification and mapping of SASMs.

#### *Alignment with regional overlays and requests for deferral*

[56] Ms White addressed submissions seeking that SASM overlays be amended to align wholesale with areas of significance mapped in regional planning documents, or that the chapter be deleted or deferred until further consultation and resurveying had occurred. She noted<sup>51</sup> the distinct functions of Regional and District Councils and the different sets of values each is required to manage. We agree and do not consider it appropriate to re-draw all SASM Overlays simply to mirror regional layers or to defer the chapter pending further processes. We have, however, considered the need to ensure that District Plan framework is not inconsistent with the Regional Plan when determining the District Plan framework.

#### *Rock art (SASM-8 and SASM-9)*

[57] With respect to wāhi tapu SASMs associated with rock art (SASM-8 and SASM-9), Ms White noted<sup>52</sup> that the notified mapping comprises the rock art sites and a buffer of approximately 300 metres around them. The Rock Art Reports identify three sensitivity zones around rock art sites: a geological sensitivity zone, a hydrological effects sensitivity zone (a 300-metre radius), and a wāhi tūpuna cultural landscape zone. These zones are not intended to exclude activities but provide a planning tool to ensure land and water uses are assessed so they do not compromise these culturally significant sites.

[58] Ms White noted that the notified SASM mapping aligns with the hydrological effects sensitivity zone in the Rock Art Reports and with the Rock Art Management Areas introduced through Plan Change 7 to the CLWRP.<sup>53</sup> She also recorded that submitters seeking reduced "setbacks" appeared to treat the mapped area as a fixed setback within which activities could not occur, whereas in both the CLWRP and the Proposed Plan the mapped area is intended

<sup>48</sup> Legal Submissions on behalf of Westgarth, Chapman, Blackler et al, 30 January 2025, Para 3 and 16-17

<sup>49</sup> Guideline for implementing a land-based taonga risk and vulnerability assessment in the context of freshwater environments: Māori Rock Art, November 2018, Gyopari, M. & Tipa, G. With contributions from Symon, A. & Scott, J

<sup>50</sup> Māori rock art and associated freshwater taonga protection: A sensitivity-based knowledge convergence approach, 2019, Gyopari, M., Symon, A. & Tipa, G; and Gyopari, M. & Tipa, G

<sup>51</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Paras 8.2.5-8.2.6 and 8.2.24

<sup>52</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Paras 8.2.25

<sup>53</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Paras 8.2.25

to trigger a resource consent process for specified activities. Retaining this alignment provides consistency between District and Regional planning frameworks.

[59] In her s42A report, Ms White acknowledged that in Mackenzie District Plan Change 24 a 250-metre buffer was ultimately adopted for District Plan purposes and she initially recommended that the Proposed Plan adopt the same approach.<sup>54</sup> In her Interim Reply Report, however, she confirmed she was ultimately neutral as between reducing the mapped extent to 250 metres and retaining the 300 metre mapped extent for consistency with the CLWRP.<sup>55</sup> In relation to SASM-8 and SASM-9, we have considered that evidence and prefer to retain the 300 metre mapped buffer around rock art sites. We consider a 300 meter buffer is an appropriate margin to manage activities that may affect both the integrity of the art and the associated freshwater ecosystems and cultural landscape.

[60] Ms Hamilton, counsel for the Limestone Group, emphasised the importance of identifying the relevant values for SASMs and urged a review of the schedule. She contended that, unlike outstanding natural landscapes and outstanding natural features mapped in the Proposed Plan, there is no publicly available, site-specific report for SASMs. In her submission, Schedule 6 does not explain (beyond a generic level) the values for each site or area, the principal land use and subdivision threats, or the basis for the mapped extent (including any “buffer”) used to manage those threats. She submitted that this creates efficiency and effectiveness concerns under s32. She further submitted that other District Plans verify site extents where possible. Where not possible, including where sites have “silent file” status, mapped extents and any buffers should be evidence-based, with rules then managing activities on or near the site.<sup>56</sup>

[61] Mr Henry addressed these issues in his evidence at Hearing E. He explained that rock art sites should not be understood as a single point feature with a fixed “setback”. Rather, the rock art is a visible indicator of a wider wāhi tūpuna and associated freshwater and cultural landscape values that can be affected by land and water use within the mapped area. He also agreed there is a role for better education about what the presence of rock art may signify for the wider area, and that this could be better conveyed through additional (non-sensitive) description in Schedule 6. He also explained why Schedule 6 entries must balance describing values with avoiding the disclosure of sensitive information that could increase the risk of damage or inappropriate access.<sup>57</sup>

[62] Based on the evidence that is available to us, including the material we viewed in the closed hearing session, we are satisfied that the descriptions in SCHED6 strike the appropriate balance of describing values, without disclosing sensitive information. However, we accept that the entries for SASM-8 and SASM-9 should be supplemented to better identify the wider cultural landscape and freshwater values associated with the rock art (without

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<sup>54</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Paras 8.2.26

<sup>55</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025 Appendix C(d)

<sup>56</sup> Oral submissions during Hearing H, and in Supplementary Legal Submissions, Counsel for the Limestone Group, 11 February 2025.

<sup>57</sup> Hearing E – Day 1 Transcript, 3:52:45–3:55:02 (questions of Mr Henry re SASM-8/9 mapped extent, wider wāhi tūpuna context, and the potential for additional non-sensitive Schedule 6 description);

disclosing site-specific sensitive information), consistent with the evidence and discussion with Mr Henry during Hearing E.

[63] We accept that the SCHED6 entries for SASM-8 and SASM-9 should be amended, as a consequential change under cl 10(2)(a) of Schedule 1, to clarify the associated wāhi tūpuna and cultural landscape values connected with these rock art sites, without altering the mapped extent of SASM-8 or SASM-9 or the activity status of any provisions. The evidence of AEC, the Rock Art Reports and Mr Henry confirm that the visible rock art is part of wider wāhi tūpuna and cultural landscapes, including springs, wetlands, trails and mahika kai networks. Adding these associated values to the schedule is consistent with that evidence, aligns with the approach taken for other SASMs, and assists plan users to understand why the significance of these areas extends beyond the immediate rock art shelters.

[64] Hart, J [58.2] sought a much smaller radius, for example 10 metres. Having considered Ms White's assessment, the Rock Art Reports, the existing CLWRP mapping, and Mr Henry's cultural evidence, we prefer to retain the 300-metre buffer for SASM-8 and SASM-9. In our view, a 10-metre radius would be inconsistent with the hydrological modelling and the evidence on how land and water use activities can affect both rock art pigments and associated freshwater ecosystems and would not provide a meaningful trigger area. While we acknowledge the Mackenzie decision, we place greater weight in the context of this district on aligning with the scientifically derived hydrological effects sensitivity zone and the existing CLWRP mapping, which together provide a coherent, evidence-based planning framework across Regional and District instruments.

[65] We also heard from Ms Zwarts and Mr Hunter [17.1], who operate a small sheep stud and have a QEII open space covenant over part of their property. They advised that the QEII covenant area includes the rock art location.<sup>58</sup> They sought that the mapped extent of SASM-9 be reduced to align with the surveyed boundaries of the QEII covenanted area, on the basis that the current mapped extent is excessive.<sup>59</sup> We sought clarification from Ms White about the relevance of existing covenants. Ms White advised that, while she was not familiar with the covenant instrument in detail, her understanding was that QEII covenants are generally directed to conservation values and are a different instrument under different legislation with a different purpose. She noted that it does not follow that the covenanted area represents the full extent of what may be significant to mana whenua.<sup>60</sup> Accordingly, while the covenant provides an additional layer of protection for the covenanted area, it does not remove the need for the Plan to identify and manage cultural values through the SASM framework.

#### *Consultation and “third-party permission” concerns*

[66] Ms White addressed submissions expressing concern that SASM identification created a requirement for “permission” from a third party or altered private property rights.<sup>61</sup> She clarified that, while consultation with Te Rūnanga o Arowhenua is expected where consent is required for activities within SASMs, the Proposed Plan does not confer decision-making

<sup>58</sup> QEII National Trust, Taniwha Gully Open Space Covenant 5-11-406, 3 October 2020

<sup>59</sup> Oral submissions during Hearing H and Zwarts submission dated 11 December 2022

<sup>60</sup> Hearing E – Day 1 Transcript, 2:48:26–2:49:20

<sup>61</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Paras 8.2.4 and 8.2.20

authority or a veto on Rūnanga, and that their role is analogous to other technical experts advising on effects such as landscape, ecology or geotechnical stability.

[67] Counsel for the Limestone Group submitters<sup>62</sup> accepted that the RMA does not require the Council to consult individual landowners before publicly notifying the Proposed Plan, although submitting that earlier engagement would have been preferable. We have considered the consultation evidence of Mr Hakkaart<sup>63</sup> which explains the consultation undertaken during plan development and the further opportunities for participation provided through the RMA's submission and hearing process.

[68] While we acknowledge that some landowners remain dissatisfied with the consultation process, we agree that those concerns do not invalidate the SASM mapping. Matters relating to economic effects or the interaction with Regional Council functions are addressed later in this decision. As discussed in Part 1 of the Decision we are satisfied the consultation undertaken during plan development met the requirements of Schedule 1, noting that the RMA does not require consultation with individual landowners prior to notification of a proposed District Plan.

#### *Jurisdictional concerns*

[69] RDRML [234.1] sought removal of all District Plan layers, including the SASM Overlays, from the bed of the Rangitata River near the Klondyke intake, arguing that this area lay outside the functions of a territorial authority under s31 of the RMA and that the mapping created confusion with Environment Canterbury's consenting role. We have considered Ms White's analysis<sup>64</sup> and the legal submissions<sup>65</sup> presented to us on this point. We do not accept the mapping relief sought. In our view, it is appropriate that the SASM overlay remains over this reach of the river to recognise and provide for the cultural values present. RDRML's concern about the treatment of works to maintain the existing rock weir is more appropriately addressed through the rule framework, and we adopt Ms White's recommendation that these earthworks be treated in the same manner as other existing items within a SASM under SASM-R1. We address the detailed drafting of that rule later in this decision.

[70] We are also satisfied that recognising and providing for cultural values within the bed of the river falls within the Council's function under s31(1)(b)(iii) of the RMA to control the use of land for the purpose of the maintenance and protection of historic heritage, which includes SASMs.

#### **3.2.2 Decision**

[71] We adopt Ms White's analysis and recommendations on mapping and scheduling, together with the AEC methodology and Mr Henry's cultural evidence on the nature and extent of cultural landscapes, travel routes, waterbody associations and mahika kai areas, subject to our preference to retain the 300-metre buffer for SASM-8 and SASM-9.

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<sup>62</sup> Legal Submissions on behalf of Westgarth, Chapman, Blackler et al, 30 January 2025, Para 3 and 11-12

<sup>63</sup> Aaron Hakkaart, Statement of Evidence, 23 January 2025

<sup>64</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.2.33

<sup>65</sup> Legal Submissions for Hearing D, 30 January 2025, Page 13

[72] We note Mr Henry identified a small number of minor mapping corrections where short reaches of rivers are not fully captured within the relevant SASM overlays. Those technical matters can be addressed through the Council's plan maintenance processes and do not alter our conclusions on the submissions seeking removal or reduction of SASM mapping.

[73] We confirm the SASM mapping and SCHED6 descriptions. We do not accept the relief seeking deletion of the SASM overlays, deferral pending resurvey or further consultation, realignment to property boundaries or regional overlays, reduction of mapped areas to point features or riverbeds only, increased publication of sensitive locational information, or reduction of the rock art buffer. We note that Counsel for the Limestone Group submitters<sup>66</sup> acknowledged that our task is to determine the provisions before us under the current Proposed Plan process, notwithstanding their preference that the Council withdraw the SASM provisions and begin a new plan-making process. Our role is to assess the provisions notified and the amendments properly before us, not to design or mandate an alternative process.

[74] We also confirm minor amendments to the SCHED6 entries for SASM-8 and SASM-9 under clause 10(2)(a) of Schedule 1 to clarify their associated wāhi tūpuna and cultural landscape values. These changes are confined to explanatory text and do not alter the mapped extent of the SASM overlays or the activity status of any land-use or subdivision provisions.

[75] In terms of s32AA, we adopt Ms White's evaluation in the s42A Report and subsequent Reply materials and are satisfied that retaining the SASM mapping and SCHED6 information, with confirmation of the 300-metre buffer for SASM-8 and SASM-9, is the most appropriate option for achieving the purpose of the RMA and the relevant provisions of the Plan, including recognising and providing for the relationship of Māori with ancestral lands, water, sites, wāhi tapu and taoka in accordance with ss6(e), 7(a) and 8 of the RMA.

### **3.3 INTRODUCTION**

#### **3.3.1 Assessment**

[76] Two submitters raised points on the Introduction. Federated Farmers [182] did not address the Introduction directly, although their broader concerns about property rights and consultation are discussed later in this decision. Te Rūnanga o Ngāi Tahu [185.91] supported the Introduction but sought clearer acknowledgement of the relationship between SASMs and historic heritage, noting that all SASMs are historic heritage for RMA purposes. No specific wording was proposed.

[77] In her s42A Report<sup>67</sup>, Ms White considered additional reference to historic heritage unnecessary. She noted that the Introduction already records that the chapter gives effect to ss6(e), 6(f), 7(a) and 8 of the RMA, and that the relationship between SASM and historic heritage is managed through the separate HH Chapter. We agree with her assessment.

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<sup>66</sup> Legal Submissions on behalf of Westgarth, Chapman, Blackler et al, 30 January 2025, Para 3

<sup>67</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.3.3

[78] Ms White recommended<sup>68</sup> inserting a cross-chapter integration paragraph explaining that where an activity requires consent under another chapter, the objectives and policies of the SASM Chapter may also be relevant, and that other District-Wide Chapters (such as Natural Character, Natural Features and Landscapes, Coastal Environment and Earthworks) contain rules that apply to SASMs. We consider that addition improves plan usability and provides clarity consistent with the National Planning Standards.

[79] During the hearing, questions were raised about consistency in the use of the terms wāhi tūpuna, wāhi taoka, wai taoka, wāhi tapu and wai tapu across the Glossary, Mana Whenua Chapter and SCHED6. In her Interim Reply<sup>69</sup>, Ms White advised that the terminology is generally consistent and cross-referenced but recommended minor corrections to MW2.1.7 and MW2.1.9 to expressly include “wai taoka” and “wai tapu”. She also advised that, if further simplification was preferred, paragraphs 3–5 of the Introduction could be replaced with a single cross-reference to MW2.1.7 and MW2.1.9.

[80] We agree the minor corrections to MW2.1.7 and MW2.1.9 are appropriate. While a consolidated cross-reference would be efficient, we consider the existing descriptive text in the Introduction assists plan users and should be retained. We agree that adding a concise cross-reference to MW2.1.7 and MW2.1.9 will further support interpretation.

[81] Ms White also recommended<sup>70</sup> an advisory note stating that there is no general right of public access across private land. We do not support including such a note in the SASM Introduction. As set out in our Part 1 decision, public-access matters are addressed in the Public Access Chapter and there is nothing in a District Plan that removes private property rights to manage access to private land. Including a private-property access note here risks implying that access issues arise from SASM identification, which is not the intent of this chapter. We therefore do not adopt that recommendation.

### 3.3.2 Decision

[82] We generally adopt Ms White’s analysis and recommendations on the Introduction to the SASM Chapter, subject to the modifications set out below.

[83] Our decision is that an additional paragraph be inserted into the Introduction to clarify the relationship between the SASM Chapter and other relevant District-Wide and Zone Chapters. The wording of this cross-chapter integration paragraph is set out in **Appendix 3**.

[84] We retain the descriptive paragraphs explaining wāhi tūpuna, wāhi taoka / wai taoka and wāhi tapu / wai tapu. To assist plan interpretation, we add a brief sentence grouping these categories and cross-referencing MW2.1.7 and MW2.1.9 for further detail. The amendments are set out in **Appendix 3**.

[85] We do not include an advisory note on public access across private land in the SASM Introduction. No changes are made to the Plan in respect of that matter.

<sup>68</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 7.1.12

<sup>69</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, Appendix A

<sup>70</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, Appendix A

[86] We accept the minor corrections to MW2.1.7 and MW2.1.9 recommended in the Interim Reply. The amendments are set out in **Appendix 3**.

[87] In terms of s32AA, we are satisfied that the amendments to the SASM Introduction and associated cross-references are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan, and for giving effect to other relevant statutory instruments.

### **3.4 DECISION-MAKING, INVOLVEMENT AND ENGAGEMENT WITH KĀTI HUIRAPA (SASM-O1, SASM-P1 AND SASM-P2)**

#### **3.4.1 Assessment**

[88] Several submissions addressed the role of Kāti Huirapa in decision-making on SASMs. ECan [183.57, 183.60, 183.61] and Te Rūnanga o Ngāi Tahu [185.92] supported SASM-O1, SASM-P1 and SASM-P2. Other submitters, including Stack [50.3, 50.5], Federated Farmers [182.81, 182.84, 182.85], Bonifacio, P [36.18], Rangitata Dairies [44.11], Westgarth et al [200.5] and Z Energy [116.10, 116.11, 116.13], raised concerns about the extent of mana whenua involvement, the clarity and efficiency of consultation processes, and potential costs and implications for private landowners. Broader concerns about the role of mana whenua and effects on property rights are addressed in Part 1 and are not repeated here.

[89] Te Rūnanga o Ngāi Tahu [185.92] sought that SASM-O1 more expressly “provide for rakatirataka and kaitiakitaka”. We agree with Ms White<sup>71</sup> that SASM-O1 already captures these concepts by providing that Kāti Huirapa are “actively involved in decision making that affects the values of the identified SASM”. The glossary defines rakatirataka as the active involvement of mana whenua in resource management decision-making processes, and kaitiakitaka as the exercise of customary custodianship by mana whenua. In our view, an objective focused on active involvement in decisions affecting SASM values inherently allows rakatirataka and kaitiakitaka to be exercised, and the Mana Whenua Chapter already articulates these concepts more broadly. We also note that rakatirataka is expressly referred to in SASM-P1. Adding further wording to SASM-O1 would risk unnecessary repetition between the objective and its supporting policies. While in the Coastal Environment Chapter we have accepted explicit reference to rakatirataka for consistency with the Mana Whenua Chapter, in this case we consider the SASM policies already give appropriate effect to SASM-O1. We therefore do not amend SASM-O1.

[90] Stack [50.3] and Federated Farmers [182.81] sought changes to SASM-O1 to confine all SASM assessments to Council staff, to state that SASM provisions would not affect existing use rights or land values, and to require that Kāti Huirapa involvement occur only at no cost to landowners. We agree with Ms White<sup>72</sup> that it is not appropriate for an objective to prescribe internal Council processes or funding arrangements. Existing use rights are addressed in Part 1 of this Decision Report and do not need to be repeated in SASM-O1. Nor do we consider it appropriate, or consistent with s6(e), to limit the involvement of Kāti Huirapa to circumstances where it does not affect land values or generates no cost to landowners. Who pays for cultural

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<sup>71</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, Appendix C

<sup>72</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.4.14-8.4.15

input is an implementation and funding matter for the Council's long term and annual planning processes, not a matter for the wording of objectives in the District Plan. We also rely on Mr Hakkaart's evidence<sup>73</sup> confirming the broader consultation and engagement context, which supports our finding that funding and administrative arrangements fall outside the function of District Plan objectives.

