

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Schedule Three: Sites and Areas of Significance to Māori - Te Rārangī Tuatoru: Ngā Wahi Tapu ki te Māori**

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## **Recommendation on Pounamu Management Overlay and Aotea Management Overlay**

### **Submissions and Further Submissions**

1. The s42A Report summarised a number of submission points and Ms Easton provided recommendations in response to evidence.
2. In relation to the rules applying within the Pounamu Management Overlay and the Aotea Management Overlay, there were two general submissions seeking amendment to recognise “*Victorian title*” and one further submission in opposition from Poutini Ngāi Tahu.
3. In relation to the planning maps and the extent of the Pounamu Management Overlay and the Aotea Management Overlay, there were seven submissions (three opposed and four seeking amendments). Some submitters opposed the extent of the overlays based on the presence of “*Victorian title*” (e.g. Ridgeline 3 Investments Ltd, S127.001) or otherwise sought to have them adjusted to reflect known deposits (e.g. Anne Chapman, S425.005). Poutini Ngāi Tahu sought to amend the overlays to follow the Waitaha River and Haast River and to adjust the northern Pounamu Management Area boundary (S620.022, S620.399).

### **Section 42A Report**

4. Ms Easton supported Poutini Ngāi Tahu’s requested amendments to the Pounamu Management Overlay and the Aotea Management Overlay maps.

### **Hearing and Submitter Evidence/Statements**

5. Ms Pull for Poutini Ngāi Tahu relied on the evidence of Mr Madgwick in relation to the cultural value of pounamu and aotea to Poutini Ngāi Tahu and the geographic boundary identified in the planning maps. She noted that Poutini Ngāi Tahu experts had worked with Council staff to make the mapping as accurate as possible.
6. Mr McEnaney for GDC considered that pounamu and aotea overlays should only apply where those resources have been identified as present, to avoid the need for unnecessary resource consents.

### **Reporting Officer Reply Evidence**

7. Ms Easton did not further address the mapped overlays in her right of reply.

### **Hearing Panel’s Evaluation**

8. The Panel accept the amended mapped boundaries as contained in the Poutini Ngāi Tahu submission and evidence, including their response to concerns raised that have reduced or refined the area of the overlays. The Panel note that amendments to mapped overlays in order to follow the Waitaha River and Haast River were not shown in the s42A Report.
9. In supporting use of the overlays, and the amendments made to them, the Panel consider this to be the most efficient and effective option for achieving protection of cultural taonga, given that it would be too costly and difficult to achieve what GDC are seeking in their submission, namely that the maps reflect where resource is found. The Panel note that the scale of area concerned would be prohibitive. The Panel considers that the mapped overlay approach provides for a response from Poutini Ngāi Tahu when resource is found, as well as controlling

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activities to avoid disturbance of taonga, and covers the areas where pounamu and aotea stone are mostly likely to be found.

10. In relation to areas where “*Victorian title*” may still apply in relation to pounamu or aotea, the Panel consider that there is no need to amend the overlays to carve out any such known areas. The Panel rely on the rule framework to provide pathways for those wishing to use their land and mineral resources within the overlay areas. The matter of “*Victorian title*” is therefore considered in the context of each of the relevant rules.
11. Similarly, the overlays have not been amended to exclude the Arahura River where pounamu is vested with Māwhera Inc. This matter is addressed in relation to the relevant rules and how the overlay applies where Poutini Ngāi Tahu, as defined in the Plan, are not the owners of natural state pounamu.

#### **Hearing Panel’s Recommendation**

12. The Panel recommends making amendments to the Pounamu Management Area overlay proposed by Poutini Ngāi Tahu in their submissions and evidence, including:
  - amending the northern Pounamu Management Area boundary southwards;
  - amending the southern boundary of the northern Pounamu Management Area to follow the Waitaha River; and
  - amending the southern Pounamu Management Area boundary to follow the Haast River.

**RECOMMENDATION ON SCHEDULE THREE: SITES AND AREAS OF SIGNIFICANCE TO MĀORI  
– NGĀ WĀHI TĀPUA KI TE MĀORI**

13. The s42A Report summarised a number of submission points on Schedule 3, as a whole, and on individual SASM, and Ms Easton provided recommendations in response to evidence received.
14. In relation to Schedule Three as a whole, there were 31 submissions (three in support, one supporting in part, 13 opposed, and 14 seeking amendments) and 11 further submissions.
15. Poutini Ngāi Tahu submitted to amend the boundaries of 33 SASM<sup>1</sup> that could not be amended using RMA Schedule 1, Clause 16, which were submissions supported by **Ms Easton** in her s42A Report. These amendments meant that Ms Easton supported 30 submissions<sup>2</sup> that sought to have SASM removed from their properties because the SASM no longer applied to them after boundary adjustment. Ms Easton also supported the WCRC submission point (S488.013) that sought to have SASM boundaries confirmed and corrected through the hearing process.
16. Ms Easton responded to submitters that were concerned that Māori owned land had been transferred to freehold title over time, then on-sold to end up in the hands of the submitters, which they then considered should exempt that land from SASM, including land previously held by Māwhera Inc<sup>3</sup>. Of the submissions and SASM identified in her s42A Report, Ms Easton noted that there were no rules applying to these lands, aside from some in relation to utilities. Ms Easton also responded to submitters seeking that current and former Māori reserve lands be removed from Schedule Three and relied on information provided by Poutini Ngāi Tahu regarding the cultural significance of such land to recommend retaining them in the schedule.
17. Ms Easton rejected submissions that opposed the scheduling of SASM in Schedule Three as a whole, including GDC's submission points, on the basis that scheduling assists with giving effect to section 6(e) of the RMA. Ms Easton's rejection of the GDC request to remove all SASM is not repeated below in relation each individual SASM.
18. Ms Easton did not support submissions seeking removal of SASM where she could not identify the location of properties that were the subject of submissions. She supported in part requests of submitters to have more information available in relation to scheduled SASM and recommended linking the schedule to publicly available reports online, which could be facilitated through recommended Method SASM-M1.
19. Ms Easton supported the submission of Poutini Ngāi Tahu to incorporate eight more SASM into the Plan, that were not part of the notified Plan, although she considered that more information would be required on landowner consultation associated with proposed SASM 218 (Aromahana (Cobden Island)) and SASM 220 (Parihaka Memorial and Old Hokitika Gaol). For the other six sites identified, she had no concerns recommending their acceptance on Schedule Three because they were on publicly owned land and there were no specific rules proposed to apply to them.

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<sup>1</sup> SASM 178, SASM 172, SASM 170, SASM 167, SASM 165, SASM 156, SASM 153, SASM 144, SASM 139, SASM 122, SASM 121, SASM 120, SASM 119, SASM 104, SASM 98, SASM 86, SASM 79, SASM 74, SASM 72, SASM 68, SASM 64, SASM 60, SASM 59, SASM 56, SASM 54, SASM 48, SASM 44, SASM 40, SASM 27, SASM 26, SASM 24, SASM 18, SASM 6

<sup>2</sup> See paragraph 354 on p168-169 of the s42A Report

<sup>3</sup> See paragraph 358 of the s42A Report and subsequent discussion on p169

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20. **Mr Paul Madgwick**, for Poutini Ngāi Tahu, responded to each submitter requesting amendment to particular SASM, both in his written evidence and as a result of discussions with individual submitters, throughout the hearing process. The Poutini Ngāi Tahu response to Minute 37 outlined these interactions, which are referred to in this Report where relevant to a particular SASM.
21. **Ms Rachael Pull**, for Poutini Ngāi Tahu, supported the s42A Report response to submissions requesting deletion of SASM overlays. She noted there was little relevant evidence provided in those submissions and no consideration of how the purpose and principles of the Act would be provided for in relation to those sites. She referred to the effort taken to create bespoke rules so that only those necessary would apply in the circumstances of each SASM, and that landowners could rely on permitted activity rules, where relevant. She cautioned that several of the SASM are waterbodies and Statutory Acknowledgement Areas, with the SASM boundaries drawn to reflect the current waterbody locations rather than how they were surveyed at the time of settlement. She noted the intent of the SASM was to recognise their relationship with the waterbody, which would continue to move naturally.
22. Ms Pull supported reformatting the SASM Chapter, and Schedule Three, as proposed in the s42A Report, because of ease of use, with the SASM reference numbers from the maps linking to the Schedule and SASM provisions. She also supported removal of the column in the Schedule that categorised SASM because the numbering was not sequential and could infer priorities of value that were not intended.
23. The evidence of submitters and recommendations of Ms Easton are detailed below in relation to each SASM that was subject to an individual submission.
24. The exception is that evidence in relation to SASM 149, SASM 180, SASM 181 and SASM 183 are not addressed below because Te Tumu Paeroa – The Office of the Māori Trustee withdrew submission points on these SASM and there were no other matters arising in submissions relevant to these SASM. Mr Madgwick provided evidence on their values as part of the hearing, which is part of the public record, and includes values associated with Former Māori Reserves, Kāinga, Mahinga Kai, Pā site and Urupā, however Mr Madgwick’s evidence addresses SASM 182 rather than SASM 183 so the values of SASM 183 are not included in his analysis. Te Tumu Paeroa retained their submission point on SASM 157, which is considered in the evidence of Mr Madgwick and discussed below.

#### Hearing Panel’s Evaluation

25. The Panel consider Schedule Three to be fundamental to implementation of the SASM Chapter and agree that the “*Category*” column in the table SCHED 3 is confusing. The Panel has been concerned with ensuring that the schedule is clear and accurate.
26. The Panel consider it needs to be clear that the Schedule works in combination with the planning maps, as evidenced by the number of submission points lodged by Poutini Ngāi Tahu seeking to change the planning maps that outline individual SASM. The Panel consider it helpful to reiterate, in relation to the Schedule, that jurisdiction of the Plan is landward of the coastal marine area (mean high water springs).
27. The Panel also considers the relationship between the planning maps and identified SASM that are waterbodies, and can be expected to move over time, needs to be clear. We have

received evidence relating to particular waterbodies that have moved over time<sup>4</sup> (e.g. Taramakau River) and expect that this will be the norm in the dynamic environment of the region. However, we understand that the relationship of Poutini Ngāi Tahu does not alter because the channel or bed of the waterbody has altered, which needs to be reflected in the Plan approach to appropriately give effect to RMA section 6(e). The Panel consider that a statement needs to be added to the beginning of Schedule Three in order to clarify these points for Plan users, as well as including “Waterbody” within the “Values” column of the Schedule to signify that the statement accords with those particular SASM. Where Poutini Ngāi Tahu have indicated in evidence an intention for the whole of a catchment to be recognised as a SASM (e.g. SASM 117), this is understood by the Panel to be more than just the waterbody itself. In such cases reference to “Waterbody” in the “Values” column of the Schedule is not considered necessary by the Panel because the issue raised in submissions of the active bed of a waterbody changing over time does not arise, due to such movement already being captured within the area of a catchment.

28. The Panel has considered a number of requested amendments to the mapped SASM, predominantly within Poutini Ngāi Tahu submission points. In each case the Panel has preferred amendments that do not increase the extent of a SASM and do not affect new landowners that were not included with the notified extent of a particular SASM. While the Panel understand that the further submission process provided the opportunity for potentially affected landowners to participate in the hearing process, the Panel’s preference is for such amendments to be made at the same time as other changes that will need to be made by way of a variation or plan change (e.g. amendment to SASM 34), as accepted in the evidence of Poutini Ngāi Tahu to the Panel during the hearing process.

#### Hearing Panel’s Recommendation

29. The Panel recommends additional text at the beginning of SCHED 3 – Sites and Areas of Significance to Māori to read as follows:

**All Sites and Areas of Significance to Māori shown in this Schedule are also shown on the planning maps, which outline each identified site or area.**<sup>5</sup>

**Where mapped Sites and Areas of Significance to Māori extend in to the coastal marine area, this Schedule only applies landward of the coastal marine area (mean high water springs).**<sup>6</sup>

**All waterbodies that are identified as a whole on the planning maps as a Site or Area of Significance to Māori, and listed in this Schedule as “Waterbody”, include their active channels, beds, banks and immediate margins where they are outside the outline on the planning maps. The planning maps are indicative of Poutini Ngāi Tahu relationship with the waterbody.**<sup>7</sup>

30. The Panel makes recommendations on each of the individual SASM in the following passages of this Report, with changes to the notified Schedule SCHED 3 shown in Appendix 2 to this Report .

<sup>4</sup> For example Jennifer Lake S323.001, William & Vicki Molloy S227.00, Ian Stewart S124.001, Ann Bradley S371.001, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.351, S620.362, Lyn McIntosh S469.002

<sup>5</sup> RMA First Schedule, clause 16

<sup>6</sup> RMA First Schedule, clause 16

<sup>7</sup> Response to a range of submitters, for example: Jennifer Lake S323.001; William & Vicki Molloy S227.002; Ian Stewart S124.001; Ann Bradley S371.001; Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.351, S620.362; and Lyn McIntosh S469.002; including concerns raised in submissions about the relationship between the waterbody SASM identified on planning maps and the active channel or bed of waterbodies that may change over time (e.g. S124.001 and S620.346). Also supported by West Coast Regional Council S488.013

**SASM 1 – Kahurangi Point**

31. GDC requested the removal of SASM 1 (S608.143).

**Hearing Panel's Evaluation**

32. The Panel note that the Plan notified SASM 1 as a Category Whā (4), which means that it would be subject to Rule SASM-R6, however, Schedule Three only records SASM-R5 as relevant to the rule, in line with its reference in notified Rule SASM-R5. The Panel consider there is an error in relation to Rule SASM-R6 that needs correction.

**Hearing Panel's Recommendation**

33. The Panel recommends that SASM 1 be added to Table SASM-T6 and that Rule SASM-R6 be added to Schedule Three for this SASM.

**SASM 4 – Karamea (township) Native Reserve**

34. There were two submission points on SASM 4, including GDC. Poutini Ngāi Tahu sought amendment (S620.314) so that rules relating to earthworks, buildings and structures no longer apply because these activities could occur without impacting on cultural values in that area.

35. Ms Easton supported the Poutini Ngāi Tahu submission point in her s42A Report.

**Hearing Panel's Evaluation**

36. The Panel notes that SASM 4 is not included in the rule tables and therefore is not impacted by rules relating to earthworks, buildings and structures, based on the s42A recommended wording for the rules. The Panel accept the advice of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures as permitted activities within SASM 4.

**Hearing Panel's Recommendation**

37. The Panel recommends excluding SASM 4 from the rule tables and revising Schedule Three so that the permitted activity rules do not apply.

**SASM 6 – Karamea (Pā Point)**

38. There were three submitters on SASM 6, including GDC. Mary Stewart (S222.001) requested that this SASM be removed from her property at Karamea (Pā Point) because she did not consider the area was of significance to Māori. Poutini Ngāi Tahu (S620.315) sought to reduce the size of the SASM.

39. In her s42A Report, Ms Easton supported amending the boundary of SASM 6, as requested by Poutini Ngāi Tahu. However, she noted this amendment did not remove Ms Stewart's property from within the circular shape of the SASM.

40. Ms Stewart presented to the Panel and provided a written statement, accompanied by material in support of her submission from Mr Hamish Macbeth of Karamea. She stated that she had not been able to find evidence in her research of permanent settlement in the area of Maori Point Road within SASM 6, considering it a food gathering area as part of the

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greenstone trail. She pointed to wider errors with the SASM maps and poor communication, and the impact on unencumbered freehold title. She referred to changes in the land resulting from the Murchison earthquake and river changes, as well as her understanding about the origins of the name “Maori Point Rd”. She indicated greater Māori occupation on the north side of the river and the site of her land being less desirable swamp and scrubland in the past. Mr Macbeth wrote, similar to Ms Stewart, that no artefacts have been found on his property and considered that SASM 6 was a case of “mistaken identity” given river changes over time.

41. Mr Madgwick provided a 19<sup>th</sup> century map of the area (circa 1860s) obtained from the National Library and held by Archives New Zealand, recording the area as Māori owned land. He identified it as a historic pā site and kāinga. He noted that an archaeological site recorded within the SASM as a midden containing artefacts was listed in the operative Buller District Plan and was included in Appendix 10 to the Plan. Mr Madgwick highlighted that there are other archaeological sites and recorded native reserves within the wider vicinity of SASM 6 that provide context for the area. He noted that the Poutini Ngāi Tahu submission sought to reduce the size of the SASM but confirmed Ms Stewart’s property remained affected.
42. In the response to Minute 37 Poutini Ngāi Tahu provided a copy of a letter sent to Ms Stewart that included copies of the 19<sup>th</sup> century map, including “zoomed in” and rotated versions. The letter also confirmed that Ms Stewart’s property was situated just outside the eastern edge of SASM 6.

*Notified SASM 6*



*Amended SASM 6*



43. Ms Easton in her right of reply supported Ms Stewart’s submission point on the basis of the confirmed map boundary from Poutini Ngāi Tahu that showed her property was excluded from SASM 6. She therefore corrected her previous s42A Report statement.

**Hearing Panel’s Evaluation**

44. The Panel consider that SASM 6 provides for appropriate recognition and provision for Poutini Ngāi Tahu relationship with the area, and that impacts on private property have been minimised through the Plan process.

**Hearing Panel’s Recommendation**

45. The Panel recommends that amendment is made to reduce the mapped area of this SASM as requested in the Poutini Ngāi Tahu submission, with SASM-R6 applicable in the area as per Schedule Three.

**SASM 7 – No.7 Kongahu Native Reserve**

46. There were three submission points on SASM 7, including GDC. B P & C A Jones requested that this SASM be reduced in size to exclude their dairy farm and residences because the land was once Māori reserve land but had long ago passed into freehold title (S526.002).
47. Poutini Ngāi Tahu requested that rules relating to earthworks, buildings and structures no longer apply to SASM 7 because these activities could occur without consultation with rūnanga (S620.316).
48. Ms Easton supported the Poutini Ngāi Tahu submission point in her s42A Report.
49. Mr Madgwick provided a map (circa 1860s) showing the location of the former Māori reserve land named 'No. 47 Kongahu Native Reserve', obtained from the National Library and held by Archives New Zealand. He noted that Kā Huru Manu details the area of the reserve as well and contains the following description:

*This 40-acre reserve situated south of Karamea on the South Bank of the Otamahana River was set aside as part of the Arahura Purchase 1860. In 1878, the Young Commission determined that the ownership of the reserve resided with Ihaia Tainui and Wikitoria te Piki as to 20 acres, and Mata Nihoniho, Henare Mahuika and Hoani Mahuika as to 20 acres. In 1935, 8 acres of the reserve was taken under the Public Works Act as road reserve and a further 2 acres was taken as the site of a public school. In 1963, the land taken for the school site was no longer required by the Nelson Education Board and was re-vested in the owners. In 1967, the land was vest in the Maori Trustee to facilitate the sale of the block and in 1968, the land was sold and converted to general title.*

50. Mr Madgwick confirmed that Schedule Three should be amended to refer to this area as a former Māori Reserve.

**Hearing Panel's Evaluation**

51. The Panel note that, despite recommending accepting Poutini Ngāi Tahu's submission point, SASM 7 was included in the rule tables based on the s42A Report recommended wording for the rules and table SASM-T6. The Panel accept Poutini Ngāi Tahu's view that it is not appropriate to manage earthworks, buildings and structures as permitted activities in this SASM.

**Hearing Panel's Recommendation**

52. The Panel recommends removing SASM 7 from SASM-T6 and amending Schedule Three to refer to SASM 7 as a "former Māori Reserve".

**SASM 8 – Mokihinui Native Reserve**

53. There were two submission points on SASM 8, including GDC. Poutini Ngāi Tahu sought amendment (S620.317) that rules relating to earthworks, buildings and structures, and indigenous vegetation clearance no longer apply because these activities could occur without consultation with rūnanga.
54. Ms Easton supported the Poutini Ngāi Tahu submission point in her s42A Report.

**Hearing Panel's Evaluation**

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55. The Panel confirm SASM 8 is not included in the rule tables and therefore is not impacted by rules relating to earthworks, buildings and structures, and indigenous vegetation clearance, based on the s42A Report recommended wording for the rules. We accept the advice of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures or indigenous vegetation clearance as permitted activities in SASM 8. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies, along with other objectives and policies in the Plan, will apply, as relevant.

#### **Hearing Panel's Recommendation**

56. The Panel recommend deleting SASM 8 from the rule tables and amending Schedule Three so that no permitted activity rules apply to this SASM.

#### **SASM 9 – Waimangaroa Native Reserve**

57. There were two submission points on SASM 9, including GDC. Poutini Ngāi Tahu sought amendment (S620.422) that rules relating to earthworks, buildings and structures no longer apply because these activities could occur without consultation with rūnanga.
58. Ms Easton supported the Poutini Ngāi Tahu submission point in her s42A Report.

#### **Hearing Panel's Evaluation**

59. The Panel confirm that SASM 9 is not included in the rule tables and therefore is not impacted by rules relating to earthworks, buildings and structures, based on the s42A Report recommended wording for the rules. The Panel accept the advice of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures as permitted activities in this location.

#### **Hearing Panel's Recommendation**

60. The Panel recommends deleting SASM 9 from the rule tables and amending Schedule Three so that no permitted activity rules apply to this SASM.

#### **SASM 10 – Kawatiri Pā**

61. GDC were the only submitter specific to SASM 10 (S608.152), which is included in SASM-T8 in the right of reply evidence. Schedule Three, as notified, did not include any rules applicable to the SASM. However, notified Rule SASM-R9 did include SASM-10.

#### **Hearing Panel's Evaluation**

62. The Panel assume that an error occurred in the notified version of the Plan and that both SASM-R9, as notified, and SASM-T8 in the right of reply are correct, such that amendment is required to Schedule Three to reflect the applicable rule for this SASM.

#### **Hearing Panel's Recommendation**

63. The Panel recommends amendment to Schedule Three to show that Rule SASM-R9 applies to SASM 10.

**SASM 12 – Kawatiri Town Reserve**

64. There were seven submission points on SASM 12, including GDC; and four further submissions from Poutini Ngāi Tahu.
65. Mr Grant Weston (S113.001) requested that the SASM be removed because land that was once leasehold is now freehold and therefore did not hold any significance to Māori. Ms Hannah Nicholas (S170.001) opposed the SASM because it decreased property value with no compensation and would create issues for selling the property in the future. Mr Sean Casey (S416.002) sought removal of the SASM from section 115 Romilly St, Westport because he considered it was an error that needed to be fixed. Ms Idena Schultze (S89.001) sought removal of the SASM from 12a and 12b Brougham Street in Westport due to concerns regarding potential rule and regulation changes. She noted that prior to purchase she had checked whether there were any Māori connections. Mark Bowe (S69.001) sought to remove 171 Peel St from SASM 12.
66. Ms Easton rejected the submissions from landowners in favour of the further submissions from Poutini Ngāi Tahu, based on cultural values not being tied to land ownership status.
67. Mr Madgwick explained that SASM 12 included several areas across Kawatiri/Westport that include current and former Māori reserves, as shown on a map obtained from the National Library, held by Archives New Zealand.

**Hearing Panel's Evaluation**

68. The Panel note that SASM 12 is included within table SASM T8 and therefore connects these lands to management under rule SASM – R9, covering network utilities within the SASM. The impact of the rule framework within SASM 12 is therefore primarily on managers of network utility infrastructure, rather than individual property owners. The SASM will be applicable in circumstances where a discretionary or non-complying resource consent is required, at which time SASM Chapter objectives and policies will apply, along with other relevant objectives and policies in the Plan as relevant. The Panel also note that Schedule Three at the time of notification did not reference SASM-R9 for this SASM, which requires correction.

**Hearing Panel's Recommendation**

69. The Panel recommends SASM 12 includes SASM-R9 in Schedule Three and is included within the Table SASM-T8.

**SASM 13 – No.36 Kawatiri South Bank Native Reserve**

70. There were two submission points on SASM 13 from Mr Graeme Walsh (S664.001) and GDC Council (S608.155) opposing the overlay<sup>8</sup>. Mr Walsh's submission was opposed by Poutini Ngāi Tahu (FS41.0746), supported by Tony Anderson (FS240.001) and received two further submissions that did not state a view on his submission (John Sutton, FS239.001, and Vern Morris, FS.241.001).
71. Ms Easton's Addendum Report (2 July 2024) rejected Mr Walsh's submission point but noted some overlap between SASM 13 and his property at 74 Cape Foulwind Road, part of the northern paddock. Ms Easton relied on the view of Poutini Ngāi Tahu that the area is culturally significant as a Māori reserve and kāinga location, with use that pre-dates the arrival of

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<sup>8</sup> Note that these submission points were not discussed on page 140 of the s42A Report where individual SASMs are discussed.

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European settlers. She noted that there are no specific rules that apply to SASM 13. She supported the further submission of Poutini Ngāi Tahu; and accepted the sites are significant to Poutini Ngāi Tahu and exist regardless of the Plan. She highlighted the obligation on the Councils and landowners under the RMA and other legislation to protect significant sites.

72. Mr Walsh presented to the Panel on 18 November 2024 and read from his extensive notes on historic references he considered relevant to consideration of SASM 13, utilising a combination of written and oral family history. He considered the property was significant to his family, but he could not find evidence that it was significant to Poutini Ngāi Tahu. He used examples to demonstrate that oral histories are fallible and prone to error, and that non-Māori have assisted to preserve sites of cultural significance over time, including within his family. He considered the SASM a risk to his property rights. He assumed that Māori other than Poutini Ngāi Tahu have history in the area. He found evidence through family oral histories of Māori gardens on Martin's Island, which was outside the SASM, and provided an account of his family's support for exploration and protection of archaeological finds.