[91] ECan [183.60, 183.61] supported SASM-P1 and SASM-P2 and sought their retention, or the preservation of their intent. Federated Farmers [182.84] was concerned that SASM-P1 would enable "Chiefdom" to be exercised on private property without landowner consultation or consent, and sought wording that would re-cast the policy in terms of consultation with landowners and protection of their interests. We note that legal submissions<sup>74</sup> expressed concern that SASM-P1 and SASM-P2 could be interpreted as conferring decision-making authority on Kāti Huirapa, however, we are satisfied the provisions maintain the Council's statutory decision-making role. We accept Ms White's<sup>75</sup> view that SASM-P1 does not confer any such "Chiefdom". SASM-P1 requires the Council to work with Kāti Huirapa to identify and list SASMs in SCHED6, and to recognise and provide for the exercise of rakatirata by Kāti Huirapa in decisions made in relation to those sites and areas. The policy is implemented through the rule framework, which retains Council as decision-maker while requiring cultural input as a technical component of assessing effects on SASM values. We therefore do not amend SASM-P1 beyond minor cl 16(2) drafting corrections.

[92] Several submitters focused on SASM-P2. Bonifacio, P [36.18] considered that referring to consultation and engagement "adjacent to" identified SASMs was ambiguous and out of scope, while Rangitata Dairies [44.11] sought express recognition that consultation may occur through alternative mechanisms such as Farm Environment Plans. We accept Ms White's<sup>76</sup> view that the SASM rules apply to activities within the SASM overlays, and that retaining a reference to "adjacent" sites in SASM-P2 would reduce clarity and misalign the policy with the rule framework. Deleting "adjacent to" better links the policy to the rules while still encouraging early engagement before consent is sought. We also agree that it is unnecessary to refer specifically to Farm Environment Plans in SASM-P2, noting that they are a Regional Council tool and that the policy does not preclude consultation or engagement occurring through such processes where that is practical.

[93] Stack [50.5] and Federated Farmers [182.85] raised concerns about the potential for consultation charges and sought either that consultation occur at no cost to landowners or that the Plan establish a schedule of key hapū or tangata whenua contacts. Our response to these matters is addressed in Part 1 of the Decision.

[94] Westgarth et al [200.5] considered SASM-P2 to be confusing and inefficient, on the basis that consultation with Kāti Huirapa is promoted as the primary mechanism for determining cultural values even though values have already been identified in SCHED6, and that this would place an unreasonable burden on landowners. We accept Ms White's<sup>77</sup>

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<sup>73</sup> Aaron Hakkaart, Statement of Evidence, 23 January 2025

<sup>74</sup> Legal Submissions on behalf of Westgarth, Chapman, Blackler et al, 30 January 2025 at pp 4–6

<sup>75</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.4.16

<sup>76</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.4.17

<sup>77</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.4.19

distinction between the identification of SASM values, which has occurred through the Council working with Kāti Huirapa under SASM-P1, and the role of SASM-P2, which is to encourage consultation and engagement before applications are lodged or activities occur so that the potential effects of specific proposals on those values can be better understood. We do not consider this to be inconsistent with SASM-O1 or inefficient under s32. Rather, SASM-P2 provides an appropriate and proportionate way to give effect to ss6(e), 7(a) and 8 RMA by enabling site-specific dialogue on how activities may affect identified cultural values.

[95] Z Energy [116.10, 116.11, 116.13] sought amendments to clarify the link between chapter provisions, including SASM-P2, and the values of each SASM as recognised in SCHED6, and raised concerns about an apparent disconnect between the description of SASM4 and the consultation role envisaged in SASM-P2. We accept Ms White's<sup>78</sup> evidence that SCHED6 already records the site types and values for each SASM at a level of detail consistent with other overlays in the Plan, such as ONLs and ONFs, and that those values are further supported by definitions and explanatory text in the Mana Whenua Chapter. In our view, SASM-P2 appropriately relies on engagement with Kāti Huirapa to provide more specific, proposal-focused advice on the effects of particular activities on those values. We do not consider further amendment to SCHED6 or SASM-P2 to be necessary.

[96] Overall, we find that SASM-O1, SASM-P1 and SASM-P2, with the minor drafting changes recommended in the s42A Report<sup>79</sup>, appropriately recognise the role of Kāti Huirapa in decision-making affecting SASM values while maintaining the Council's statutory responsibilities and decision-making role. The policies provide a clear and workable framework for involvement and engagement with Kāti Huirapa. We note that additional clauses in SASM-P2 also respond to submissions on SASM-P8 which are discussed further below.

### **3.4.2 Decision**

[97] We adopt Ms White's analysis and recommendations on SASM-O1, SASM-P1 and SASM-P2. SASM-O1 is retained as notified. SASM-P1 is retained as notified, subject only to minor cl 16(2) corrections. SASM-P2 is amended as recommended in the s42A Report. The amended provisions are set out in **Appendix 3**.

[98] In terms of s32AA, we have considered and adopt Ms White's evaluation and are satisfied that the amendments are minor, improve clarity and alignment within the chapter, and are the most appropriate way to achieve the relevant objectives and the purpose of the RMA.

## **3.5 USE OF SITES FOR CULTURAL PRACTISES AND ACCESS TO THESE (SASM-O2, SASM-P3 AND SASM-P4)**

### **3.5.1 Assessment**

[99] Several submitters raised concerns about SASM-O2 and whether it could be read as creating rights of access to SASMs. Submitters including Stack [50.4], Digby [122.1],

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<sup>78</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.4.20

<sup>79</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.4.24

Federated Farmers [182.82], OWL [181.58], and Westgarth et al [200.2] considered the objective could be read as implying access across private land. Several sought additions such as “with the agreement of landowners”, while others sought that access be limited to public land. Te Tumu Paeroa [240.6] also sought that the wording recognises that many SASMs are located on private land. Jeaffreson [244.2] sought that SASM-O2 not apply to SASM-6. ECan [183.58] supported the objective and sought its retention.

[100] Te Rūnanga o Ngāi Tahu [185.93] sought that SASM-O2 include reference to ‘cultural landscapes’. In her s42A Report<sup>80</sup>, Ms White did not support this, noting that wāhi tūpuna sites already encompass cultural landscapes within SCHED6.

[101] Ms White<sup>81</sup> did not consider that the provisions confer any right of access. She noted that the District Plan cannot override legal requirements relating to land ownership or health and safety. Cultural evidence from Mr Henry<sup>82</sup> confirmed that Kāti Huirapa do not seek access without landowner permission. However, Ms White accepted that the notified wording could be misread as implying access must be provided, and recommended reframing SASM-O2 to focus on maintaining and, where appropriate, enhancing access and use, rather than implying that Kāti Huirapa “are able to” access SASMs. We agree with the recommended amendments which clarify that the provisions do not create any legal right of access across private land and instead focus on maintaining and, where appropriate, enhancing access and use for customary and cultural purposes.

[102] ECan [183.62, 183.63] supported SASM-P3 and SASM-P4. However, many submitters raised concerns that SASM-P3 and SASM-P4 do not reflect health and safety constraints or the operational requirements of rural land uses. Submissions from Westgarth et al [200.3, 200.4], Moore, DJ and J [100.3] and Peel Forest [105.3] raised health and safety and stock-welfare concerns. Fenlea Farms [171.29], Rooney A J [177.11] and K J Rooney [197.4] sought amendments to recognise impacts on rural activities. Ms White<sup>83</sup> considered that health and safety obligations arise under separate legislation, and the policies do not compel landowners to provide access. She also considered<sup>84</sup> that recognising the effects of access on existing rural activities falls outside the role of the SASM Chapter.

[103] Te Tumu Paeroa [240.7] sought that SASM-P3 apply to all Māori landowners. Ms White<sup>85</sup> considered this inappropriate because the SASM provisions give effect to s6(e) of the RMA and recognise the relationship of mana whenua with ancestral lands. Extending the policy would go beyond that relationship. We also note that this relief has been withdrawn through the Joint Statement<sup>86</sup> between Te Tumu Paeroa and Te Rūnanga o Ngāi Tahu.

[104] Te Rūnanga o Ngāi Tahu [185.95] supported SASM-P4 but sought clearer reference to the cultural purposes for which access is maintained or enhanced, and stronger direction

<sup>80</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.5.13

<sup>81</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.4.12

<sup>82</sup> John Henry, “Appendix 3 – Cultural Evidence” S42A Report on SASM and MPZ, 9 December 2024, Para 49

<sup>83</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.4.16

<sup>84</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.5.17

<sup>85</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.5.14

<sup>86</sup> Joint Statement of The Māori Trustee and Te Rūnanga o Ngāi Tahu, 17 December 2024

around enhancement. Ms White<sup>87</sup> recommended adding a general reference to “customary use and cultural purposes” to provide clarity without narrowing the policy and considered that enhancement should remain encouraged rather than mandatory to avoid unreasonable implications for landowners. We accept Ms White’s advice and consider that her recommended wording appropriately clarifies the purpose of access while retaining a proportionate approach to enhancement consistent with SASM-O2 and the wider framework.

[105] We accept the reporting officer’s analysis. We consider that the amendments recommended by Ms White clarify the intent and scope of SASM-O2, SASM-P3 and SASM-P4. We agree that SASM-O2 should not imply any legal entitlement to access private land and that health and safety matters do not need to be repeated in the Plan. We do not accept the relief seeking to insert explicit wording requiring landowner consent, to limit access to public land only, or to extend SASM-P3 to all Māori landowners. We consider that property-rights and health-and-safety matters are already addressed through other legislation and relevant Proposed Plan chapters and do not need to be repeated here.

### **3.5.2 Decision**

[106] We adopt Ms White’s analysis and recommendations on SASM-O2, SASM-P3 and SASM-P4, and the wording changes recommended in the s42A Report. The amendments are set out in **Appendix 3**.

[107] In terms of s32AA, we are satisfied that the amendments to SASM-O2, SASM-P3 and SASM-P4 are minor but important wording changes that improve clarity and plan usability, avoid unnecessary duplication, and represent the most appropriate way to achieve the SASM objectives and the purpose of the RMA.

## **3.6 PROTECTION OF VALUES (SASM-O3, SASM-P5, SASM-P6, SASM-P7 AND SASM-P8)**

### **3.6.1 Assessment**

[108] Several submitters addressed SASM-O3 and policies SASM-P5, SASM-P6, SASM-P7 and SASM-P8. Key themes were the extent of protection required for SASM values, the distinction between protection and engagement with Kāti Huirapa, the treatment of existing uses, and the relationship with infrastructure provisions.

[109] In relation to SASM-O3, ECan [183.59] and Heritage NZ [114.31] supported the objective and sought its retention. Te Rūnanga o Ngāi Tahu [185.94] sought that SASM-O3 be broadened to refer expressly to “cultural landscapes” and to “inappropriate modification, demolition or destruction”. Federated Farmers [182.83] sought amendments recognising existing use rights and the role of climate change mitigation, while Bonifacio, P [36.19] sought clarification of what “inappropriate” subdivision, use and development means and who determines this. We agree with Ms White<sup>88</sup> that the cultural landscapes are already captured through the wāhi tūpuna listings in SCH6, that explicitly listing types of “inappropriate”

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<sup>87</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.5.18-8.5.19

<sup>88</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.6.20-8.6.21

activity at the objective level is unnecessary given the direction provided in the policies and rules, and that qualifying the objective by reference to climate change mitigation would unduly qualify the protection of SASM values in a manner inconsistent with s6(e). We therefore retain SASM-O3 as notified.

[110] For SASM-P5, ECan [183.64] and Heritage NZ [114.32] supported the policy. Some submitters sought broader mechanisms, such as recognising landowner awareness of cultural values and Farm Environment Plans [Rangitata Dairies, 44.12 and 44.13]. Federated Farmers [182.88] sought that the access-related wording be made subject to landowner agreement. Te Rūnanga o Ngāi Tahu [185.96] sought broader reference to “landscapes” and “other sensitive environments” and an additional clause requiring activities on or adjoining SASMs to minimise adverse effects on cultural, spiritual and heritage values.

[111] We agree with Ms White<sup>89</sup> that SASM-P5 is the core protection policy for SASMs. It requires adverse effects that would compromise key cultural values — including whakapapa connections, mauri, site integrity, and ecosystems supporting taoka species and mahika kai — to be avoided unless the narrow exception applies. Protection is therefore achieved through this regulatory framework, rather than through generalised awareness measures. While landowner understanding can support good outcomes, that function sits more appropriately within SASM-P2, which consolidates direction on consultation, engagement, and awareness (including relocation of elements of SASM-P8). We therefore accept that these matters are addressed via amendment to SASM-P2 and do not amend SASM-P5 for this purpose.

[112] We also accept Ms White’s<sup>90</sup> view that Clause 3 of the notified policy deals with access matters already addressed in SASM-P4, rather than protection, and therefore should be deleted. Extending SASM-P5 to refer broadly to “landscapes” and “other sensitive environments” or to require all adjoining activities to minimise a wide range of cultural and heritage effects would be uncertain in scope, potentially inefficient, and likely to require additional rule changes beyond those necessary to implement SASM-O3.

[113] Te Rūnanga o Ngāi Tahu, through the evidence of Ms Pull<sup>91</sup>, raised concerns that amendments in the officer’s reports weakened protection compared with the notified version, particularly the change from “possible” to “practicable”. Ms White reconsidered this in her Summary Statement<sup>92</sup> and recommended reinstating “possible” for non-infrastructure activities while retaining a separate pathway for infrastructure through EI-P2 and EI-PX.<sup>93</sup> That position was maintained and refined in her Interim Reply<sup>94</sup> and Final Reply<sup>95</sup>, supported by a s32AA evaluation. We adopt her analysis and accept her recommendations. Requiring adverse effects on the identified cultural values to be avoided where this is technically possible gives effect to SASM-O3, while the EI policies provide a coherent framework for managing effects of regionally significant infrastructure and the National Grid.

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<sup>89</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.6.23

<sup>90</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.6.25

<sup>91</sup> Evidence of Ms Pull for Te Rūnanga o Ngāi Tahu, 22 January 2025, Para 101-106

<sup>92</sup> Liz White, Summary Statement: SASM and MPZ Chapters, 4 February 2025, Para 9(f)

<sup>93</sup> Now renumbered EI-P5 in the Decision Version of the provisions.

<sup>94</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, Appendix A, Page 10

<sup>95</sup> Liz White, Final Reply: SASM and MPZ, 4 August 2025, Para 17

[114] SASM-P6 addresses protection of cultural values in wāhi tūpuna. Federated Farmers [182.89] sought amendments recognising pre-existing uses and explicitly linking protection to SCH6. We agree with Ms White<sup>96</sup> that expressly referencing existing use rights in SASM-P6 would duplicate the position under s10 RMA and is unnecessary. We are satisfied that SASM-P6 appropriately directs the avoidance of significant adverse effects on the identified wāhi tūpuna values while allowing existing activities to continue under the general RMA and Plan framework. No changes to SASM-P6 are required.

[115] Federated Farmers [182.90] supported SASM-P7 and sought its retention. There were no other submissions on the policy. Considering infrastructure submitter concerns about how regionally significant infrastructure and the National Grid are managed across the SASM and EI chapters, Ms White<sup>97</sup> recommended that the infrastructure pathway be located in SASM-P7 rather than SASM-P8, with an explicit cross-reference to EI-P2 and EI-PX.<sup>98</sup> We accept that recommendation. Including the infrastructure pathway in SASM-P7 provides clarity on how activities with functional or operational needs are to be managed within SASMs, while the remaining direction in the policy continues to appropriately require the avoidance of adverse effects on taoka species and mahika kai.

[116] SASM-P8 attracted a wide range of submissions. Farming submitters, including Bonifacio, P [36.20], Fenlea Farms [171.30], Rooney AJ [177.12] and K J Rooney [197.5], considered that the effects of farming activities were already managed through existing consents and Farm Environment Plans and raised concerns about additional cost and duplication. Federated Farmers [182.91] sought a greater emphasis on non-regulatory methods and raised concerns about accidental discovery. Westgarth et al [200.6] considered the policy confusing and overly reliant on consultation with Kāti Huirapa. Infrastructure submitters (Transpower [159.67], TDC [42.43], OWL [181.59] and KiwiRail [187.53]) sought refinements to the “possible/practicable” wording, clearer recognition of operational and functional needs, and alignment with EI-P2 for infrastructure within SASMs. Heritage NZ [114.33] sought clarification of the relationship between accidental discovery protocols (ADP) and Archaeological Authorities.

[117] Having considered the submissions and evidence, we agree with Ms White<sup>99</sup> that SASM-P8 should be deleted, as it duplicated direction already provided in SASM-P2 and SASM-P5 and, in combination, created a de facto nil-effects threshold beyond what is required to give effect to SASM-O3. Engagement and awareness requirements sit logically within SASM-P2<sup>100</sup>, which now consolidates policy direction on consultation and information-sharing. The operative protection tests, including the requirement to avoid adverse effects on identified values except where there are demonstrated functional or operational needs and residual effects are addressed, are more appropriately housed within SASM-P5 and, for infrastructure, SASM-P7 read together with the EI policies.<sup>101</sup> We also accept amendments to refer to activities “adhering to” an ADP rather than preparing one in every case, which better aligns

<sup>96</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.6.27

<sup>97</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.6.27

<sup>98</sup> Now renumbered EI-P5 in the Decision Version of the provisions.

<sup>99</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.6.31, 8.6.33 and 8.6.34

<sup>100</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.6.24 and 8.6.33

<sup>101</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.6.27 and 8.6.31

with the rules and the Archaeological Authority process.<sup>102</sup> We do not accept submissions seeking to recast SASM-P8 as a predominantly non-regulatory method or to qualify the protection framework through broad references to existing use rights or existing management programmes.

[118] Overall, we are satisfied that retaining SASM-O3 and SASM-P6 as notified, and amending SASM-P5, SASM-P7 and SASM-P2 (with the deletion of SASM-P8), provides a coherent and proportionate framework for recognising and protecting SASM values while giving clear guidance on engagement with Kāti Huirapa and on the treatment of regionally significant infrastructure and the National Grid. The amendments more effectively give effect to ss6(e), 6(f) and 7(a) of the RMA and are the most appropriate way to achieve the relevant objectives of the Proposed Plan.

### **3.6.2 Decision**

[119] We adopt Ms White's analysis and recommendations on SASM-O3, SASM-P5, SASM-P6, SASM-P7 and SASM-P8.

[120] We retain SASM-O3 as notified.

[121] We amend SASM-P5 to reinstate "possible" for non-infrastructure activities, to include cross-references to EI-P2 and EI-P5 for infrastructure, to delete the access clause (with access matters addressed in SASM-P4), and to relocate relevant engagement and awareness elements of SASM-P8.

[122] We retain SASM-P6 as notified.

[123] We amend SASM-P7 to incorporate the infrastructure pathway and to include a cross-reference to EI-P2 and EI-P5, providing a coherent framework for managing regionally significant infrastructure and the National Grid within SASMs.

[124] We delete SASM-P8, with relevant components relocated to SASM-P2 and SASM-P5.

[125] The amended provisions are set out in **Appendix 3**.

[126] In terms of s32AA, we adopt Ms White's evaluation in support of the changes made.

## **3.7 NEW POLICIES**

### **3.7.1 Assessment**

[127] Federated Farmers [182.79, 182.80] sought a new policy stating, "*Provide recognition for grazing and farming activities that have not increased in their scale or intensity of effects from commencement date of the plan.*" Their concerns were:

- (a) that the SASM framework does not explicitly provide for existing farming activities to continue; and

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<sup>102</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.6.40

(b) that property rights, including access to private land, must be recognised and respected.

[128] We agree with Ms White<sup>103</sup> that the purpose of the SASM Chapter is to manage the effects of activities on SASM values, not to provide for land uses in general. The relief sought would duplicate the statutory existing use rights regime, which already applies regardless of District Plan policy wording. Concerns about access to private land are dealt with in Part 1 of the Report. Nothing in the SASM framework grants access rights or alters property law.

[129] A policy that “recognises” existing farming activities would not add clarity or improve effectiveness. It would risk creating confusion about how it relates to existing use rights under the RMA. For these reasons, we do not support adding a new policy.

### **3.7.2 Decision**

[130] We adopt Ms White’s analysis and recommendation and have not added the requested new policy.

## **3.8 RULES - GENERAL**

### **3.8.1 Assessment**

[131] Submitters raised general concerns about the scope and operation of the SASM rules, including their effects on farming operations, how they apply across properties, the treatment of existing use rights, mapping-related issues, and whether SASM-specific rules are needed in addition to other Proposed Plan controls. We address each theme below.

#### *Constraining farm operations*

[132] Hargreaves [29.1], Rangitata Dairies [44.11], Rangitata Island Dairy [221.1], McArthur, K [113.2], Hart [149.3], Federated Farmers [182.3], and Stack [50.1, 50.7] all sought, to varying degrees, a less restrictive framework for farming activities. Submitters emphasised existing environmental enhancement efforts, requested clearer evidence for any restrictions, and sought reduced consultation requirements.

[133] Ms White<sup>104</sup> agreed that consents should only be required where necessary to achieve the Proposed Plan objectives and that restrictions on private property must be supported by evidence under s32. She did not consider that voluntary enhancement efforts could ensure ongoing protection of cultural values, noting that none of the SASM rules restrict livestock grazing.

[134] We accept this analysis. While we recognise landowner stewardship, the RMA requires rules to be set with reference to objectives and effects. We also agree<sup>105</sup> that expert cultural input is appropriate in assessing activities that may affect SASM values and that activity status

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<sup>103</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.7.3

<sup>104</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.8.18

<sup>105</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.8.19

must be considered within each rule and its policy framework, rather than relaxed in a generic manner.

#### *Extent of rules across a property*

[135] MFL [60.23] queried whether the rules apply to entire properties or only the mapped overlay. Ms White<sup>106</sup> confirmed that the SASM rules apply only to the mapped SASM areas, consistent with the approach taken for ONLs, ONFs and heritage items. We agree.

#### *Existing use rights*

[136] Bloxham [97.2] and Rangitata Island Dairy [221.1] were concerned that the rules do not adequately recognise existing activities. Ms White<sup>107</sup> advised that existing use rights are provided for under s10 RMA and do not need to be restated in the Proposed Plan. Existing use rights do not apply to regional rules, and regional consent reviews are addressed through regional planning instruments. We accept that no further provisions are required, noting our previous discussion in Part 1 of the Decision on this matter.

#### *Mapping-related opposition*

[137] Peel Forest [105.5–105.10] opposed several rules based on disagreement with the mapping of SASM-23. Ms White<sup>108</sup> considered that mapping concerns do not justify deleting rules that manage effects on identified SASM values. We agree. Mapping issues are addressed in Section 3.2.

[138] Te Kotare Trust [115.7] considered the rules too restrictive for buildings and structures. Ms White<sup>109</sup> clarified that such activities are managed under SASM-R2 with permitted or restricted discretionary status. We address these rule provisions below.

#### *Proposal to delete all SASM rules*

[139] Westgarth et al [200.7] sought deletion of all SASM rules, proposing reliance solely on cultural matters of discretion triggered under other Plan chapters. Ms White<sup>110</sup> noted that while other provisions contribute to managing cultural effects, targeted SASM rules remain necessary where activities pose a material risk to SASM values, and no equivalent controls exist elsewhere. We accept this advice. Cultural matters of discretion complement but do not replace SASM-specific rules.

### **3.8.2 Decision**

[140] We adopt Ms White's analysis and recommendations on the general submissions relating to the SASM rule framework. No overarching structural changes are required beyond the specific amendments addressed in later sections.

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<sup>106</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.8.20

<sup>107</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.8.21

<sup>108</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.8.22

<sup>109</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.8.23

<sup>110</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, Para 8.8.3

[141] For the purposes of s32AA, we adopt Ms White's evaluation insofar as it relates to the general rule framework. We are satisfied that retaining a targeted set of SASM rules, with the specific amendments addressed below, is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

### **3.9 EARTHWORKS – RULE SASM-R1**

#### **3.9.1 Assessment**

[142] Submissions on SASM-R1 were extensive. Many farming submitters, including Hargreaves [29.1], Rangitata Dairies [44.11], Rangitata Island Dairies [45.1] and Federated Farmers [182.92], considered the notified framework too restrictive on ongoing farming operations, particularly in relation to routine maintenance, remedial and reinstatement works (including after flood events), small-scale farm earthworks, and earthworks around existing and new farm buildings. They were concerned that the 750m<sup>2</sup> limit would lead to accidental non-compliance, multiple consents for low-risk activities, and insufficient recognition of already-modified ground and health and safety needs (including the formation and maintenance of farm tracks and accessways).<sup>111</sup>

[143] Other submitters opposed SASM-R1 in whole or in part or sought targeted amendments. Peel Forest [105.4] opposed the rule in its entirety except for the ADP requirement. Several primary industry submitters, including Silver Fern Farms [172.46] and Alliance Group [173.45], supported by Aitken et al [237.14], sought that the permitted earthworks volumes in SASM-R1 be aligned with the limits and timeframes in EW-S1. Southern Proteins [140.13], Broughs Gully [167.48], Hilton Haulage [168.3] and North Meadows [190.9] questioned the need for PER-1, particularly in the wāhi tūpuna overlay, and in some cases sought its deletion. Fonterra [165.79] sought that earthworks at the Clandeboye site (SASM-5) be excluded from the rule because of the heavily modified nature of that site. Z Energy [116.12] additionally sought clarification of how the permitted quantum is calculated.

[144] Several submitters raised more site or process-specific concerns. Moore, DJ and J [100.4] sought a framework based on collaborative decision-making between landowners and rūnanga, while Te Kotare [115.28] and Waipopo Huts [189.40] sought greater provision for upgrading and replacing existing buildings within the wāhi tapu overlay. King et al [43.3] and OSA [51.3] requested that the Council commission a Cultural Impact Assessment for SASM-4 rather than relying on individual landowner-funded assessments.

[145] Submitters concerned with cultural heritage and archaeological values, including Te Rūnanga o Ngāi Tahu [185.98] and Heritage NZ [114.34], supported a robust earthworks framework for SASMs and sought strong protections for wāhi tapu and Māori rock art, including SASM-8 and SASM-9.

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<sup>111</sup> For other farming submitters raising similar concerns, see Pye Group [35.1]; Bonifacio, P [36.21]; Hart [58.4]; Dairy Holdings [89.9]; Moore, DJ and J [100.4]; McArthur, K [113.4]; Connolly S [136.1]; Rangitata Dairies [44.14]; Rangitata Island Dairy [221.5]; Rooney Holdings [174.28]; Rooney, GJH [191.28]; Rooney Group [249.28]; Rooney Farms [250.28]; Rooney Earthmoving [251.28]; TDL [252.28].

[146] The submissions on SASM-R1, including the specific relief sought, are summarised in Ms White's s42A Report.<sup>112</sup> We have had regard to that analysis and do not repeat it in full here. In the following paragraphs, we focus on the key issues for SASM-R1 and explain where we agree with, or depart from, Ms White's recommendations.

[147] We have carefully considered Ms White's s42A Report<sup>113</sup>, Interim Reply<sup>114</sup> and Final Reply<sup>115</sup>, and her written responses to Panel Minutes where relevant to SASM-R1. This includes the interaction between the SASM provisions and the Earthworks Chapter (EW-S1 and EW-S2), and the technical evidence on rock art and cultural values. At Hearing H, we also tested Ms White's recommendations through oral questions, including the rationale for applying the same 2,000m<sup>2</sup> threshold to wāhi taoka as to wāhi tūpuna and for managing wai taoka earthworks primarily through the NATC chapter, as well as the interaction between SASM-R1 and the district-wide Earthworks, ECO and NFL provisions (particularly in GRUZ and RLZ, at Clandeboye (SASM-5) and in SASM-6 where it overlaps ONLs and VALs), and the proposed treatment of wāhi tapu sites, including the reliance on ECO and EW-S1 for some urban wāhi tapu and the more permissive approach initially recommended for SASM-8 and SASM-9. Through this testing, we were satisfied that the recommended framework is generally robust and proportionate, except in relation to SASM-8 and SASM-9, where the cultural and landscape evidence led us to a different conclusion.

[148] In broad terms, Ms White recommends:

- (a) aligning the permitted area of earthworks within the wāhi tūpuna and wāhi taoka overlays with the earthwork's standards for GRUZ and RLZ, by allowing up to 2,000m<sup>2</sup> of new disturbance per site in any 12-month period for activities other than primary production and ancillary rural earthworks (which remain unlimited under EW-S1), subject to an ADP requirement;<sup>116</sup>
- (b) relying on the Natural Character (NATC) Chapter, with additional SASM matters of discretion, to manage earthworks associated with the wai taoka overlay near waterbodies;<sup>117</sup>
- (c) excluding urban residential zones from SASM-R1 on the basis that the tighter 250m<sup>2</sup> permitted threshold in EW-S1 for GRZ and MDZ already applies, with cultural matters of discretion added where consent is triggered;<sup>118</sup>
- (d) excluding most of the SASM-6 area where it coincides with Outstanding Natural Landscapes (ONL) and Visual Amenity Landscapes (VAL), on the basis that NFL-R2 and associated provisions already tightly manage

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<sup>112</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.3–8.9.32.

<sup>113</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024

<sup>114</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025

<sup>115</sup> Liz White, Final Reply: SASM and MPZ, 4 August 2025

<sup>116</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.15–8.9.18 and 8.10.10

<sup>117</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.24

<sup>118</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, para 8.9.19–8.9.21

earthworks in those areas, supported by an advisory note encouraging consultation with Te Rūnanga o Arowhenua;<sup>119</sup> and

- (e) for most wāhi tapu sites, permitting only maintenance, repair and replacement works, with new earthworks requiring consent, but for SASM-8 and SASM-9 relying primarily on the ECO chapter controls within SNAs, and permitting earthworks outside mapped SNAs (but within the wider SASM-8 and SASM-9 areas) provided an ADP is applied.<sup>120</sup>

[149] Ms White also explained that the notified version of SASM-R1, which permitted only maintenance within wāhi tūpuna and wāhi taoka, was unworkably restrictive for large rural properties and would generate unnecessary consents for low-risk activities.<sup>121</sup> She considered that a shift to an area-based permitted limit, aligned with EW-S1 and supported by SASM-specific matters of discretion, would more appropriately balance protection of cultural landscapes with the practical needs of rural land management. She observed that many routine rural activities often exceed 750m<sup>2</sup>, meaning the notified rule would have imposed unnecessary consenting load without materially improving cultural outcomes.

[150] Ms White did not support adopting different earthworks thresholds for wāhi tūpuna, wāhi taoka and wāhi tapu (other than SASM-8 and SASM-9). In her analysis<sup>122</sup>, the cultural evidence did not justify separate or lower numerical limits, and she considered that cultural effects are more effectively managed through the matters of discretion and the values identified in SCHED6, rather than through varying permitted thresholds across overlays. She also noted that introducing multiple thresholds would add unnecessary complexity without materially improving cultural or environmental outcomes.

[151] Ms White also explained<sup>123</sup> that extending SASM-R1 into the General Residential and Medium Density Residential Zones would duplicate the existing district-wide earthworks controls. Under EW-S1, the permitted threshold in those zones is already set at 250m<sup>2</sup> per site in any 12-month period, which is more stringent than the 2,000m<sup>2</sup> threshold recommended for GRUZ and RLZ. From an efficiency perspective, she considered that cultural effects within residential areas are more appropriately addressed by adding SASM-specific matters of discretion to EW-S1, rather than applying a parallel SASM rule. In her view, this approach avoids unnecessary regulatory overlap while still ensuring that effects on SASM values are considered when a consent is required.

[152] For completeness, we note that the SASM framework provides protections over and above the underlying zone rules in GRUZ and RLZ. Under EW-S1, farming earthworks in those zones are generally unlimited. By contrast, within any SASM overlay, new disturbance is capped at 2,000m<sup>2</sup> per site per 12-month period (PER-1(1)) and must be undertaken in

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<sup>119</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.26–8.9.27; Liz White, Final Reply: SASM and MPZ Chapters, 4 August 2025, para 19

<sup>120</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.26–8.9.27

<sup>121</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.3–8.9.4, 8.9.8, 8.9.18 and 8.9.23

<sup>122</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.18, 8.9.23, 8.9.25 and 8.9.34–8.9.35

<sup>123</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.18–8.9.19

accordance with the ADP (PER-2), and earthworks within already-modified ground only are exempt (PER-1(2)). We also note Ms White's clarification<sup>124</sup> that the exemption for "already-modified ground" in PER-1(2) is intentionally narrow, applying only to ground previously disturbed by earthworks, and not to land modified through farming activities, vegetation clearance, or informal vehicle or stock movement. This ensures that the exemption cannot be used to circumvent the protections intended by the SASM framework. This layered approach ensures that earthworks in culturally sensitive landscapes are subject to tighter controls than would otherwise apply, while still enabling routine rural land management. We acknowledge mana whenua concerns that district-wide earthworks provisions alone would not sufficiently protect cultural landscapes and consider that SASM-R1 provides an additional level of constraint that directly responds to those concerns and gives meaningful effect to the values identified in SCHED6.

[153] We accept Ms White's general approach of:

- (a) using the Earthworks chapter to manage most thresholds and activity status, with SASM-specific standards and matters of discretion layered over that framework<sup>125</sup>;
- (b) aligning the 2,000m<sup>2</sup> cap for "other activities" in the wāhi tūpuna and wāhi taoka overlays with EW-S1 in GRUZ and RLZ<sup>126</sup>;
- (c) relying on the Earthworks Chapter (with additional cultural matters of discretion) in urban residential zones<sup>127</sup>;
- (d) adding an additional matter of discretion so that when the EW-S2 depth standard (1.5m) is exceeded, potential effects on cultural values can be considered, even where the site is not within an SASM overlay<sup>128</sup>;
- (e) declining the request of Te Rūnanga o Ngāi Tahu to express the permitted quantum in cubic metres, as this would be inconsistent with EW-S1 and the district-wide earthworks framework<sup>129</sup>;
- (f) accepting the exclusion of riverbeds from SASM-R1, as this avoids duplication with the CLWRP framework and maintains an efficient consenting pathway<sup>130</sup>;
- (g) accepting Ms White's evidence at Hearing H that, while the ADP is not a perfect safeguard, it is a proportionate and efficient means of managing residual risk for lower-risk permitted earthworks, with more intensive

<sup>124</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, SASM-R1 Wāhi tapu and Wai tapu overlays (PER-2), p.8; and Supplementary Statement: SASM and MPZ Chapters, 4 February 2025, p.7

<sup>125</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.15–8.9.19; Liz White, Supplementary Statement: SASM and MPZ Chapters, 4 February 2025, p. 7

<sup>126</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.18 and 8.9.23

<sup>127</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, para 8.9.19 and 8.9.25

<sup>128</sup> Rachael Williams, s42A Report: Earthworks, Relocated Buildings, Signs and Temporary Activities, 24 March 2025, paras 187–198; Rachael Williams, Final Reply: Earthworks & Temporary Activities Chapters, 4 August 2025, paras 11–13; Liz White, Final Reply: SASM and MPZ Chapters, 4 August 2025, para 17

<sup>129</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.19–8.9.21; Liz White, Final Reply: SASM and MPZ Chapters, 4 August 2025, para 18

<sup>130</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.9.26–8.9.27; Liz White, Final Reply: SASM and MPZ Chapters, 4 August 2025, para 19

monitoring reserved for higher-risk activities requiring consent, in accordance with s32 RMA<sup>131</sup>; and

(h) accepting Ms White's approach to SASM5 (Clandeboye), whereby SASM-R1 does not apply within the General Industrial Zone but cultural effects can still be considered under the Earthworks chapter where earthworks exceed the relevant EW-S1 thresholds.<sup>132</sup>

[154] However, we are not persuaded that SASM-8 and SASM-9 should rely solely on the SNA-based earthworks controls in the ECO chapter, with no specific area-based earthworks limit applying to the remainder of those wāhi tapu overlays. For the reasons set out earlier in our discussion of mapping and rock art (Section 3.2.1, under "Rock art (SASM-8 and SASM-9)"), we consider that the rock-art landscapes are intrinsically fragile and can be significantly affected by adjacent land-use activities and associated earthworks, including infrastructure and access works within the wider mapped SASM areas, regardless of whether they sit inside or outside an SNA.

[155] We are particularly concerned that parts of SASM-8 and SASM-9 fall outside the mapped SNA overlays. We identified several instances where the mapped SASM extent is not fully overlain by an SNA. By way of example only, this occurs at 318 Matthew Road, RD 25, Temuka (Property ID 13386) and 228 Raincliff Road, RD 12, Pleasant Point (Property ID 17784), where areas of SASM-9 sit outside the pink SNA overlay shown on the Council's online mapping viewer. If earthworks controls rely only on the SNA framework (including ECO-R5), this creates a risk of "gaps" outside the SNA overlay where earthworks within the wider wāhi tapu landscape could proceed as permitted activities (subject to an ADP), with no comparable area-based threshold applying across the full mapped SASM extent. In our view that would not sufficiently recognise and protect the cultural landscape values associated with Māori rock art outside the SNA overlay. We also note that the SCED6 descriptions as amended above for SASM-8 and SASM-9 identify a complex of interrelated wāhi tapu, occupation sites, movement corridors, and cultural narratives extending well beyond the immediate rock art panels; these values attach to the wider landscape rather than to discrete points. This reinforces our view that appropriate levels of protection are required across the full mapped extent, not only within the SNA components.