#### **Hearing Panel's Evaluation**

73. The Panel acknowledge the considerable effort Mr Walsh put into his written submission and statement at the hearing; and his attendance late in the piece as a consequence of being missed from the initial summary of submissions. The Panel understand that Mr Walsh is not confident that the site is proven to be culturally significant, based on his own research, and that he was unable to access Poutini Ngāi Tahu information used to identify the SASM.
74. The Panel accept the evidence of Mr Madgwick that reserve lands chosen by tūpuna at the time of land sales remain significant to Poutini Ngāi Tahu, whether or not they have been subsequently subdivided or turned into freehold title. The Panel also accept occupation and use prior to European settlement would not necessarily be reflected in settler accounts. The Panel are of the view that landowners should be able to access information relevant to SASM affecting their properties to understand what is valued, as long as there is no cultural risk associated with providing that information.
75. While the Panel understand the concern of Mr Walsh that identifying part of his property within the SASM 13 will affect his property rights, we consider there is no significant change of permitted use for landowners from the introduction of SASM 13 because there are no rules that are associated with it in Schedule Three. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies, along with other objectives and policies in the Plan, will apply, as relevant.
76. The Panel consider identification of SASM 13 recognises the relationship of Poutini Ngāi Tahu with the area, while providing for appropriate subdivision, use and development.

#### **Hearing Panel's Recommendation**

77. The Panel recommend no change to the mapped area of SASM 13 or Schedule Three in terms of application of the rules.

### **SASM 14 – No. 43 Ōrowaiti Native Reserve**

78. There were 21 submission points on SASM 14 (17 opposed, one opposed in part, and three sought amendments), with 17 further submissions.

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79. Mr Russel Lane (S286.001) requested that SASM 14 be deleted from property at Ōrowaiti Road because there was no substantiated evidence of Māori occupation. Leonie Avery (S507), Jared Avery (S508), Kyle Avery (S509), Avery Bros (S510), Bradshaw Farms (S511), Paul Avery (S512) and Brett Avery (S513)<sup>9</sup> requested that SASM 14 be removed because the rule is generally too restrictive. Michael and Dawn Ross (S98.001) requested removal of SASM 14 from 34 Ōrowaiti Road, Westport on the basis that Māwhera Inc. had sold it for private use. They noted that the Māwhera Inc. website states - *“Many of the properties owned by the incorporation are of little economic or cultural value. The incorporation had approval from the Māori Land Court to sell residential lands.”*
80. Poutini Ngāi Tahu (S620.318) requested that SASM 14 be renamed SASM 14A and SASM 14B because the two sites are not adjacent, including amending Schedule Three and the maps; and that two SASM not be subject to rules on earthworks, buildings and structures (S620.319).
81. In the s42A Report, Ms Easton supported Poutini Ngāi Tahu’s request to remove application of rules on earthworks, buildings and structures (SASM-R6) and rename the SASM as two parts. She did not support removal of the SASM because she considered that land tenure was not the basis of cultural significance. She noted that neither 81 Brougham St nor 21 Dommett Street were included within the identified SASM. The amended maps with new names shown were depicted as shown below:

Notified SASM 14

New SASM 14A

New SASM 14B



82. Mr Madgwick noted SASM 14 included two areas of land that cover current and former Māori reserve land. He advised that SASM 14B contained NZAA site K29/66, an urupā, and that Ōrowaiti Lagoon was a significant mahinga kai area.

#### Hearing Panel’s Evaluation

83. The Panel confirms that SASM 14 is not contained in the rule tables, based on the s42A Report recommended wording. With the removal of reference to Rule SASM-R6 in Schedule Three, the Panel understand that there are no longer any rules proposed to apply to SASM-14A and SASM-14B. The Panel considers there is therefore no change to permitted land use on submitters’ properties. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. We agree with Ms Easton that inclusion of the SASM in Schedule Three and on the planning maps recognise Poutini Ngāi Tahu’s relationship with the current and former reserve lands, while providing for appropriate subdivision, use and development.

<sup>9</sup> Three submission points each, numbered “.021, .024 and .027”

### **Hearing Panel's Recommendation**

84. The Panel recommend amendment to Schedule Three and the planning maps to rename SASM 14 as two SASM labelled 'SASM 14A' and 'SASM 14B', as depicted above, and that Schedule Three indicate no rules are applicable to either SASM. The Panel also recommend amendment to Schedule Three to indicate that these areas are a combination of current and former Māori reserves.

### **SASM 15 – No. 42 Kawatiri (Township) Native Reserve**

85. GDC sought the removal of SASM 15 from the Plan (S608.157), which is addressed earlier in this report. No other submission points were specific to this SASM.

### **Hearing Panel's Evaluation**

86. As with SASM 12, the Panel has identified that Schedule Three at the time of notification did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that this correction was included in table SASM-T8 in the right of reply evidence.

### **Hearing Panel's Recommendation**

87. The Panel recommends SASM 15 includes Rule SASM-R9 in Schedule Three and is included within the Table SASM-T8.

### **SASM 16 – Tauranga Bay**

88. There were three submission points on SASM 16, including GDC and Graeme Walsh. LG.JH Brownlee Partnership & Tbay Limited (S303.001 and S303.002) requested that SASM 16 and SASM 19 be amended so that only significant areas are included, and to identify the specific areas that are significant. The further submission of Poutini Ngāi Tahu opposed this.
89. The s42A Report recorded Ms Easton supported SASM 16, in conjunction with SASM 19 and SASM 22, as representing a major area of habitation for Poutini Ngāi Tahu, with multiple pā, kainga, mahinga kai and tauranga waka present in the area of Tauranga Bay. She supported greater information being made available to landowners affected by the SASM.
90. Mr Madgwick explained that SASM 16 contained an historic pā site, kāinga/village, and mahinga kai gathering areas. He stated that it was well known for its concentration of cultural and archaeological sites, including sites containing evidence of occupation, middens, pits and oven deposits, and a village site, as recorded in the operative Buller District Plan and included in Appendix 10 of the Plan. He advised that, given the number of sites and that the site was a former kāinga, an area approach to mapping acknowledged that not all archaeological sites had been discovered or recorded. He noted that a permitted activity pathway had been provided.
91. Mr Madgwick shared the following text from Kā Huru Manu:

*Tauranga Bay is located south of Cape Foulwind in the Buller District of Te Tai Poutini (the West Coast). Tauranga has several meanings, including "anchorage", and "fishing-ground". The name Tauranga is likely to refer to the bay being used as a landing place for waka." (References: Kā Huru Manu; Mitchell, G.G.M. (1948) Māori place-names in Buller County. Wellington, N.Z. : A. H. & A. W. Reed. P49-50; and Taylor, W.A. (1952) Lore and history of the South Island Māori. Christchurch, N.Z.: Bascands. P14*

### **Hearing Panel's Evaluation**

92. The Panel are satisfied that the area identified as SASM 16 is an area of cultural significance to Poutini Ngāi Tahu, having the associations described in Mr Madgwick's evidence. We also support ensuring that information about SASM sites is available for affected landowners during the life of the Plan, as has been provided during this hearing process and as may be supplemented over time.
93. The Panel consider it appropriate that the area is subject to Rule SASM-R6 (as notified) given the concentration of archaeological sites in the area. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area, above mean high water springs. We have included reference to this jurisdiction in the Overview to the chapter and in the recommendation for SCHED 3.

### **Hearing Panel's Recommendation**

94. The Panel recommend no amendment to Schedule Three, Table SASM-T6 or the planning maps in relation to SASM 16.

### **SASM 17 – Kawatiri South Bank Native Reserve**

95. There were two submission point on SASM 17, including GDC. Ms Pull noted that Poutini Ngāi Tahu submitted to amend the permitted activity rules, so that that SASM 17 would be removed from Rule SASM-R2 and proposed Table SASM-T2 (S620.320). This was accepted in the s42A Report.

### **Hearing Panel's Evaluation**

96. The Panel accept the evidence of Poutini Ngāi Tahu that minor earthworks are not appropriate to be managed as permitted activities within SASM 17 and confirm that Table SASM-T2 in the right of reply evidence does not include this SASM.

### **Hearing Panel's Recommendation**

97. The Panel recommend deleting the reference to Rule SASM-R2 in Schedule Three for SASM 17 and delete SASM 17 from Table SASM-T2.

### **SASM 18 - No. 38 Kawatiri North Bank Native Reserve**

98. There were two submission points on SASM 18, including GDC. Poutini Ngāi Tahu sought to change the shape file of SASM 18 (S620.321) to capture the full extent of the native reserve, which was accepted in the s42A Report.

*Notified SASM 18*



*Amended SASM 18*



### **Hearing Panel's Evaluation**

99. The Panel accept the advice of Poutini Ngāi Tahu that the map of SASM 18 requires amendment to match the full extent of the native reserve. However, the submitted area of change is an increase in area compared with what was notified and extends on to an additional land parcel. This increases the area to which Rule SASM-R6 applies.
100. The Panel recommends rejecting the increase in mapped area of the SASM, from that notified, because more land will be subject to Rule SASM-R6. This approach to rejecting increases is consistent with our recommendations on other mapped areas. The requested adjustment to the boundaries of SASM 18 is considered by the Panel to be better suited to a plan change, alongside other similar amendments identified in this Report (e.g. SASM 36).

### **Hearing Panel's Recommendation**

101. The Panel recommend no changes to SASM 18 on the planning maps as notified.

### **SASM 19 – Ōkari**

102. There were eight submission points on SASM 19 (three opposed, one neutral and four seeking amendment), and six further submissions in opposition from Poutini Ngāi Tahu. WMS Group (S599.154) sought re-evaluation of the SASM to accurately locate kāinga and mahinga kai sites. George Brownlee (S247.001) sought that mapping be amended to capture the location of specific sites on his property, similar to IG.JH Brownlee Partnership & Tbay Limited (S303.001 and S303.002). Jennifer Lake (S323.001 and S323.002) sought review of the SASM boundaries where they affect private grazing land and extend beyond the lagoon and its boundaries; and requested more information on the values present. Dale Stephen (S277.002) provided information about the area and why it had been identified in that location. Waitakere Trust (S497.001 and S497.002) requested more detail on the significance and rationale for SASM 19.
103. The s42A Report supported retention of SASM 19 as notified and considered that information provided by Poutini Ngāi Tahu to describe the values of the area should be available to affected landowners.
104. Mr Madgwick explained that SASM19 contained a historic kāinga and mahinga kai gathering areas, well known for its concentration of cultural and archaeological sites, all of which were

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included in the operative Buller District Plan and recorded in Appendix Ten to the Plan. Given the number of sites, Mr Madgwick said that an area approach was taken to mapping the site, acknowledging that not all archaeological sites would have been found. He noted that a permitted activity pathway is provided through SASM-R6.

#### **Hearing Panel's Evaluation**

105. The Panel accept the evidence of Poutini Ngāi Tahu regarding the cultural significance of the area notified as SASM 19 and consider that it is appropriate for SASM-R6 to apply to the area due to the concentration of archaeological sites. The Panel note that cultural significance is not entirely dependent upon the presence of archaeological material, but such material where it has been found in the past can be considered evidence of occupation and use by Poutini Ngāi Tahu over time. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

#### **Hearing Panel's Recommendation**

106. The Panel recommends no change to Schedule Three or the planning maps in associated with SASM 19.

### **SASM 22 – Ōkari Lagoon**

107. Three submission points opposed SASM 22, including GDC. Jennifer Lake (S323.001 and S323.002) sought review of the SASM boundaries where they affect private grazing land and extend beyond the lagoon and its boundaries. Waitakere Trust (S497.001) requested more detail on the location and basis for SASM 22.
108. The Poutini Ngāi Tahu submission (S620.322) sought that SASM 22 no longer be subject to Rules SASM-R1, SASM-R4 and SASM-R6, which was supported by Ms Easton in her s42A Report.
109. Ms Pull noted that Poutini Ngāi Tahu submitted to amend the permitted activity rules, so that SASM 22 would consequently be removed from proposed Table SASM-T1, which was missed in the recommendations of Ms Easton in her s42A Report.
110. Mr Madgwick explained that Ōkari Lagoon was a cultural redress site (both a Statutory Acknowledgement and Deed of Recognition area) under the Ngāi Tahu Claims Settlement Act 1998 (NTCSA), section 212, and Schedule 47. He highlighted that the area also contained archaeological sites recorded as middens, which are in the operative Buller District Plan and in Appendix Ten of the Plan. He noted that the Poutini Ngāi Tahu submission points reduced the impact of the rule framework on SASM 22.

#### **Hearing Panel's Evaluation**

111. The Panel accept the basis given for the cultural significance of SASM 22, which is recognised in statute, and the advice of Poutini Ngāi Tahu that Rules SASM-R1, SASM-R4 and SASM-R6 should be removed from Schedule Three in relation to SASM 22. The effect of accepting this submission point from Poutini Ngāi Tahu is that there are no longer any permitted activity rules applying to SASM 22. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. We

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accept the evidence of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures, minor earthworks or grazing animals as permitted activities in this location. We also agree with Ms Pull that reference to SASM 22 needs to be removed from Table SASM-T1.

112. The Panel do not consider that a change in position of the waterbody over time due to natural processes need detract from the fact that it has been recognised as a Statutory Acknowledgement Area and therefore reject the submission point requesting removal of that reference from Schedule Three. We understand that waterbodies will naturally shift and change and that when they do, this does not negate the associations Poutini Ngāi Tahu have with them, including associations recognised through statutory acknowledgement. The Panel consider that Schedule 47 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Ōkari Lagoon, which in part responds to concerns of submitters, such as Waitakere Trust (S497.001). The Panel also consider that assigning "*Waterbody*" in the "*Values*" column of Schedule Three would account for any movement of the waterbody over time.
113. The Panel consider that retention of SASM 22 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

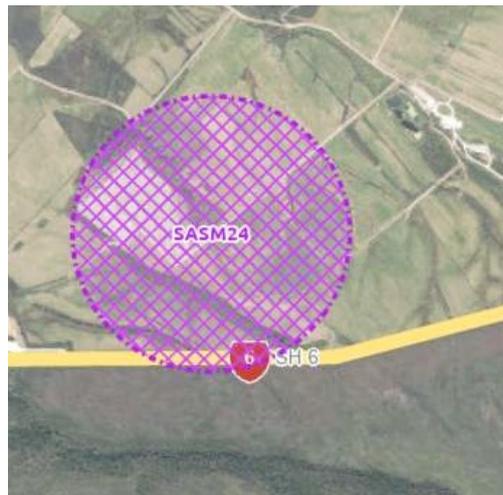
#### Hearing Panel's Recommendation

114. The Panel recommend deleting the reference to Rules SASM-R1, SASM-R4 and SASM-R6 in Schedule Three for SASM 22, and deleting SASM 22 from associated tables; and that SASM 22 is otherwise retained in Schedule Three and on the planning maps, as well as retaining reference to the lagoon being a Statutory Acknowledgement Area, and incorporating "*Waterbody*" as a value for this SASM.

#### SASM 24 – Totara River

115. There were three submission points on SASM 24, including GDC. Mr John O'Connor (S284.001) sought clarification of the reasons why the SASM was classified. Poutini Ngāi Tahu sought amendment to the mapped area of SASM 24 (S620.324).
116. Mr Madgwick explained that SASM 24 contained an urupā where a Māori chief who passed away while waiting to cross the Totara River was buried, and the tribe had carried him inland and buried him on high land north of the river. He noted the burial area was covered in rocks that turned it in to a long and high mound, which became known as the "Giant's Grave". He highlighted that Poutini Ngāi Tahu submitted to reduce the size of SASM 24.

*Notified SASM 24*



*Amended SASM 24*



### **Hearing Panel's Evaluation**

117. The Panel accept the advice of Poutini Ngāi Tahu that the mapped area of SASM 24 should be reduced as requested. The Panel note that there are no rules applying to SASM 24 in Schedule Three of the Plan. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. The Panel therefore consider that retention of SASM 24 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

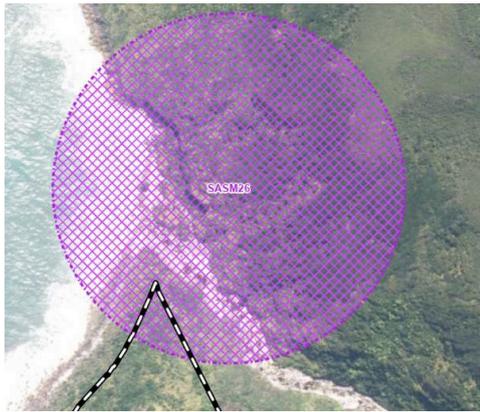
### **Hearing Panel's Recommendation**

118. The Panel recommend that the mapped extent of SASM 24 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

### **SASM 26 - Tiropahi - Silent File**

119. There were two submission points on SASM 26, including GDC. Poutini Ngāi Tahu sought to change the mapped extent of SASM 26 (S620.325), which was supported in the s42A Report. The requested change was as follows:

*Notified SASM 26*



*Amended SASM 26*



### **Hearing Panel's Evaluation**

120. The Panel are satisfied that amendments to SASM 26 requested by Poutini Ngāi Tahu are a reduction in the mapped extent. The Panel observe that there are no rules in Schedule Three that apply to SASM 26. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. The Panel therefore consider that retention of SASM 24 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

### **Hearing Panel's Recommendation**

121. The Panel recommend that the mapped extent of SASM 26 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

### **SASM 27 – Fox River**

122. There were three submission points on SASM 27, including GDC and Moira Devlin (S117.001) who sought to be able to develop her land. Poutini Ngāi Tahu sought to change the mapped extent of SASM 27 (S620.326), which was supported in the s42A Report. The requested change was as follows:

*Notified SASM 27*



*Amended SASM 27*



### **Hearing Panel's Evaluation**

123. The Panel assess the amended area of SASM 27 to be slightly smaller than the notified extent of the mapped area. No amendment is proposed by Poutini Ngāi Tahu to Schedule Three and therefore Rules SASM-R4 and SASM-R6 apply to the mapped area. The Panel considers that there are pathways to use of land, as sought by Moira Devlin in her submission, including through the certification process.
124. The Panel consistently recommends rejecting any increases in mapped SASM, from that notified. However, in this case the effect of the amendment appears to be marginal and affects the same landowners as those notified. On that basis, we accept the submission of Poutini Ngāi Tahu to amend the mapping of SASM 27, as requested.
125. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

### **Hearing Panel's Recommendation**

126. The Panel recommend that the mapped extent of SASM 27 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

### **SASM 30 – Te Miho**

127. There were four submission points on SASM 30, including GDC, and no further submissions. Ms Anne Chapman (S425.002) requested more information about the significance of the site. Graeme & Helen O’Dea (S375.001 and S475.002) sought proof of the significance of the site.
128. The s42A Report relied on the work undertaken by Poutini Ngāi Tahu in preparing the mapped SASM and associated rules and did not support any changes based on the evidence. Ms Easton supported ensuring there was information available to affected landowners.

### **Hearing Panel's Evaluation**

129. Poutini Ngāi Tahu did not submit on SASM 30 and Mr Madgwick did not provide evidence specific to this site. The evidence of Mr Madgwick generally referred to the provenance of Kā

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Huru Manu. The Panel have referred to the publicly available information on Kā Huru Manu ([www.kahurumanu.co.nz](http://www.kahurumanu.co.nz)), guided by the evidence of Mr Madgwick, to understand the values of the site and found the following reference:

*Te Miko is the Māori name for Perpendicular Point, the southern point of Irimahuwhero (Irimahuwheri Bay) near Barrytown in the Grey District of Te Tai Poutini (the West Coast). Miko is the shoot of the world's southernmost palm, the nīkau (Rhopalostylis sapida), which are numerous throughout the area.*

130. The Panel observe that there are no rules in Schedule Three that apply to SASM 30. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. We therefore consider that retention of SASM 30 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

#### Hearing Panel's Recommendation

131. The Panel recommends no change to Schedule Three or the planning maps in associated with SASM 30.

#### SASM 31 – Punakaiki Area

132. There were eight submission points on SASM 31, including GDC, and Poutini Ngāi Tahu lodged three further submissions in opposition.
133. Desmond Pender (S265.001) sought removal of the overlay because there had been no archaeology report for the area or archaeologists on site. Scenic Hotel Group (S483.017) was concerned that it would limit further development, such as hotel extensions or conference centres, and could impact valuations or otherwise cost landowners. Peter Haddock (S417.006) wanted SASM 31 removed from 3 Webb Street, Punakaiki because he believed that that the town was only a food gathering area. In addition, Kristy Henderson (S125.008) sought clarification of what tino rangatiratanga and kaitiakitanga would mean in relation to SASM 31 in her submission on Policy SASM-P5. Neil Mouat (S535.078) supported retention of SASM 31.
134. Mr Madgwick explained that SASM 31 contained historic kāinga, mahinga kai gathering areas and is part of the coastal ara tāwhito. He noted the area contained archaeological sites including midden/oven remains and a cave/rock shelter, as in the operative Grey District Plan and recorded in Appendix Ten of the Plan. He said the Punakaiki area was important because Ngāi Tahu finally defeated Ngāti Wairangi at Paparoa, and the rugged pathway between Māwhera/Greymouth and Kawatiri/Westport was a key trade route for pounamu and mahinga kai from inshore fishing. He said that the pathway largely followed the beach but the vertical bluffs at Te Miko (Perpendicular Point) and Punakaiki fractured the pathway and a bush track cut overland through kiekie and nikau forest. He noted that the highway between the current visitor centre and the Pancake Rocks followed this old path. He also pointed to the Paparoa National Park Management Plan that records the Poutini Ngāi Tahu relationship with the Paparoa area.

### **Hearing Panel's Evaluation**

135. The Panel accept the evidence that this area is of cultural significance to Poutini Ngāi Tahu. The Panel note that Schedule Three shows that there are no rules applying to SASM 31. However, we note the notified plan included SASM 31 within Rule SASM-R9 and that the right of reply evidence recommended it be retained in Table SASM-T8. The nature of Rule SASM-R9 means that property owners concerned about the impact of SASM 31 are unlikely to be affected because it will primarily affect network utility operators, although it will be relevant to discretionary and non-complying activities. The Panel therefore consider that retention of SASM 31 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

### **Hearing Panel's Recommendation**

136. The Panel recommend no amendments to the planning maps and recommend inclusion of SASM 31 in Table SASM-T8 and Schedule Three to show that Rule SASM-R9 is applicable.

### **SASM 32 – Punakaiki River Nohoanga**

137. There were four submission points on SASM 32, including GDC. Kristy Henderson (S125.008) sought clarification of what tino rangatiratanga and kaitiakitanga meant in relation to private landowners and SASM 32.
138. This point was not assessed as part of the s42A Report or right of reply and was not further examined in the evidence of Mr Madgwick for Poutini Ngāi Tahu.

### **Hearing Panel's Evaluation**

139. There are no rules applying this SASM, so the Panel consider that tino rangatiratanga and kaitiakitanga are associated with recognition of the significance of this nohoanga to Poutini Ngāi Tahu. The objectives and policies of the SASM Chapter will be referenced when proposed activities within the SASM trigger discretionary or non-complying status in other chapters of the Plan, which will provide opportunity for assessment of effects on cultural values in the circumstances. SASM 32 sits within SASM 31, which the Panel has recommended to retain in the Plan.

### **Hearing Panel's Recommendation**

140. The Panel recommend no changes to SASM 32, either in the planning maps or Schedule Three, in response to the submission points.

### **SASM 33 – Pakiroa Beach**

141. There were five submission points on SASM 33, including GDC, and four further submissions in opposition from Poutini Ngāi Tahu.
142. Waitakere Trust (S497.003) requested more detail on the location and basis for SASM 33. Bruce Stuart-Monteath (S315.001) requested amendments due to lack of evidence of Māori activity on the properties, some of which were away from the beach; and requested that areas in QEII covenant should be excluded. G E & C J Coates (S415.011) sought to remove the

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identified SASM that affected their properties. TiGa Minerals & Metals Limited (S493.126) requested the re-evaluation of SASM 33 to provide an accurate area on the planning maps showing kāinga sites.

143. The s42A Report noted that cultural values are more than just archaeological remains. Ms Easton supported Poutini Ngāi Tahu sharing information about the process of identification of the SASM and more information about sites and areas, but she did not support removal of SASM 33.
144. Mr Madgwick explained that SASM 33 contained a historic kāinga and mahinga kai gathering areas, well known for a concentration of cultural and archaeological sites, including multiple middens, pits, oven stones, stone working areas, evidence of fire and a track, as recorded in the operative Grey District Plan and in Appendix Ten in the Plan. As with other areas of high concentration of archaeological remains, Poutini Ngāi Tahu advised they had taken an area approach to mapping the site in acknowledgement that not all archaeological sites may yet have been uncovered. Mr Madgwick noted that a permitted activity pathway has been provided through Rule SASM-R6.
145. Mr George and Mrs Caryl Coates questioned information about villages, archaeological sites and burial sites based on the notified Plan, Mr Madgwick's evidence and discussion with a Ngāti Waewae representative. They recounted the history of land ownership associated with the mapped area and coastal changes that mean the SASM covers an area of ocean. They also considered that due to prior humping and hollowing there should be no SASM mapped east of the NZAA sites. Overall, they considered that SASM 33 covered an area larger than necessary.
146. Poutini Ngāi Tahu did not further address SASM 33 in response to Minute 37.
147. In Ms Easton's Right of Reply she reviews SASM 33 in relation to rule SASM-R4 and amends that rule to address the concerns of submitters regarding restrictions on indigenous vegetation clearance where SASMs intersect with areas of developed land.

#### **Hearing Panel's Evaluation**

148. The Panel accepts that SASM 33 has been drawn to extend across recorded archaeological sites and by taking an area approach to recognition of those sites and associations of Poutini Ngāi Tahu with the location. There is a close relationship between SASM 33 and SASM 34 and therefore the Panel consider it likely that SASM 33 will be reviewed at the time SASM 34 is reintroduced through a plan change process and may or may not be amended through that process. The Panel is satisfied that it is appropriate to recognise and provide for the relationship of Poutini Ngāi Tahu with SASM 33 and include application of SASM-R4 and SASM-R6. In doing so the Panel observe that existing use rights are not affected by these rules, which is relevant to the concerns expressed by Mr and Mrs Coates. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

#### **Hearing Panel's Recommendation**

149. The Panel recommend no changes to SASM 33, either in the planning maps or Schedule Three, in response to submissions and evidence.