[156] We have considered the evidence of members of the Limestone Group regarding the resource consent process undertaken under the CLWRP, whereby the 300m mapped areas acted as a trigger for a resource consent process, which involved constructive engagement with rūnaka, via the Māori Rock Art Trust, and the development of site specific conditions to ensure appropriate levels of protection.<sup>133</sup> We received copies of resource consents and Farm Management Plans as examples of the approach.<sup>134</sup> Notwithstanding the costs of the processes (examples were given in the evidence of members of the Limestone Group), we

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<sup>131</sup> Oral evidence of Liz White Evidence (Earthworks discussion), 14 February 2025, Liz White, Final Reply: SASM and MPZ Chapters, 4 August 2025, para 17

<sup>132</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, para 8.9.22

<sup>133</sup> John Evans, Statement of Evidence, 23 January 2025, James Fraser, Statement of Evidence, 23 January 2025,

<sup>134</sup> Memorandum of Counsel for Limestone Group, 26 February 2025

understood from the evidence of the affected landowners that they were comfortable with the outcomes in those instances.

[157] We also received evidence from landowners, that in some areas the rock art was located in areas unlikely to be modified extensively given their location in steep gullies.<sup>135</sup>

[158] In our view the evidence illustrates that the consenting regime, where triggered, can have significant positive outcomes for the landowners and rūnaka, and ensures an appropriate level of protection of the identified values. Where no consent is triggered, we did not receive any direct evidence of costs to the landowner because of the mere presence of the overlay identifying values.<sup>136</sup> A resource consent process in these circumstances is both effective and efficient and enables bespoke outcomes proportionate to the level of risk to the identified values. We consider the risk to the identified values of not identifying the 300m overlay outweighs the cost to individual landowners of the additional engagement and resource consent process.

### 3.9.2 Decision

[159] We adopt Ms White's recommended changes to SASM-R1 to align SASM-R1 with EW-S1 and EW-S2 (including the 2,000m<sup>2</sup> threshold in GRUZ and RLZ, and the 250m<sup>2</sup> threshold in GRZ and MDZ), the use of the NATC and Earthworks Chapters with additional SASM matters of discretion, and the addition of a specific matter of discretion linked to the EW-S2 depth standard.

[160] We do not adopt Ms White's recommendations to rely solely on ECO-R5 and Significant Natural Areas provisions for SASM-8 and SASM-9 and instead have applied a specific area-based control.

[161] Our decision is to amend SASM-R1 to include a permitted activity condition for earthworks within SASM-8 and SASM-9, so that earthworks, including those associated with new buildings or structures and those necessary for the installation of infrastructure or network utilities, do not exceed a maximum area of 2,000 m<sup>2</sup> in any 12-month period per site.

[162] The amendments to SASM-R1 required to give effect to this decision are shown in **Appendix 3**.

[163] We adopt Ms White's s32AA evaluation for the changes made that reflect her recommendations.

[164] For the amendments we have made to SASM-R1 as they apply to SASM-8 and SASM-9, we are satisfied that the changes are the most appropriate having regard to the values of SASM-8 and SASM-9. The amendments we make to SASM-R1 as the rule applies within SASM-8 and SASM-9 are proportionate to, and consistent with the regulation of the wāhi tūpuna overlay outside ONLs and VALs, and ensures that earthworks associated with

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<sup>135</sup> Reece Hart, Statement of Evidence, 23 January, paragraph 40.

<sup>136</sup> A suggestion was made that a landowner may have had difficulty selling a property, but this was not substantiated with any evidence.

buildings, infrastructure and other activities within the mapped wāhi tapu landscapes are subject to a clear permitted threshold, regardless of SNA coverage. It also gives effect to our findings on the mapping and protection of rock art SASMs in Section 3.2.1 of this decision.

[165] We are satisfied that this more conservative approach to managing earthworks in SASM-8 and SASM-9 when compared with Ms White's alternative of only requiring an ADP, is the most appropriate means of achieving the SASM objectives, having particular regard to our earlier findings on rock art SASMs and the associated wāhi tūpuna cultural landscapes. We have had regard to the likelihood of a modest increase in consent numbers compared with Ms White's recommendation, but those costs are justified by the nationally and regionally significant wāhi tapu values and will enable tailored resource consent conditions, where necessary to ensure that earthworks across the wider rock-art landscapes are appropriately controlled to protect the rock art sites and associated cultural values. We are satisfied that the amended rule framework will provide an effective and efficient consenting pathway while ensuring meaningful protection of wāhi tūpuna, wāhi taoka and wāhi tapu.

### **3.10 APPENDIX 4 – FORM CONFIRMING A COMMITMENT TO ADHERING TO AN ACCIDENTAL DISCOVERY PROTOCOL**

#### **3.10.1 Assessment**

[166] Six submitters<sup>137</sup> opposed the requirement to "commit" to the ADP. They described the commitment form as an unnecessary "pseudo contract" and considered that accidental discoveries should instead be managed directly with Heritage NZ, the Council and Te Rūnanga o Arowhenua if they occur, rather than through a pre-lodged form. NZDF [151.11] also opposed the commitment-form requirement and sought deletion of Appendix 4. They submitted that the form would not assist in protecting archaeological sites as it does not involve any site-specific investigation and would instead impose unnecessary administrative burden on plan users and the Council. In contrast, Heritage NZ [114.34, 114.48] supported inclusion of an ADP in Appendix 4 but sought that it applies only where an Archaeological Authority has not already been issued and requested use of the Heritage NZ protocol in place of the Council version.

[167] We adopt Ms White's analysis of these submissions.<sup>138</sup> She considered that requiring completion and submission of a commitment form, at least two weeks before earthworks, is neither efficient nor effective, as the Council does not need prior notice in order to check compliance. In her view, the requirement simply formalises a commitment that can be more directly achieved by requiring earthworks to comply with the ADP itself. She therefore recommended deleting the requirement to complete and submit the form, amending the relevant standards so they instead require compliance with the ADP, and revising Appendix 4 to remove the "form" elements so that only the protocol is retained.

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<sup>137</sup> Rooney Holdings [174.28, 174.98], Rooney GJH [191.28, 191.98], Rooney Group [249.28, 249.98], Rooney Farms [250.28, 250.98], Rooney Earthmoving [251.28, 251.98] and TDL [252.28, 252.98]

<sup>138</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.10.1 and 8.10.7

[168] Having compared the Heritage NZ protocol with Appendix 4, Ms White found<sup>139</sup> the requirements to be substantively similar and was not persuaded that wholesale replacement of Appendix 4 is necessary. She preferred retaining a protocol that specifically references Te Rūnanga o Arowhenua, with minor wording changes for clarity and consistency. She also agreed with Heritage NZ that the ADP should not apply where an Archaeological Authority has already been issued and recommended that the rules be amended accordingly. We agree with Ms White's reasoning. In our view, retaining an ADP while removing the separate commitment-form requirement appropriately balances the need to respond promptly and respectfully to accidental discoveries of kōiwi tangata and other taonga with the need to avoid unnecessary administrative burden or duplication with processes under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act).

### **3.10.2 Decision**

[169] We adopt Ms White's analysis and the substance of her recommendations in relation to Appendix 4 and the associated rules.

[170] We amend SASM-R1.1 PER-2, SASM-R5.1 PER-2, EW-R1 PER-2 and GRUZ-R18 PER-4 in the Decision Version of the provisions to remove the requirement to submit a commitment form and instead state that: "Except where an Archaeological Authority has been obtained from Heritage NZ, earthworks are undertaken in accordance with the Accidental Discovery Protocol contained within APP4".

[171] Appendix 4 is to be retained but amended to delete those elements that constitute a "form", so that it operates solely as an ADP to be followed when an accidental discovery occurs. Only minor drafting changes should be made for clarity and to maintain reference to Te Rūnanga o Arowhenua.

[172] The amendments to the provisions are set out in **Appendix 3**.

[173] In terms of s32AA, we are satisfied that these amendments appropriately protect cultural and archaeological values while avoiding unnecessary administrative cost and complexity, and that they are the most appropriate means of achieving the purpose of the RMA and giving effect to relevant statutory instruments.

## **3.11 BUILDINGS AND STRUCTURES – RULE SASM-R2**

### **3.11.1 Assessment**

[174] Submissions on SASM-R2 addressed the management of buildings and structures within SASM, including the scope of the rule, its interaction with SASM-R1 (earthworks), and the extent to which built-form controls are required to protect wāhi tapu, wāhi taoka and Māori rock art landscapes. Submitters also raised matters relating to the permitted activity framework, underlying zone standards, and alignment with cultural evidence.

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<sup>139</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.10.3–8.10.8

[175] Federated Farmers [182.58], Rooney Group [66.24], Moore, DJ and J [100.5] and several landowners<sup>140</sup> sought that SASM-R2 be deleted, reduced in scope, or clarified so that it does not duplicate other provisions or unduly constrain existing buildings and typical rural activities. Te Rūnanga o Ngāi Tahu [185.99] sought greater assurance that built form within SASM overlays is managed in a way that protects SASM values. Te Rūnanga o Ngāi Tahu [185.104] and Heritage NZ [114.34] supported a rule framework that ensures buildings within SASM overlays do not adversely affect cultural values, and Te Rūnanga o Ngāi Tahu [185.104] and the Ngāi Tahu Māori Rock Art Trust [279.3] also sought heightened protection for rock art landscapes. OWL [181.58–60] sought clarification of how SASM-R2 interacts with the Natural Character (NATC) provisions, the ECO provisions where SNAs apply, and the underlying zone rules.

[176] Ms White recommended retaining SASM-R2 with amendments to improve clarity and consistency with the wider planning framework. She considered that the cultural evidence does not support imposing more restrictive building controls than those provided for in the underlying zones, noting that the principal cultural risks within SASM areas arise from earthworks rather than the presence, height, or scale of buildings. For rock art landscapes (SASM-8 and SASM-9), she considered that the key risks are more appropriately addressed through the ECO and NATC frameworks and the earthworks rules and that, given the limestone topography, the position of rock art panels within cliff faces, and the protections already afforded by the ECO chapter where SNAs apply, the likelihood of adverse effects from buildings themselves is low.<sup>141</sup>

[177] Ms White supported a permitted activity pathway for buildings that comply with height and location standards, together with a restricted discretionary status for activities that do not meet those standards. She considered that increasing the permitted height to 9m, to align with the underlying GRUZ standard, provides consistency for plan users while remaining more conservative than permitted height limits elsewhere in the district. Ms White also recommended removing elevation-based conditions which have no practical application to any mapped SASM sites and confirmed that SASM-R2 should not apply to wāhi tūpuna, as the evidence does not support additional built-form controls in those areas beyond those already provided through the underlying zones and district-wide provisions.<sup>142</sup>

[178] The AEC 2020 Report and 2021 Letter<sup>143</sup>, Mr Henry's cultural evidence<sup>144</sup>, and the evidence of the Ngāi Tahu Māori Rock Art Trust<sup>145</sup> confirmed that the key cultural and physical risks to wāhi tapu, wāhi taoka and rock art arise from land disturbance, hydrological modification, vegetation clearance, and stock access. These risks are addressed through

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<sup>140</sup> Worsfold [13.9], Allan [16.7], Tregonning [24.10], McLeod [85.11] and Scott [191.6]

<sup>141</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.10.1 and 8.10.3–8.10.8; Liz White, Final Reply: SASM and MPZ Chapters, 4 August 2025, paras 17–19.

<sup>142</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.10.3–8.10.8; Liz White, Final Reply: SASM and MPZ Chapters, 4 August 2025, para 17

<sup>143</sup> Aoraki Environmental Consultancy Ltd, "Sites and Areas of Significance to Māori – Assessment Report," March 2020; Aoraki Environmental Consultancy Ltd, "Feedback on Draft SASM Mapping and Methodology," Letter to Timaru District Council, 30 June 2021

<sup>144</sup> John Henry, "Appendix 3 – Cultural Evidence," s42A Report on SASM and MPZ, 9 December 2024, paras 24, 28–31 and 33

<sup>145</sup> Ngāi Tahu Māori Rock Art Trust, Evidence in Response to Minute 24, 17 April 2025

SASM-R1 and the district-wide earthworks provisions. The evidence further indicated that buildings of a modest rural scale do not generally compromise the mauri, integrity, or legibility of these landscapes, and that in rock art areas the topography renders direct effects from buildings highly unlikely.

[179] Evidence from Mr Hakkaart<sup>146</sup>, drawing on his experience and understanding of how the District Plan operates in practice, supported a proportionate approach to built form. He noted that buildings are already comprehensively managed by underlying zone standards, and that adding an additional layer of control within the SASM Chapter would not materially improve environmental or cultural outcomes. The evidence of Te Rūnanga o Ngāi Tahu<sup>147</sup> confirmed that effects on cultural values from buildings are context-specific, and that the primary concern is earthworks rather than built form.

[180] We have carefully considered the submissions, Ms White's analysis, and the cultural and planning evidence. We agree with Ms White that the cultural values associated with SASM sites do not, in themselves, warrant a universal built-form restriction. The evidence consistently shows that buildings pose a low risk compared with earthworks, which remain controlled under SASM-R1 and the District-Wide standards.

[181] In our deliberations, we considered whether a more restrictive rule should apply to buildings within SASM overlays, including rock art landscapes (SASM-8 and SASM-9). We are not persuaded that such an approach is necessary or proportionate. The higher-risk activity (earthworks) remains regulated regardless of whether a building is permitted under SASM-R2. Imposing additional consent requirements for buildings would add regulatory burden without materially improving cultural or environmental outcomes.

[182] We accept Ms White's reasoning that aligning the permitted height with the underlying GRUZ standard improves clarity and plan usability while remaining conservative relative to other rural height limits. We also agree that removing the elevation-based condition is appropriate, and that SASM-R2 should not apply to wāhi tūpuna given the absence of evidence supporting additional built-form controls in those areas.

[183] We are satisfied that the recommended rule framework is the most appropriate option for achieving the objectives of the SASM Chapter. It effectively targets regulation at activities that pose meaningful risk, while enabling buildings and structures of a scale and form that do not adversely affect cultural values. The costs of a more restrictive rule framework would outweigh any marginal benefits, and the permitted pathway for compliant buildings is consistent with efficient plan administration. Alternatives were considered but were not found to offer greater protection or efficiency.

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<sup>146</sup> Aaron Hakkaart, Statement of Evidence on SASM, 23 January 2025

<sup>147</sup> Statement of Evidence of Rachael Pull for Te Rūnanga o Ngāi Tahu, 22 January 2025; Te Rūnanga o Ngāi Tahu, Response to Minute 24: SASM Cultural Values and Matters of Discretion, 31 March 2025

### 3.11.2 Decision

[184] For the reasons set out above, we accept Ms White's analysis and recommendations on SASM-R2, with the amendments discussed. We find that the rule, as amended, provides an appropriate and proportionate framework for managing buildings and structures within Sites and Areas of Significance to Māori. The amendments to SASM-R2 are set out in **Appendix 3**.

[185] For the purposes of s32AA, we record that we have considered more restrictive alternatives (including additional built-form controls in rock art landscapes and across all SASM overlays) and are not satisfied they would deliver greater net benefits or improved effectiveness. We are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## 3.12 INDIGENOUS VEGETATION CLEARANCE – RULE SASM-R3

### 3.12.1 Assessment

[186] Submitters expressed a range of views regarding SASM-R3. Dairy Holdings [89.10], Alliance Group [173.48] and ECan [183.66] supported the rule, noting that PER-2 and PER-3 appropriately enabled removal of indigenous vegetation where it posed an imminent danger to people, structures, or utilities, or was necessary for the maintenance of existing infrastructure. Te Rūnanga o Ngāi Tahu [185.100] also supported the rule and sought its extension to the Wāhi Tūpuna overlay.

[187] Other submitters opposed the rule. Port Blakely [94.3] considered it overly burdensome where indigenous vegetation was sparse, intermixed with exotic species, or of low ecological value and sought the rule be confined to "significant" indigenous vegetation, distinguish between vegetation cleared pre-afforestation and vegetation regrown thereafter, and align matters of discretion with Regulation 94(2) of the NES-PF. McArthur, K [113.5] and Federated Farmers [182.94] sought broader provision for ongoing farming activities, with Federated Farmers additionally seeking recognition of existing use rights within PER-6.

[188] We accept Ms White's analysis<sup>148</sup> that the ECO Chapter provides the district-wide indigenous biodiversity framework. As notified, ECO rules applied only in specified areas (including SNAs, proximity to waterbodies, high elevation, and steep slopes). SASM-R3 was therefore the only indigenous vegetation clearance rule applying within SASMs located outside those areas. Following submissions and further evaluation in Hearing D, Ms White recommended expanding ECO-R1 so that indigenous vegetation clearance is managed consistently across the District.

[189] Ms White recommended<sup>149</sup>, as a consequential amendment, that SASM-R3 be deleted because the amended ECO-R1 would apply to all indigenous vegetation clearance within

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<sup>148</sup> Liz White, Supplementary Statement, 4 August 2024, pp 10-11; Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.12.8-8.12.9

<sup>149</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.12.9-8.12.10

SASMs and included an expanded set of matters of discretion addressing cultural effects and the values recorded in SCHED6. We accept that recommendation. The amended ECO-R1 provides a more efficient and coherent district-wide framework and avoids duplicating controls across multiple chapters.

[190] However, for plan usability and to assist navigation within the SASM Chapter, we consider it appropriate to retain the SASM-R3 heading as a signpost to direct plan users to ECO-R1. Retaining the heading without operative text avoids confusion and makes clear that indigenous vegetation clearance within SASMs is assessed under a single integrated rule. The cultural matters of discretion formerly included in SASM-R3 are already incorporated into ECO-R1, providing for the protection of the values identified in SCHED6.

[191] Concerns regarding existing use rights are addressed under s10 of the RMA and do not need to be repeated in District Plan rules. We also accept Ms White's<sup>150</sup> view that extending SASM-R3 to the Wāhi Tūpuna overlay is unnecessary, as ECO-R1 applies district-wide, including within all SASMs.

[192] For these reasons, deleting the operative text and retaining only the rule heading with a cross-reference to ECO-R1 provides the most efficient and workable approach and aligns with the integrated framework adopted across the Plan.

### **3.12.2 Decision**

[193] We accept Ms White's recommendation to manage indigenous vegetation clearance within SASMs through ECO-R1. For clarity, we retain the SASM-R3, insert a cross reference to ECO-R1 and delete the operative text of the rule. The amended provisions are set out in **Appendix 3**.

[194] In terms of s32AA, we are satisfied that this approach remains the most efficient and effective means of achieving the relevant objectives of the Proposed Plan and of recognising and providing for the cultural values associated with SASMs in accordance with ss6(e), 7(a) and 8 of the RMA.

## **3.13 TEMPORARY ACTIVITIES – RULE SASM-R4**

### **3.13.1 Assessment**

[195] Submissions on SASM-R4 were more limited in number but raised several distinct issues about the scope of the rule, its interaction with the Temporary Activities chapter and property rights, and the clarity of the term 'temporary event'. Jet Boating [48.19] considered that a range of activities falling within the definition of a 'temporary event' can occur in a safe and respectful manner with due recognition of the SASMs and sought that events formally approved by iwi be expressly permitted under PER-1. Hart [58.6] opposed SASM-R4 on the basis that it would restrict property rights by making activities such as weddings and fundraising events (for example, mountain biking, running or trail rides) non-complying, and was also concerned that the rule did not apply to temporary cultural events. Federated

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<sup>150</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.12.9-8.12-10

Farmers [182.95] acknowledged the importance of cultural events but sought additional recognition of private ownership through a requirement that consent from private landowners be obtained before events occur on private property. Te Rūnanga o Ngāi Tahu [185.101] was concerned that it is not clear that all activities in the Temporary Activities Chapter are not automatically permitted in SASM Overlays and therefore sought a cross-reference from the TEMP chapter to SASM-R4. Beattie [238.3] sought deletion of SASM-R4 if the SASM overlay was not removed from their property, on the basis that the rule lacks detail of what constitutes a temporary event.

[196] Ms White<sup>151</sup> explained that 'temporary event' is a defined term in the Temporary Activities Chapter and applies to a range of temporary activities that are planned public or social occasions. Under TEMP-R3, such events are otherwise permitted subject to controls on duration, frequency, and associated earthworks. SASM-R4 overlays that framework by requiring resource consent for temporary events within wāhi tapu and wai tapu overlays, unless the event is a cultural event undertaken in accordance with tikanga.

[197] In relation to the definition, Ms White<sup>152</sup> considered that there are difficulties with the current reference to "social occasions", because the balance of the definition implies public events, whereas "social occasions" could be read as capturing private functions such as weddings. She recorded advice from AEC planners Ms Hall and Ms Davidson that the principal concern in wāhi tapu areas is public access to these areas (for example, to rock art sites), rather than private occasions such as family weddings. On that basis she recommended that the definition of 'temporary event' be amended so that it does not apply to social occasions, at least insofar as it applies to SASM-R4. We address the broader application of the definition in Part 7 of this Decision Report.

[198] Ms White<sup>153</sup> did not support Jet Boating's request that temporary events be permitted where they have been formally approved by Te Rūnanga o Arowhenua. She considered that such a condition would be unworkable in a permitted activity rule, because a plan user would not know from the plan whether approval had been given, it would not be clear when approval must or must not be granted, and written approval could be withheld for any reason and potentially be subject to conditions. She therefore did not consider that a permitted activity condition based on Arowhenua "approval" is appropriate.

[199] For SASM-8 and SASM-9 (rock art wāhi tapu), Ms White<sup>154</sup> drew on the AEC Report<sup>155</sup>, which identifies temporary events as potentially incompatible activities that can impact on mauri and intangible values, and notes that some recreation activities are seen as incompatible with rock art. However, she recorded advice that concerns in these areas relate primarily to public access to the rock art panels and surrounding limestone outcrops, which are generally identified as SNAs, rather than to temporary events in the wider mapped SASM. She therefore recommended that SASM-R4 be narrowed so that temporary events are only

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<sup>151</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.13.7–8.13.8

<sup>152</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.13.17

<sup>153</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.13.8

<sup>154</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.13.9

<sup>155</sup> Aoraki Environmental Consultancy Ltd, Sites and Areas of Significance to Māori – Assessment Report, March 2020

restricted in SASM-8 and SASM-9 where they occur within an SNA, allowing fundraising events such as mountain biking, running or trail rides to occur without consent within the wider wāhi tapu landscape outside the SNA.

[200] She further recommended<sup>156</sup> that SASM-R4 be amended so that it does not apply to SASM-1c, SASM-2 and SASM-3a, which are wāhi tapu areas in largely built-up urban or public settings (Pātītī Point, Ōtipua/Quarry Road, and Caroline Bay/Ashbury Park). In those locations, she considered that the effects of temporary events on cultural values are unlikely to be materially different from effects arising from current land uses, noting that temporary events are already subject to controls through TEMP-R3.

[201] Ms White<sup>157</sup> did not support Federated Farmers' request to insert a rule-level requirement that consent from private landowners be obtained before an event occurs on private property. She reiterated that the Proposed Plan rules do not override other legal obligations relating to access (including under the Trespass Act 1980) and therefore considered it unnecessary to duplicate those requirements in SASM-R4. Nor did she<sup>158</sup> support the request of Te Rūnanga o Ngāi Tahu to cross-reference from the TEMP Chapter to SASM-R4, noting that a range of rules across the Proposed Plan are modified by more restrictive provisions in overlay chapters and it would not be appropriate to single out one example for explicit cross-referencing.

[202] In her Interim Reply<sup>159</sup>, Ms White refined the SASM-R4 rule framework so that:

- (a) SASM-R4 applies only within wāhi tapu and wai tapu overlays, excluding SASM-1c, SASM-2 and SASM-3a;
- (b) cultural events undertaken in accordance with tikanga are expressly permitted (PER-1);
- (c) planned social occasions are also permitted (PER-2); and
- (d) other temporary events (including those in SASM-8 and SASM-9 outside SNAs) are restricted discretionary activities, with matters of discretion aligned to the SASM framework.

[203] We agree with Ms White<sup>160</sup> that temporary events within wāhi tapu and wai tapu overlays require additional control beyond the district-wide Temporary Activities provisions, given the potential for such events to affect the mauri and intangible values of these sites and areas as identified in the AEC Report.<sup>161</sup> We also agree that temporary events can be managed through a restricted discretionary framework that focuses assessment on the values identified in SCH6, the outcomes of consultation with Te Rūnanga o Arowhenua, and the ability of Kāti Huirapa to access and use the site or area, and that non-complying status is not required.

<sup>156</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.13.10

<sup>157</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.13.12

<sup>158</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.13.13

<sup>159</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, Appendix A, pages 14–15

<sup>160</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.13.9–8.13.11

<sup>161</sup> Aoraki Environmental Consultancy Ltd, "Sites and Areas of Significance to Māori – Assessment Report," March 2020

[204] We accept Ms White's<sup>162</sup> analysis that it is neither workable nor appropriate to base a permitted activity rule on “formal approval” by Te Rūnanga o Arowhenua, for the reasons she sets out. A plan user would not know from the Proposed Plan alone whether an event is permitted, there would be no clear standards against which approval must be given or withheld, and a permitted activity condition cannot compel a third party to provide written approval on specified criteria. We therefore reject Jet Boating's requested relief and adopt Ms White's reasons in that respect.

[205] We also accept Ms White's<sup>163</sup> recommendations in relation to the urban wāhi tapu SASMs SASM-1c (Pātītī Point), SASM-2 (Ōtipua/Quarry Road, including former Talbot Hospital) and SASM-3a (Caroline Bay Trust Aoraki Centre and Ashbury Park). In those locations, the effects of temporary events on cultural values are unlikely to be materially different from those of existing uses, temporary events are already subject to TEMP-R3 controls, and additional SASM-specific regulation is not justified.

[206] Our determination for SASM-8 and SASM-9 under SASM-R4 differs from our approach to SASM-R1. As set out in Section 3.9, we have adopted a more conservative framework for earthworks in SASM-8 and SASM-9, extending the 2,000m<sup>2</sup> cap across the full extent of the mapped wāhi tapu overlays in order to address the intrinsic fragility of the rock-art landscapes and the risk of incremental modification across the wider cultural landscape. In relation to temporary events, however, we have considered whether a similarly conservative “full overlay” approach is required and, on balance, we are not persuaded that this would be the most appropriate option.

[207] In reaching that finding, we have had regard to the s32AA requirements. The evidence indicates that the primary physical risks to Māori rock art from temporary activities arise where events involve public access to, or activities in close proximity to, the rock art panels and associated limestone outcrops. Those features are generally located within SNAs and are already subject to more stringent controls, including the ECO provisions, SASM-R1 earthworks controls and protections under the HNZPT Act. By contrast, the risk of direct physical damage to rock art from temporary events taking place elsewhere within the wider mapped SASM-8 and SASM-9 areas (outside SNAs) is very low.

[208] We accept that temporary events can also affect mauri and other intangible values, and that these values attach to the wider wāhi tapu landscapes and not solely to the rock art panels themselves. However, we consider that in the parts of SASM-8 and SASM-9 that lie outside SNAs, those residual effects can be appropriately managed through the existing TEMP-R3 framework, the broader SASM provisions, and the general legal requirements relating to access and protection of archaeological sites. Extending SASM-R4 to all temporary events across the full SASM-8 and SASM-9 overlays would therefore generate additional consent costs and regulatory burden for community, recreational and fundraising events that pose only a very low incremental risk to cultural values, relative to the protection already afforded by those other controls.

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<sup>162</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, para 8.13.8

<sup>163</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, para 8.13.10

[209] We received evidence from members of the Limestone Group about the types of temporary events that may take place. Mr Chamberlain explained that an area of limestone on his property has been used in the past for events such as local Lions Club fundraising, wedding photography, horse treks, and similar activities. During these events, he said that his family always ensured that an appropriate setback from the rock art has been observed, whilst allowing themselves and other people they have invited onto their property.<sup>164</sup>

[210] On balance, and having considered the reasonably practicable options, we are satisfied that confining SASM-R4 in SASM-8 and SASM-9 to temporary events within mapped SNAs is the most appropriate means of achieving the SASM objectives for temporary activities. We record that we have expressly considered, and ultimately rejected, the option of aligning SASM-R4 with the more conservative “whole overlay” approach we have adopted for SASM-R1, because the incremental benefits in terms of cultural protection for temporary events outside SNAs do not, in our view, justify the additional consent and compliance costs for plan users.

[211] We also agree with Ms White<sup>165</sup> that it is not necessary or appropriate for SASM-R4 to restate the need to obtain landowner consent for access to private property, or to include a cross-reference from the TEMP Chapter to SASM-R4. The Proposed Plan cannot and does not override other legal requirements relating to access, and we have addressed Federated Farmers’ wider concerns about clarifying the relationship between SASM provisions and existing use rights and access obligations earlier in this decision. We therefore adopt Ms White’s reasons for declining those aspects of the relief sought.

[212] Our principal point of difference with Ms White<sup>166</sup> relates to the method by which private social occasions are excluded from SASM-R4. Ms White’s Interim Reply would permit “any planned social occasion” in wāhi tapu and wai tapu overlays, in effect carving social occasions out of the rule by granting them permitted status. Having considered the submissions of Hart, Federated Farmers and Beattie, and the cultural advice Ms White relies on, we are concerned that this approach may not clearly distinguish between private social occasions on private land (such as family weddings or gatherings on farms within SASM overlays) and public social occasions or events. In our view, the underlying intent is that SASM-R4 should not constrain private social occasions on private property where attendance is by invitation only but should continue to regulate planned public events (whether they have a social character) within wāhi tapu and wai tapu overlays.

[213] We consider that this outcome is more efficiently and transparently achieved by refining the definition of ‘temporary event’ in the Definitions Chapter, rather than by including a broad “planned social occasion” permitted activity condition in SASM-R4. We therefore favour a consequential amendment to the ‘temporary event’ definition so that it:

- (a) continues to describe a temporary event as a temporary activity that is a planned public event or social occasion, including examples such as carnivals, fairs, markets, displays, rallies, shows, commercial filming or video

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<sup>164</sup> Mark Chamberlain, Statement of Evidence, 23 January 2025, paragraph 20.

<sup>165</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.13.12–8.13.13

<sup>166</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, Appendix A, SASM-R4 (PER-2)

production, gymkhanas, dog trials, concerts, public meetings, hui and emergency services training events; but

(b) expressly excludes motorsport events and private social occasions held on private property where attendance is by invitation only.

[214] On this basis, private social occasions on private property would fall outside the definition of “temporary event” and would not be subject to SASM-R4, addressing the concerns raised by Hart, Federated Farmers and Beattie about weddings and similar events on rural properties. At the same time, planned public events (including public social occasions) within wāhi tapu and wai tapu overlays would remain within the scope of SASM-R4 and be managed through the restricted discretionary framework, ensuring that the identified cultural values in SCH6 are still recognised and protected. We also note that this approach provides greater certainty for landowners such as Beattie, whose property lies within SASM-4a and will remain subject to SASM-R4. Clarifying that private social occasions on that property are not captured as “temporary events” improves the transparency and perceived fairness of the rule, without undermining the core purpose of SASM-R4.

[215] Having considered the s32AA requirements, we consider that the costs associated with this definitional change are low. The amendment results in minor consequential updates relating to the Temporary Activities Chapter and associated plan drafting (including consequential updates where the ‘temporary event’ definition is used), as addressed in Part 7 of this Decision Report but will simplify plan interpretation over the life of the plan by avoiding ambiguity about whether private social occasions are captured in the ‘temporary event’ definition. In particular, the change clarifies that private, invitation-only social occasions on private property fall outside the definition, while planned public events remain subject to the SASM-R4 framework where applicable. We are satisfied that, overall, the modified approach is more efficient and effective than the framework recommended in the Interim Reply.

### 3.13.2 Decision

[216] For the most part, we accept Ms White’s recommended changes to SASM-R4 and adopt her reasons in the s42A Report and Interim Reply. We accept:

- (a) retention of SASM-R4 as the rule framework for managing temporary events in wāhi tapu and wai tapu overlays;
- (b) the exclusion of SASM-1c (Pātītī Point), SASM-2 (Ōtipua/Quarry Road, including former Talbot Hospital) and SASM-3a (Caroline Bay Trust Aoraki Centre and Ashbury Park) from SASM-R4;
- (c) the refinement of SASM-R4 so that, in SASM-8 and SASM-9, it applies only to temporary events within mapped Significant Natural Areas;
- (d) the permitted activity status for temporary cultural events undertaken in accordance with tikanga; and
- (e) the restricted discretionary activity status and associated matters of discretion for other temporary events within the remaining wāhi tapu and wai tapu overlays.

[217] However, we do not accept Ms White's Interim Reply recommendation to include a separate permitted activity condition for "any planned social occasion" in SASM-R4. Instead, our decision is that:

- (a) PER-2 ("Any planned social occasion") be deleted from SASM-R4; and
- (b) a consequential amendment be made to the definition of 'temporary event' in the Definitions Chapter so that it continues to apply to planned public events and social occasions but expressly excludes motorsport events and private social occasions held on private property where attendance is by invitation only.

[218] With these amendments, SASM-R4 will not apply to private social occasions on private property (such as family weddings on rural land within SASM overlays), while planned public events within wāhi tapu and wai tapu overlays will continue to be managed under SASM-R4. We consider that this gives better effect to SASM-O2 and SASM-O3, appropriately balances the protection of sites and areas of significance to Māori with private property interests, and responds to the concerns of Hart, Federated Farmers and Beattie, without undermining the cultural outcomes sought by Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu. The amendments to SASM-R4 and to the "temporary event" definition required to give effect to this decision are shown in **Appendix 3**.

[219] In terms of s32AA we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and giving effect to other relevant statutory instruments.

### **3.14 MINING AND QUARRYING – RULE SASM-R5**

#### **3.14.1 Assessment**

[220] Submitters raised a range of issues regarding SASM-R5. Bonifacio, P [36.23] considered it incongruous that mining and quarrying could be permitted at a small scale within a wāhi tūpuna overlay, while activities such as dairy farming required restricted discretionary status, and sought clarification of the underlying rationale. Bonifacio, P also identified a drafting error in PER-2 ("the bed" repeated).

[221] McArthur, K and J [113.6] and Federated Farmers [182.96] sought that farm quarries are not subject to SASM controls, arguing that the GRUZ provisions should instead apply to on-farm quarrying. They considered small-scale farm quarries to have lesser effects than commercial mining and therefore to warrant different treatment. Te Rūnanga o Ngāi Tahu [185.102] supported the rule but sought that the permitted threshold in PER-1 be amended to 750m<sup>3</sup> rather than 750m<sup>2</sup>, and that SASM-R5 be moved to the Earthworks Chapter.

[222] Heritage NZ [114.35] sought that an ADP be required only where an Archaeological Authority had not been issued under the HNZPT Act, on the basis that an Authority supersedes an ADP. Road Metals [169.17–169.18] and Fulton Hogan [170.18–170.19] considered that the rule should refer to 'quarrying activity', being a defined term, and sought amendments to ensure that quarrying authorised under the regional plan is not unnecessarily duplicated or

restricted through District Plan controls. They also sought deletion of PER-2 in SASM-R5.2 to avoid duplication with ECan stockpiling controls.

[223] The Rooney Group [174.29, 191.29, 249.29, 250.29, 251.29, 252.29] sought that SASM-6 be excluded from the 750m<sup>2</sup> limit in PER-1, on the basis that the upper Rangitata is “back country” land and the limit was too restrictive for that context. ECan [183.67] supported clarifying that gravel extraction in the beds of lakes and rivers requires regional authorisation but considered that stating this as a District Plan condition may confuse jurisdictional boundaries.

[224] We accept Ms White’s analysis<sup>167</sup> that mining and quarrying activities can pose cultural effects where they extend beyond previously disturbed areas, including effects on landscape form, wāhi taoka, and sites where artefacts or koiwi may be present. She also considered<sup>168</sup> that small-scale quarrying within a wāhi tūpuna overlay does not necessarily require the same level of management as more intensive or commercial operations, and that a restricted discretionary pathway remains appropriate where the permitted activity threshold is exceeded. We are satisfied that the differing activity statuses appropriately reflect the differing effects of the activities and that the permitted threshold is conservative.

[225] We agree with Ms White<sup>169</sup> that SASM-R5 should continue to apply irrespective of whether quarrying may also be provided for in the GRUZ chapter. GRUZ rules address zone-based land-use effects; SASM rules address cultural effects. Applying GRUZ standards alone would not give effect to SASM-O3 or SASM-P5. We therefore reject relief seeking to remove farm quarries from SASM-R5 or to relocate the rule to the Earthworks Chapter.

[226] We agree with Ms White<sup>170</sup> that the permitted activity threshold should remain expressed as an area (m<sup>2</sup>) rather than a volume (m<sup>3</sup>), consistent with the approach taken to earthworks across the Proposed Plan and with the effects of greatest concern to Kāti Huirapa, which relate to the extent of disturbance rather than material volume removed. We accept the recommended clarification that the threshold applies “per site”.

[227] We accept the changes recommended<sup>171</sup> to PER-2 to avoid unnecessary duplication with Heritage NZ processes and agree that ADP requirements should not apply where an Archaeological Authority has been issued. We also accept<sup>172</sup> the deletion of PER-2 from the wai taoka rule, as stockpiling and reinstatement are already addressed through regional consenting pathways.

[228] With respect to rule location and structure, we agree that quarrying and mining within the bed of a river should be separated from quarrying and mining elsewhere within the wai taoka overlay, to avoid confusion regarding jurisdictional roles. We therefore accept the

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<sup>167</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, lines 77-84

<sup>168</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.9

<sup>169</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.11

<sup>170</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.16

<sup>171</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.12

<sup>172</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.15

recommended<sup>173</sup> creation of SASM-R5A<sup>174</sup>, with an advice note confirming that quarrying activities within the bed of a river are managed under the regional plan.

[229] We agree with Ms White's recommendation<sup>175</sup> that mining and quarrying activities within a wāhi tūpuna overlay that is also subject to an ONL or VAL Overlay should be managed through the Natural Features and Landscapes framework rather than through SASM-R5. However, instead of excluding those areas from the rule or relying on an advisory note, we prefer to give effect to that intent by structuring SASM-R5 to expressly direct plan users to the applicable activity status under NFL-R10. This approach achieves the same regulatory outcome recommended by the reporting officer, while providing greater clarity and certainty by embedding the chapter hierarchy within the provisions themselves.