**SASM 34 – Te Nikau Scenic Reserve – silent file**

150. Two submission points opposed SASM 34, GDC (S608.176) and G E & C J Coates on behalf of Nikau Deer Farm Limited (S415.003), although the Coates submission did not specifically identify the SASM affecting their properties.
151. The s42A Report did not specifically discuss SASM 34, although the position of the submitters was considered in more general terms.
152. Mr and Mrs Coates questioned the identified area and its status as a wāhi tapu. They had originally thought that the SASM was in the scenic reserve due to its name but were advised it was located on their family property. This has caused Mr and Mrs Coates to question whether the mapped SASM was in the right place because they had an understanding that there was a sacred site related to burials within the scenic reserve around 100m from the mapped boundary of the SASM. They noted that knowledge of the site had been passed on within the family from the generation before, including from a ceremony associated with the site.
153. Mr Madgwick's evidence did not contain discussion in relation to SASM 34.
154. In response to Minute 37, Poutini Ngāi Tahu advised that the boundaries of SASM 34 had been reviewed and there was agreement with Mr and Mrs Coates that the mapped location of Te Nikau Scenic Reserve needed to be amended to better reflect the situation on the ground. Poutini Ngāi Tahu consequently withdrew further submission point FS41.576 and indicated that SASM 34 would be revisited through a future plan change process.
155. Ms Easton's right of reply indicated support for the submission of Mr and Mrs Coates, and that she would consider whether there was scope to amend the maps through this hearing process once she received updated maps from Poutini Ngāi Tahu.

**Hearing Panel's Evaluation**

156. The Panel did not receive updated planning maps showing the confirmed location of SASM 34. Rules SASM-R4, SASM-R5 and SASM-R6 were proposed to apply to SASM 34 but the Panel considers that they should no longer apply to the area. We consider further investigation, and more accurate mapping is required to appropriately recognise and provide for Poutini Ngāi Tahu relationship with Te Nikau Scenic Reserve. We agree this should be achieved through a future plan change process.
157. The Panel note that SASM 33 will continue to apply to the area because SASM 34 was embedded within SASM 33.

**Hearing Panel's Recommendation**

158. The Panel recommends that SASM 34 be removed from the planning maps, Schedule Three, Tables SASM-T4 and SASM-T5, and Rule SASM-R6.

**SASM 36 – Totara Bush Native Reserve**

159. There were ten submission points on SASM 36, including GDC, variously opposing, seeking amendment to the mapped area or requesting more information on the SASM and its implications (Leanne Hart (S326.001), Margaret Steele (S214.001), Angela Sweetman (Trustee) & Patrick William Kennedy (S418.001 & S418.002), Angela Sweetman (S413.001 &

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S413.002), Bruce Truman (S84.001), and Nyoli Waghorn-Rogatski (S301.001)). Bruce Truman considered that only a small area at SH7/Granville Road intersection has historical used, such that a 50 – 100m circle would be sufficient. Poutini Ngāi Tahu made further submissions in opposition to each point.

160. Angela Sweetman (Trustee) and Patrick William Kennedy sought proof of the original reserve. Mr Peter Kennedy presented to the Panel on behalf of these submitters and brought along historical maps showing the location of Totara Bush Native Reserve to show that the mapped area was in the wrong location.
161. Mr Madgwick explained in his written evidence that SASM 36 recognised the Totara Bush Native Reserve. He included text from Kā Huru Manu, as follows:

*This 2,000-acre reserve, north-east of Greymouth, at Totara Flat, was land reserved by the Crown for the Survey Fund under the terms of the Arahura Purchase 1860. Unlike the other reserves allocated under the terms of the Deed, the ownership of this reserve was retained by the Crown. Portions of the reserve were to be sold to Pākehā settlers from time to time to finance the surveying of the other Native Reserves which had been allocated to individuals or allocated for special purposes as part of the Arahura Deed. A portion of the remaining original reserve was vested in Ngāi Tahu Forest Estates Limited as a result of the Ngāi Tahu Claims Settlement Process with surplus land retained by the Crown.*

162. In response to Minute 37, Poutini Ngāi Tahu agreed with Mr Kennedy that the mapped area was incorrect for SASM 36 and withdrew further submission point (FS41.583). Poutini Ngāi Tahu indicated that SASM 36 would be revisited through a future plan change process.
163. In her right of reply, Ms Easton confirmed that she now supported the submitters requesting that the overlay be corrected or removed, and that she would consider whether there was scope to amend the maps through this hearing process once she received updated maps from Poutini Ngāi Tahu.

#### Hearing Panel's Evaluation

164. The Panel did not receive updated planning maps showing the confirmed location of SASM 36 at the time of making recommendations. While there were no rules proposed in relation to SASM 36, the Panel considers that more investigation and accurate mapping is required to appropriately recognise Poutini Ngāi Tahu relationship with Totara Bush Native Reserve. We agree this should be achieved through a future plan change process.

#### Hearing Panel's Recommendation

165. The Panel recommends that SASM 36 be removed from the planning maps and Schedule Three.

#### SASM 39 – Kararoa

166. GDC were the only submitter on SASM 39 (S608.181), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.
167. The s42A Report generally did not support removal of SASM from the Plan.

### **Hearing Panel's Evaluation**

168. Proposed SASM 39 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of mean highwater springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

### **Hearing Panel's Recommendation**

169. The Panel recommends that SASM 39 be removed from the planning maps and Schedule Three.

### **SASM 40 – Ōhinetaketake**

170. There were two submission points on SASM 40, including GDC. Poutini Ngāi Tahu requested the following amendment to the mapped extent of the SASM (S620.327), which was supported in the s42A Report:

*Notified SASM 40*



*Amended SASM 40*



### **Hearing Panel's Evaluation**

171. The Panel are satisfied that the requested amendment reduces the area of SASM 40 and that fewer properties are affected. The Panel note that there are no rules applying to SASM 40 and therefore consideration of its values will only be a matter for discretionary and non-complying activities potentially affecting the SASM. We therefore consider that retention of SASM 40 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

### **Hearing Panel's Recommendation**

172. The Panel recommend that the mapped extent of SASM 40 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

**SASM 41 – Kotorepi (Nine Mile) – silent file**

173. GDC sought the removal of SASM 41 (S608.183), which is addressed earlier in this Report. Bruce Annabell (S189.001) requested undeniable proof of the iwi relationship with SASM 41, having researched the area.
174. Mr Madgwick noted that SASM 41 was a very small area of great significance to Poutini Ngāi Tahu, which is why it is protected by a “silent file”. He noted that any further disclosure of information regarding the site would need to be given in a forum with public excluded to protect the site.

**Hearing Panel’s Evaluation**

175. The Panel did not consider it necessary to require Mr Madgwick to disclose sensitive details about the nature of the site in a closed hearing session. The Panel accepts that there around 10% of “silent files” amongst the notified SASM and that the mapped area is necessary to provide for their protection, while not disclosing the precise location. We consider this small percentage indicates “silent files” have been used sparingly as a mechanism in the Plan, considering the size of the region. We note the RMA contemplates circumstances where Māori need to protect culturally sensitive information (e.g. section 42 protection of sensitive information) and the Panel respects that need, whilst understanding this may be frustrating for the public and for the submitter.
176. The Panel is satisfied the Plan appropriately provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 41.
177. The Panel notes that Schedule Three, at the time of notification, did not reference Rule SASM-R3 for this SASM and consider this requires correction. The Panel notes that it was included in table SASM-T3 in the right of reply evidence.

**Hearing Panel’s Recommendation**

178. The Panel recommends SASM 41 includes Rule SASM-R3 in Schedule Three and is included within the Table SASM-T3.

**SASM 42 – Ahaura Township – silent file**

179. Two submission points opposed SASM 42, including GDC, and Poutini Ngāi Tahu lodged further submissions in opposition.
180. Mr Ken McTigue (S551.001) did not want the overlay on his property and indicated his willingness to pass on any artefacts found (S551.002). He invited a site visit and considered that the site had been dug over in the past for housing. The Poutini Ngāi Tahu response to Minute 37 records that a letter was provided to Ken and Linda McTigue confirming that there were no permitted activity rules impacting their property.
181. Mr Madgwick noted that SASM 42 was located along a trail used by Māori, beside the Ahaura River. He advised it was the site of a battle and is a wāhi tapu, with no rules associated with earthworks. He quoted Kā Huru Manu in relation to this SASM, as follows:

*The Ahaura River drains the western flanks of Kā Tiritiri-o-te-moana (the Southern Alps) before flowing into Māwhera (the Grey River). The Ahaura River was also the start of an*

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*alternative trail through the mountains to Waipara and Kaiapoi. Ahaura was the site of a battle during the Kai Huanga Feud; when a tauā (war-party) from Kaikōura raided the pā at Aromahana (Cobden) they were pursued and caught at Ahaura on the terrace where the township now stands. (Reference: Madgwick, P. (1992) Aotea: A history of the South Westland Maori. Greymouth, N.Z.: Greymouth Evening Star. P25.)*

**Hearing Panel's Evaluation**

182. The Panel did not seek a public excluded session to understand more about this “silent file” area and accepts the evidence that this wāhi tapu site is significant to Poutini Ngāi Tahu. The Panel note that there are no rules applying to SASM 42 and therefore consideration of its values will only be a matter for discretionary and non-complying activities potentially affecting the SASM. The Panel therefore consider that retention of SASM 42 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

**Hearing Panel's Recommendation**

183. The Panel recommend no changes to SASM 42, either in the planning maps or Schedule Three, in response to submissions and evidence.

**SASM 44 – Rapahoe to Nine Mile**

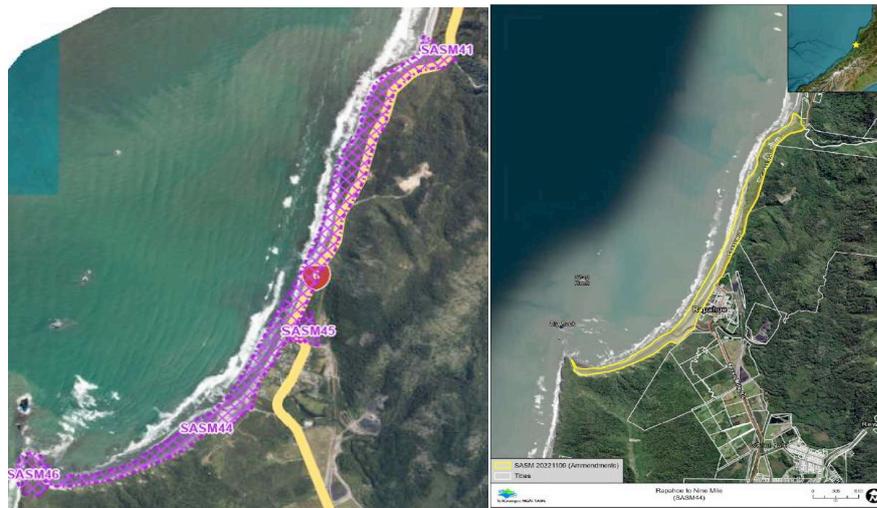
184. Four submission points opposed SASM 44, including GDC, and Poutini Ngāi Tahu submitted to change the mapped area (S620.328), as well as lodging a further submission in opposition.
185. Bruce Annabell (S189.001) sought undeniable proof of an iwi relationship with the area, having done his own research. He considered that the area of significance ended before the Nine Mile Bluff. Madelene Gibson (S215.001) sought information on how the SASM would impact her property in the future. Helen Carter (S209.001) sought removal of the SASM.
186. Mr Madgwick explained that SASM 44 was an example of a ‘cultural landscape’, linked to Poutini Ngāi Tahu pounamu legends, as the landing point for Tairea Waka. He outlined the journey of Tairea Waka, pursued by Tama Ahua, and the drowning of Hineaotea in the Makaawhio River and Hinatangiwai at Piopiotahi, before the waka itself sank in the upper Arahura River with the loss of Hinekawakawa and Hinepounamu, which accounts for the pounamu in the Arahura River. He detailed that SASM 44 contained a known burial ground that pre-dated Ngāi Tahu conquest, and that there was an archaeological site recorded as a burial site in the operative Grey District Plan, as well as in Appendix Ten to the Plan. He included text from Kā Huru Manu, as follows:

*Kotorepi (Nine Mile Creek) is located north of Māwhera (Grey River) on Te Tai Poutini (the West Coast). Kotorepi is the place where the renowned Tairea waka of the pounamu legends was bailed out. The waka was hauled ashore here for repairs before continuing on its journey, which is why pounamu is sometimes found here.” (Reference: Taylor, W.A. (1952) Lore and history of the South Island Māori. Christchurch, N.Z.: Bascands. P175 & 187.)*

187. The submission of Poutini Ngāi Tahu requested the following amendment to the mapped area of SASM 44:

Notified SASM 44

Amended SASM 44



### Hearing Panel's Evaluation

188. The Panel consider there is a reduction in the notified mapped extent of SASM 44 and the amended map provided in submission from Poutini Ngāi Tahu. On that basis the Panel accept the proposed amendment and the evidence of Mr Madgwick regarding the cultural significance of the area. We note that there are no rules applying to SASM 44 and therefore consideration of its values will only be a matter for discretionary and non-complying activities potentially affecting the SASM. The Panel therefore consider that retention of SASM 44 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development. Although the mapped area appears to extend partially into the coastal marine area, the Panel note that the jurisdiction of the district plan is limited to the coastal environment on the landward side of the coastal marine area.

### Hearing Panel's Recommendation

189. The Panel recommend that the mapped extent of SASM 44 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change

### SASM 47 – Māwheranui Native Reserve

190. There were two submission points on SASM 47, including GDC. Poutini Ngāi Tahu requested amendment to Schedule Three to remove application of Rules SASM-R4 and SASM-R6 (S620.329), which was supported in the s42A Report.

### Hearing Panel's Evaluation

191. The Panel note that SASM 47 is not referenced in the rule tables as recommended in the s42A Report. We accept the evidence of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures or indigenous vegetation clearance as permitted activities in relation to SASM 47. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. We consider that retention of SASM 47 in the planning maps and Schedule Three recognises the

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significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

**Hearing Panel's Recommendation**

192. The Panel recommend that reference to Rules SASM-R4 and SASM-R6 are removed from Schedule Three in relation to SASM 47.

**SASM 48 – Brunner**

193. There were two submission points on SASM 48, including GDC. Poutini Ngāi Tahu requested the following amendment to its mapped extent (S620.330), which was supported in the s42A Report:

*Notified SASM 48*



*Amended SASM 48*



**Hearing Panel's Evaluation**

194. The Panel accept the proposed amendment reduces the extent of SASM 48 and on that basis the amendment is considered acceptable. We note that there are no rules applying to SASM 48 and therefore consideration of its values will only be a matter for discretionary and non-complying activities potentially affecting the SASM. We therefore consider that retention of SASM 48 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

**Hearing Panel's Recommendation**

195. The Panel recommend that the mapped extent of SASM 48 be amended as shown in the submission of Poutini Ngāi Tahu, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

**SASM 51 No. 34 Kōtukuwhakaoko Native Reserve**

196. There were two submission points on SASM 51, including GDC. Poutini Ngāi Tahu requested amendment to Schedule Three to remove application of Rule SASM-R6 (S620.331), which was supported in the s42A Report.

**Hearing Panel's Evaluation**

197. The Panel accept the evidence of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures as a permitted activity in relation to SASM 51. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach

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of building height standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant. The Panel consider that retention of SASM 51 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.

**Hearing Panel’s Recommendation**

198. The Panel recommend that reference to Rule SASM-R6 is removed from Schedule Three in relation to SASM 51.

**SASM 52 – Cobden Native Reserve**

199. GDC sought the removal of SASM 52 (S608.194), which is addressed earlier in this report. No other submissions were specific to this SASM.

**Hearing Panel’s Evaluation**

200. The Panel notes that SASM 52 was included in Table SASM-T5 in the right of reply evidence. However, SASM 52 is not specifically referenced in notified Rule SASM-R5 and is not categorised in notified Schedule Three as “*Category Tahī (1)*”. The Panel therefore considers SASM 52 should not be included in Table SASM-T5.

**Hearing Panel’s Recommendation**

201. The Panel recommends SASM 52 is removed from Table SASM-T5 and no changes to Schedule Three.

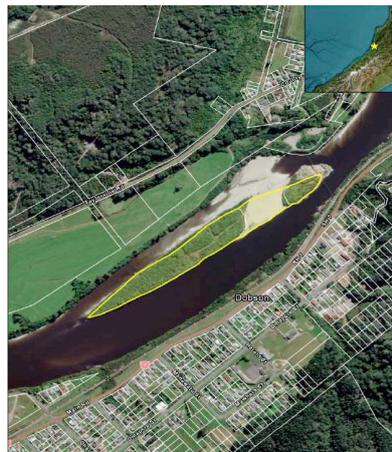
**SASM 54 - Motutapu**

202. There were two submission points on SASM 54, including GDC. Poutini Ngāi Tahu requested the following amendment to its mapped extent, in order to merge together two sites (S620.332), which was supported in the s42A Report:

*Notified SASM 54*



*Amended SASM 54*



**Hearing Panel’s Evaluation**

203. The Panel considers there is marginal difference between the notified area of SASM 54 and the amendment sought by Poutini Ngāi Tahu and on that basis accept the amendment.

### **Hearing Panel's Recommendation**

204. The Panel recommend that the mapped extent of SASM 54 be amended as shown in the submission of Poutini Ngāi Tahu.

### **SASM 55 – Māwhera Burial Cave Site**

205. Two submission points opposed SASM 55, including GDC, and Poutini Ngāi Tahu made a further submission in opposition. Mr Alan O'Connell (S6.001) requested his freehold section to be taken out of the overlay.

206. Ms Easton did not discuss this submission or further submission in her s42A Report.

Mr Madgwick explained that SASM 55 was a small but significant site because it was an ancient burial cave. He noted that although the burial cave was gone, due to blasting and quarrying for harbour works in the early 1900s, the site was still of great significance. He highlighted that SASM 55 was embedded within SASM 62.

207. Mr Madgwick considered that sale of the land by Māwhera Inc. did not change the cultural association for Poutini Ngāi Tahu. He included SASM 55 in his request for a public excluded session if further information was required, although his evidence did not specifically state that the site was a "silent file".

208. Ms Easton confirmed in her right of reply that due to the grazing of animals not being a relevant activity in this area, SASM 55 should be removed from Table SASM-T1, so that Rule SASM-R1 did not apply.

### **Hearing Panel's Evaluation**

209. The Panel accepts that grazing animals is not a matter of concern for SASM 55 due to its location and small size and therefore accepts the amendment proposed by Ms Easton, including its removal from Table SASM-T1.

210. The Panel is satisfied that the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 55, through applicable rules in this case. We also accept that SASM 55 is a discrete area of high sensitivity and therefore the approach is appropriate to assist in protecting remaining values at the site, whilst providing pathways for appropriate subdivision, use and development.

### **Hearing Panel's Recommendation**

211. The Panel recommend the reference to Rule SASM-R1 is removed from Schedule Three in relation to SASM 55, and that SASM 55 is removed from Table SASM-T1.

### **SASM 56 – Māwhera Pā 1**

212. GDC sought the removal of SASM 56, which is addressed earlier in this Report. Poutini Ngāi Tahu sought to amending the shape file (S620.333) as follows, which was supported in the s42A Report:

*Notified SASM 56*

*Amended SASM 56*



**Hearing Panel's Evaluation**

- 213. The Panel consider this requested amendment can be accommodated, to the extent that it does not increase the area of SASM and does not incorporate additional landowners within the footprint of the SASM.
- 214. The Panel notes that Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. We note that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with Rule SASM-R9.

**Hearing Panel's Recommendation**

- 215. The Panel recommends SASM 56 includes Rule SASM-R9 in Schedule Three and is included within Table SASM-T8. We recommend amending the planning maps in relation to SASM 56 in accordance with the Poutini Ngāi Tahu submission point (S620.333) only to the extent that it does not increase the area of SASM and does not incorporate additional landowners within the footprint of the SASM.

**SASM 57 – Māwhera Gardens**

- 216. GDC sought the removal of SASM 57 (S608. 199), which is addressed earlier in this report. Black Singlet Investments Limited also sought to remove the SASM from their property (S395.001) because the land was purchased freehold from Māwhera Inc.
- 217. The s42A Report did not support these submissions. It noted that the significance of the Māwhera settlement around the lagoon area to Poutini Ngāi Tahu remained regardless of land tenure.

**Hearing Panel's Evaluation**

- 218. The Panel accept the area is of significance to Poutini Ngāi Tahu regardless of land ownership.
- 219. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with rule SASM-R9.

**Hearing Panel’s Recommendation**

220. The Panel recommends no change to the planning maps in relation to SASM 57. We recommend including Rule SASM-R9 in Schedule Three and Table SASM-T8 in relation to this SASM.

**SASM 58 – Greymouth Railway Land**

221. GDC sought the removal of SASM 58 (S608.200), which is addressed earlier in this Report. Black Singlet Investments Limited sought to remove the SASM from their property (S395.001) because the land was purchased freehold from Māwhera Inc. Both submission points were rejected in the s42A Report.

**Hearing Panel’s Evaluation**

222. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with Rule SASM-R9.

**Hearing Panel’s Recommendation**

223. The Panel recommends no change to the planning maps in relation to SASM 58. We recommend including Rule SASM-R9 in Schedule Three and Table SASM-T8 in relation to this SASM.

**SASM 59 – Māwhera Pā 2**

224. GDC sought the removal of SASM 59, which is addressed earlier in this report. Poutini Ngāi Tahu sought to amend the shape file (S620.334), with some increases and decreases in shape, as follows, which is supported in the s42A Report:

*Notified SASM 59*

*Amended SASM 59*



**Hearing Panel’s Evaluation**

225. The Panel considers that requested amendment can be accommodated to the extent that it does not increase the area affected by the SASM or incorporate additional landowners within the footprint of the SASM.

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226. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in table SASM-T8 in the right of reply evidence, and that it was notified with Rule SASM-R9.

**Hearing Panel’s Recommendation**

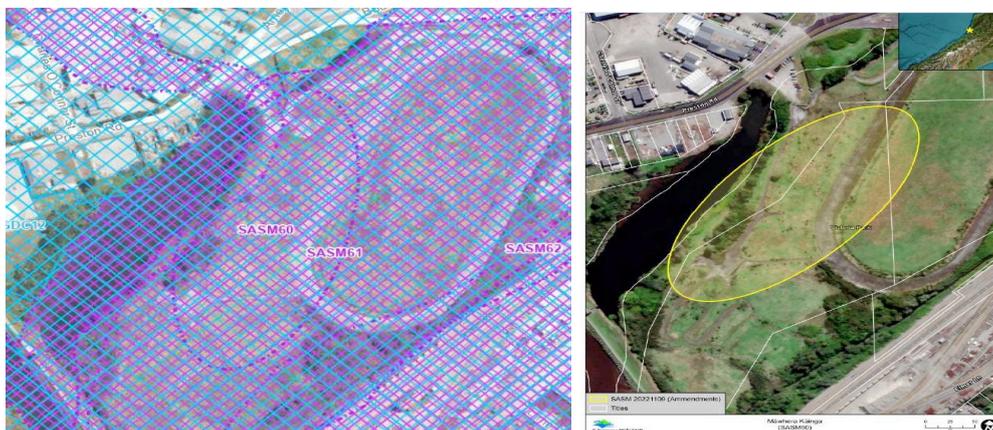
227. The Panel recommends SASM 59 includes Rule SASM-R9 in Schedule Three and is included within Table SASM-T8. We recommend that any change to the mapped extent of SASM 59 in response to the Poutini Ngāi Tahu submission is only to the extent it reduces the extent of land potentially affected by the SASM.

**SASM 60 – Māwhera Kainga**

228. GDC sought the removal of SASM 60 (S608.202), which is addressed earlier in this Report. Poutini Ngāi Tahu sought to amend the shape file (S620.335), to change the orientation of the shape as follows, which was supported in the s42A Report:

*Notified SASM 60*

*Amended SASM 60*



**Hearing Panel’s Evaluation**

229. The Panel are not recommending any changes in mapped area of SASMs unless the change affects the same landowners, so if the proposed amendment involves new landowners within the shape of the SASM this will need to be made by way of a variation. The Panel has identified that Schedule Three at the time of notification did not reference SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in table SASM-T8 in the right of reply evidence, and that it was notified with rule SASM-R9.

**Hearing Panel’s Recommendation**

230. The Panel recommends SASM 60 includes Rule SASM-R9 in Schedule Three and Table SASM-T8. We recommend accepting the change to the mapped extent of the SASM in response to the Poutini Ngāi Tahu submission to the extent that there are no incidental increases or any additional affected landowners as a result of the change.

**SASM 61 – Victoria Park**

231. GDC sought the removal of SASM 61 (S608.203), which is addressed earlier in this Report.

### **Hearing Panel's Evaluation**

232. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with rule SASM-R9.

### **Hearing Panel's Recommendation**

233. The Panel recommends SASM 61 includes Rule SASM-R9 in Schedule Three and within Table SASM-T8.

### **SASM 62 – No. 31 Māwhera Native Reserve**

234. There were seven submission points on SASM 62 and Poutini Ngāi Tahu lodged five further submissions.
235. William Johnsen (S182.001) requested removal of the SASM from freehold property. Melva Crampton (S401.001) wanted the SASM removed due to concerns regarding future potential restrictions, consequences for valuations and sale prices, and that the property was purchased freehold 34 years previous, indicating that local iwi no longer had an interest in the property. Murray Cochrane (S435.001) wanted the SASM removed because of uncertainty about future restrictions and that it would affect his LIM report. Alain Daunes (S199.002) sought removal of the SASM from 36 Chapel Street, Greymouth, as did Mr Allan Hinch (S219.001), due to insufficient consultation. Black Singlet Investments (S395.001) wanted the SASM removed from 130 Māwhera Quay, Greymouth.
236. Ms Easton did not support these submissions in her s42A Report on the basis that land ownership was not a factor in considering cultural significance to Poutini Ngāi Tahu.
237. Mr Madgwick explained that SASM 62 recognised the Māwhera Native Reserve and contained archaeological sites recorded as 'burial tomo' and 'village', as recorded in the operative Grey District Plan and Appendix Ten of the Plan. Mr Madgwick shared text from Kā Huru Manu, as follows:

*This 500-acre reserve is situated within Greymouth. In 1856, the reserve came under the control of Native Reserves Act and 181 acres were subdivided into town allotments with a system of leasing introduced. The remaining 319 acres of the reserve was regarded as being unsuitable for building. By 1875, there were approximately 323 leases in place. In 1878, the Young Commission determined that the ownership of the reserve resided with Wereta Tainui and 25 others in unequal shares as tenants in common. In 1921, management of the reserve was vested in the Māori Trustee, prior to this control had been with the Public Trust. Since 1976, the remaining land has been vested in the Māwhera Incorporation to facilitate the management, use and development of the land.*

238. Ms Pull noted that Poutini Ngāi Tahu submitted to amend the permitted activity rules, so that SASM 62 would consequently be added to proposed Table SASM-T8 and acknowledged that this was accepted in the s42A Report.