[230] For these reasons, we accept the recommended amendments in substance, which improve clarity, avoid duplication, and ensure that the rule framework appropriately manages cultural effects while retaining the rule's overall structure and activity statuses.

### **3.14.2 Decision**

[231] For the reasons set out above, we accept Ms White's analysis and adopt her recommended amendments to SASM-R5, subject to our preference for an alternative drafting approach to manage the interaction with ONL and VAL Overlays. Rather than excluding those areas from SASM-R5, we have included a discrete provision specifying that, where mining and quarrying activities occur within a wāhi tūpuna overlay that is also subject to an ONL or VAL overlay, the activity status is as specified in NFL-R10. This improves plan legibility, avoids reliance on advisory notes, and clearly signals which chapter prevails. We also adopt Ms White's recommended restructuring through SASM-R5A<sup>174</sup> to distinguish quarrying and mining within the bed of a river from activities elsewhere within the wai taoka overlay. The amended provisions are set out in **Appendix 3**.

[232] In terms of s32AA, we are satisfied that the amendments to SASM-R5, including the introduction of SASM-R5A<sup>174</sup> and the restructuring of SASM-R5 to clarify its interaction with NFL-R10, represent the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **3.15 INTENSIVELY FARMED STOCK – RULE SASM-R6<sup>176</sup>**

### **3.15.1 Assessment**

[233] Many submitters opposed SASM-R6<sup>176</sup>, raising concerns about increased consenting costs, duplication with Regional Plan controls, uncertainty regarding the values to be assessed, impacts on existing activities, and constraints on farming flexibility. Several submitters considered that intensive grazing is already adequately managed by the CLWRP, and that the rule would unnecessarily duplicate those controls. Others raised concerns that 'intensively farmed stock' covers a wide range of grazing practices, some of which have

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<sup>173</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.14

<sup>174</sup> Now renumbered SASM-R6 in the Decision Version of the provisions.

<sup>175</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.10

<sup>176</sup> Rule now deleted from the Decision Version of the provisions.

minimal effects and that the definition was unclear or overly broad. Submitters including Dairy Holdings [89.11] sought that existing intensively farmed stock be expressly permitted, while other submitters sought deletion of SASM-R6<sup>176</sup> in its entirety.

[234] Some submitters sought changes to the definition of ‘intensively farmed stock’, including narrowing the definition, aligning it with common farming practices, or ensuring it did not capture low-impact activities. Forest and Bird [156.23] supported the definition as notified. Te Rūnanga o Ngāi Tahu [185.103] supported the intent of the rule but sought clarification, without proposing specific wording.

[235] We accept Ms White’s analysis<sup>177</sup> that the types of effects arising from intensively farmed stock (particularly in relation to water quality) are already comprehensively managed under the CLWRP, including controls on land use intensification and nutrient losses. We agree<sup>178</sup> that the ability to establish or expand intensive farming activities is already regulated at the regional level, and that requiring a further resource consent under the Proposed Plan would duplicate regional functions and add costs for plan users without materially improving environmental outcomes. We also accept her view<sup>179</sup> that the term is not used elsewhere in the Proposed Plan and that the rule framework sits awkwardly alongside the established regional regime.

[236] We also accept Ms White’s advice<sup>180</sup> that potential effects on wāhi tapu, such as damage to rock art or disturbance of culturally sensitive ground, are managed under other frameworks, including the provisions for historic heritage and the protections applying under the HNZPT Act. While the HPA does not prevent all day-to-day stock interactions (such as rubbing or trampling), based on Mr Henry’s cultural evidence<sup>181</sup> and the answers provided through Minute 24, we are satisfied that these residual effects are appropriately addressed through the combination of CLWRP controls (soil health and freshwater quality), the SNA framework (indigenous biodiversity), and the targeted provisions relating to wāhi tapu and rock art elsewhere in the Plan. Accordingly, deleting SASM-R6<sup>176</sup> does not leave an effects-based gap requiring management under this chapter.

[237] Having considered submissions, Ms White’s analysis, and expert evidence, we agree that the SASM Chapter does not need to regulate intensively farmed stock to achieve its objectives, and that retaining SASM-R6 would result in duplication without improving the protection of SASM values. We are satisfied that the matters of concern are addressed through other provisions of the Proposed Plan, together with Regional Plan controls under the CLWRP.

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<sup>177</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.10

<sup>178</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.13

<sup>179</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.12

<sup>180</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.14.15

<sup>181</sup> John Henry, “Appendix 3 – Cultural Evidence” S42A Report on SASM and MPZ, 9 December 2024, Para 44-47; Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, p.7

### 3.15.2 Decision

[238] We accept Ms White's analysis and adopt her recommendation to delete SASM-R6<sup>176</sup> in full. As a consequential change, the definition of 'intensively farmed stock' is also deleted. The amended provisions are set out in **Appendix 3**.

[239] In terms of s32AA, we are satisfied that deleting SASM-R6<sup>176</sup> and the associated definition of 'intensively farmed stock' is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and giving effect to other relevant statutory instruments.

## 3.16 SUBDIVISION – RULE SASM-R7<sup>182</sup>

### 3.16.1 Assessment

[240] Submitters raised concerns about the scope and clarity of the subdivision provision within the SASM Chapter. King et al [149.3], OSA [51.2] and MFL [60.24] considered a SASM-based subdivision rule too broad and lacking measurable parameters and sought either restricted discretionary status or greater specificity. Some sought that subdivision be managed solely under the Subdivision Chapter.

[241] Other submitters sought deletion or relocation of SASM-R7.<sup>182</sup> Speirs, B [86.18], Moore, DJ and J [100.7] opposed SASM-R7<sup>182</sup>, preferring centralisation of all subdivision rules. Federated Farmers [182.98] sought wording recognising subdivision for intergenerational housing or farm workers. Te Rūnanga o Ngāi Tahu [185.104] supported the rule but sought clarity on cross-referencing with the Subdivision Chapter.

[242] We accept Ms White's advice<sup>183</sup> that changing the activity status to restricted discretionary is not appropriate. Subdivision may generate a wide range of effects beyond those addressed by SASM values, and narrowing the activity status would require importing matters of control or discretion from the Subdivision Chapter, reducing clarity and duplicating provisions. A discretionary status is the most appropriate approach where a standalone rule exists because it enables consideration of both SASM-related effects and any wider subdivision effects.

[243] We also accept Ms White's advice, and the drafting approach confirmed through Hearing E<sup>184</sup>, that a separate subdivision rule in the SASM Chapter is unnecessary, and that this rule is best located in the Subdivision Chapter. Our approach is to consolidate subdivision controls in the SUB Chapter to avoid duplication and to ensure that all subdivision effects—including effects on SASM values—are considered in a single, coherent framework.

[244] We do not accept Federated Farmers requested additional wording, as intergenerational or worker-related housing is more appropriately addressed in the zone and housing provisions and does not assist in assessing effects on SASM values.

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<sup>182</sup> Now relocated and renumbered SUB-R8 in the Decision Version of the provisions.

<sup>183</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.16.7

<sup>184</sup> Nick Boyes, s42A Report: Subdivision and Development Areas, 11 December 2024, Para 8.16.7; Nick Boyes, Summary Statement Subdivision and Development Areas, 4 February 2025, Para 5-7

[245] Having considered the submissions and the s42A analysis we agree that no amendments to SASM-R7<sup>182</sup> are required, noting the location change of the rule to the Subdivision Chapter now entitled ‘SUB-R8 Subdivision and sites and areas of significance to Māori’.

### 3.16.2 Decision

[246] We adopt Ms White’s analysis and recommendations. The rule is retained as notified, noting the locational change to the Subdivision Chapter as shown in **Appendix 3**.

## 3.17 SHELTERBELTS, WOODLOTS AND PLANTATION FORESTRY – RULE SASM-R8<sup>185</sup>

### 3.17.1 Assessment

[247] Submitters raised a range of concerns about this rule. Some considered the rule overly restrictive or unclear, particularly in relation to shelterbelts and small-scale forestry (Hart [58.2]; Port Blakely [94.4]; Beattie [238.5]). Others sought deletion of the rule or amendments to better recognise existing land management practices (McArthur, K [113.8]; Federated Farmers [182.99]). Some submitters questioned whether the NES-CF already adequately manages these activities.

[248] Te Rūnanga o Ngāi Tahu [185.105] supported the intent of the rule but sought that it applies to commercial forestry more broadly, not only plantation forestry. Having considered the evidence of Ms Pull<sup>186</sup> and Ms White’s analysis<sup>187</sup>, we accept that the effects of concern (changes to moisture, hydrology, shading, and disturbance of limestone) can arise from a range of commercial forestry activities, including exotic continuous-cover forestry. We therefore agree that aligning the rule with the NES-CF definition of commercial forestry is more accurate and improves plan usability.

[249] We accept Ms White’s analysis<sup>188</sup> that the mapped rock art SASMs do not operate as fixed no-planting setbacks. Rather, SASM-R8<sup>185</sup> functions as a trigger to assess whether forestry activities may adversely affect the integrity of limestone substrates or rock art values. The 2018 Guideline<sup>189</sup> and 2019 Rock Art Report<sup>190</sup> (together known as the Rock Art Reports) confirm that even small changes in moisture or groundwater conditions may affect limestone stability, justifying the need for a targeted rule.

[250] We do not accept relief seeking to exclude shelterbelts, woodlots, or certain forestry types from the rule. The effects of concern (particularly hydrological changes and root intrusion) are not limited to large-scale plantation forestry. A consistent and effects-based

<sup>185</sup> Now renumbered SASM-R7 in the Decision Version of the provisions.

<sup>186</sup> Evidence of Ms Pull for Te Rūnanga o Ngāi Tahu, 22 January 2025, Para 112-117

<sup>187</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, Para 8-12

<sup>188</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.12.14; Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, Para 8-12.

<sup>189</sup> Guideline for implementing a land-based taonga risk and vulnerability assessment in the context of freshwater environments: Māori Rock Art, November 2018, Gyopari, M. & Tipa, G. With contributions from Symon, A. & Scott, J

<sup>190</sup> Māori rock art and associated freshwater taonga protection: A sensitivity-based knowledge convergence approach, 2019, Gyopari, M., Symon, A. & Tipa, G; and Gyopari, M. & Tipa, G

approach is therefore appropriate. We also agree that a restricted discretionary status provides an appropriate and proportionate pathway, enabling assessment of relevant cultural and environmental effects without unnecessarily prohibiting forestry.

[251] We further accept Ms White's advice<sup>191</sup> that the NES-CF does not manage effects on SASMs or other Māori cultural values and that the Proposed Plan must therefore address these matters under ss6(e), 7(a) and 8 of the RMA. SASM-R8<sup>185</sup> complements rather than duplicates the NES-CF and fills a necessary gap in relation to the values identified in SCH6.

[252] For these reasons, we accept the recommended amendments to clarify the rule, align terminology with the NES-CF, and confirm the restricted discretionary activity status.

### **3.17.2 Decision**

[253] We accept Ms White's recommendations and amend SASM-R8<sup>185</sup> to apply to commercial forestry (including exotic continuous-cover forestry) and to clarify the matters of discretion. The restricted discretionary activity status is confirmed. The amended provisions are set out in **Appendix 3**.

[254] In terms of s32AA, we adopt the evaluations of Ms White and Ms Pull. We are satisfied that the amended SASM-R8<sup>185</sup> provides an effective and proportionate means of managing forestry-related effects on rock art and associated cultural values and is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and giving effect to other relevant statutory instruments.

## **3.18 MATTERS OF DISCRETION**

### **3.18.1 Assessment**

[255] Submitters raised several comments on the clarity and scope of the matters of discretion for activities within SASMs. Transpower [159.68, 159.69] supported the rules but sought amendments so that, when utilities are assessed, regard is had to functional and operational needs. Te Rūnanga o Ngāi Tahu [185.97] sought wording to require that cultural impact assessments be endorsed by Kāti Huirapa to ensure cultural effects are fully addressed.

[256] We accept Ms White's advice<sup>192</sup> that the SASM matters of discretion must remain focused on the effects of activities on the cultural values identified in SCH6. Considerations relating to the functional or operational needs of network utilities are appropriately addressed in the EI Chapter and do not need to be duplicated in the SASM provisions. We therefore do not accept Transpower's requested amendment.

[257] We also agree that requiring cultural impact assessments to be "endorsed by Kāti Huirapa" would operate as a mandatory requirement and is not within the Council's jurisdiction. The existing matters of discretion already direct attention to consultation with Te Rūnanga o

<sup>191</sup> Liz White, Interim Reply: SASM and MPZ Chapters, 17 April 2025, Para 12; Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.12.14-8.12.17

<sup>192</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.18.7

Arowhenua and the assessment of cultural effects. On that basis, we do not consider further prescriptive wording necessary.

[258] We accept Ms White's<sup>193</sup> recommended drafting refinements to improve clarity, remove references no longer required following amendments to SASM-R5, and include a specific matter of discretion for network utilities relating to the extent to which functional needs influence the proposed location, while maintaining the primary focus on managing cultural effects.

[259] Having considered the submissions, evidence and the s42A analysis, we are satisfied that the amended matters of discretion are clear, avoid duplication with other chapters, and provide an effective framework for assessing effects on SASM values.

### **3.18.2 Decision**

[260] We accept Ms White's recommendations and amend the matters of discretion accordingly. The revised provisions are set out in **Appendix 3**.

[261] In terms of s32AA, we adopt Ms White's evaluation insofar as it relates to the clarity, efficiency, and effectiveness of the matters of discretion. We are satisfied that the amendments improve plan usability, avoid duplication with other chapters, and remain the most appropriate means of achieving the relevant objectives of the Proposed Plan and the purpose of the RMA.

## **3.19 OTHER MATTERS**

### **3.19.1 Assessment**

#### *Corrections to Planning Map Labels*

[262] TDC [42.75] sought amendments to the labelling of SASM-1a to correctly reflect the place name Te Whakatakoto (Pig Hunters Creek). We accept Ms White's analysis<sup>194</sup> that the notified spelling was incorrect and that related entries in SCHED6 and the Planning Maps require correction, including the use of both the formal and commonly used names for Te Ataraki and Te Upoko a Te Raki. These amendments are factual corrections that improve accuracy and do not alter the policy intent of the SASM provisions.

#### *Use of the term “site”*

[263] Heritage NZ [114.30] submitted that the use of the term 'site' in the SASM Chapter does not align with the defined term in the Proposed Plan and may cause confusion. We accept Ms White's advice<sup>195</sup> that in this context 'site' refers to "sites and areas of significance", not the defined term. We therefore agree that the hyperlink to the definition of 'site' should be removed where it appears in the SASM Chapter, except where it is correctly used in SASM-R1.1 PER1.1.

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<sup>193</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.18.6-8.18.11

<sup>194</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.19.5-8.19.11

<sup>195</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.19.7

### *Statutory Acknowledgements*

[264] Te Rūnanga o Ngāi Tahu [185.36] sought the inclusion of statutory acknowledgements required under s220 of the Ngāi Tahu Claims Settlement Act 1998 (NTCSA). We accept Ms White's assessment<sup>196</sup> that statutory acknowledgements already apply to several SASMs through other Proposed Plan provisions, including references in SCH6 and overlays such as ONLs and the Coastal Environment. We agree that a hyperlink to the relevant NTCSA schedules is an efficient and clear means of meeting s220 requirements without duplicating material in the Proposed Plan.

#### **3.19.2 Decision**

[265] We accept Ms White's recommendations and confirm amendments to correct spelling and naming errors in SCH6 and the Planning Maps, remove hyperlinks to the definition of 'site' where not applicable, and include a hyperlink to the statutory acknowledgement schedules required under the NTCSA. The amended provisions are set out in **Appendix 3**.

[266] In terms of s32AA, we adopt Ms White's evaluation in support of the changes made.

## **4 HISTORIC HERITAGE**

### **4.1 GENERAL SUBMISSIONS**

#### **4.1.1 Assessment**

[267] We received several broad submissions on the HH Chapter, as set out in Mr Maclennan's s42A Report.<sup>197</sup> At the hearing we heard from Ms Pull for Te Rūnanga o Ngāi Tahu [185.88] who considered that additional explanation within the HH Chapter was required about the relationship between the HH and the SASM Chapters of the Proposed Plan. She stated that:

I support the intention but seek a slight amendment to clarify for plan users on which heritage provisions apply. This is because although all SASM are historic heritage, the protection of that heritage differs in the cultural context. The eurocentric approach to heritage is a type of preservation/minimal interaction, while the Ngāi Tahu approach places higher value on continuity of use, relationship with the site and adaption in accordance with mātauranga māori and tikanga. This is partly why SASM has a different management framework to other types of historic heritage.

I recommend that the statement on SASM is amended to state that only the objectives of the historic heritage chapter apply to SASM. This is because all the policies are designed to recognise and protect eurocentric heritage items which are in a different schedule. However, the consideration of the historic heritage objectives will ensure a consistent application of protection is applied

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<sup>196</sup> Liz White, s42A Report: SASM and MPZ Chapters, 9 December 2024, paras 8.19.8

<sup>197</sup> Andrew Maclennan, s42A Report: Historic Heritage and Notable Trees, 10 December 2024, paras 6.1.1-6.1.13.

to both eurocentric and Ngāi Tahu heritage, but the policies of each chapter can provide the different approaches to protection<sup>198</sup>

[268] In his Interim Reply, Mr Maclennan noted that the provisions of the HH chapter refer to scheduled HHI and HHA within the Plan and considered the objectives of the HH Chapter are not relevant to activities in the SASM Chapter. While we acknowledge the relationship between the chapters, we agree with Mr Maclennan that they are standalone chapters that manage the different strands of the ‘historic heritage’ definition, each containing separate objectives, policies, and rules for managing the specific types of historic heritage.<sup>199</sup> We find that it would not make sense for the Introduction to the HH Chapter to be amended in the manner sought by Ms Pull given the objectives of the Chapter relate to HHI and HHA, as distinct from the sites listed in SCH6 Schedule of Sites and Areas of Significance to Kāti Huirapa (SASM).

[269] Overall, we accept Mr Maclennan’s analysis and recommendations, noting that both KiwiRail<sup>200</sup> and OWL<sup>201</sup> have expressed support for his responses to their submissions, including the addition clause to HH-P7 clarifying that it applies to historic heritage, and we received no further evidence to the contrary from other submitters. We also agree with the recommended amendment to the Introduction to explain that the SASM Chapter also recognises and manages SASMs which have historic heritage values listed in SCH6.

#### 4.1.2 Decision

[270] We adopt Mr Maclennan’s analysis and recommendations on the Introduction and HH-P7.4. The amendments are set out in **Appendix 3**.

[271] In terms of s32AA, we are satisfied that the amendment to HH-P7.4 is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

[272] We are further satisfied that the amendments to the Introduction are minor and will provide clarity for plan users. On this basis, no s32AA is required for these matters.