### **Hearing Panel's Evaluation**

239. The Panel confirms that the s42A Report recommended incorporating SASM 62 in Table SASM-T8 but did not add Rule SASM-R9 to Schedule Three in relation to SASM 62. We note Mr Kennedy (for Westpower) questioned the applicability of Rule SASM-R9 in this area and

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the overlap with other SASM. We recognise the relevance of Rule SASM-R9 for maintenance, repair and upgrade of network utility structures within the urban portion of SASM 62, and that the other SASM, within SASM 62 in this urban portion, refer to rules other than Rule SASM-R9. In that respect, with SASM 62 being the larger area, we consider Rule SASM-R9 will apply to the other SASM located within SASM 62. However, the Panel is unable to find a submission point that would provide scope for the change sought by Poutini Ngāi Tahu to add reference to Rule SASM-R9. We therefore consider this needs to be addressed by a future plan change process.

240. The Panel accepts the evidence of Poutini Ngāi Tahu regarding cultural association with this area and consider submitters' concerns about effects on their freehold properties are unwarranted given their existing use rights will be largely unaffected. The main impact will be consideration of Poutini Ngāi Tahu values at the time of making application for any discretionary or non-complying activities.

#### Hearing Panel's Recommendation

241. The Panel recommends no changes in response to submissions.

#### SASM 63 – No. 32 Ngā Moana e Rua Native Reserve

242. Two submission points opposed SASM 63, including GDC, and Poutini Ngāi Tahu lodged a further submission.
243. Mr Ronald Olsen (S130.001) requested that his property at 138 Preston Road be left out of SASM 63 because it was sold by Māhwera Inc. some years ago. He indicated that the old grave site was situated over 100 metres away and so the property should not be considered significant.
244. The s42A Report did not support the submission because it did not consider land ownership status to be a relevant factor in recognising the areas significance to Poutini Ngāi Tahu.
245. Mr Madgwick explained that SASM 63 recognised the Ngā Moana e Rua Native Reserve. He cited Kā Huru Manu, as follows:

*This 4-acre reserve is situated within Greymouth, and originally bordered Lake Karoro. Originally estimated at 8 acres, this was reduced to 4 acres and later subdivided into three smaller subdivisions (Lot 4 on DP 497 - urupā). In 1878, the Young Commission determined that the ownership of the reserve resided with Wereta Tainui and two others, as trustees of the burial ground. In 1921, management of the reserve was vested in the Māori Trustee, prior to this control had been with the Public Trust, with early records noting that leases had been arranged on the block as early as 1866. The ownership of the reserve wasn't determined until 1925, when the Court ascertained that nine people were entitled to an interest. Since 1976, the remaining land was vested in the Māwhera Incorporation to facilitate the management, use and development of the land.*

#### Hearing Panel's Evaluation

246. The Panel notes Schedule Three, as notified, did not reference Rule SASM-R9 for this SASM, which requires correction. The Panel notes that it was included in Table SASM-T8 in the right of reply evidence, and that it was notified with Rule SASM-R9. We accept that the area is of cultural significance to Poutini Ngāi Tahu and note that the rule specific to SASM 63 potentially impacts network utility operators rather than landowners. We therefore consider that

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retention of SASM 63 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development

**Hearing Panel’s Recommendation**

247. The Panel recommends SASM 63 includes Rule SASM-R9 in Schedule Three and is included within Table SASM-T8.

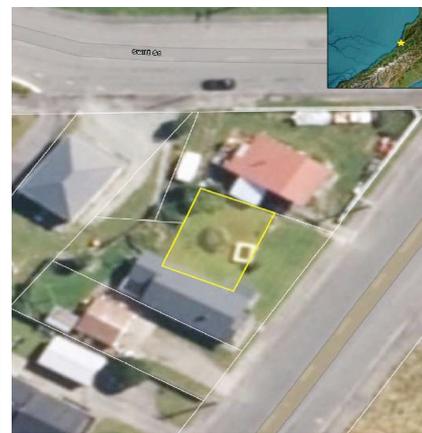
**SASM 64 –Blaketown Part Reserve - Silent File**

248. There were two submission points on SASM 64, including GDC. Poutini Ngāi Tahu requested amendment to its mapped extent (S620.336), which was supported in the s42A Report as follows:

*Notified SASM 64*



*Amended SASM 64*



**Hearing Panel’s Evaluation**

249. The Panel note that the ellipse shape originally notified for SASM 64 was west of the requested amendment to its mapped location. The amendment affects a property already affected by the notified map location and reduces the effect on properties that were otherwise included in the SASM at the time of notification. On the basis that no new landowners are affected and there is a reduction in the size and effect of SASM 64, we consider the requested amendment is acceptable.
250. The Panel observe that SASM 64 is a small and discrete location that is indicated as a “silent file”. We consider that the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 64, through applicable rules in this case.

**Hearing Panel’s Recommendation**

251. The Panel recommend that the mapped extent of SASM 64 is amended as shown in the submission of Poutini Ngāi Tahu.

**SASM 65 - Eruaerua Moana Lagoon**

252. There were three submission points on SASM 65, including GDC.

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253. Richard Cairney (S56.001) requested that SASM not apply to freehold properties. Poutini Ngāi Tahu sought to replace “*Eruaerua Moana Lagoon*” with “*Ngā Moana e Rua and Sawyers Creek*” as the title of the SASM (S620.337).

#### Hearing Panel’s Evaluation

254. The Panel consider that retention of SASM 65 in the planning maps and Schedule Three recognises the significance of the area to Poutini Ngāi Tahu and provides for appropriate subdivision, use and development.
255. The Panel accept that Poutini Ngāi Tahu are best placed to determine the relationship with this area and the appropriate name for it.

#### Hearing Panel’s Recommendation

256. The Panel recommend deleting “*Eruaerua Moana Lagoon*” and replacing it with “*Ngā Moana e Rua and Sawyers Creek*” in Schedule Three in relation to SASM 65.

### **SASM 66 - No. 33 Kaiata Native Reserve**

257. There were two submission points on SASM 66, including GDC. Poutini Ngāi Tahu requested that Rule SASM-R6 no longer apply to this SASM, with corresponding amendment to Schedule Three (S620.339).

#### Hearing Panel’s Evaluation

258. The Panel accept the advice of Poutini Ngāi Tahu that it is not appropriate to manage earthworks, buildings and structures as a permitted activity in this location.

#### Hearing Panel’s Recommendation

259. The Panel recommend removing reference to Rule SASM-R6 from Schedule Three for SASM 66 and removing SASM 66 from Table SASM-T6.

### **SASM 67 - Kōtukuwhakaako/Arnold River**

260. GDC was the only submitter on SASM 67 (S608.209), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.

261. The s42A generally did not support removal of SASM from the Plan.

#### Hearing Panel’s Evaluation

262. The Panel have identified that the planning maps incorporate the whole of the river as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the river, Schedule Three will need to record “*Waterbody*” in the “*Values*” column, which will allow for movement of the river, as with other such waterbodies specified in the Schedule.

### Hearing Panel's Recommendation

263. The Panel recommend incorporating reference to “*Waterbody*” in Schedule Three in association with this SASM.

### SASM 68 – Paroa Lagoon

264. There were a large number of submission points in relation to SASM 68 that sought realignment of the eastern border of the area to aligned with the western side of State Highway 7.

*Amended SASM 68*



### Hearing Panel's Evaluation

265. The Panel note the s42A Report considered the submission points had been addressed by the TTPP Committee as a minor amendment under RMA Schedule 1 clause 16 to resolve the issue raised by the submitters. We note Poutini Ngāi Tahu also requested amending the eastern border of SASM 68 to align with the western side of the State Highway (S620.340). The Panel also consider that assigning “*Waterbody*” in the “*Values*” column of Schedule Three would account for any movement of the waterbody over time.

### Hearing Panel's Recommendation

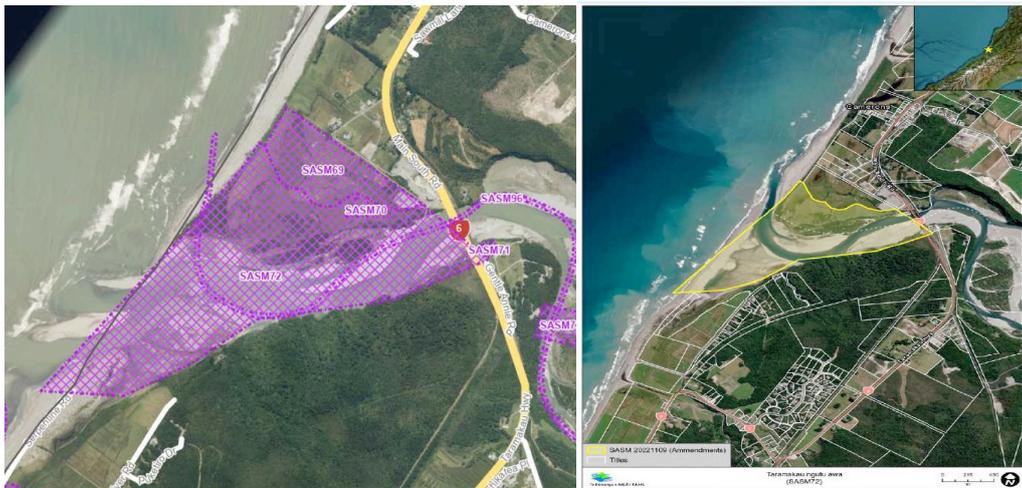
266. The Panel recommend removing reference to Rule SASM-R6 from Schedule Three for SASM 66 and removing SASM 66 from Table SASM-T6.
267. The Panel also recommends amending the planning maps to show SASM 68 aligning with State Highway 7 on its eastern boundary and incorporating reference to “*Waterbody*” in Schedule Three.

### SASM 72 - Taramakau Kāinga

268. There were two submission points on SASM 72, including GDC. Poutini Ngāi Tahu requested that it be renamed as “*Taramakau Ngutu Awa*” and that its mapped extent be amended (S620.341, S620.342), which was supported in the s42A Report as follows:

Notified SASM 72

Amended SASM 72



### Hearing Panel's Evaluation

269. The Panel accept the advice of Poutini Ngāi Tahu regarding the appropriate name for this SASM. The Panel consider the requested amendment to the mapped extent of SASM 72 is a reduction in extent and therefore consider it can be supported less land is included and the same landowners are affected.

### Hearing Panel's Recommendation

270. The Panel recommend deleting "*Taramakau Kāinga*" and replacing it with "*Taramakau Ngutu Awa*" in relation to SASM 72; and amending the mapped extent of the SASM in accordance with the Poutini Ngāi Tahu submission to the extent that there are no increases in the extent of land included and no additional landowners are potentially affected as a result of the change.

### SASM 74 – Lake Haupiri Nohoanga

271. The Poutini Ngāi Tahu submission contained a request to amend the shape of SASM 74. Although the submission point for this amendment was not clear, being missed off the summary of submissions report, the s42A Report supported the requested amendment.

Notified SASM 74

Amended SASM 74



### **Hearing Panel's Evaluation**

272. The Panel consider that the amendment can be accepted because there are no new landowners affected by the change.

### **Hearing Panel's Recommendation**

273. The Panel recommend amending the mapped extent of the SASM in accordance with the Poutini Ngāi Tahu submission, only to the extent that there are no incidental increases that impact on any additional landowners as a result of the change.

### **SASM 75 – Taramakau Mussel Bed**

274. GDC were the only submitter on SASM 39 (S608.217), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.
275. The s42A Report generally did not support removal of SASM from the Plan.

### **Hearing Panel's Evaluation**

276. Proposed SASM 75 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of the mean highwater springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

### **Hearing Panel's Recommendation**

277. The Panel recommends that SASM 75 be removed from the planning maps and Schedule Three.

### **SASM 79 – Cashmere Bay, Te Kinga**

278. There were seven submission points on SASM 79, one in support (David Ellerm (S581.023) and six submissions sought amendments that were variously recorded as in support or opposed (Moreporks Lakeside Lodge Ltd (S470.002), Glenn Colenso (S155.001), Michael Chernishoff (S156.001), Te Kinga/Iveagh Bay Residents & Ratepayers Association (S531.001), Mike Greer Family Trust & Daniel Chima Trust (S530.001) and Poutini Ngāi Tahu (S620.343). Four submissions sought that SASM 79 should continue to have no specific rules apply to it<sup>10</sup>, which the s42A Report supported.
279. The s42A Report recommended no further amendment to the boundaries of SASM 79 and relied on amendments already made by the TTPP Committee using RMA Schedule 1, clause 16.
280. Mr Madgwick explained that Poutini Ngāi Tahu submitted to shrink the area of SASM 79 to remove private properties inadvertently included in the circle. He recommended no further amendments to those made by the TTPP Committee, which he considered addressed submitter concerns.

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<sup>10</sup> Moreporks Lakeside Lodge Ltd (S470.003), Jane Whyte & Jeff Page (S467.031), Mike Greer Family Trust and Daniel Chima Trust (S530.002) and Te Kinga/Iveagh Bay Residents & Ratepayers Association (S531.002)

*Amended SASM 79*



281. Te Kinga/Iveagh Bay Residents & Ratepayers Association were represented at the hearing by their Chairman Grant Moreton and their Secretary John Hanning. In their statement to the Panel, Mr Moreton and Mr Hanning outlined membership of the association, their purpose, and projects to enhance the area for the benefit of residents and the visiting public, including native plantings and pest management. They explained that their biggest project was refurbishment and reconstruction of the boat ramp on the foreshore, which was within the boundaries of SASM 79. They noted the amended SASM boundaries, to exclude private properties, still covered the lake foreshore and grass area. They requested that these areas also be excluded due to concerns it could affect access for residents and the public, or that Ngāi Tahu access would be prioritised. They emphasised the importance of the boat ramp for safely launching on the northeastern side of Lake Brunner, high use of the ramp (100 – 200 launchings on a busy day), and its role in local Civil Defence emergency planning. They also requested that Schedule Three remain blank in relation to “relevant Permitted Activity rules”.
282. In response to Minute 37, Poutini Ngāi Tahu advised that a letter had been sent to Te Kinga/Iveagh Bay Residents & Ratepayers Association on 30 April 2024 to confirm that there would be no impact on public access to the boat ramp and surrounds at Cashmere Bay because SASM Chapter rules did not apply.

**Hearing Panel’s Evaluation**

283. The Panel are satisfied that boundary amendments have been made in response to submitter concerns regarding application of the SASM to private properties by the TTPP Committee through RMA Schedule 1, Clause 16. We accept that there will be no impact on users of the foreshore or boat ramp as a consequence of the edges of the lake being included within the boundaries of SASM 79 because there are no applicable rules. If a resource consent is required as a result of a rule in another chapter of the Plan (e.g. a breach of building standard for the zone), SASM objectives and policies will apply, along with other objectives and policies in the Plan as relevant.
284. The Panel consider that SASM 79 recognises Poutini Ngāi Tahu relationship with the historic pā site at the margin of the lake and foreshore area.

**Hearing Panel's Recommendation**

285. The Panel recommends no further change to SASM 79, either in relation to the mapped boundaries or application of rules.

**SASM 81 – Takataka Islands**

286. There was one submission specific to SASM 81 from GDC (S608.223).

**Hearing Panel's Evaluation**

287. The Panel notes that SASM 81 was included in Table SASM-T5 in the right of reply evidence and was part of notified SASM-R5 due to being categorised as "*Category Tahi (1)*". The Panel consider this is an error that needs correcting.

**Hearing Panel's Recommendation**

288. The Panel recommend that SASM 81 is retained in Table SASM-T5 and reference to SASM-T5 is made in Schedule Three in relation to SASM 81.

**SASM 82 – Kōtukuwhakaoko/Lake Brunner (Moana)**

289. There were two submission points on SASM 82, including GDC. Poutini Ngāi Tahu requested that reference to Statutory Acknowledgement be removed from Schedule Three (S620.344), which was supported in the s42A Report.

**Hearing Panel's Evaluation**

290. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them, as recognised by the Statutory Acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lake is a Statutory Acknowledgement Area arising from the Treaty Settlement process. The Panel consider that Schedule 25 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Kōtukuwhakaoko/Lake Brunner (Moana). The Panel also consider that Schedule Three should reflect that this SASM is a waterbody, so that both the planning maps and the Schedule work together to identify the relationship of Poutini Ngāi Tahu with this waterbody.

**Hearing Panel's Recommendation**

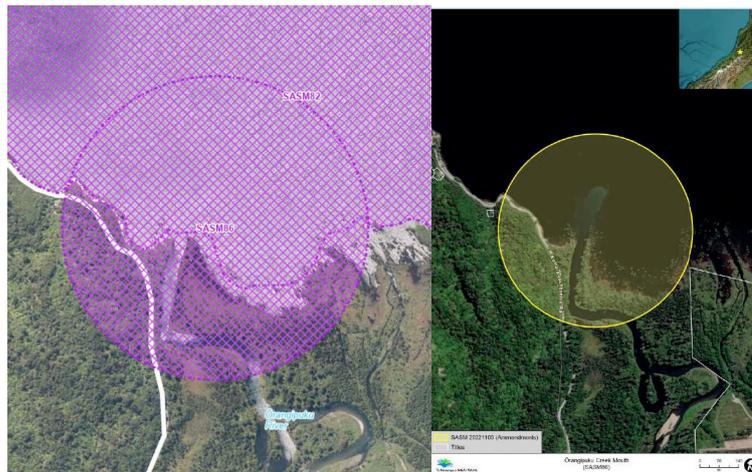
291. The Panel recommend amendment to Schedule Three in relation to SASM 82 to include "*Waterbody*" within the "*Values*" column.

**SASM 86 - Ōrangipuku Creek Mouth**

292. There were two submission points on SASM 86, including GDC. Poutini Ngāi Tahu requested changes to its mapped extent (S620.345), which as supported in the s42A Report as follows:

Notified SASM 86

Amended SASM 86



### **Hearing Panel's Evaluation**

293. The Panel are satisfied that the change in mapped extent is a reduction in area included and accept this is acceptable given any potential effect of the SASM on landowners is also reduced.

### **Hearing Panel's Recommendation**

294. The Panel recommend amendment to the map of SASM 86 as per the Poutini Ngāi Tahu submission only to the extent that there are no incidental increases in extent and no additional landowners are potentially impacted as a result of the change.

### **SASM 87 – Kapukapuka Lagoon**

295. GDC was the only submitter on SASM 67 (S608.229), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.
296. The s42A generally did not support removal of SASM from the Plan.

### **Hearing Panel's Evaluation**

297. The Panel have identified that the planning maps incorporate the whole of the lagoon as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the lagoon, Schedule Three will need to record “Waterbody” in the “Values” column, which will allow for movement of the lagoon, as with other such waterbodies specified in the Schedule.

### **Hearing Panel's Recommendation**

298. The Panel recommend incorporating reference to “Waterbody” in Schedule Three in association with this SASM.

### **SASM 94 - No. 30 Arahura Native Reserve**

299. There was only one submission specific to SASM 94 from GDC (S608.236).

### **Hearing Panel's Evaluation**

300. The Panel note the notified Plan included Rules SASM-R4 and SASM-R9 but this was not included in Schedule Three, which requires correction. The Panel note SASM 94 was included in the right of reply evidence and in notified Table SASM-T8.

### **Hearing Panel's Recommendation**

301. The Panel recommend that Schedule Three include reference to SASM-R9 and in Table SASM-T8 in relation to SASM 94.

### **SASM 96 – Taramakau River**

302. There were three submission points on SASM 96, including GDC. Ian Stewart (S124.001) sought amendment to the mapped area of the SASM. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.346).
303. Mr Ian Stewart presented in person at the hearing and brought with him aerial maps of the Taramakau River in relationship with his property. His main concern was the impact of gold dredging undertaken in the vicinity forty years ago that had changed the course of the river. Mr Stewart explained that he was progressing efforts to return the river to its original channel. He wanted to ensure the SASM connected with the river's the original channel when the river moved back, rather than staying where it was identified.
304. At the hearing, Mr Madgwick indicated willingness to work with Mr Stewart to resolve the matter. In response to Minute 37, the memorandum of counsel on behalf of Poutini Ngāi Tahu indicated that the SASM could be adjusted to follow the channel corresponding with the course of the river in the early 1900s, whilst noting that this would not be consistent with the approach taken for the rest of the river. The memorandum records that both the historic channel and line of SASM 96 were within the bed of the Taramakau River and therefore, the proposed change would not affect other landowners. A GIS file of the proposed change is shown in the map below:



### **Hearing Panel's Evaluation**

305. The Panel acknowledge that the movement of waterbodies and their channels over time is a challenge for SASM that are mapped to follow waterbodies. The Panel understand that implementation of SASM rules is dependent upon both Schedule Three and the accompanying planning maps, such that Schedule Three may reference the active channel of waterbodies in combination with the maps. For Mr Stewart this would mean that an adjustment to the map could be made, as agreed by Mr Madgwick, but until the active channel of the river followed the old course of the river (as shown in the amended map), reference in the schedule to the active channel would mean the intent of the SASM would be preserved. The Panel do not consider it necessary to remove reference to the Statutory Acknowledgement for this river because the Panel understand that it is acknowledging Poutini Ngāi Tahu association with the river, irrespective of whether it moves over time. The Panel consider that Schedule 56 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Taramakau River. The Panel also consider that Schedule Three needs to reference this SASM as a waterbody, to ensure that the combination of the planning maps and Schedule apply to identify the river as a whole as a SASM.
306. The Panel note that SASM 96 was included in Rule SASM-R9, as notified, but this was not shown in Schedule Three. The right of reply evidence included SASM 96 in Table SASM-T8.

### **Hearing Panel's Recommendation**

307. The Panel recommend that the map of SASM 96 is amended as agreed between Mr Madgwick and Mr Stewart, and as shown in the map above. The Panel recommend retaining reference to the Statutory Acknowledgement. The Panel also recommend that Schedule Three is amended to show Rule SASM-R9 and included in Table SASM-T8 in relation to SASM 96, and incorporate reference to "Waterbody" in the "Values" column.

### **SASM 98 - Māhinapua Pā**

308. There were two submissions on SASM 98, including GDC. Poutini Ngāi Tahu requested changes to its mapped extent (S620.347), which was supported in the s42A Report as follows:

*Notified SASM 98*

*Amended SASM 98*



### **Hearing Panel's Evaluation**

309. The Panel consider that the amended shape of the SASM helps to clarify the area of interest to Poutini Ngāi Tahu, however it appears to be a reduction in extent in some areas and potentially an increase in extent in other areas. The Panel recommends amendments where the extent of land included is reduced from the notified mapping.

### **Hearing Panel's Recommendation**

310. The Panel recommends amending the mapping where the extent of land included in the SASM is reduced and where there are no incidental increases that impact on any additional landowners as a result of the change.

### **SASM 101 – Hokitika Pā**

311. There were four submission points on SASM 101, including GDC. Samantha Pooley (S291.001), Susanne Pooley (S292.001) and Bradley Serong (S294.001) sought to remove SASM 101 from their freehold properties at Arthurstown Road. Both Samantha and Susanne Pooley noted Māwhera Inc. kept an interest in a neighbouring 8 metre strip, connecting a paper road to the Hokitika River, but they did not believe her property impeded interests in that site.
312. The s42A Report attributed these submission points to SASM 102 and did not support them because Ms Easton considered that Poutini Ngāi Tahu values were not dependent upon land ownership status.
313. Mr Madgwick on behalf of Poutini Ngāi Tahu provided evidence of the values of SASM 101, identify it as containing a pā site and cultivations, being part of No. 24 Hokitika Native Reserve. He notes that Kā Huru Manu records this as a 400 acre reserve situated on the south bank of the Hokitika River. He emphasised the importance of reserve lands because they were some of the few areas left in Māori ownership after the Arahura Deed of Purchase in 1860. He reiterated that sale by Māwhera Inc did not indicate there were no cultural values present.

### **Hearing Panel's Evaluation**

314. The Panel note that SASM 101 is part of SASM 102, because SASM 102 is the whole of the No. 24 Hokitika Native Reserve. The Panel accept the evidence of Mr Madgwick regarding the values present within SASM 101.

### **Hearing Panel's Recommendation**

315. The Panel recommends no change to the planning maps or Schedule Three in response to submissions.

### **SASM 102 – No.24 Hokitika Native Reserve**

316. There were two submission points on SASM 102, including GDC. Poutini Ngāi Tahu sought to remove reference to Rule SASM-R4 and Rule SASM-R6 from Schedule Three in relation to this SASM, on the basis that earthworks, buildings and structures and indigenous vegetation clearance could occur at the site without the need to consult with Poutini Ngāi Tahu (S620.423).
317. The s42A Report supported the submission of Poutini Ngāi Tahu to remove permitted activity rule references.

### Hearing Panel's Evaluation

318. The Panel note that the right of reply evidence included SASM 102 in Tables SASM-T4 and Rule SASM-T6. We consider this is an error because the reply evidence showed rules deleted in Schedule Three in response to the submission of Poutini Ngāi Tahu.
319. The Panel accept the advice of Poutini Ngāi Tahu regarding the values of the area and that it is not appropriate for the earthworks, buildings and structures or indigenous vegetation clearance permitted activity rules to apply to the area. We understand that the intent of Poutini Ngāi Tahu is to enable use of the land, which the Panel considers addresses some of the concerns expressed by the submitters on SASM 101 (within SASM 102), given that it will only be discretionary and non-complying activities that will need to address potential effects on the SASM.