### CATEGORY B HERITAGE ITEMS

#### 4.1.3 Assessment

[273] In its submission, Fonterra<sup>202</sup> sought a suite of changes to the HH provisions to better enable the maintenance and adaptive reuse of Heritage Items, with a particular focus on Category B Heritage Items. Ms Tait in her evidence provided an analysis of second generation District Plan provisions to support her view that the approach being adopted in the Timaru District is more stringent.<sup>203</sup> She asserted that the proposed approach overlooks the enabling

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<sup>198</sup> Rachel Pull, Statement of Evidence, 22 January 2025, Para 84-85.

<sup>199</sup> Andrew Maclennan, Interim Reply, 17 April 2025, Paras 58-62.

<sup>200</sup> Michelle Grinlinton-Hancock, Tabled Letter, 23 January 2025.

<sup>201</sup> Julia Crossman, Statement of Evidence, 23 January 2025, Para 3.3.

<sup>202</sup> Submissions [165.23, 165.64, 165.66, 165.68, 165.69, 165.70, 165.71, 165.72, 165.73, 165.74, 165.75, 165.78]

<sup>203</sup> Susannah Tait, Statement of Evidence, 23 January 2025, Paras 8.1-8.5.

provisions of the CRPS that supports conservation, including adaptive reuse of heritage items, and put forward amended activity statuses for a suite of HH Rules.

[274] Having considered the submissions and evidence, we prefer the opinion of Mr Maclennan<sup>204</sup> and agree that Category B HHI are significant under the RMA and warrant the same level of protection as Category A HHI under s6(f) RMA. In reaching this view we place weight on Mr Maclennan's opinion which is underpinned by the expert heritage advice of Dr McEwan, whereas Ms Tait did not provide any heritage expertise to justify her conclusions.

[275] We are satisfied that the proposed rule framework is appropriate and find it is not appropriate to amend the provisions as requested by Fonterra (except for HH-R3, which we address later in the Decision).

#### **4.1.4 Decision**

[276] We adopt Mr Maclennan's analysis and recommendations, no changes are required to the HH rules in response to these submissions.

### **4.2 DEFINITIONS**

#### **4.2.1 Assessment**

[277] We accept Mr Maclennan's assessment and recommendations in response to Heritage NZ's submissions [114.1, 114.5] and find the recommended amendment to the definition of 'historic heritage' to be appropriate.<sup>205</sup> On this basis, the EPlan hyperlink associated with the word 'site' within the definition will be deleted.

[278] We accept Mr Maclennan's assessment and recommendations in response to the submission of TDC [42.2] and find the intention underpinning the recommended amendment<sup>206</sup> to the definition of 'heritage setting' to be appropriate. However, given our finding later in this Decision on SCHED3, we consider that within the definition of 'heritage setting' the term 'heritage item setting' is more accurate than 'heritage item extent', and on this basis we find that this submission point is now accepted in part.

#### **4.2.2 Decision**

[279] We adopt Mr Maclennan's analysis and recommendations on the definitions of 'historic heritage' and 'heritage setting'. In addition, we also make a further change to refer to 'heritage item setting' within the definition of 'heritage setting' and in the Planning Maps. The minor amendments to definitions are set out in **Appendix 3**. The changes to the Planning Maps are set out in **Appendix 2**.

[280] We are satisfied that the minor amendments will provide clarity for plan users and on this basis, no s32AA is required for these matters.

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<sup>204</sup> Andrew Maclennan, s42A Report, 10 December 2024, Paras 6.2.7-6.2.8.

<sup>205</sup> Andrew Maclennan, s42A Report, 10 December 2024, Paras 6.5.4-6.5.5.

<sup>206</sup> Andrew Maclennan, s42A Report, 10 December 2024, Paras 6.4.3-6.4.4; Andrew Maclennan, Interim Reply 17 April 2025, Paras 23-25.

## 4.3 HH-P1 IDENTIFICATION AND ASSESSMENT OF HISTORIC HERITAGE ITEMS

### 4.3.1 Assessment

[281] Heritage NZ [114.18] supported the values identified in HH-P1, however noted that these values are not defined anywhere in the Plan. The submitter considered that without definitions or explanation, it could prove difficult to understand what the values mean or include. In response Mr MacLennan recommended<sup>207</sup> that the Introduction of the HH Chapter be amended to include a description of the historic heritage values listed within HH-P1. Dr McEwan (heritage expert for TDC) and Ms Baird (for Heritage NZ)<sup>208</sup> were supportive of these changes.

[282] Having read Dr McEwan's assessment, it is clear to us that the values are well understood as assessment criteria in the technical discipline and have been 'robustly road tested' in the Canterbury Region.<sup>209</sup> In response to a Panel question at the hearing, Mr MacLennan did not see any benefit in including the value descriptions as definitions in the Plan. Having considered the submission and evidence, we are not convinced the inclusion of the value descriptions would offer any material benefit for plan users, particularly given the heritage values listed in HH-P1 are not specifically referred to within the detailed entries for individual HHIs within Schedule 3. We also note the recommended change creates a drafting inconsistency with the Introduction to other chapters, for example Notable Trees, Ecosystems and Indigenous Biodiversity, and Natural Features and Landscapes. For these reasons we do not accept Mr MacLennan's recommendation and we have removed the descriptions from the Introduction to the HHI Chapter.

[283] We are satisfied that for the purposes of Historic Heritage, the use of the term 'craftsmanship' in HH-P1 is appropriate, noting that ECan [183.53] indicated support for the s42A recommendations relating to HH-P1.<sup>210</sup>

### 4.3.2 Decision

[284] We adopt Mr MacLennan's assessment and recommendations, except for the recommended addition of value descriptions to the Introduction to the HH Chapter where we have removed them. HH-P1 is retained as notified.

## 4.4 HH-P4 (MAINTENANCE, REPAIRS AND INTERNAL ALTERATIONS TO HISTORIC HERITAGE ITEMS) AND HH-P5 (SIGNS AND EXTERNAL ALTERATION AND ADDITIONS TO HISTORIC HERITAGE ITEMS) AND HH-P7 (MANAGEMENT OF HERITAGE SETTINGS)

### 4.4.1 Assessment

[285] We accept Mr MacLennan's assessment and recommendation and find it is appropriate that HH-P4, HH-P5 and HH-P7 are retained as notified in response to submissions. In reaching this view we note we received no evidence to the contrary from Fonterra [165.59,

<sup>207</sup> Andrew MacLennan, s42A Report, 10 December 2024, Paras 6.6.6-6.6.9.

<sup>208</sup> Arlene Baird, Statement of Evidence, 22 January 2025, Para 12.5.

<sup>209</sup> Dr Ann McEwan, Attachment 3 to s42A Report for HHI and NT.

<sup>210</sup> Deidre Francis, Statement of Evidence, 23 January 2025, Paras 23-24 and Appendix 2.

165.60], and ECan [183.54] indicated support for the s42A recommendations relating to HH-P4 and HH-P7.<sup>211</sup> Further, Ms Grinlinton-Hancock for KiwiRail confirmed acceptance of the s42A recommendations relating to HH-P7 in her tabled letter.<sup>212</sup>

[286] Note, we have discussed the amendment to add an additional Clause to HH-P7 in the Section on General Submissions. We further note a consequential change to HH-P15 in response to a submission by Transpower [159.36] which is addressed in Part 5 of the Decision.

#### **4.4.2 Decision**

[287] We adopt Mr Maclennan's assessment and recommendation; no changes to HH-P4, HH-P5 or HH-P7 are required, other than the additional clause added to HH-P7 as previously discussed.

### **4.5 HH-P6 RELOCATION OF HISTORIC HERITAGE ITEMS WITHIN OR BEYOND THEIR HERITAGE SETTING**

#### **4.5.1 Assessment**

[288] We accept Mr Maclennan's assessment and recommendation<sup>213</sup> and find it is appropriate that HH-P6 is amended in line with the relief sought by Heritage NZ [114.19]. We note we received no evidence from Fonterra in response to Mr Maclennan's recommendation to reject its submission point [165.61].

[289] A matter to arise in Hearing F related to a submission of Heritage NZ [114.7] which sought to amend the definition of 'relocated building'. As discussed in Part 7 of the Decision, we have considered Ms Williams recommended amendments and find them to be acceptable in addressing the submitter's concern. We also address this in Part 7, where we support amending the RELO Chapter Introduction to clarify that the relocation of heritage buildings listed in SCHED3 is managed under the HH Chapter. We also support amending the definition of 'relocated building' to exclude heritage buildings listed in SCHED3. Together, these changes are appropriate to assist clarity and interpretation.

#### **4.5.2 Decision**

[290] We adopt Mr Maclennan's assessment and recommendations, and the amendments to HH-P6 are set out in **Appendix 3**.

[291] We are satisfied that the minor amendments to the title and chapeau of the Policy will provide clarity for plan users and on this basis, no s32AA is required for these matters.

[292] In terms of s32AA, we are satisfied that the amendment to HH-P6.2 is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

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<sup>211</sup> Deidre Francis, Statement of Evidence, 23 January 2025, Appendix 2.

<sup>212</sup> Michelle Grinlinton-Hancock, Tabled Letter, 23 January 2025, Appendix A.

<sup>213</sup> Andrew Maclennan, s42A Report, 10 December 2024, Paras 6.9.6-6.9.7.

## **4.6 HH-P8 DEMOLITION OF CATEGORY B HISTORIC HERITAGE ITEMS**

### **4.6.1 Assessment**

[293] We accept Mr Maclennan's assessment and recommendation, noting that Ms Baird for Heritage NZ [114.20] has confirmed agreement with the recommended amendments to HH-P8.<sup>214</sup> We received no evidence to the contrary from Fonterra [165.63].

### **4.6.2 Decision**

[294] We adopt Mr Maclennan's assessment and recommendation and the amendments to HH-P8 are set out in **Appendix 3**.

[295] We are satisfied that the minor amendment to HH-P8.2 will provide clarity for plan users and on this basis, no s32AA is required for this matter.

[296] In terms of s32AA, we are satisfied that the amendment to HH-P8.3 is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **4.7 HH-P16 REMOVAL OR DEMOLITION OF BUILDINGS IN HISTORIC HERITAGE AREAS**

### **4.7.1 Assessment**

[297] We accept Mr Maclennan's assessment and recommendations<sup>215</sup> and we received no evidence to the contrary from submitters.

### **4.7.2 Decision**

[298] We adopt Mr Maclennan's assessment and recommendations and the amendments to the Introduction of 'Section B Historic Heritage Areas' are set out in **Appendix 3**. The amendments to the Planning Maps of the Stafford St HHA-1 and Caroline Bay HHA-2 are set out in **Appendix 2**.

[299] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## **4.8 HH-R1 MAINTENANCE, REPAIR OR INTERNAL ALTERATIONS OF A HISTORIC HERITAGE ITEM**

### **4.8.1 Assessment**

[300] We accept Mr Maclennan's assessment and recommendations and find the proposed amendments to be acceptable.<sup>216</sup> We received no evidence to the contrary from submitters.

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<sup>214</sup> Arlene Baird, Statement of Evidence, 22 January 2025, Para 12.5.

<sup>215</sup> Andrew Maclennan, s42A Report, 10 December 2024, Paras 6.12.4 - 6.12.6.

<sup>216</sup> Andrew Maclennan, s42A Report, 10 December 2024, Paras 6.13.5 – 6.13.6.

#### 4.8.2 Decision

[301] We adopt Mr Maclennan's assessment and recommendations and the amendments to HH-R1 are set out in **Appendix 3**.

[302] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

### 4.9 HH-R3<sup>217</sup> NEW BUILDINGS, STRUCTURES AND SIGNS WITHIN A HERITAGE SETTING

#### 4.9.1 Assessment

[303] Ms Baird for Heritage NZ spoke to us about her concerns on the use of the word 'compatibility' in Rules HH-R3, HH-R13 and HH-R14<sup>218</sup> [114.22, 114.28, 114.29]. She stated that:

The matters of discretion within these rules require assessment of the compatibility of the form, scale, design and material with the existing heritage item. The risk here, is that plan-users could take this to mean that the form, scale, design and materials need to match or be similar to the existing heritage item, when in fact, it is best practice in heritage conservation for new materials to be distinguishable, to ensure the evolution of the heritage item or its wider setting is clearly readable.<sup>219</sup>

[304] In considering the evidence of Ms Baird, we asked Dr McEwan to comment on the use of this term in these rules. Dr McEwan did not share the same concerns as Ms Baird, noting that the definition of 'compatibility' is '*a state in which two things are able to exist together or occur together without problems or conflict*'. In this sense, she was of the view that the term 'compatibility' is implicit in the matters of discretion of these rules and is unlikely to create any ambiguity in implementation.

[305] In his Interim Reply, Mr Maclennan highlighted that HH-P5.2 requires that additions and alterations to be consistent with the principles contained in the ICOMOS New Zealand Charter, where the use of the word 'compatible' in the context of conservation principles and practice is clear.<sup>220</sup>

[306] Having considered the evidence, we prefer the evidence of Dr McEwan and Mr Maclennan, and we agree that the word 'compatibility' is not ambiguous in this context and is an appropriate term to use in these rules.

[307] We accept Mr Maclennan's assessment and recommendations<sup>221</sup> in response to the submission from Fonterra [165.73] and find the amendment to HH-R3<sup>217</sup> and proposed new

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<sup>217</sup> Now renumbered HH-R5 in the Decision Version of the provisions.

<sup>218</sup> Now renumbered HH-R5, HH-R14 and HH-R15 in the Decision Version of the provisions.

<sup>219</sup> Arlene Baird, Statement of Evidence, 22 January 2025, Paras 8.3-8.6.

<sup>220</sup> Andrew Maclennan, Interim Reply Report, 17 April 2025, Paras 48-53.

<sup>221</sup> Andrew Maclennan, s42A Report, 10 December 2024, Para 6.14.11.

Rule HH-RX<sup>222</sup> to be appropriate, noting that Dr McEwan is supportive of these changes, and we received no further evidence to the contrary from Fonterra.

#### **4.9.2 Decision**

[308] We adopt Mr Maclennan's assessment and recommendations and the amendments to HH-R3<sup>222</sup> and additional rule HH-RX<sup>222</sup> are set out in **Appendix 3**.

[309] In terms of s32AA, we adopt Mr Maclennan's evaluation in support of the changes made.

### **4.10 HH-R4<sup>223</sup> EARTHWORKS WITHIN HERITAGE SETTINGS AND HH-R5<sup>224</sup> EXTERNAL STRENGTHENING OF A HISTORIC HERITAGE ITEM**

#### **4.10.1 Assessment**

[310] We accept the assessment and recommendation<sup>225</sup> of Mr Maclennan, noting that we received no evidence to the contrary.

#### **4.10.2 Decision**

[311] We adopt Mr Maclennan's assessment and recommendations and the amendment to HH-R4<sup>223</sup> is set out in **Appendix 3**. HH-R5<sup>224</sup> is retained as notified.

[312] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

### **4.11 HH-R6<sup>226</sup> SIGNS ATTACHED TO A HISTORIC HERITAGE ITEM EXTERNAL ALTERATIONS AND ADDITIONS TO A HERITAGE ITEM**

#### **4.11.1 Assessment**

[313] We accept Mr Maclennan's assessment and recommendations<sup>227</sup> and find the amendment to HH-R6<sup>226</sup> to be appropriate.

#### **4.11.2 Decision**

[314] We adopt Mr Maclennan's assessment and recommendations and the amendment to HH-R6<sup>226</sup> is set out in **Appendix 3**.

[315] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

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<sup>222</sup> Now renumbered HH-R3 in the Decision Version of the provisions.

<sup>223</sup> Now renumbered HH-R6 in the Decision Version of the provisions.

<sup>224</sup> Now renumbered HH-R7 in the Decision Version of the provisions.

<sup>225</sup> Andrew Maclennan, s42A Report, 10 December 2024, Para 6.15.4.

<sup>226</sup> Now renumbered HH-R8 in the Decision Version of the provisions.

<sup>227</sup> Andrew Maclennan, s42A Report, 10 December 2024, paras 6.17.4 – 6.17.5.

## **4.12 HH-R8<sup>228</sup> RELOCATION OF A HERITAGE ITEM WITHIN OR OUTSIDE A HERITAGE SETTING AND HH-R9<sup>229</sup> DEMOLITION OF A CATEGORY B HISTORIC HERITAGE ITEM**

### **4.12.1 Assessment**

[316] We accept Mr Maclennan's assessment and recommendations<sup>230</sup> and agree that HH-R8<sup>228</sup> and HH-R9<sup>229</sup> be retained as notified (with the exception of a minor amendment to the heading of HH-R8<sup>228</sup>).

### **4.12.2 Decision**

[317] We adopt Mr Maclennan's assessment and recommendations. The minor amendment to HH-R8<sup>228</sup> is set out in **Appendix 3** and HH-R9<sup>229</sup> is retained as notified.

[318] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

## **4.13 HH-R10<sup>231</sup> SUBDIVISION OF LAND CONTAINING A HISTORIC HERITAGE ITEM**

### **4.13.1 Assessment**

[319] Relying on Ms White's approach in response to the submission by Mr Speirs, Mr Maclennan recommended that the location of HH-R10 be considered in the context of the s42A Report on Subdivision.<sup>232</sup> In his Interim Reply, he agreed with Mr Boyes' recommendation to relocate HH-R10 to the Subdivision Chapter.<sup>233</sup> We also consider this matter in relation to HH-R16 later in this Decision.

[320] We are satisfied that it is appropriate for HH-R10 to be retained as notified, but located within the Subdivision Chapter, noting that this will be consistent with the overall drafting approach adopted in the Plan with all the subdivision provisions (rules, associated objectives and policies) included in other overlay areas now recommended to be located in the Subdivision Chapter. We further note that the National Planning Standards provide for this approach.

### **4.13.2 Decision**

[321] We adopt Mr Maclennan's assessment and recommendation, and the rule is retained as notified, noting the locational change of HH-R10 to SUB-R6. The amendments to the provisions are set out in **Appendix 3**.

[322] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

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<sup>228</sup> Now renumbered HH-R10 in the Decision Version of the provisions.

<sup>229</sup> Now renumbered HH-R11 in the Decision Version of the provisions.

<sup>230</sup> Andrew Maclennan, s42A Report, 10 December 2024, paras 6.18.4 – 6.18.5.

<sup>231</sup> Now relocated and renumbered SUB-R6 in the Decision Version of the provisions.

<sup>232</sup> Andrew Maclennan, s42A Report: Historic Heritage and Notable Trees, 10 December, Para 6.20.8.

<sup>233</sup> Andrew Maclennan, Interim Reply Report, 17 April 2025, Para 46.

## **4.14 HH-R13<sup>234</sup> NEW BUILDINGS OR STRUCTURES AND HH-R14<sup>235</sup> EXTERNAL ALTERATIONS AND ADDITIONS TO BUILDINGS**

### **4.14.1 Assessment**

[323] We have earlier addressed Heritage NZ's submission where we found that the term 'compatibility' is used appropriately in the heritage rules. On this basis we accept Mr Maclennan's assessment and recommendation that these rules be retained as notified.

### **4.14.2 Decision**

[324] We adopt Mr Maclennan's assessment and recommendation; no changes to HH-R13<sup>234</sup> and HH-R14<sup>235</sup> are required.