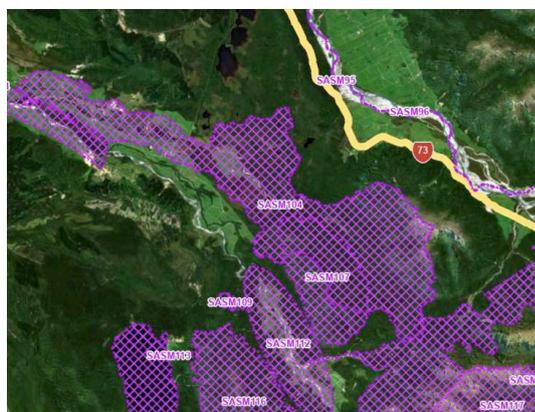
### Hearing Panel's Recommendation

320. The Panel recommend deleting reference to Rule SASM-R4 and SASM-R6 from Schedule Three and from Table SASM-T4 in relation to SASM 102.

### SASM 104 – Kawhaka Creek Catchment

321. A number of submission points opposed SASM 104, including GDC. Neil Bradley (S298.001, S298.002) requested information on why SASM 104 was scheduled and wanted it removed from his property. Kenneth Doig (S172.001) wanted the size of the SASM to be reduced to align better with the location of the waterbody. Myles Benge (S241.001) wanted the SASM removed from his property on Old Christchurch Road. Kawhaka Creek Catchment Residents (S297.002, S297.003) wanted the SASM removed from their properties, as did Ann Bradley (S371.001) and Bill Baxter (S210.001). Gerrit and Suzie Wolters (S308.002) wanted the boundaries reviewed in light of land modification. Carol Cameron (S152.001) and Katie Baxter (S211.001) requested the significance to be reconsidered.
322. Mr Madgwick explained that Poutini Ngāi Tahu submitted to have the area of SASM 104 reduced to just cover Kawhaka Creek (S620.349), which he considered addressed submitter concerns; and requested that the SASM would be re-name "Kawhaka Creek" (S620.350).

*Notified SASM 104*



*Amended SASM 104*



323. Mr Madgwick explained that the name Kawhaka commemorates an event within the pounamu legend whereby Tama Ahua was pursuing his wives who drowned, but that with the right karakia and action he had one chance to revive them. He instructed his slave Timuaki to

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strike a fire and set an umu to cook two birds so the noa of the food would counter the tapu of death and save Hine Kawakawa and Hine Auhuka. However, Timuaki burnt his fingers on the hot stones as he opened the umu and instinctively put his fingers in his mouth to cool them breaking the karakia and with it hope of saving the women. Enraged, Tama Ahua struck and killed Timuaki who was turned into a hill and the women were petrified in the Arahura River. The area was named Kawhaka (to light the fire) in memory of the event and applied to the whole of the creek.

324. Mr Madgwick explained Kawhaka was significant because the Arahura River was searched for over and over for pounamu. He noted it was also described as an ara tāwhito, an old trail from the Arahura to Okuku and Taramakau, and over to Greenstone Creek (Ōhunu). As well as a trail up the creek that followed the Wainihinihi River down to the Taramakau River, both ending at Kōtukuwhakaoko (Lake Brunner) and eventually to the upper Taramakau River, over the alpine pass (Tarahanga of Rakamaunikura) and down the east coast to Kaiapoī pā.
325. Ms Pull noted that Poutini Ngāi Tahu submitted to amend the permitted activity rules, so that the SASM, as described by Mr Madgwick, only applied to the creek and for it to be renamed, which was accepted in the s42A Report. However, she noted that this was not reflected in the text of proposed Table SASM-T8.

#### Hearing Panel's Evaluation

326. The Panel agree that reducing the mapped extent of the SASM to only apply to the creek is appropriate and is likely to satisfy many of the concerns of submitters. The Panel consider that, as with other waterbodies, the Poutini Ngāi Tahu association is with the active extent of the waterbody, which may differ from the mapped area over time, and therefore Schedule Three needs to record "*Waterbody*" in the "*Values*" column. The Panel also agree with Ms Pull that the name of the SASM needs to be amended in Table SASM-T8 and Rule SASM-R9 needs to be added to Schedule Three in relation to SASM 104 to correct an error in the notified Plan.

#### Hearing Panel's Recommendation

327. The Panel recommend amending the mapped extent of SASM 104 to only cover the creek rather than the whole catchment; deleting "*catchment*" from the name to read "*Kawhaka Creek*"; and amending Schedule Three to reference Rule SASM-R9 and Table SASM-T8 in relation to SASM 104, as well as "*Waterbody*" in the "*Values*" column.

### **SASM 105 - Tuwharewhare (Māhinapua Creek)**

328. GDC was the only submitter on SASM 67 (S608.247), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.
329. The s42A generally did not support removal of SASM from the Plan.

#### Hearing Panel's Evaluation

330. The Panel have identified that the planning maps incorporate the whole of the creek as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the creek, Schedule Three will need to record "*Waterbody*" in the "*Values*" column, which will allow for movement of the creek, as with other such waterbodies specified in the Schedule.

**Hearing Panel's Recommendation**

331. The Panel recommend incorporating reference to "*Waterbody*" in Schedule Three in association with this SASM.

**SASM 109 – Pyramid Hill/Timuaki Hill**

332. There were two submission points on SASM 109, including GDC. Rex Scott (S25.001) sought that the SASM be removed from his property.
333. Mr Madgwick explained that SASM 109 was an example of a cultural landscape. The story of Timuaki, as relayed in explanation of SASM 104, was in relation to him turning into a hill, which is Pyramid Hill or Timuaki Hill. Timuaki originally came from Tūhua/Mayor Island in the Bay of Plenty and his hill is in the shadow of the mountain Tūhua, named after his home.

**Hearing Panel's Evaluation**

334. The Panel accept the evidence of Poutini Ngāi Tahu regarding the values present at the site.

**Hearing Panel's Recommendation**

335. The Panel recommend no amendments to the planning mapping, Schedule Three or rule tables in relation to SASM 109.

**SASM 110 – Māhinapua**

336. Mr Tangi Weepu (S630.001) described his association with Māhinapua and the lake where a great battle took place, impacting his tūpuna.

**Hearing Panel's Evaluation**

337. The Panel accept the oral submission of Mr Weepu regarding the values present at the site. There are a number of activities that will require certification by Poutini Ngāi Tahu in order to take place as permitted activities in this location, including minor earthworks, indigenous vegetation clearance, temporary activities, and earthworks, buildings and structures. The Panel has provided for certification of permitted activities to incorporate tikanga where appropriate.

**Hearing Panel's Recommendation**

338. The Panel recommend no amendments to SASM 110, associated Schedule Three or rule tables.

**SASM 111 – Lake Māhinapua**

339. GDC was the only submitter on SASM 111 (S608.253), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu. The oral submission of Tangi Weepu (S630.001) is also particularly relevant to this SASM.
340. The s42A generally did not support removal of SASM from the Plan.

### **Hearing Panel's Evaluation**

341. The Panel have identified that the planning maps incorporate the whole of the lake as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the lake, Schedule Three will need to record “Waterbody” in the “Values” column, which will allow for movement of the lake, as with other such waterbodies specified in the Schedule. The Panel has also provided for certification of permitted activities to incorporate tikanga where appropriate.

### **Hearing Panel's Recommendation**

342. The Panel recommend incorporating reference to “Waterbody” in Schedule Three in association with this SASM.

### **SASM 112 – Arahura River at Tūhua**

343. There were two submission points on SASM 112, including GDC. Mr Vernon Morris (\$143,001) wanted his land at Milltown/Arahura Valley to be removed from the SASM unless genuine reasons could be demonstrated.
344. Mr Madgwick explained that SASM 112 recognises the Arahura River and the Wainihinihi River, because of the centrality of the Arahura in pounamu traditions and because of the ara tāwhito connected with the Wainihinihi River that facilitated pounamu trade, as outlined in relation to SASM 104. He noted SASM 112 was also connected with the nearby Waitaiki Historic Reserve, vested with Ngāi Tahu after Settlement, and the bed of the Arahura River that is also vested with Ngāi Tahu. Mr Madgwick cited Kā Huru Manu, as follows:

*The Arahura River on Te Tai Poutini (the West Coast) was apparently named by Ngahue during his explorations, returning to Hawaiki with pounamu that was later used for the toki that carved the canoes for the major migrations. Arahura has always been an important source of pounamu (greenstone). There are two main traditions relating to Arahura and pounamu. The first concerns Tama-ki-te-Rangi, who came from Tūhua (Mayor Island) in search of his three wives, who had deserted him in the Tairea waka. By using his magic dart he followed the waka down the west coast of the South Island and up the Arahura River where the waka capsized. His wives had turned into pounamu. The Tairea waka was commemorated by being the name for the old Rūnanga Hall at Arahura. The second tradition records Arahura as the final resting place for Waitaiki, the essence of pounamu, who was captured and taken there by Poutini, the kaitiaki of pounamu. During the negotiations for the Crown purchase of Te Tai Poutini (the West Coast), Poutini Ngāi Tahu requested that all the land between the Māwhera (the Grey River) and Hokitika River be excluded. The Crown refused this request, and instead only agreed to exclude the Arahura River. When Poutini Ngāi Tahu lost control of their principal kāinga at Māwhera, due to the Crown taking over the Māwhera Reserve to create the expanding township of Greymouth in 1865 to meet the demands of the mid-19th century gold-rushes, Ngāi Tahu families began moving from Māwhera to Arahura to settle amongst the resident families. This gradual shift was completed in the early 1880s, directly after the death of Wereta Tainui. Arahura became the principal Ngāi Tahu settlement on Te Tai Poutini, and continues to be a stronghold for Poutini Ngāi Tahu.” (References: Pukahū, H., Tauara, H., Te Kaapo, H., Te Naihi, W.K., Te Naihi, Rea, Te Naihi, Ripeka and Bannister, S. (1897) Nomenclature, legends as supplied by the Māoris in south Westland, 1897 in Andersen, Johannes Carl, 1873-1962 : Papers. Ref: MS-Papers-0148-112. Alexander Turnbull Library, Wellington, New Zealand. no.21.).*

**Hearing Panel's Evaluation**

345. The Panel accept the evidence of Mr Madgwick regarding the Poutini Ngāi Tahu values at this site. We note that SASM 112 was included in notified Rule SASM-R9 and was included in Table SASM-T8 of the right of reply evidence, but that this reference is missing from Schedule Three. The Panel consider this is an error that requires correction.

**Hearing Panel's Recommendation**

346. The Panel recommend adding reference to Rule SASM-R9 to Schedule Three and in Table SASM-T8 in relation to SASM 112

**SASM 116 – Mt Tūhua**

347. There were two submissions on SASM 116, including GDC. Ridgeline 3 Investments Limited (S127.002) sought that SASM 116 be removed because the title has been in private ownership since 1887 and it was not a Statutory Acknowledgement Area. The evidence of Mark Dixon on behalf of Ridgeline 3 Investments Limited is discussed in Section 1.3 of the Recommendations Report.
348. Mr Madgwick explained that Mt Tūhua was significant due to its relationship with the pounamu legends, which he noted were associated with the entire Arahura and environs, including Kawhaka, Tūhua, Timuaki, Raparapahoe, Mt Tara o Tama (the great mountain of the pounamu explorer Tama Ahua) and as far as Mt Kaniere (Mt Harman), named for sawing the pounamu. He noted these places were all remembered in whakapapa, waiata and oral histories because war parties trod these lands, and battles for ascendancy of this taonga sea-sawed at Kokatahi, Kaniere, Māhinapua, Arahura and Kōtukuwhakaoko. Mr Madgwick cited Kā Huru Manu, as follows:

*Tūhua is a mountain in the Arahura Valley on Te Tai Poutini (the West Coast). It is named after the volcanic island of that name, which is now known as Mayor Island in the Bay of Plenty. Tūhua features in several pounamu legends, one concerning Tama ki te Rangi and the Tairea waka which was wrecked at Arahura close to Tūhua. The waka was commemorated in the naming of the old Tairea Rūnanga Hall at Arahura that was opened in 1896. The other legend concerns Tamaahua whose wife Waitaiki, was captured from Tūhua by Poutini, the kaitiaki of pounamu. She was eventually taken to the Arahura River where she transformed into the essence of pounamu." (References: Pukahū, H., Tauara, H., Te Kaapo, H., Te Naihi, W.K., Te Naihi, Rea, Te Naihi, Ripeka and Bannister, S. (1897) Nomenclature, legends as supplied by the Maoris in south Westland, 1897 in Andersen, Johannes Carl, 1873-1962 : Papers. Ref: MS-Papers-0148-112. Alexander Turnbull Library, Wellington, New Zealand. no.166; and Mason, Maika cited in Beck, R.J. (2010) Pounamu: the jade of New Zealand. Auckland, N.Z.: Penguin. P44-45.).*

349. The s42A Report did not support the submissions and considered the area was significant to Poutini Ngāi Tahu regardless of land ownership.

**Hearing Panel's Evaluation**

350. The Panel accepts the evidence of Mr Madgwick regarding Poutini Ngāi Tahu values at this site and understand that these values and relationships are not dependent on the ownership status of land.

### **Hearing Panel's Recommendation**

351. The Panel recommend no amendment to the planning maps, Schedule Three or associated rule tables in relation to SASM 116.

### **SASM 117 – Waitaiki Catchment**

352. There were two submission points on SASM 117, including GDC. Ridgeline 3 Investments Limited (S127.002) sought remove SASM 117 because the title had been in private ownership since 1887 and was not a Statutory Acknowledgement Area. The evidence of Mark Dixon on behalf of Ridgeline 3 Investments Limited is discussed in Section 1.3 of the Recommendations Report.
353. Mr Madgwick explained that SASM 117 recognised the Waitaiki catchment due to its connection with pounamu traditions. Mr Madgwick cited Kā Huru Manu, as follows:

*Waitaiki is the Māori name for the Olderog Creek that flows into the Arahura River on Te Tai Poutini (The West Coast). Waitaiki was a young woman who was captured by Poutini – the kaitiaki (guardian) of pounamu – from her home of Tūhua (Mayor Island) in the Bay of Plenty. Poutini brought Waitaki down south, and when Tamaahua realised his wife had been taken, he used his powers of karakia to discover her whereabouts. Along with his slave Tumuaki, they went in search for Waitaki. Sensing Tamaahua in close pursuit Poutini fled all the way down the west coast of the South Island before reaching Piopiotahi (Milford Sound). Here Waitaki wept, and begged him to stop and turn back. With her tears she created the tangiwai pounamu that is still found there today. Reluctantly, Poutini turned back and went to the Arahura River. By this time Tamaahua was closing in, and realising that there was little chance of escaping and that Tamaahua was too powerful, Poutini decided that if he could not have Waitaki, neither would anyone else and he transformed her into his own likeness and essence – pounamu – and laid her in the bed of the river near the stream that today bears her name.” (References: Mason, Maika cited in Beck, R.J. (2010) Pounamu: the jade of New Zealand. Auckland, N.Z.: Penguin. P44-45.).*

### **Hearing Panel's Evaluation**

354. The Panel accept the evidence of Mr Madgwick regarding Poutini Ngāi Tahu values at this site and understand that values and relationships are not dependent on the ownership status of land.

The Panel note that notified Rule SASM-R9 included SASM 117 but there is no corresponding reference in Schedule Three. We note SASM 117 was included in Table SASM-T8 in the right of reply evidence. The Panel consider this is an error that requires correction.

### **Hearing Panel's Recommendation**

355. The Panel recommend adding reference to Rule SASM-R9 in Schedule Three and in Table SASM-T8 in relation to SASM 117.

### **SASM 118 – Lake Kaniere**

356. There were two submissions on SASM 118, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.351).

**Hearing Panel’s Evaluation**

357. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lake is a Statutory Acknowledgement Area arising from the Treaty Settlement process. The Panel consider that Schedule 31 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Lake Kaniere. The Panel also consider that, as a consequence of the whole waterbody being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lake as a whole.

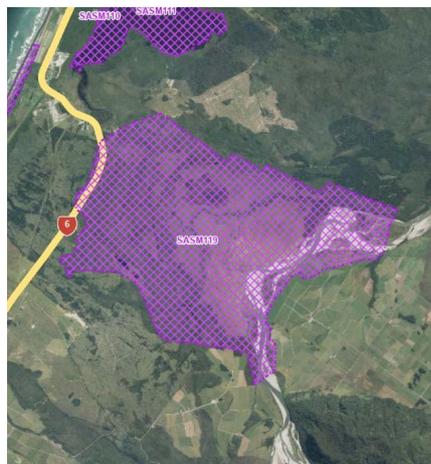
**Hearing Panel’s Evaluation**

358. The Panel recommend including reference to “Waterbody” in the “Values” column of Schedule Three for SASM 118.

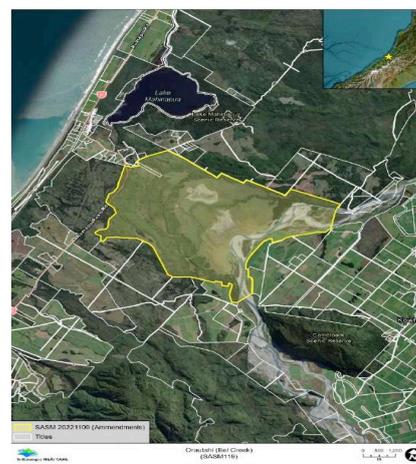
**SASM 119 – Orautahi (Eel Creek)**

359. There were two submissions on SASM 118, including GDC. Poutini Ngāi Tahu sought to amend the mapped area of this SASM (S620.352), which was supported in the s42A Report as follows:

*Notified SASM 119*



*Amended SASM 119*



**Hearing Panel’s Evaluation**

360. The Panel notes this is a minor shift in location. We consider that the amendment can be accepted because there is not increase in extent and no new landowners affected by the change.

**Hearing Panel’s Recommendation**

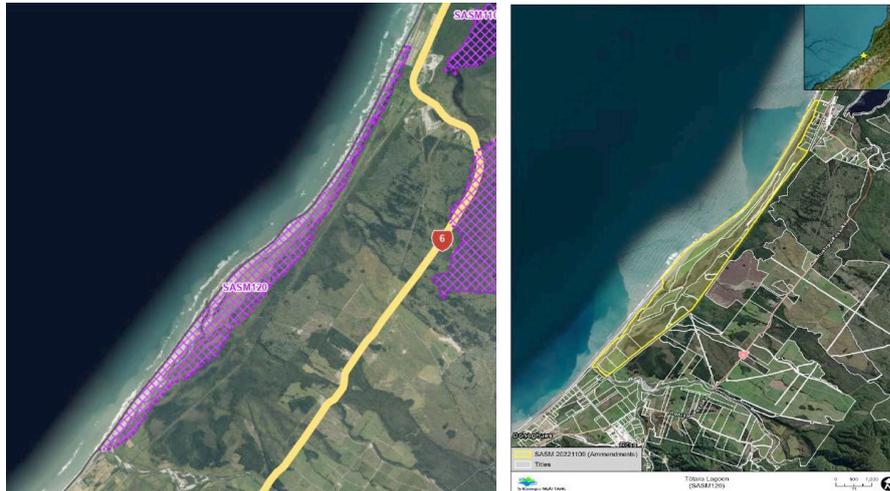
361. The Panel recommend amending the mapped extent of the SASM in accordance with the Poutini Ngāi Tahu submission only to the extent that there are no incidental increases in extent that impact on any additional landowners as a result of the change.

### SASM 120 – Tōtara Lagoon

362. There were three submissions on SASM 120, including GDC. Lyn McIntosh (S469.002) was concerned that her land had inadvertently been included, when it was meant to just be the lagoon. Poutini Ngāi Tahu sought to amend the mapped area of this SASM (S620.352), which was supported in the s42A Report as follows:

*Notified SASM 120*

*Amended SASM 120*



#### **Hearing Panel's Evaluation**

The Panel consider that the amendment can be accepted because it represents a reduction in extent of the mapped area so that no new landowners are impacted. However, while the extent of the SASM is reduced on Ms McIntosh's land and area of land remains in the SASM. The Panel also consider that, as a consequence of the whole lagoon being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lagoon as a whole.

#### **Hearing Panel's Recommendation**

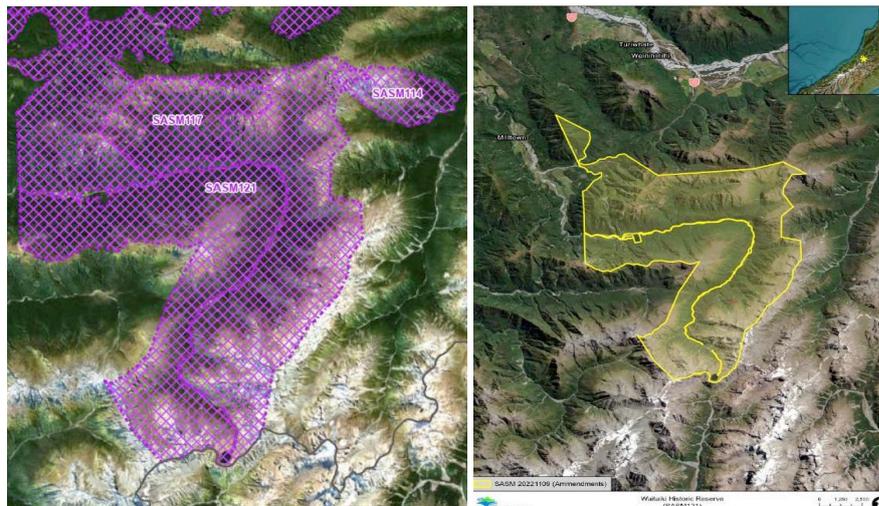
363. The Panel recommend amending the mapped extent of the SASM in accordance with the Poutini Ngāi Tahu submission, only to the extent that there are no incidental increases in area of affected land parcels or any additional landowners affected as a result of the change. The Panel also recommend adding reference to "Waterbody" in the "Values" column of Schedule Three, noting also that the sandspit is intended to be included as part of the SASM.

### SASM 121 – Waitaiki Historic Reserve

364. There were three submissions on SASM 121, including GDC. Ridgeline 3 Investments Limited (S127.002) sought the removal of SASM 121 because the title had been in private ownership since 1887 and was not a Statutory Acknowledgement Area. The evidence of Mark Dixon on behalf of Ridgeline 3 Investments Limited is discussed in Section 1.3 of the Recommendations Report. Poutini Ngāi Tahu sought to amend the mapped area of SASM 121 (S620.354), as follows.

Notified SASM 121

Amended SASM 121



365. Mr Madgwick explained that SASM 121 recognised the Waitaiki Historic Reserve due to its association with pounamu traditions. He noted that the reserve had been created for the purpose of protecting and preserving in perpetuity its significant natural, historic, archaeological, cultural and educational features. Mr Madgwick cited the Waitaiki Historic Reserve Management Plan, as follows:

*The Waitaiki Historic Reserve has historical value to all New Zealanders as a place of spiritual and cultural significance, with its rich Māori and European history. Its central significance is as the source of pounamu and its place in the Poutini-Waitaiki creation tradition associated with pounamu. In particular, Waitaiki (Jade Creek) commemorates the resting place of Waitaiki, along with the surrounding features of Tamaahua (Mt Tara Tama); Tumuaiki (Island Hill) and Tūhua. The long-standing use of pounamu within the Arahura catchment and sourced from Waitaiki, along with the associated trails and trade routes, as well as the subsequent European history associated with exploration, settlement and mining all form part of its unique history... ..The ancestral landscapes of tangata whenua are inseparable from their identity and wellbeing. Among these landscapes are wāhi tapu (sacred sites), wāhi taonga (sacred treasures) and other places of significance..." (Reference: The Māwhera Incorporation (2019) The Waitaiki Historic Reserve Management Plan. P14.).*

#### Hearing Panel's Evaluation

366. The Panel accept the evidence of Mr Madgwick regarding Poutini Ngāi Tahu values at this site and understand that values and relationships are not dependent on land ownership status. The Panel have incorporated consideration of tikanga in Schedule Three (SCHED 3A) where relevant to the certification process for permitted activities, of which there are five attributed to this SASM.
367. The Panel note that SASM 121 was included in notified Rule SASM-R9 and was included in Table SASM-T8 in the right of reply evidence, but that this reference is missing from Schedule Three. The Panel consider this is an error that requires correction.
368. The Panel support the mapping amendments requested by Poutini Ngāi Tahu only to the extent that there is no increase in area and no new landowners are affected by the change.

### **Hearing Panel's Recommendation**

369. The Panel recommend adding reference to Rule SASM-R9 in Schedule Three and in Table SASM-T8 in relation to SASM 121. The Panel also recommend amending the mapped extent of SASM 121 to match the Poutini Ngāi Tahu submission, only to the extent that there is no increase in extent and no additional landowners are potentially affected as a result of the change.

### **SASM 122 – Kowhitirangi- silent file**

370. There were five submissions on SASM 122, including GDC. Janna Bradley (S593.001), James Bradley (S428.002) and Glen Bradley (S592.001) sought to remove SASM 122. Poutini Ngāi Tahu (S620.355) sought to reduce the size of the SASM to better reflect its location, as follows, although it was noted to be a silent file:

*Notified SASM 122*



*Amended SASM 122*



371. Mr Madgwick noted that SASM 122 was very significant to Poutini Ngāi Tahu, which was why it was protected by a “silent file”. He explained that any further disclosure regarding the site would need to be given in a public excluded hearing session to protect the site.

### **Hearing Panel's Evaluation**

372. The Panel accepts the evidence of Mr Madgwick regarding the significant values at this site. As with other silent files, the Panel did not consider it necessary to require Mr Madgwick to disclose sensitive details about the nature of the site in a closed session. The Panel is satisfied the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 122.
373. The Panel note that SASM 121 was included in notified Rule SASM-R9 and that it is included in Table SASM-T8 in the right of reply evidence, but that this reference is missing from Schedule Three. The Panel consider this is an error that requires correction.
374. The Panel support the mapping amendments requested by Poutini Ngāi Tahu on the basis that there is a reduction in the extent of area included and therefore less potential effect on landowners.

**Hearing Panel's Recommendation**

375. The Panel recommend adding reference to Rule SASM-R9 to Schedule Three and in Table SASM-T8 in relation to SASM 121. The Panel also recommend amending the mapped extent of SASM 121 to match the Poutini Ngāi Tahu submission, and only to the extent that there are no increases in extent and no additional landowners are affected as a result of the change.

**SASM 111 – Lake Matahi/Lake Ianthe**

376. GDC was the only submitter on SASM 125 (S608.253), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.
377. The s42A generally did not support removal of SASM from the Plan.

**Hearing Panel's Evaluation**

378. The Panel have identified that the planning maps incorporate the whole of the lake as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the lake, Schedule Three will need to record "*Waterbody*" in the "*Values*" column, which will allow for movement of the lake, as with other such waterbodies specified in the Schedule.

**Hearing Panel's Recommendation**

379. The Panel recommend incorporating reference to "*Waterbody*" in Schedule Three in association with this SASM.

**SASM 126 – Pouerua-hāpua/Saltwater Lagoon**

380. There were two submission points on SASM 126, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.356).

**Hearing Panel's Evaluation**

381. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lagoon is a Statutory Acknowledgement Area arising from the Treaty Settlement process. The Panel consider that Schedule 53 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Pouerua-hāpua/Saltwater Lagoon. The Panel also consider that, as a consequence of the whole lake being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lake as a whole.

**Hearing Panel's Recommendation**

382. The Panel recommends amendment to Schedule Three for SASM 126 to incorporate reference to "*Waterbody*" in the "*Values*" column.

**SASM 127 – Ulipa**

383. The only submitter on SASM 127 was GDC seeking to remove it from the Plan (S608.269).

**Hearing Panel’s Evaluation**

384. The Panel note that the notified Plan included SASM 127 in Rule SASM-R1 and that SASM-R1 was included in Schedule Three in the right of reply evidence. However, we note SASM 127 is missing from Table SASM-T1, which the Panel considers is an error that requires correction.

**Hearing Panel’s Recommendation**

385. The Panel recommend inclusion of SASM 127 in Table SASM-T1 and no change to Schedule Three for SASM 127.

**SASM 131 – Ōkārīto Lagoon**

There were two submission points on SASM 131, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.357).

**Hearing Panel’s Evaluation**

386. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lagoon is a Statutory Acknowledgement Area arising from the Treaty Settlement process. We consider that Schedule 48 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Ōkārīto Lagoon. We also consider that, as a consequence of the whole lagoon being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lagoon as a whole.

**Hearing Panel’s Recommendation**

387. The Panel recommend amendment to Schedule Three for this SASM to incorporate reference to “*Waterbody*” in the “*Values*” column.

**SASM 133 – No. 19 Ōkārīto Native Reserve**

388. The only submitter was GDC seeking removal of SASM 133 (S608.275).

**Hearing Panel’s Evaluation**

389. The Panel note that the notified Plan included SASM 133 in Rule SASM-R1 and that SASM-R1 was included in Schedule Three, which was also reflected in the right of reply evidence. However, the Panel notes SASM 133 is missing from Table SASM-T1, which we consider is an error that requires correction.

### **Hearing Panel's Recommendation**

390. The Panel recommend inclusion of SASM 133 in Table SASM-T1 and no change to Schedule Three for SASM 133.

### **SASM 135 – Ōkarito (No. 18 Koamaru Native Reserve) – silent file**

391. There were two submission points on SASM 135, including GDC. Mr John Hughson (S445.001) was concerned about the lack of information due to the SASM being a “silent file” and considered that unhelpful, however, he indicated intent to work constructively with the proposal.
392. Mr Madgwick explained that SASM 135 recognised the Koamaru Native Reserve. He described that the pā site was located at the foot of the hill, overlooking the village and is tapu because it was the scene of some bloody battles. He noted it was a “silent file” due to the sensitive nature of the site. He cited Kā Huru Manu, as follows:

*This 13-acre reserve originally adjoined the Ōkarito Township and was set aside as part of the Arahura Purchase 1860. The correct name is Kohuamaru; it was here that Te Niho and Takarei arrived after capturing the northern Poutini Ngāi Tahu at Kokatahi. In 1878, the Young Commission determined that the ownership of the reserve resided with Tare Parata, Riria Parata and Rena Parata, as tenants in common in equal shares. Since 1878, the Māori Land Court has maintained succession schedules detailing changes in ownership. The size of the reserve was reduced to just over 9 acres, as land was sold to the Crown or taken under the Public Works Act to lay out streets. In 1971, the land was converted to general title by way of status declaration pursuant to part 1 of the Māori Affairs Amendment Act 1967.*

### **Hearing Panel's Evaluation**

393. The Panel accept the evidence of Mr Madgwick regarding the significant values at this site. As with other silent files, the Panel did not consider it necessary to require Mr Madgwick to disclose sensitive details about the nature of the site in a closed session. The Panel is satisfied the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of culturally sensitive sites, including SASM 135.

### **Hearing Panel's Recommendation**

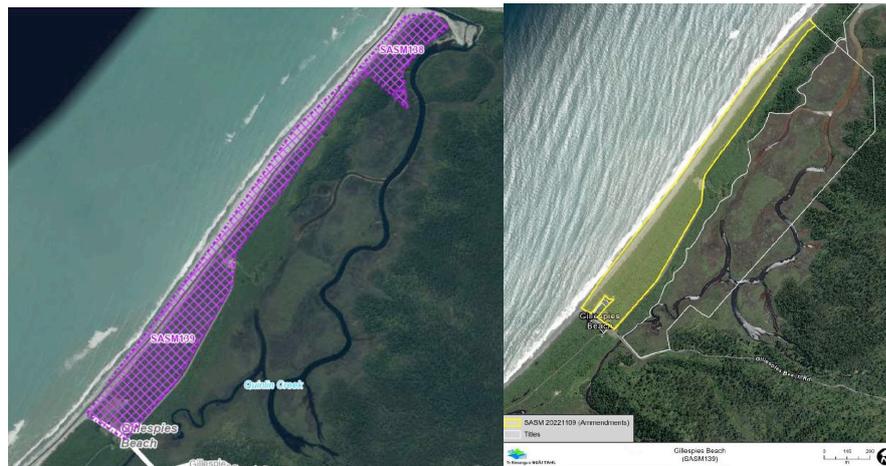
394. The Panel recommend adding reference to Rule SASM-R9 to Schedule Three and in Table SASM-T8 in relation to SASM 135.

### **SASM 139 – Gillespies Beach**

395. There were three submissions on SASM 139, including GDC. Margaret Williams (S394.001) wanted the southern boundary of the SASM moved to exclude freehold land and the northern boundary moved to the northern end of the beach to include the lagoon. Poutini Ngāi Tahu submitted to amend the boundaries of SASM 139 (S620.358) to remove freehold land.
396. Mr Madgwick explained that the amendment sought by Poutini Ngāi Tahu removed the submitter's property from the area of the SASM resolving their concerns.
397. The s42A Report supported the amendment requested by Poutini Ngāi Tahu as follows:

*Notified SASM 139*

*Amended SASM 139*



**Hearing Panel's Evaluation**

398. The Panel accept that the amended map for SASM 139 is a reduction in area and that this reduces the potential effect on landowners within the mapped area. We consider this amendment removes the submitter's property from the identified SASM.

**Hearing Panel's Recommendation**

399. The Panel recommends amending SASM 139 as requested in the Poutini Ngāi Tahu submission to the extent that there are no increases in the extent of area included and there are no additional landowners impacted as a result of the change.

**SASM 140 – Lake Matheson**

400. GDC was the only submitter on SASM 140 (S608.282), seeking its deletion from the Plan, which was opposed in further submission by Poutini Ngāi Tahu.
401. The s42A generally did not support removal of SASM from the Plan.

**Hearing Panel's Evaluation**

402. The Panel have identified that the planning maps incorporate the whole of the lake as a SASM, and in that respect it is like other waterbodies shown on the planning maps, which may move over time. The Panel consider that in order to appropriately reflect Poutini Ngāi Tahu relationship with the lake, Schedule Three will need to record "Waterbody" in the "Values" column, which will allow for movement of the lake, as with other such waterbodies specified in the Schedule.

**Hearing Panel's Recommendation**

403. The Panel recommend incorporating reference to "Waterbody" in Schedule Three in association with this SASM.

**SASM 144 – Karangarua Lagoon**

404. There were two submission points on SASM 144, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.360) and to amend

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the mapped extent of the SASM (S620.359), which was supported in the s42A Report as follows:

*Notified SASM 144*



*Amended SASM 144*



### **Hearing Panel's Evaluation**

405. The Panel support the amended map of SASM 144 to the extent that it is a reduction in area. The Panel also consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the lagoon is a Statutory Acknowledgement Area arising from the Treaty Settlement process. We consider that Schedule 24 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Karangarua Lagoon. We also consider that, as a consequence of the whole lagoon being identified as a SASM, this should be reflected in Schedule Three, so that both the planning maps and Schedule Three identify Poutini Ngāi Tahu relationship with the lagoon as a whole.

### **Hearing Panel's Recommendation**

406. The Panel recommend amending the map for SASM 144 as requested in the Poutini Ngāi Tahu submission to the extent that there is no increase incidental increase in extent and no additional landowners are impacted as a result of the change. We also recommend amendment to Schedule Three to include "Waterbody" within the "Values" column.

### **SASM 145 – Kā Roimata-a-Hinehukatere/Franz Josef Glacier**

407. There were two submission points on SASM 145, including GDC. Skyline Enterprises Limited (S250.009) sought that SASM 145 and the SASM Chapter provide for development of an aerial cableway designed to provide access to the glacier, in conjunction with a special purpose zone. Skyline noted concern that the SASM could restrict these future development plans.
408. Ms Easton in her s42A Report for the SASM hearing and the Franz Josef hearing did not support removal of the SASM or excluding the Franz Josef Glacier given its cultural significance to Ngāti Māhaki and Poutini Ngāi Tahu. She emphasised that future development plans were not a relevant consideration when assessing cultural significance of a site or area. She noted the restrictions imposed by recognition of the SASM were "fairly light" and considered consultation with Poutini Ngāi Tahu around any design and location of proposed tourist facilities on the glacier would be appropriate. She noted that recognition of the glacier as an

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outstanding natural feature (ONF 16) would likely introduce greater planning restrictions than recognition of SASM 145.

409. Skyline Enterprises Limited (SEL) presented evidence to the Panel at Franz Josef on 8 October 2024 regarding the proposed aerial cableway and requested a special purpose zone to enable the development. Mr Sean Dent, planner, and Ms Nikki Smetham, landscape architect, presented evidence for SEL in relation to SASM 145.
410. Ms Smetham noted the presence of the SASM in her description of the proposed special purpose zone and highlighted tangata whenua values were recognised in place names (Kā Roimata o Hine Hukatere) and interpretation panels on walks in the Waiho Valley and at Sentinel Rock. She did not specifically address the relationship between the outstanding natural feature of the glacier (ONF 16) and SASM 145 in the Plan.
411. Mr Dent identified the Franz Josef Valley was subject to the SASM 145 overlay. He noted SEL's submission sought recognition of the proposed cableway in the SASM Chapter. He referred to POU-P10 in the Strategic Directions chapter, which required protection of SASM while ensuring Poutini Ngāi Tahu have a key role in decision-making on their management. He provided suggested text for a proposed special purpose zone, the Franz Josef Amenities Area Zone (FJAAZ), as Appendix A to his evidence, which described SASM 145 as "*immediately adjacent to*" the special purpose zone. He provided a section 32AA evaluation to support his Appendix A, included as Appendix C, which assessed the relationship of proposed objective FJAAZ-O5 and proposed policy FJAAZ-P8, with SASM-O1 and SASM-O3. He acknowledged the need for a cultural impact assessment for any future resource consent application for the cableway development.
412. Mr Madgwick explained that SASM 145 recognised Kā Roimata-a-Hinehukatere/Franz Josef Glacier and applied to the ice bed of the glacier only. He cited Kā Huru Manu, as follows:

*Kā Roimata-a-Hinehukatere is the traditional Māori name for the Franz Josef Glacier. Hinehukatere was a woman who in ancient times had a passion for mountaineering. Her sweetheart Wawe tried to keep up, but he was not as agile as Hinehukatere. When traversing the region at the head of the glacier, Wawe lost his footing and fell to his death. Hinehukatere witnessed the fatality, and became greatly stricken with grief. Her tears were so excessive that the gods froze them as a perpetual memorial to her sorrow. Even today her tears remain frozen as Kā Roimata-a-Hinehukatere — "The tears of Hinehukatere".* (Reference: Madgwick, P. (1992) Aotea: A history of the South Westland Māori. Greymouth, N.Z.: Greymouth Evening Star. P65.)

#### Hearing Panel's Evaluation

413. The Panel did not receive any evidence that countered the cultural significance of Kā Roimata-a-Hinehukatere/Franz Josef Glacier to Poutini Ngāi Tahu. We note that Schedule Three of the Plan does not identify applicable rules for SASM 145 and on that basis the Panel agree with Ms Easton that greater restrictions are likely to apply as a result of other chapters in the Plan, particularly the Natural Features and Landscapes Chapter. SASM objectives and policies, along with other objectives and policies in the Plan, will apply in any resource consent process associated with a discretionary or non-complying activity. We note the planning maps show ONF 16 to be situated within SASM 145 and therefore the values associated with SASM 145 will form part of the description of values for ONF 16. We note that the Panel's recommendation in relation to ONF 16 is to retain the identified site as notified.

### **Hearing Panel's Recommendation**

414. The Panel recommend no change to SASM 145 in response to submissions and evidence.

### **SASM 146 – Puketahi – The Sugar Loaf**

415. There were two submission points on SASM 146, including GDC. Poutini Ngāi Tahu sought reference to “*Maunga*” and “*Ancestors Embedded in the Landscape*” in the “*Values*” column of Schedule Three in order to correct an error in the notified Plan (S620.361).
416. The s42A Report supported the proposed amendment.

### **Hearing Panel's Evaluation**

417. The Panel are satisfied that there is a need to amend the Plan as requested by Poutini Ngāi Tahu, which will assist with application of Rule SASM-R6 and Table SASM-T7.

### **Hearing Panel's Recommendation**

418. The Panel recommend adding the relevant values of “*Maunga*” and “*Ancestors Embedded in the Landscape*” to Schedule Three, associated with SASM 146.

### **SASM 151 – Bruce Bay/Manakaiaua**

419. There were three submission points on SASM 151, including GDC (following the withdrawal of Te Tumu Paeroa's submission point).
420. Mr Robert Scott (S380.001) wanted the boundaries of the SASM reconsidered around his farmed block of land. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.155) initially sought that SASM 151 be re-evaluated to provide an accurate area that reflects cultural values at the site, however, this submission point was withdrawn on 21 March 2024.
421. Mr Madgwick explained that SASM 151 recognised the area of Bruce Bay/Manakaiaua and South Island Landless Native Reserve under the South Island Landless Natives Act 1906. He cited Kā Huru Manu, as follows:

*The Bruce Bay/ Manakaiaua grant was made under the provisions of the South Island Landless Natives Act 1906 (SILNA). The SILNA grants were an attempt by the Crown to address the inadequate provision of reserves under previous awards. The Bruce Bay/ Manakaiaua award is situated in South Westland, 80km from Haast and 224km from Hokitika, and originally comprised twelve sections within the Karangarua and Bruce Bay Survey Districts. The sections were surveyed in 1898 and the resultant grants were recorded in the New Zealand Gazette on 9 June 1908 as an award to 135 people. Since 1982, most of the land (excluding sections 890 and 892) has been vested in the Māori Trustee to facilitate its management, use and development on behalf of the beneficial owners. In 1983, the ownership of the above blocks was combined through an Aggregation Order (the blocks retain individual titles, but have common ownership).*

### **Hearing Panel's Evaluation**

422. The Panel accept the evidence of Mr Madgwick regarding the significant values present at the site. The Panel note that there are no permitted activity rules applicable in Schedule Three

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and as such only discretionary and non-complying activities will need to consider the values of the SASM.

**Hearing Panel’s Recommendation**

423. The Panel recommend no change to SASM 151 in response to submissions and evidence.

**SASM 152 – Manakaiaua Mātaitai Reserve**

424. GDC were the only submitter on SASM 152 (S608.294), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.

425. The s42A Report generally did not support removal of SASM from the Plan.

**Hearing Panel’s Evaluation**

426. Proposed SASM 152 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of mean highwater springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

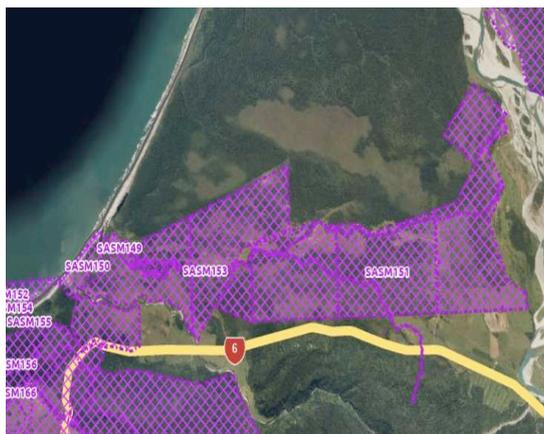
**Hearing Panel’s Recommendation**

427. The Panel recommends that SASM 152 be removed from the planning maps and Schedule Three.

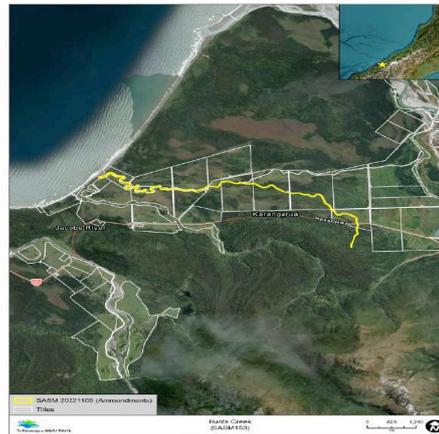
**SASM 153 – Hunts Creek**

428. There were two submission points on SASM 153, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.362) as follows:

*Notified SASM 153*



*Amended SASM 153*



**Hearing Panel’s Evaluation**

429. The Panel support the amended map of SASM 153 as a reduction in extent of area included. The Panel understand that waterbodies will naturally move around over time and that the mapped outline for Hunts Creek may at times be different than the active channel, which is accounted for in introduction to the Schedule. We also consider it necessary to include reference to “Waterbody” in the “Values” column of Schedule Three so that the planning

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maps and the Schedule work together to identify Poutini Ngāi Tahu relationship with the creek as a whole.

**Hearing Panel’s Recommendation**

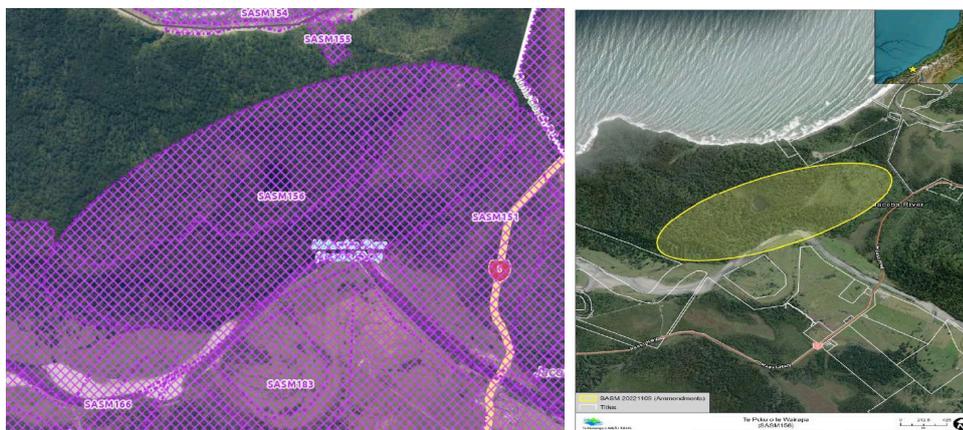
- 430. The Panel recommend amending the map for SASM 153 as requested in the Poutini Ngāi Tahu submission, and including the value “Waterbody” within Schedule Three for this SASM

**SASM 156 – Te Puku o te Wairapa**

- 431. There were two submission points on SASM 156, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.363) as follows:

*Notified SASM 156*

*Amended SASM 156*



**Hearing Panel’s Evaluation**

- 432. The Panel support the amended map of SASM 156 on the basis that it does not increase the extent of land included and no additional landowners are impacted by the change.

**Hearing Panel’s Recommendation**

- 433. The Panel recommend amending the map for SASM 156 as requested in the Poutini Ngāi Tahu submission, to the extent that there are no incidental increases in extent and there are no additional landowners impacted as a result of the change.

**SASM 157 – No. 10 Makāwhio Native Reserve**

- 434. There were two submission points on SASM 157, including GDC. Te Tumu Paeroa (S440.053) retained their submission point on SASM 157, while withdrawing others, and expressed concern with identification of the extent of the SASM, covering the entire record of title.
- 435. Mr Madgwick explained that SASM 157 was a Māori reserve and a mahinga kai. He identified the site as a pā site, as well as containing an urupā.
- 436. Ngāti Māhaki (represented by Te Rūnanga o Makaawhio) provided information attached as Appendix B to the joint statement from Te Tumu Paeroa and Poutini Ngāi Tahu (dated 14 August 2024) outlining the differences between SASM 157 and SASM 158, to explain why less restrictions were proposed in the rule framework affecting SASM 158 compared with SASM 157. This information records that SASM 157 is an older pā site and ancient urupā than the

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area covered by SASM 158, with trees on site that were used for snaring and spearing birds, including virgin forest. The information from Ngāti Māhaki noted that SASM 157 had experienced some damage as a consequence of track clearing which caused concern and highlighted the need for greater controls on activities affecting the area.

#### **Hearing Panel's Evaluation**

437. The Panel accept the evidence of Mr Madgwick and Ngāti Māhaki regarding the significant values present at the site. We note there are a number of activities that will require certification by Poutini Ngāi Tahu to enable permitted activities in this location, including minor earthworks, demolition, removal or alteration of structures, indigenous vegetation clearance, temporary activities, and earthworks, buildings and structures. The Panel has provided for certification of permitted activities to incorporate tikanga where appropriate.

#### **Hearing Panel's Recommendation**

438. The Panel recommend no amendments to notified planning maps for SASM 157, associated Schedule Three or rule tables.

### **SASM 158 – No. 8 Makāwhio and No. 9 Makāwhio**

439. GDC sought removal of SASM 158, which is addressed earlier in this Report.
440. Ngāti Māhaki (represented by Te Rūnanga o Makaawhio) provided information attached as Appendix B to the joint statement from Te Tumu Paeroa and Poutini Ngāi Tahu (dated 14 August 2024) to explain why less restrictions were proposed in the rule framework affecting SASM 158 compared with SASM 157. This information records that SASM 158 contains two pā sites and three urupā, with a mixture of virgin forest and highly modified areas used for grazing animals. Ngāti Māhaki sought to not inhibit existing farming activities, while providing for the opportunity to respond to expansion or intensification of activities.

#### **Hearing Panel's Evaluation**

441. The Panel note that SASM 158 was notified with reference to Rule SASM-R5 in Schedule Three but Rule SASM-R5 did not include reference to SASM 158. The right of reply evidence included SASM 158 in Table SASM-T5, which the Panel assume is correct. We consider the notified Rule SASM-R5 contained the error and that no further correction is required.

#### **Hearing Panel's Recommendation**

442. The Panel recommend SASM 158 is included in Table SASM-T5.

### **SASM 163 – No. Māori Beach Kāinga**

443. GDC sought removal of SASM 163, which is addressed earlier in this Report.

#### **Hearing Panel's Evaluation**

444. The Panel note that SASM 163 was notified with reference to Rule SASM-R2 in Schedule Three but Rule SASM-R2 did not contain any reference to SASM 163. We note the right of reply evidence did not include SASM 163 in Table SASM-T2. The Panel assume notified Schedule Three is correct and consider that notified SASM-R2 contained the error. We consider SASM 163 should be included in Table SASM-T2.

**Hearing Panel’s Recommendation**

445. The Panel recommend SASM 163 is included in Table SASM-T2.

**SASM 164 – Mahitahi Mātaitai Reserve**

446. GDC were the only submitter on SASM 164 (S608.306), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.

447. The s42A Report generally did not support removal of SASM from the Plan.

**Hearing Panel’s Evaluation**

448. Proposed SASM 164 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of the mean high water springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

**Hearing Panel’s Recommendation**

449. The Panel recommends that SASM 164 be removed from the planning maps and Schedule Three.

**SASM 165 – No. 7 Mahitahi Beach Native Reserve - Silent File**

450. There were two submission points on SASM 165, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.364) as follows:

*Notified SASM 165*



*Amended SASM 165*



**Hearing Panel’s Evaluation**

451. The Panel support the amended map of SASM 165 on the basis that it clarifies the area of interest to Poutini Ngāi Tahu and it is a reduction in the extent of land included in the identified area.

**Hearing Panel’s Recommendation**

452. The Panel recommend amending the map for SASM 165 as requested in the Poutini Ngāi Tahu submission.

**SASM 166 – Makāwhio River (Jacobs River)**

453. There were two submission points on SASM 144, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.365).

**Hearing Panel’s Evaluation**

454. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the river is a Statutory Acknowledgement Area arising from the Treaty Settlement process. We consider that Schedule 38 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Makāwhio River (Jacobs River). We also consider it necessary to include reference to “Waterbody” in the “Values” column of Schedule Three so that the planning maps and the Schedule work together to identify Poutini Ngāi Tahu relationship with the creek as a whole.

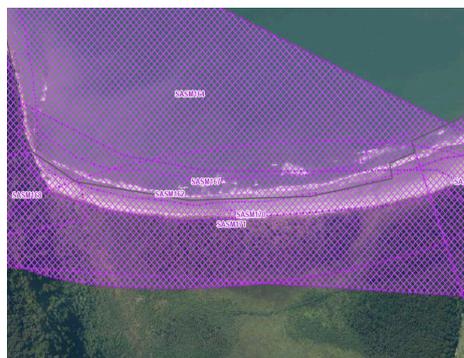
**Hearing Panel’s Recommendation**

455. The Panel recommend amendment to Schedule Three to incorporate reference to “Waterbody” in relation to this SASM.

**SASM 167 – Mahitahi Mussel & Pipi Bed**

456. There were two submission points on SASM 167, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.366) as follows:

*Notified SASM 167*



*Amended SASM 167*



**Hearing Panel’s Evaluation**

457. The Panel note that as a coastal SASM, it will only be relevant landward of the coastal marine area. The Panel could not discern any area of the proposed SASM that would be within the jurisdiction of the Plan.