## **4.15 HH-R16<sup>236</sup> SUBDIVISION OF LAND WITHIN A HISTORIC HERITAGE AREA**

### **4.15.1 Assessment**

[325] We previously addressed the matter raised by Mr Speirs where we found that it was appropriate for HH-R10 to be located within the Subdivision Chapter. For the same reasons, we consider it appropriate for HH-R16<sup>236</sup> to also be located within the Subdivision Chapter.<sup>237</sup>

### **4.15.2 Decision**

[326] We adopt Mr Maclennan's assessment and recommendation. The rule is retained as notified, noting the locational change of HH-R16 to SUB-R7. The amendments to the provision are set out in **Appendix 3**.

[327] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

## **4.16 NEW RULE: HH-RX<sup>238</sup>**

### **4.16.1 Assessment**

[328] The Telcos<sup>239</sup> sought a new rule be included in the HH Chapter permitting customer connections to heritage items, with controlled activity status for any customer connections that cannot meet the terms or standards. The stated purpose of the rule is to ensure that heritage buildings can be used for modern purposes.<sup>240</sup>

[329] We heard from Mr Anderson for the Telcos who explained that while he accepted the permitted provisions of the new 'Rule HH-RX Customer connections to Historic Heritage Items' as recommended in the s42A Report, he considered that where compliance is not achieved,

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<sup>234</sup> Now renumbered HH-R14 in the Decision Version of the provisions.

<sup>235</sup> Now renumbered HH-R15 in the Decision Version of the provisions.

<sup>236</sup> Now relocated and renumbered SUB-R7 in the Decision Version of the provisions.

<sup>237</sup> Andrew Maclennan, Interim Reply Report, 17 April 2025, Para 46.

<sup>238</sup> Now renumbered HH-R4 in the Decision Version of the provisions.

<sup>239</sup> Submissions [176.67], [208.67], [209.67] and [210.67].

<sup>240</sup> Tom Anderson, Statement of Evidence, 23 January 2025, Para 51-52.

a controlled activity status is more appropriate than a restricted discretionary status.<sup>241</sup> In his view:

Matters of control can provide Council with the ability to determine where the customer connection should be located on the primary feature or front façade, whilst providing the building owner or user the certainty that they can connect to an infrastructure network.<sup>242</sup>

[330] In his Interim Reply, Mr Maclennan remained of the view that a controlled activity status would limit the Council's ability to give effect to the "only allow" direction in HH-P5, even where the proposed alterations are minor.<sup>243</sup> We asked Mr Maclennan<sup>244</sup> the extent to which he had considered the combined policy direction provided by HH-P3<sup>245</sup> and HH-P5.2<sup>246</sup>; whether the recommended restricted discretionary status is consistent with other District Plan approaches in the Region; and whether the matters of discretion could be adapted to be effective matters of control. Mr Maclennan stated that on reflection, he was comfortable that either a restricted discretionary or controlled activity status would achieve the outcome sought by the policy framework. Having considered the evidence, we are satisfied that a controlled activity status provides sufficient balance between enabling infrastructure and the adaptive re-use of heritage buildings and ensuring the protection of heritage values, noting that the controlled activity status will be triggered when an activity cannot comply with the relevant permitted activity standards in HH-RX.<sup>238</sup> We therefore accept the relief sought by the Telcos on this provision, noting that Mr Anderson provided a s32 evaluation in support of the change sought to the activity status.

[331] For completeness, we also accept Mr Maclennan's recommended consequential amendment to HH-R7<sup>247</sup> to exclude customer connections from requiring resource consent as a discretionary activity under that rule.<sup>248</sup>

[332] In response to a question from the Panel in Minute 24, Mr Maclennan further recommended an additional amendment to HH-RX<sup>238</sup> so that it applies to both official signs attached to a HHI and official signs within a heritage setting. We accept this change and find it to be appropriate.

#### 4.16.2 Decision

[333] We adopt Mr Maclennan's assessment and recommendation to include a new rule for customer connections, except for his recommendation on activity status. We adopt a controlled activity status for non-compliance with this rule. We have amended HH-RX<sup>238</sup> as set out in **Appendix 3**.

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<sup>241</sup> Tom Anderson, Statement of Evidence, 23 January 2025, Para 53-55.

<sup>242</sup> Tom Anderson, Statement of Evidence, 23 January 2025, Para 54.

<sup>243</sup> Andrew Maclennan, Interim Reply, 17 April 2025, Paras 10-16.

<sup>244</sup> Hearing H (Across-plan submissions and further matters).

<sup>245</sup> HH-P3 Recognise the cultural, social and economic benefits of the ongoing protection and use, including adaptive reuse of historic heritage items.

<sup>246</sup> HH-P5.2 the proposal will result in the long term protection and on-going use of the building.

<sup>247</sup> Now renumbered HH-R9 in the Decision Version of the provisions.

<sup>248</sup> Andrew Maclennan, s42A Report: Historic Heritage and Notable Trees, 10 December, Para 6.23.8.

[334] In terms of s32AA, we are satisfied that the amendment is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## 4.17 SCHED3 - SCHEDULE OF HISTORIC HERITAGE ITEMS

### 4.17.1 Assessment

[335] As set out in the s42A Report, several submissions were received on SCHED3, some in support of the inclusion of historic heritage items, the addition of new items, and others in opposition.

[336] Where submissions requested the addition of new items, and Mr Maclennan's recommendation is to accept the additions (which are unopposed), we do not refer to those submissions further and accept Mr Maclennan's recommendations and include those references in **Appendix 3**, and the related mapping changes in **Appendix 2**.

#### *Former Whare Nana Maternity Hospital and the Former Alton House Boarding School*

[337] Mr Templeton [78.1] provided us with a PowerPoint presentation in support of his submission that the former Whare Nana Maternity Hospital (32 Bidwill Street) and the former Alton House Boarding School (16 Sefton Street/9 Sarah Street) should be included in SCHED3 as at least Category B buildings.<sup>249</sup> We appreciated the opportunity to learn more about the history of these buildings.

[338] Following Mr Templeton's presentation, in response to Panel questions, Dr McEwan confirmed that while the information provided by Mr Templeton is valid as a historical narrative, she remained unpersuaded that either of the buildings meet the significance thresholds for inclusion in SCHED3. Dr McEwan referred us to the methodology she employed for ranking historic heritage items in Appendix 2 to her evidence.<sup>250</sup>

[339] We also heard from Mr Harford on behalf of Mr Leech of Precision Securities Ltd, the property owner of the former Alton House Boarding School (16 Sefton Street/9 Sarah Street), who lodged a further submission in opposition to the submission of Mr Templeton. Mr Harford confirmed acceptance of Mr Maclennan's recommendation to reject Mr Templeton's submission.<sup>251</sup> Similarly, Mr Gonczy, landowner of 32 Bidwell Street, spoke to us about his concerns that Mr Templeton was seeking to have the former Whare Nana Maternity Hospital building scheduled and his opposition to this possibility.

[340] Having considered the evidence and following a site visit to view the subject buildings, we are not persuaded that these buildings at 32 Bidwell Street and 16 Sefton/9 Sarah Street meet the required criteria to be added to SCHED3. We note that we have placed more weight on Dr McEwan's qualifications and experience as a heritage expert on numerous District Plans throughout New Zealand and on her assessment against the thresholds for inclusion in SCHED3.

<sup>249</sup> Christopher Templeton, PowerPoint in pdf format, dated 2025.

<sup>250</sup> Dr Ann McEwan, Statement of Evidence, 18 October 2024.

<sup>251</sup> David Harford, Statement of Evidence, 23 January 2025.

### *South Canterbury Club*

[341] Mr Truman and Mr Eadie shared with us their concerns about the inclusion of the property at 1 The Terrace, Timaru known as the South Canterbury Club, as a Historic Heritage Item in SCHED3 (HHI-73). While they acknowledged the building met at least one of the criteria for inclusion, they were concerned that given the Club operates as a not-for-profit organisation, the Historic Heritage classification could potentially limit and restrict alternative uses for the facility and may result in a significant financial burden because of the rule framework.

[342] In response to Panel questions, Mr Truman and Mr Eadie indicated the revised recommendation of Mr MacLennan (informed by an additional assessment of Dr McEwan) to reduce the heritage setting to the single land parcel on which the historic club building is located went some way in addressing their concerns. However, they remained concerned that some buildings on-site still appear to extend slightly into the heritage setting, potentially creating unnecessary consent requirements.

[343] In considering the evidence, the Panel noted that the description of HHI-73 in SCHED3 did not appear to include all the buildings on the site, creating a level of uncertainty as to how the rule framework and heritage terminology ('heritage setting', 'heritage item' and 'heritage item extent') would be interpreted and applied when implemented.

[344] In response to our questions in Minute 24, Mr MacLennan, relying on the evidence of Dr McEwan, clarified that:

There is no rule within the HH chapter that restricts the demolition of buildings within a heritage setting where the building is not listed as Historic Heritage Item. Therefore, the demolition of the two buildings located on Lot 2 DP 1052 that extend slightly into the heritage setting (shown in Image 1 below) would not require a resource consent. However, any re-development or demolition that included external alterations and additions to the heritage item (South Canterbury Club HHI- 73) would require resource consent subject to HH-R7. Furthermore, the establishment of new buildings and structures within a heritage setting would also require resource consent as a restricted discretionary activity subject to HH-R3.<sup>252</sup>

[345] We find the consenting framework to be appropriate and agree with Mr MacLennan's view that demolition or redevelopment activities that alters a heritage item should be considered through a consenting framework to ensure the values of the Historic Heritage Items are protected. Further, he recommended that the use of the term 'Heritage Item Extent' in the planning maps be amended to 'Heritage Item Setting' to be consistent with the planning definitions and relevant definition, and that the definition of 'sensitive environment' be amended to indicate 'Heritage Item Setting' rather than 'Heritage Item Extent'. These changes are in our view helpful and will provide additional clarity for those implementing and interpreting the Plan.

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<sup>252</sup> Andrew MacLennan, Interim Reply, 17 April 2025, Paras 27-28 & Appendix C to Interim Reply.

### *Sailors Rest/South Canterbury Seafarers' Centre and Hampton House*

[346] A matter traversed at the hearing is the demolition of two buildings proposed to be scheduled as HHI-75 Sailors Rest/South Canterbury Seafarers' Centre and HHI-79 Hampton House. In each case, the landowner has produced a Certificate of Compliance<sup>253</sup> for the demolition of the respective buildings, and on this basis the submitters oppose the scheduling of these buildings in SCHED3.<sup>254</sup>

[347] In her evidence, Ms Seaton supported the submission from TDHL to remove item HHI-75 from SCHED3 and provided a copy of the Certificate of Compliance along with correspondence from Mr Munro stating that TDHL intends to commence demolition work in March 2024, with full demolition to proceed in July 2025. She further stated:

Whilst I understand Dr McEwan's reasoning for retaining the heritage item in Schedule 3, on the basis of Mr Munro's evidence, the retention seems unnecessary and will lead to the Schedule being out of date before it is made operative. If it assists the Panel, TDHL can provide evidence of the heritage item's demolition on its completion, noting that this will occur well in advance of the close of scheduled close of hearings. <sup>255</sup>

[348] In his Final Reply<sup>256</sup>, Mr MacLennan confirmed that Ms Seaton had advised that the building has been demolished as intended. On this basis, we accept Mr MacLennan's recommendation that HHI-75 be removed from SCHED3.

[349] In respect to HHI-79 Hampton House, Mr MacLennan confirmed in his Final Reply that Mr Gray has advised that HHI-79 Hampton House is not yet demolished and he continues to pursue the removal of the building from the Plan. In reliance on the evidence of Dr McEwan, Mr MacLennan retained the view that to achieve the objectives of the HH chapter, HHI-79 Hampton House should be retained within SCHED3. Having considered the relief sought and the planning and heritage evidence, we are not persuaded that the retention of HHI-79 is a reasonable planning outcome. The COC provides a valid pathway for the building to be demolished, and this outcome clearly forms part of the future state of the environment. We therefore find that it is appropriate to remove HHI-79 from SCHED3.

#### **4.17.2 Decision**

[350] We generally adopt Mr MacLennan's assessment and recommendation (except for HHI-79). We make no further additions to SCHED3, and we remove HHI-75 and HHI-79 from SCHED3. We also adopt the minor amendments to refer to 'Heritage Item Setting'. The amendments to SCHED3 are set out in **Appendix 3**. Consequential amendments to the Planning Maps are shown in **Appendix 2**.

[351] We are satisfied that the minor amendments to SCHED3 will provide clarity for plan users and on this basis, no s32AA is required for these matters.

<sup>253</sup> HHI-75 Sailors' Rest COC 106.2020.178.1, Expiry 25/11/2025; HHI-79 Hampton House COC 106.2021.123.1, Expiry 26/08/2026.

<sup>254</sup> Submitters Gray [124.1] and TDHL [186.70]

<sup>255</sup> Kim Seaton, Statement of Evidence, 23 January 2025, Paras 76-78.

<sup>256</sup> Andrew MacLennan, s42A Final Reply, 4 August 2025, Para 12.

[352] In terms of s32AA, we are satisfied that the removal of HHI-75 and HHI-79 is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

## 4.18 SCHED4 - SCHEDULE OF HISTORIC HERITAGE AREAS

### 4.18.1 Assessment

[353] Ms Baird, for Heritage NZ [114.39, 114.40], supported the use of a hyperlink in SCHED3 and SCHED4 that would take plan users directly to the Building Record Forms (relating to HHI and HHA) prepared by Dr McEwan would be beneficial because this would promote a greater understanding for heritage item/area owners and plan-users.<sup>257</sup> She provided examples of other recently reviewed District Plans where a hyperlink is used for a similar purpose.

[354] In his Interim Reply, Mr MacLennan remained of the view that a cross-reference should not be added to SCHED3 - Schedule of Historic Heritage Items that provide plan users with easy access to Council's Heritage Record Forms. While we acknowledge the potential benefits offered by hyperlinks in the Schedules as promoted by Ms Baird, we accept Mr MacLennan's evidence where he explains the administrative difficulties of including hyperlinks to each individual Building Record Form, and on this basis, we are not persuaded the hyperlinks are an essential feature that need to be included as part of the EPlan.

[355] We also accept Mr MacLennan's recommendation to include a Schedule of the 'Contributory Historic Features' within the Plan (SCHED4A) to provide further clarity to plan users on what these features are and where they are located, along with the related consequential changes to the planning maps and the Introduction to Section B provisions.<sup>258</sup>

### 4.18.2 Decision

[356] We adopt Mr MacLennan's assessment and recommendation and the amendments to SCHED4 to include new SCHED4A and consequential amendments to the Introduction to Section B provisions are set out in **Appendix 3**.

[357] We are satisfied that the minor amendments to SCHED4A will provide clarity for plan users and on this basis, no s32AA is required for these matters.

## 4.19 MAPPING HHI AND HHA

### 4.19.1 Assessment

[358] We accept Mr MacLennan's assessment and recommendations, except to the extent we have made alternative recommendations in Section 4.17 above and agree that the proposed amendments to the Planning Maps and SCHED3 as set out in his s42A Report<sup>259</sup>,

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<sup>257</sup> Arlene Baird, Statement of Evidence, 22 January 2025, Paras 12.1-12.9.

<sup>258</sup> Andrew MacLennan, Interim Reply, 17 April 2025, Paras 73-75.

<sup>259</sup> Andrew MacLennan, s42A Report: Historic Heritage and Notable Trees, 10 December 2024, paras 6.26.4-6.26.11.

are appropriate. We note we received no evidence to the contrary, and the Alliance Group [173.153]<sup>260</sup> accepts the s42A recommendations.

#### **4.19.2 Decision**

[359] We adopt Mr Maclennan's assessment and recommendations, and the amendments to SCHED3 are set out in **Appendix 3**. The recommended amendments to the Planning Maps are adopted and are set out in **Appendix 2**.

[360] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

### **5 NOTABLE TREES**

#### **5.1 NOTABLE TREES - ALL PROVISIONS**

##### **5.1.1 Assessment**

[361] Submissions on Notable Trees are set out in Section 7 of the s42A Report.<sup>261</sup> No amendments to the TREES Chapter were recommended by Mr Maclennan in response to general submissions. He also recommended that the Introduction, TREES-P2, TREES-P4, SCHED5 and SCHED5B are retained as notified, and we agree no changes are necessary. Mr Maclennan recommends the removal of TREE-107 from the SCHED5A and the Planning Maps as this tree has been removed. We agree.

[362] The Telcos sought amendments to TREES-R3 to provide certainty to end users of customer connections that they will be able to connect to infrastructure networks, whilst appropriately protecting notable trees.<sup>262</sup> Mr Anderson explained to us that in his experience, works can be undertaken within the root protection area of notable trees in a manner that does not impact on the health or wellbeing of the tree. He considered that provided appropriate guidance is provided in the applicable standards, such works should be a permitted activity.

[363] In response to Minute 24, Mr Maclennan provided a comparative analysis which demonstrated that several District Plans include permitted activity rules for works within the root protection area of notable trees, relying on permitted activity standards to ensure appropriate protection of tree health and structure, with many of these standards requiring that any works be carried out under the supervision or direction of a suitably qualified arborist. He further noted that in all cases, the default activity status (where standards are not met) is restricted discretionary.<sup>263</sup> On this basis he supported an amendment to create a permitted activity status for customer connections within the root area protection of notable trees, however remained of the view that where standards are not achieved, the activity status should be restricted discretionary to ensure that the "only allow" directive of TREES-P3 can

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<sup>260</sup> Doyle Richardson, Tabled Letter, 18 December 2024.

<sup>261</sup> Andrew Maclennan, s42A Report: Historic Heritage and Notable Trees, 10 December 2024.

<sup>262</sup> Tom Anderson, Statement of Evidence, 23 January 2025, Paras 58-59.

<sup>263</sup> Andrew Maclennan, Interim Reply, 17 April 2025, Paras 17-21.

be achieved. We are satisfied that the recommended amendments to create a new rule (TREES-R3A)<sup>264</sup> provides an appropriate level of certainty to end users of customer connections that they will be able to connect to infrastructure networks, whilst appropriately protecting notable trees where permitted activity standards cannot be met in accordance with the relevant objectives and policies.

[364] The Telcos also sought amendments to TREES-R1. Mr Maclennan recommended alternative changes to this rule to accommodate the relief sought. We agree these minor amendments are appropriate.

[365] Overall, we accept Mr Maclennan's assessment and recommendations relating to submissions received on the Notable Trees Chapter of the Plan, noting that we received no other evidence to the contrary, and KiwiRail [187.50, 187.87] tabled their support for the s42A recommendations.<sup>265</sup>

### 5.1.2 Decision

[366] We adopt Mr Maclennan's assessment and recommendations, and the amendments to SCED5A, TREES-R1, TREES-R3, and new rule TREES-R3A<sup>264</sup> are set out in **Appendix 3**. A consequential change to the Planning Maps to remove TREE 107 from the Planning Maps is shown in **Appendix 2**.

[367] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

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<sup>264</sup> Now renumbered TREES-R4 in the Decision Version of the provisions.

<sup>265</sup> Michelle Grinlinton-Hancock, 23 January 2025, Tabled Letter, Appendix A.