**Hearing Panel’s Recommendation**

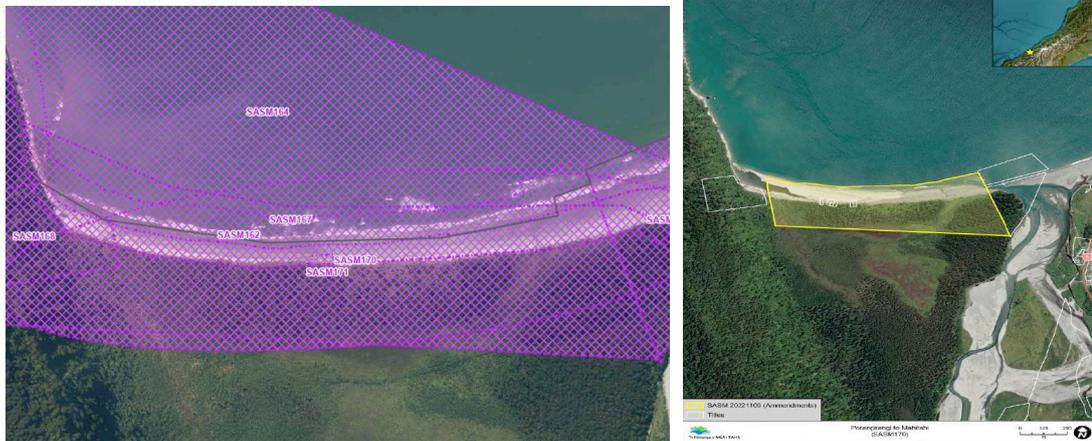
458. The Panel recommend deleting proposed SASM 167 from Schedule Three and the planning maps because it is outside the jurisdiction of the Plan, relying on the GDC request to remove the SASM from the Plan.

**SASM 170 – Porangirangi to Mahitahi**

459. There were two submission points on SASM 170, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.367) as follows:

*Notified SASM 170*

*Amended SASM 170*



**Hearing Panel’s Evaluation**

460. The Panel support the amended map of SASM 170 as it more accurately reflects the area of interest to Poutini Ngāi Tahu and does not include any additional land. We note that as a coastal SASM, it will only be relevant landward of the coastal marine area.

**Hearing Panel’s Recommendation**

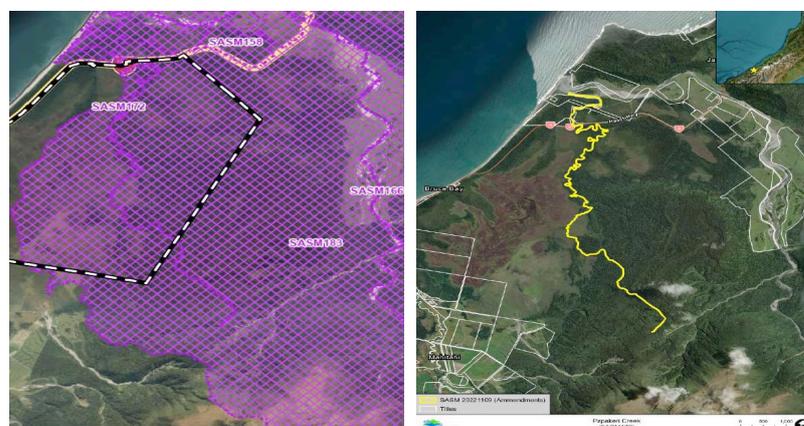
461. The Panel recommend amending the map for SASM 170, as requested in the Poutini Ngāi Tahu submission, to the extent that there are no incidental increases in the extent of land included and no additional landowners are impacted as a result of the change.

**SASM 172 – Pāpākeri Creek**

462. There were two submission points on SASM 172, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.368) as follows:

*Notified SASM 172*

*Amended SASM 172*



### Hearing Panel's Evaluation

463. The Panel support the amended map of SASM 172 as it more accurately reflects the area of interest to Poutini Ngāi Tahu and does not include any additional land. As Pāpākeri Creek is a waterbody, the Panel also consider it necessary to reflect this in Schedule Three, allowing for any movement of the waterbody over time.

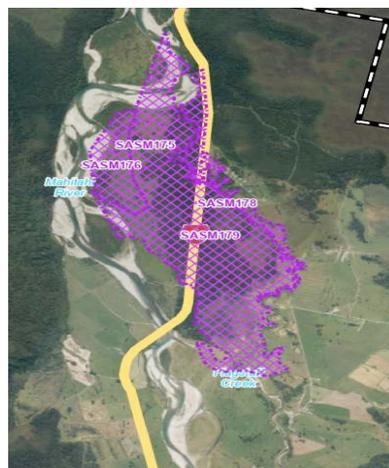
### Hearing Panel's Recommendation

464. The Panel recommend amending the map for SASM 172, as requested in the Poutini Ngāi Tahu submission, and listing the SASM as a "Waterbody" in Schedule Three.

### SASM 178 – Makarata Creek

465. There were two submission points on SASM 178, including GDC. Poutini Ngāi Tahu sought to amend the mapped extent of the SASM (S620.369) as follows:

*Notified SASM 178*



*Amended SASM 178*



### Hearing Panel's Evaluation

466. The Panel support the amended map of SASM 178 as it more accurately reflects the area of interest to Poutini Ngāi Tahu and does not include any additional land. As Makarata Creek is a waterbody, the Panel also consider it necessary to reflect this in Schedule Three, allowing for any movement of the waterbody over time.

### Hearing Panel's Recommendation

467. The Panel recommend adopting the amended map for SASM 178 as requested in the Poutini Ngāi Tahu submission and listing the SASM as a "Waterbody" in Schedule Three.

### SASM 179 – No. 6 Mahitahi Reserve

468. Two submitters opposed SASM 179, however both Te Tumu Paeroa (S440) and WMS Group (HQ) Limited and WMS Land Co. Limited (S599) withdrew their submission points.

469. Mr Madgwick explained that SASM 179 recognised No.6 Mahitahi Māori Reserve. He cited Kā Huru Manu, as follows:

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*This 630-acre reserve at Bruce Bay was set aside as part of the Arahura Purchase 1860. In 1878, Reserves 6 and 7 were treated as being combined and the Young Commission determined that the ownership of the reserve resided with Kīnihe te Kaoho and 58 others. Since 1878, the Māori Land Court has maintained succession schedules detailing changes in ownership. The reserve remained combined until 1915, when it was subdivided into three separate parcels: Sections 781A, 781B & 782 (Sections 781A and 781B comprising former Reserve No. 6). Over 100 acres of the reserve was taken under the Public Works Act for use as a road reserve; an aerodrome and as a scenic reserve. Since 1980, Section 781B has been vested in responsible trustees to facilitate the management, use and development of the land on behalf of the beneficial owners.*

#### Hearing Panel's Evaluation

470. The Panel address the GDC request earlier in this Report.

#### Hearing Panel's Recommendation

471. The Panel recommend no change to the planning maps for SASM 179.

#### **SASM 184 – Lake Pāringa**

472. There were two submission points on SASM 184, including GDC. Poutini Ngāi Tahu sought to remove reference to Statutory Acknowledgement in Schedule Three (S620.370).

#### Hearing Panel's Evaluation

473. The Panel consider that it is natural for waterbodies to change boundaries over time, which does not negate the associations Poutini Ngāi Tahu have with them that are part of the reason for statutory acknowledgement. The Panel therefore consider it appropriate that Schedule Three record that the river is a Statutory Acknowledgement Area arising from the Treaty Settlement process. We consider that Schedule 33 of the NTCSA is applicable and provides useful information for Plan users wanting to understand more about the Poutini Ngāi Tahu values associated with Lake Pāringa. We also consider it necessary to include reference to "Waterbody" in the "Values" column of Schedule Three so that the planning maps and the Schedule work together to identify Poutini Ngāi Tahu relationship with the lake as a whole.

#### Hearing Panel's Recommendation

474. The Panel recommend amendment to Schedule Three to reference "Waterbody" in the "Values" column.

#### **SASM 188 – Tauparikaka Mātaitai Reserve**

475. GDC were the only submitter on SASM 164 (S608.330), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.
476. The s42A Report generally did not support removal of SASM from the Plan.

#### Hearing Panel's Evaluation

477. Proposed SASM 188 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of the mean highwater springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

**Hearing Panel's Recommendation**

478. The Panel recommends that SASM 188 be removed from the planning maps and Schedule Three.

**SASM 193 – Awarua/Haast River South Bank**

479. There were two submission points on SASM 193, including GDC. Poutini Ngāi Tahu sought to remove reference to SASM-R6 in Schedule Three (S620.371), which was supported in the s42A Report.

**Hearing Panel's Evaluation**

480. The Panel accept the advice of Poutini Ngāi Tahu that it is not appropriate for SASM 193 to be subject to the permitted activity rule.

**Hearing Panel's Recommendation**

481. The Panel recommend reference to Rule SASM-R6 is removed from Schedule Three in relation to SASM 193.

**SASM 196 – Ōkuru River Nohoanga**

482. There were three submission points on SASM 196, including GDC. Anthony Eden (S578.007) sought that SASM 196 be removed from private developed land and be confined to the lagoon and other sites of cultural value. Gerard Nolan (S261.002) sought proof of significance for SASM 196, SASM 197, SASM 198 and SASM 199 Ōkuru. Nicola Main (S131.001) sought removal of Ōkuru from SASM 196, SASM 197 and SASM 198.

483. Mr Madgwick explained that SASM 196 was a nohoanga site recorded in the Ngāi Tahu Claims Settlement Act 1998 and was not in private ownership, due to nohoanga being Crown owned land adjacent to waterbodies and usually one hectare in size. He noted nohoanga literally means "*a place to sit*" and referred to seasonal occupation sites that were part of the mobile lifestyle of Ngāi Tahu Whānui as they pursued food and other natural resources. He described it as a traditional concept given contemporary effect through the Settlement process through the allocation of specific "camping" sites for mahinga kai activities. He noted that nohoanga provide all Ngāi Tahu with an opportunity to experience the landscape as their tupuna did, and to rekindle the traditional practices.

**Hearing Panel's Evaluation**

484. The Panel accept the evidence of Mr Madgwick regarding the values at this site.

**Hearing Panel's Recommendation**

485. The Panel recommend no change to SASM 196 or Schedule Three.

**SASM 197 – Ōkuru**

486. There were a number of submission points on SASM 197, including GDC. Anthony Eden (S578.006) sought that SASM 197 be removed from private developed land and be confined to the lagoon and other sites of cultural value. Gerard Nolan (S261.002) sought proof of significance for SASM 196, SASM 197, SASM 198 and SASM 199 Ōkuru. Nicola Main (S131.001)

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sought removal of Ōkuru from SASM 196, SASM 197 and SASM 198. Toni Chittock (S61.002) sought review of the SASM 197 boundaries, as did Rodney Wright (S62.002). Michael Snowden (S492.001) sought more precise mapping and differentiation between indigenous vegetation and improved pasture. Gary Gaasbeek (S398.003) sought historical evidence of any Māori village at Ōkuru. Ian and Sue Munro (S45.001) sought that the SASM be removed from private property, as did Lynn Findlay (S86.001) and Sue Templeton (S203.001). Hapuka Landing Limited (S514.007) sought amendment around the indigenous vegetation clearance rule to remove SASM 197 from the rule, which was supported by Poutini Ngāi Tahu's submission (S620.372).

487. Mr Madgwick explained that SASM 197 contained a historic kāinga/village, urupā, mahinga kai gathering areas, as well as containing a nohoanga site as recorded in the NTCSA; and was well known for a concentration of cultural and archaeological sites, including graves, artefacts, middens and ovens, as recorded in Appendix Ten in the Plan.

#### **Hearing Panel's Evaluation**

488. The Panel agree with submitters that sought removal of reference to Rule SASM-R4 in Schedule Three in relation to SASM 197, based on the advice of Poutini Ngāi Tahu that this is supported by mana whenua.
489. The Panel note that submitters did not mention Rule SASM-R9, which included reference to this SASM at the time of notification but was not included in Schedule Three. We note the right of reply evidence included SASM 197 in the associated Table SASM-T8. We concluded a correction is required to Schedule Three to correct this error.

#### **Hearing Panel's Recommendation**

490. The Panel recommend removing reference to Rule SASM-R4 in Schedule Three in relation to this SASM and removal of SASM 197 from table SASM-T4. The Panel recommend adding reference to Rule SASM-R9 in Schedule Three and including SASM 197 in SASM-T8.

### **SASM 198 – Ōkuru Mātaitai Reserve**

491. There were three submitters on SASM 198, including GDC. Gerard Nolan (S261.002) sought proof of significance for SASM 196, SASM 197, SASM 198 and SASM 199 Ōkuru. Nicola Main (S131.001) sought removal of Ōkuru from SASM 196, SASM 197 and SASM 198.
492. Mr Madgwick explained that SASM 198 was the Ōkuru`/Mussel Point Mātaitai Reserve, approved by the Ministry of Fisheries, covering approximately 0.2km<sup>2</sup> and extending seaward 200 metres from mean high-water mark. He noted the mātaitai provides for customary fishing and management practices and recognises it as a significant mahinga kai gathering area for Ngāti Māhaki.

#### **Hearing Panel's Evaluation**

493. The Panel accept the advice of Mr Madgwick regarding the values of this area. The Panel note that as a coastal SASM, it will only be relevant on the landward side of the coastal marine area. As the entirety of the SASM is within the coastal marine area it is outside the jurisdiction of this Plan. Although activities on the landward side of the SASM may impact on its values, introduction of the SASM will need to be included in a coastal plan.

### **Hearing Panel's Recommendation**

494. The Panel recommend that SASM 198 is deleted from the planning maps and Schedule Three.

### **SASM 199 – Mussel Point - Silent File**

495. There were two submission points on SASM 199, including GDC. Gerard Nolan (S261.002) sought proof of significance for SASM 196, SASM 197, SASM 198 and SASM 199 Ōkuru.
496. Mr Madgwick noted that SASM 199 was a very small area of great significance to Poutini Ngāi Tahu, which was why it was protected by a “silent file”. He explained that any further disclosure regarding the site would need to be public excluded to protect the site.

### **Hearing Panel's Evaluation**

497. The Panel did not consider it necessary to require Mr Madgwick to disclose sensitive details about the nature of the site in a closed session. The Panel is satisfied the Plan provides for a process that will enable Poutini Ngāi Tahu to guide landowners and resource users in methods to ensure protection of SASM 199.

### **Hearing Panel's Recommendation**

498. The Panel recommend no changes to SASM 199 or Schedule Three.

### **SASM 200 – Jackson Bay – Ōkahu Village**

499. There were two submission points on SASM 200, including GDC. Kathryn Bennie (S116.001) sought removal of the SASM from private property.
500. Mr Madgwick explained that SASM 200 recognised an historic pā site, kāinga and mahinga kai gathering areas and that archaeological remains have been found there. He cited Kā Huru Manu, as follows:

*Ōkahu is the traditional name for Jackson Bay — a large, gently-curving bay in South Westland south of Haast. Ōkahu faces Te Tai-o-Rehua (the Tasman Sea) and is backed by Kā Tiritiri-o-te-moana (the Southern Alps). Ōkahu was traditionally the name of a pā located at the mouth of the Arahata River, and has since been applied to the wider Jackson Bay area. Along with Ōkārīto, and Maitahi (Bruce Bay), Ōkahu was one of the main Kāi Tahu kāika situated throughout South Westland.” (References: Taylor, W.A. (1952) Lore and history of the South Island Māori. Christchurch, N.Z.: Bascands. P192.; Madgwick, P. (1992) Aotea: A history of the South Westland Māori. Greymouth, N.Z.: Greymouth Evening Star. P24, 25 & 43.)*

### **Hearing Panel's Evaluation**

501. The Panel accept the evidence of Mr Madgwick regarding the significant values of the site. The Panel note that there are no permitted activity rules applying to this SASM, so it will only be discretionary and non-complying activities that will be required to consider the cultural values of the SASM.

### **Hearing Panel's Recommendation**

502. The Panel recommend no changes to SASM 200 or Schedule Three.

**SASM 201 – Ōkahu Rāhui**

503. GDC were the only submitter on SASM 164 (S608.343), seeking its removal from the Plan, which was opposed by Poutini Ngāi Tahu in further submission.
504. The s42A Report generally did not support removal of SASM from the Plan.

**Hearing Panel's Evaluation**

505. Proposed SASM 201 is entirely within the coastal marine area and is therefore outside the jurisdiction of the Plan. While the Panel acknowledge that activities landward of the mean high water springs may have an impact on SASM within the coastal marine area, such SASM will need to be incorporated into a coastal plan.

**Hearing Panel's Recommendation**

506. The Panel recommends that SASM 201 be removed from the planning maps and Schedule Three.

**SASM 208 – Arawhata Pā Site**

507. There were three submission points on SASM 208, including GDC. John Sutton (S153.001) sought restriction of SASM 208 to Māori and public lands and the exclusion of freehold titles. Mandy Deans (S549.001) sought further consultation with the Neils Beach Community and noted that her submission incorrectly referred to SASM 1 instead of SASM 208.
508. Mr Madgwick explained that SASM 208 recognised the No.1 Arawhata Native Reserve and contained a historic pā site and urupā, as well as being known for a concentration of cultural and archaeological sites, including middens, as recorded in Appendix Ten. He cited Kā Huru Manu, as follows:

*This reserve comprising 55 acres over two sections situated on the south bank of the Arawata River was set aside as part of the Arahura Purchase 1860. Originally estimated at 100 acres, the reserve was never allocated in its entirety. Instead, it was allocated as two separate grants: Arawata No. 1 (33 acres) and Arawata No. 2 (20 acres). This reduction was attributed to the surveyor laying off the rest of the area as settlement sections and as a gold mining reserve for an expected influx of European settlers. In 1878 the Young Commission determined that the ownership of the reserve resided with Ihaia Tanui and nine others in varying share amounts. Since 1878 the Māori land Court has maintained succession schedules detailing changes in the ownership of the block. Both sections remain in their entirety, having never been partitioned or subdivided.*

**Hearing Panel's Evaluation**

509. The Panel accept the evidence of Mr Madgwick regarding the significant value of the site. The Panel note that there are no permitted activity rules applying to this SASM, so it will only be discretionary and non-complying activities that will be required to consider the cultural values of the SASM.

**Hearing Panel's Recommendation**

510. The Panel recommend no changes to SASM 208 or Schedule Three.

**SASM 216 – Ōtukoro Historic Reserve / Ōtukoro Iti, Kahurangi**

511. There were two submission points on SASM 216, including GDC. Poutini Ngāi Tahu submitted to remove reference to Statutory Acknowledgement for this SASM because although it was part of Treaty Settlement redress, it is not a Statutory Acknowledgement Area (S620.313). This was supported in the s42A Report.

**Hearing Panel’s Evaluation**

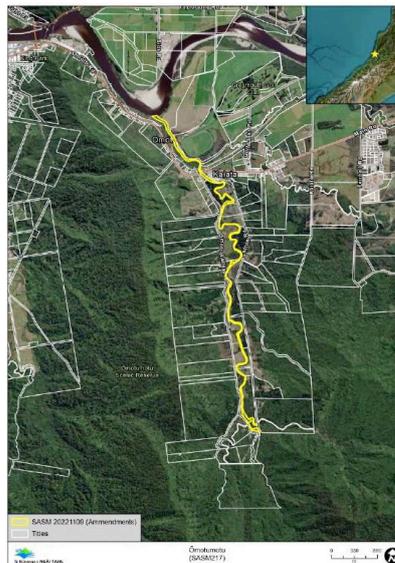
512. The Panel support the request to amend SASM 216 on the basis expressed, noting that the NTCSA includes this area as a Tōpuni in Schedule 86, consistent with the other values identified for this SASM.

**Hearing Panel’s Recommendation**

513. The Panel recommend deleting reference to “Statutory Acknowledgement” in relation to SASM 216.

**Proposed SASM 217 Ōmotumotu**

514. GDC sought to remove SASM 217, which is addressed earlier in this Report. Poutini Ngāi Tahu sought to add Ōmotumotu to Schedule Three (S620.375) and record it as a mahinga kai area with no applicable permitted activity rules.



515. Ms Easton recommended acceptance based on the SASM being a waterbody and therefore a matter of Crown ownership rather than private land ownership. The right of reply evidence records this SASM as “Nohoanga”, which does not correspond with the submission.

**Hearing Panel’s Evaluation**

516. The Panel accept the recommendation to include SASM 217 in Schedule Three, with the recorded value as “Mahinga Kai”, on the basis that no landowners are affected. The Panel understand that a waterbody may move over time but that this does not affect Poutini Ngāi Tahu association with the waterbody, and in that respect the Panel determine this SASM to be the active channel, bed, banks and immediate margins.

### **Hearing Panel's Recommendation**

517. The Panel recommend including the area as SASM 217, named “*Ōmotumotu*” on the planning maps, following the current channel of the waterbody, and including it in Schedule Three with the values recorded as “*Mahinga Kai*” and “*Waterbody*”

### **Proposed SASM 218 Aromahana/Cobden Island**

518. Poutini Ngāi Tahu (S620.376) requested adding new SASM 218.
519. Mr Madgwick explained SASM 218 was one of several included in the Poutini Ngāi Tahu submission that had been missed off the schedule and planning maps at the time of notification. He described it as a rich mahinga kai, an eeling ground, that was straight across the river from Māwhera Pā, on the edge of the pā site, and that it was very popular for harvesting. The area requested is shown below:



520. Ms Rusher, legal counsel for GDC, questioned the basis for identifying this area as significant to Poutini Ngāi Tahu, and raised issues of natural justice if it were to be included in the Plan by way of submission.
521. Mr McEnaney, for GDC, described the site as undeveloped land adjacent to the Grey River that was a mix of wetland (as part of the Cobden Aromahana Sanctuary and Recreation Areas) and pasture, with Council recreation facilities at the eastern end, including a boat ramp, wastewater dump station and freedom camping site. He expressed concern about consent requirements for minor indigenous vegetation clearance and temporary events held in the recreation area. He reiterated concern around lack of consultation with GDC and other affected landowners.
522. Ms Easton identified in her s42A Report that further consultation would be required with GDC regarding this SASM, and for this reason did not recommend including it in Schedule Three in her right of reply evidence.

### **Hearing Panel's Evaluation**

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523. The Panel accept the evidence that SASM 218 should not be introduced to the Plan at this time, and that a plan change will be required for that purpose.

**Hearing Panel’s Recommendation**

524. The Panel reject submission point S620.376 and therefore do not include Aromahana/Cobden Island in Schedule Three or the planning maps

**Proposed SASM 219 Pouerua**

525. Poutini Ngāi Tahu sought to add the “*Pouerua*” area to Schedule Three (S620.377) with the values listed as “*Mahinga kai*”, with no applicable permitted activity rules. The requested area is shown below:



526. Ms Easton outlined in her s42A Report that SASM 219 was primarily a lake, located mainly within the OSZ but affecting a small area of the GRUZ. She recommended accepting the submission.

**Hearing Panel’s Evaluation**

527. The Panel acknowledge that no rules are proposed to be attached to SASM 219 and that it is primarily a waterbody. As with other waterbodies, over time there may be some discrepancy between the mapped extent of the SASM and the active bed of the lake.

**Hearing Panel’s Recommendation**

528. The Panel recommend incorporating the area as SASM 218, named “*Pouerua*”, on the planning maps and in Schedule Three, with the values recorded as “*Mahinga kai*” and “*Waterbody*”.

**Proposed SASM 220 Parihaka Memorial**

529. Poutini Ngāi Tahu sought to add the “*Parihaka Memorial*” to Schedule Three (S620.378), with the value listed as “*Cultural and Historic Area*”.



530. Ms Easton in her s42A Report was concerned that more consultation would be required because of the urban location of the site, situated in the RESZ. She did not recommend its inclusion in Schedule Three.

#### Hearing Panel's Evaluation

531. The Panel agree with Ms Easton that this SASM should be introduced by way of a plan change process following further consultation, relying on recommended Method SASM M2 in the Plan.

#### Hearing Panel's Recommendation

532. The Panel reject submission point S620.378 and therefore do not recommend including Parihaka Memorial on the planning maps or in Schedule Three.

#### Proposed SASM 221 Paringa

533. Poutini Ngāi Tahu sought to add the "Paringa" to Schedule Three (S620.379), with the value listed as "Mahinga kai" and no applicable permitted activity rules.

534. Ms Easton in her s42A Report recommended acceptance of the submission on the basis that the SASM was a beach.



### **Hearing Panel's Evaluation**

The Panel note that as a coastal SASM it would only be relevant on the landward side of the coastal marine area. The Panel consider that the proposed SASM appears to be primarily in the coastal marine area and therefore outside the jurisdiction of the district plan.

### **Hearing Panel's Recommendation**

535. The Panel reject submission point S620.379 and therefore do not include Paringa on the planning maps or in Schedule Three.

### **Proposed SASM 222 – Mikonui**

536. Poutini Ngāi Tahu sought to include a new SASM in the Plan for the “Mikonui” area, as shown in Appendix 6 to their submission (S620.380), with the value listed as “*Mahinga kai*” and no applicable permitted activity rules.
537. Ms Easton in her s42A Report recommended acceptance of the submission on the basis that the SASM was a beach.



### **Hearing Panel's Evaluation**

538. The Panel note that as a coastal SASM it will only be relevant on the landward side of the coastal marine area. The proposed SASM appears to be primarily in the coastal marine area and therefore outside the jurisdiction of the district plan.

### **Hearing Panel's Recommendation**

539. The Panel reject submission point S620.380 and therefore do not include Mikonui on the planning maps or in Schedule Three.

### **Proposed SASM 223 – Te Papakini**

540. Poutini Ngāi Tahu sought to include a new SASM in the Plan for Te Papakini, as shown in Appendix 6 to their submission (S620.381), with the value listed as “*Mahinga kai*” and no applicable permitted activity rules.



541. Ms Easton in her s42A Report recommended acceptance of this SASM on the basis that it was OSZ and DOC land.

#### **Hearing Panel's Evaluation**

542. The Panel accept Ms Easton's advice that the area is a combination of OSZ and DOC land. The Panel accept that the area is valued as mahinga kai, and that the implications of including the SASM would be that its mahinga kai values would be considered in relation to discretionary and non-complying activities during the resource consent process.

#### **Hearing Panel's Recommendation**

543. The Panel recommend that the area is recorded as SASM 219 on the planning maps and in Schedule Three, named "*Te Papakini*", with its value recorded as "*Mahinga kai*", only to the extent that it covers public conservation land.

#### **Proposed SASM 224 – Tauneka**

544. Poutini Ngāi Tahu sought to include a new SASM in the Plan for the "*Tauneka*" area, as shown in Appendix 6 to their submission (S620.382), with the value listed as "*Mahinga kai*" and no applicable permitted activity rules.
545. Ms Easton in her s42A Report recommended acceptance of the submission on the basis that the SASM was a beach, OSZ and public conservation land.



### Hearing Panel's Evaluation

546. The Panel note that as a coastal SASM it will only be relevant on the landward side of the coastal marine area. The proposed SASM appears to be primarily in the coastal marine area and therefore outside the jurisdiction of the district plan.

### Hearing Panel's Recommendation

547. The Panel reject submission point S620.382 and therefore do not include Tauneke the planning maps or in Schedule Three.

### Proposed SASM 226 – Pororari River Nohoanga

548. Poutini Ngāi Tahu sought to include a new SASM in the Plan for the “*Porari River Nohoanga*” area, as shown in Appendix 6 to their submission (S620.384), with the value listed as “*Nohoanga*” and no applicable permitted activity rules.



549. Ms Easton in her right of reply evidence has recommended acceptance based on the location being public conservation land. She has recorded it in Schedule Three as “*Pororari Nohoanga*” which differs from the submission.

### **Hearing Panel's Evaluation**

550. The Panel accept the evidence of this location as a nohoanga on public conservation land and on that basis agree that it can be included in the planning maps and Schedule Three. The Panel note that Pororari River is recorded as a nohoanga in the NTCSA.

### **Hearing Panel's Recommendation**

551. The Panel recommend that the area is recorded as SASM 220 and included on the planning maps and in Schedule Three as "*Pororari River Nohoanga*", with its value recorded as "*Nohoanga*".

### **Proposed SASM 227 – Makarore & Tiore Pātea**

552. Ms Easton supported the submission of Queenstown Lakes District Council (**QLDC**) (S523.004) to include this additional SASM in the Plan, which is part of the QLDC district plan, with the area of overlap into Westland District indicated on the associated map. She did so on the basis that the QLDC request was supported by Poutini Ngāi Tahu and the proposed SASM area was within public conservation land. She considered that it should be linked to Rule SASM-R6 and that information from the QLDC district plan should be included in Schedule Three.
553. Mr Madgwick supported inclusion of SASM 227 ("*Makarore & Tiore Pātea*") in the Plan, which he acknowledged were important to Poutini Ngāi Tahu. He advised that the values should be recorded as "*Kainga, Mahinga Kai and Ara tāwhito*".
554. Ms Pull supported the inclusion of SASM 227 in Schedule Three and in Table SASM-T6 to provide for clarity and consistency users of the Plan and the Queenstown Lakes District Plan, allowing for a holistic approach to the management of the values of the site.

### **Hearing Panel's Evaluation**

555. The Panel accept the recommendations to include this SASM in the Plan, on the planning maps and in Schedule Three. The Panel adopt the advice of Mr Madgwick with regard to the appropriate label to apply to the values, in order to be consistent with the remainder of the SASMs in the Plan. The Panel accept the recommendations of Ms Easton and Ms Pull to have the SASM subject to Rule SASM-R6, and therefore its inclusion in Table SASM-T6.

### **Hearing Panel's Recommendation**

556. The Panel recommend that the area is included on the planning maps and in Schedule Three as SASM 221, named "*Makarore & Tiore Pātea*", with its value recorded as "*Kainga, Mahinga kai and Ara Tāwhito*", and with reference to Rule SASM-R6. The Panel also recommend its inclusion in the associated Table SASM-T6.

### **Schedule Three (SCHED 3) – Sites and Areas of Significance to Māori**

557. The Panel recommendations for changes to the able in Schedule Three (SCHED 3) are included as Appendix 2 to this Recommendations Report.

### Schedule Three (SCHED 3A) – Criteria for Certification

#### Submissions and Evidence/Statements

558. The Panel received advice from the planners through joint witness conferencing on their recommendations for criteria to be included in a schedule to the Plan that would guide a certification process for permitted activities, as discussed in the SASM rules section of this Report. The planners’ recommended content for the schedule is as follows:

**Schedule xx: Criteria for Certification within Sites and Areas of Significance to Māori and Pounamu and Aotea Overlay Areas**

A number of the rules within the SASM Sites and Areas of Significance to Māori – Ngā Wahi Tāpua ki te Māori chapter require certification to confirm if an activity meets the conditions of the rule and falls within the permitted activity rule. Where certification is not achieved, the activity will become a Discretionary Activity.

The certification process will be undertaken by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga.

The table below sets out the criteria that will be applied to the certification process. More information on the criteria can be found in the Tangata Whenua section of the Plan.

<b><u>Criterion</u></b>	<b><u>Why this criterion is important to assess against Schedule 3 Values</u></b>	<b><u>How this criterion is used to measure against the specific SASM rules</u></b>
<b><u>Kaitiakitanga</u></b>	<u>Poutini Ngāi Tahu value that includes having the intergenerational responsibility for ensuring resources are managed in a manner beneficial to the resource.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if natural resources will be protected or managed in a way beneficial to the values at the site, including ensuring resource availability for future generations.</u>
<b><u>Tino Rangatiratanga</u></b>	<u>Poutini Ngāi Tahu value that involves having the mana to determine how a resource is to be used and managed, and by whom. This value is about recognising the relationship of Poutini Ngāi Tahu within the site and their ability to</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the proposed activity will impact the relationship of Poutini Ngāi Tahu with the values associated with the site.</u>

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	<u>be actively involved in decision making processes.</u>	
<b>Mauri</b>	<u>Poutini Ngāi Tahu value that involves preserving the physical and spiritual health/life force of the environment.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will maintain or enhance the mauri of the site.</u>
<b>Mahinga kai</b>	<u>Poutini Ngāi Tahu practice that involves the gathering of food and other natural resources. It includes the social and educational elements as well as the process of gathering of natural resources.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will adversely affect mahinga kai, which includes use and access to mahinga kai.</u>
<b>Ki Uta Ki Tai</b>	<u>Poutini Ngāi Tahu principle that reflects the interdependent nature and function of the various elements of the environment within a catchment.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will adversely affect the whenua surrounding the site or any nearby waterways.</u>
<b>Wāhi tapu</b>	<u>Poutini Ngāi Tahu value that indicates an area of sacredness or restriction.</u>	<u>Note any Wāhi Tapu values on the site and if the activity will be carried out according to tikanga and kawa to determine if there are adverse effects.</u>
<b>Taonga</b>	<u>Poutini Ngāi Tahu value that indicates a site or resource highly prized and important. Taonga are treasures to be protected.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will adversely affect the identified taonga.</u>

Advice Note: upon receiving certification from the authorised representative of the relevant Poutini Ngāi Tahu Rūnanga, the applicant must provide the certification to the relevant District Council at least 10 working days prior to the activity commencing.

### **Hearing Panel's Evaluation**

559. The Panel accept a new schedule is required to guide the Poutini Ngāi Tahu certification process for permitted activities.
560. The Panel consider the suggested title of the new schedule is shortened due to the recommended location of the new schedule within Schedule Three, using the shorthand "*SCHED 3A*", as per the table in the notified plan that includes all the individual SASM and uses the heading "*SCHED 3*". We consider the title should be "*SCHED 3A: Criteria and Process for Certification of Permitted Activities*" so that the purpose of the schedule is clearly described, using the same font as the title of "*SCHED 3: Sites and Areas of Significance to Māori*".
561. The Panel considers it is appropriate to amend the first paragraph drafted by the planners to make it clear that certification from Poutini Ngāi Tahu is required to meet the condition of the permitted activity rule. We consider the wording provided by the planners lacks clarity that certification must be achieved to meet the permitted activity rule.
562. The Panel considers additional wording is needed in the second paragraph drafted by the planners to make it clear that the authorised representative of the relevant Poutini Ngāi Tahu Rūnanga must be a suitably qualified or experienced person for the purposes of certification. We consider it is important that plan users have confidence that the person undertaking the review during the certification process constitutes a suitably qualified or experienced person and that they have the cultural expertise to undertake the required assessment. This is reflected in recommended amendments to the wording of this paragraph.
563. The Panel have reviewed the criteria in Appendix 2 to the Ōtorohanga District Plan in order to compare the expression of criteria in that appendix with the table of criteria proposed by the planners, since this was the model for certification in a permitted activity rule preferred in the JWS. The Panel observe a clear difference in expression within Appendix 2 to the Ōtorohanga District Plan when compared with the wording proposed by the planners in the JWS for the new Schedule. The Panel find that the recommendation falls short of what is needed to reflect the advice of legal counsel and respond to the concerns of submitters regarding clarity and certainty. As previously discussed in this Recommendations Report, the Panel have identified some basic components of the certification process that will be required in order to achieve these aims.
564. In particular, the Panel consider that an efficient and effective certification process will be reliant on:
- specific details of a proposed activity, as they are provided to Poutini Ngāi Tahu;
  - consideration of the proposed activity by a suitably qualified or experienced person, authorised by Poutini Ngāi Tahu;
  - a timely process, that meets the two week timeframe Poutini Ngāi Tahu indicated in evidence to the Panel;
  - a determination directly linked to the values present within a particular SASM, as recorded in Schedule Three (rather than a suite of more generic values that have informed the notified Plan as a whole);

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- a binary determination, rather than an assessment of the degree of any effect present (e.g. less than minor, minor or more than minor); and
- a clear communication of the outcome of the process.

565. The Panel have outlined these basic components of the process in recommendations for SCHED 3A, which may be expanded on through guidance created using new Method SASM-M1. Importantly, the Panel have identified a single relevant criterion that meets the legal test outlined by counsel, tied directly to the values present in a SASM. The Panel has also recognised the potential for delays in the process, which was a concern raised by submitters, and has therefore included the timeframe of 10 working days, as referenced in evidence from Poutini Ngāi Tahu, to support the efficiency and effectiveness of the process.

The Panel has also considered all the evidence received on the relationship between Poutini Ngāi Tahu and owners of Māori land, as defined in the Plan. The Panel understand that there are a wide range of Māori land owners, who may be members of Ngāti Waewae or Ngāti Māhaki, may be members of other Ngāi Tahu hapū, or other iwi, and may or may not live locally, or always be Māori, as a consequence of the history of each land parcel. On that basis the Panel expect that tikanga will variously apply, and in some cases may mean that the certification process is considered to be inappropriate in the circumstances. The Panel, therefore, provide for an optional alternative in the Schedule that may be used in such circumstances.

#### Hearing Panel's Recommendation

566. The Panel recommendation is for new **Schedule Three (SCHED 3A)** to consist of the following:

#### **SCHED 3A: CRITERIA AND PROCESS FOR CERTIFICATION OF PERMITTED ACTIVITIES**

**A number of the permitted activity rules within the SASM Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori Chapter require certification to be provided by Poutini Ngāi Tahu in order to meet the conditions of the rule.**

#### **Suitably Qualified or Experienced Person (SQEP)**

**The certification process will be undertaken by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga who has the necessary expertise to assess activities against the criteria, and is therefore a SQEP for the purposes of certification in accordance with this Schedule.**

#### **Criterion**

**In order for an activity to be able to rely on the relevant permitted activity rule, the SQEP will be required to certify that:**

***“The proposed activity does not give rise to any unacceptable effects on any of the values of the identified SASM recorded in Schedule Three.”***

#### **General Process**

**The following elements of process support certification:**

- 1. Certification is specific to details of the proposed activity as provided to Poutini Ngāi Tahu;**

2. The outcome of the process will be communicated to those seeking to undertake the proposed activity within 10 working days of them providing specific details of the proposed activity to Poutini Ngāi Tahu; and

3. In the event that the outcome of the process is that the SQEP cannot provide certification against the Criterion, then Poutini Ngāi Tahu will advise those seeking to undertake the proposed activity either:

(i) the nature of any effects of concern, in order to inform any subsequent process; or

(ii) that based on the specific details provided to Poutini Ngāi Tahu the SQEP cannot conclude that there are no effects of concern, which may be due to lack of information to support a definitive conclusion.

#### Optional Criterion and Process for Māori Land

The SQEP may determine, in relation to Māori Land, that tikanga applies in the circumstances and that, therefore, the General Process with associated Criterion is inappropriate for the purposes of certification.

In such circumstances the SQEP may instead certify that:

*“The proposed activity will be undertaken in accordance with tikanga.”*

In such circumstances the process between the parties will also be guided by tikanga.

#### Note

More information on Poutini Ngāi Tahu Values can be found in the Tangata Whenua section of the Plan.

## Recommendations on Appendix Four – Accidental Discovery Protocols – Te Āpiti hanga Tuawhā: Ngā Tikana o te Kite Pokerehū

### Submissions and Evidence/Statements

567. GDC (S608.626) sought that a standardised Accidental Discovery Protocol be included in the Plan in Appendix Four. Stephen Page (S270.009) sought that contacting the Police should be the first action upon finding human remains. HNZPT (S140.079) sought that the HNZPT Accidental Discovery Protocol be included in Appendix Four of the Plan. Poutini Ngāi Tahu (S620.388) sought a version of the protocol specific to Te Tai o Poutini, utilising Ngāi Tahu protocol, which was opposed by Māwhera Inc.
568. Ms Pull provided amended wording for Appendix Four in her evidence at the SASM hearing. She referred to the Protocol contained in the Mahaanui Iwi Management Plan 2013 as a guide. She observed that the HNZPT and Poutini Ngāi Tahu protocols were very similar in terms of steps to be taken but that tikanga around partnership was absent from the HNZPT protocol. She supported the quantifiable 20m setback in the NZHPT protocol. She considered it likely, due to the extent of occupation and use by Poutini Ngāi Tahu in the region, that any archaeological site would involve a connection with Ngāi Tahu and warrant notification at the time of discovery. She blended the protocols, in the absence of being able to confer with HNZPT in advance of writing her evidence. She confirmed at that hearing that she had since combined feedback from HNZPT, and that both parties were happy with the protocol.
569. HNZPT did not provide evidence to the SASM hearing.

### Hearing Panel's Evaluation

570. The Panel are satisfied that a protocol that addresses the needs of both HNZPT and Poutini Ngāi Tahu is appropriate, and that a protocol is required.

### Hearing Panel's Recommendation

571. The Panel recommends the following amendments to **Appendix Four** based on the submissions and evidence received in both the SASM and Historic Heritage hearings:

**Appendix Four: Accidental Discovery Protocols Te Āpiti hanga Tuawhā: Ngā Tikana o te Kite Pokerehū**

**PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.**

**Purpose:**

**In the event that an unidentified archaeological site is located during works, the Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or archaeological sites are accidentally discovered.**

**Background:**

Land use activities involving earthworks have the potential to disturb material of cultural significance to tāngata whenua. In all cases, such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the Heritage New Zealand Pouhere Taonga Act 2014, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is an offence under s87 to modify or destroy the whole or any part of an archaeological site (known or unknown) without an authority from Heritage New Zealand irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act.

Protocol:

~~On~~ Immediately following the discovery of any human remains or material suspected to be a taonga, kōiwi or archaeological site, the owner of the site or the consent holder must take the following steps shall be taken:

~~1. Cease works and secure the area~~ Immediately cease ~~a~~ All works on the site will cease immediately at that place and within 20m of any part of around the discovery the site, including shutting down all earth disturbing machinery and stopping all earthmoving activity.

• ~~Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed;~~

~~2. Inform relevant authorities and parties~~ Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed.

~~3. Inform the following parties immediately of the discovery:~~

- ~~• The New Zealand Police;~~
- ~~• Poutini Ngāi Tahu;~~
- ~~• Heritage New Zealand Pouhere Taonga;~~
- ~~• The relevant District Council in all cases.~~

The contractor/works supervisor/owner will notify the Rūnanga, Council and the Area Archaeologist of Heritage New Zealand. In the case of kōiwi (human remains), the New Zealand Police must be notified.

~~3. Wait for and enable inspection of the site~~

• ~~The New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discover.~~

• ~~A site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Poutini Ngāi Tahu representatives,~~

• ~~Following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, until the requirements of this Rule are met.~~

**4. The Rūnanga and Heritage New Zealand will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.**

**5. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand before work resumes (as per the Heritage New Zealand Pouhere Taonga Act 2014).**

**6. The contractor/works supervisor/owner will also consult the Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.**

**7. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Rūnanga. Remains are not to be moved until such time as Rūnanga, NZ Police and Heritage New Zealand have responded.**

**4. *Recommencement of work***

Work within the area determined by the Council must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:

1. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;

2. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;

3. Any material of scientific or educational importance has been recorded and if appropriate recovered and preserved;

4. Where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Poutini Ngāi Tahu, that:

~~○ Any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and~~

~~○ Any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.~~

5. Resource consent has been granted for any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.

**8. Works in the site area shall not recommence until authorised by the Rūnanga, Heritage New Zealand (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.**

**9. All parties will work towards work recommencing in the shortest possible timeframe while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the Heritage New Zealand Pouhere**

Taonga Act 2014 if necessary. Appropriate management may include recording or removal of archaeological material.

10. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Rūnanga, and any taonga (Māori artefacts) that may be discovered. Where Rūnanga so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.

IF IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE HERITAGE NEW ZEALAND ARCHAEOLOGIST

Contact Details:

Rūnanga Contact:

Te Rūnanga o Ngāti Waewae - hamiria.hutana@ngaitahu.iwi.nz;

Te Rūnanga o Makaawhio – Makaawhio.admin@ngaitahu.iwi.nz

Poutini Environmental: poutini.environmental@ngatiwaewae.org.nz

NZ Police 123

Heritage New Zealand Archaeologists contact details:

ArchaeologistCW@heritage.org.nz

AsstArchaeologistCW@heritage.org.nz

## Recommendations on Appendix Ten – New Zealand Archaeological Association Sites of Māori Origin

### Submissions and Evidence/Statements

572. There were four submissions received specific to Appendix Ten, from Frida Inta and Buller Conservation Group (S552.207, S553.207, S553.210) and Poutini Ngāi Tahu (S620.391). Frida Inta sought location descriptions and a record of all known sites. Poutini Ngāi Tahu sought that all the sites listed in Appendix Ten should remain and be included in an alert layer with the planning maps.
573. Ms Easton advised that there were no submissions seeking deletion of Appendix Ten and that at the time of notification the Appendix was not connected specifically to any policies or rules. She advised that the estimated cost of mapping Appendix Ten sites, for instance with buffer circles given they are indicative locations only and unverified, would be in the order of \$15,000, and that work could not begin on the project until at least 2026. She advised that the work was not currently programmed to occur. She considered the priority to be development of information on the Historic Heritage scheduled items, as well as ONL and hazard mapping. This evidence is also discussed in the Historic Heritage Chapter Recommendation Report.
574. Ms Pull, for Poutini Ngāi Tahu, noted the relationship between the SASM Chapter and Appendix Six: Nohoanga Entitlements Te Āpitihanga Tuaono: Ngā Āheinga Nohoanga, which she supported in evidence at the first hearing. She considered Appendix Ten: New Zealand Archaeological Association Sites of Māori Origin and the fact that there are no rules attached to it; and that the listed sites were not necessarily accurate in terms of location, scale or completeness. She expressed support for the Poutini Ngāi Tahu submission point that an ‘alert layer’ be created using the listed sites, to raise awareness of any increased likelihood of unearthing archaeological material of Māori origin. She emphasised that protecting archaeological sites from inappropriate subdivision, use and development was a matter of national importance; and was not persuaded that a \$15,000 estimated cost for an alert layer was in any way unreasonable given the purpose. She compared this to the role of information on a LIM report to alert landowners of special characteristics on their properties. She recommended that an alert layer be created based on the archaeological sites listed in Appendix Ten.

### Reporting Officer Reply Evidence

575. Ms Easton responded to a question regarding the number of archaeological sites outside of SASM, how this information could be included in the Plan and how other plans deal with them. She explained that the NZ Archaeological Association mapped sites did not differentiate between sites of Māori and European origin. However, she noted an analysis of West Coast sites revealed around 400 sites of Māori origin amongst the approximately 1000 NZAA mapped sites. She estimated the cost of an archaeological alert layer to be in the region of \$15,000. She discovered during her analysis of other district plans that New Plymouth District Council had used the NZAA sites on their planning maps, whilst others simply noted that not all sites had been identified in their district. Ms Easton recommended retaining Appendix Ten as an “information only” appendix in the Plan to serve as an alert to plan users.

**Hearing Panel's Evaluation**

576. The Panel agree that Appendix Ten should remain in the Plan, and have recommended a new Method HH-M5 in the Historic Heritage Chapter Recommendation Report that addresses the submission points of Frida Inta and Poutini Ngāi Tahu.

**Hearing Panel's Recommendation**

577. The Panel recommendation is to retain Appendix Ten in the Plan as notified.



**Dean Chrystal**  
**Hearings Panel – Chair**



**Anton Becker**  
**Hearings Panel Member**



**Sharon McGarry**  
**Hearings Panel Member**



**Maria Bartlett**  
**Hearings Panel Member**



**Paul Rogers**  
**Hearings Panel Member**

**Date: 9 September 2025**

**APPENDIX 1:RECOMMENDATIONS FOR DEFINITIONS, SITES AND AREAS OF SIGNIFICANCE  
TO MĀORI CHAPTER**

**Definitions**

<u>Cleanfill area</u>	<u>means an area used exclusively for the disposal of cleanfill material</u>
<u>Cleanfill material</u>	<p><u>means virgin excavated materials including clay, gravel, sand, soil and rock that are free of:</u></p> <ul style="list-style-type: none"> <li>a) <u>combustible, putrescible, degradable or leachable components;</u></li> <li>b) <u>hazardous substances and materials;</u></li> <li>c) <u>products and materials derived from hazardous waste treatment, stabilisation or disposal practices;</u></li> <li>d) <u>medical and veterinary wastes, asbestos, and radioactive substances;</u></li> <li>e) <u>contaminated soil and other contaminated materials; and</u></li> <li>f) <u>liquid wastes</u></li> </ul>
<u>Cultural landscape</u>	<p>means broader geographical areas that hold significant value to Poutini Ngāi Tahu due to the concentration of wāhi tapu or taonga values, or the importance of the area to cultural traditions, history or identity, <u>as identified as part of sSites and Areas of Significance to Māori.</u></p> <p><u>Advice Note: where Sites and Areas of Significance to Māori have been identified within outstanding natural landscapes the values associated with those sites and areas have been included within the descriptions in Schedule Five: Outstanding Natural Features and Landscapes – Te Rārangī Tuarima: Ngā Whenua Aotūroa Puru Rourou</u></p>
<u>Cultural materials</u>	<u>means hangi stones, pigments and dyes, aotea and pounamu, plants, plant materials and materials derived from animals, marine mammals or birds which are important to Poutini Ngāi Tahu in maintaining their culture</u>
<u>Hazardous facilities</u>	<u>means activities that involve the manufacturing and disposal of hazardous substances</u>
<u>Landfill</u>	<u>means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.</u>
<u>Upper slopes</u>	<u>means the area within a 50 metre radius (measured on the horizontal plane) from the summit of the mountain or hill.</u>
<u>Wastewater treatment facilities</u>	<u>means municipal or community scale facilities for the treatment and disposal of wastewater, excluding domestic septic tank/on site and dairy shed effluent treatment and disposal facilities.</u>

## Glossary

<b>Ahikareea-ahi_kā_roa</b>	continuous occupation
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## Sites and Areas of Significance to Māori Chapter

### Overview

**The Sites and Areas of Significance to Māori -Ngā Wāhi Tāpua ki te Māori Chapter only relates to identified sites and areas of significance to Poutini Ngāi Tahu. A number of sites and areas are Māori land.**

The West Coast/Te Tai o Poutini Councils acknowledge Poutini Ngāi Tahu as mana whenua. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are the only elected and mandated bodies with authority to represent and administer to all Poutini Ngāi Tahu interests. The West Coast/Te Tai o Poutini Councils also acknowledge Te Rūnanga o Ngāi Tahu as the Iwi Authority with jurisdiction over the West Coast/Te Tai o Poutini. They have legal mandate to represent wider Ngāi Tahu whānui interests, and support the positions of Poutini Ngāi Tahu.

Poutini Ngāi Tahu live and travel extensively across the West Coast/Te Tai o Poutini and, and have historical and ongoing cultural connections with land and waterways throughout the area. There are a wide range of sites and areas of significance to Māori, these include:

- Cultural Landscapes - or areas of association. These are areas with significant associations to cultural traditions, history or identity and include ancestral maunga;
- Wāhi taonga – places that are treasured due to their high intrinsic values and their role in maintaining a balanced and robust ecosystem, sustaining quality of life and providing for the needs of present and future generations.
- Mahinga kai - Mahinga kai is central to the Poutini Ngai Tahu way of life. Mahinga kai includes the gathering of food and natural materials and the places where these resources are gathered. The mahinga kai custom of producing or procuring food resources from a range of resources throughout the region on a seasonal basis is a fundamental practice. Mahinga kai resources include kai/food, rokoa/medicine, other materials such as feathers and fibres;
- Wāhi tapu - sacred sites or areas held in reverence according to whakapapa. They may be associated with tāngata whenua creation stories, particular events or ceremonies, or valued resources, and include sites such as urupā, pā, tuhituhi o neherā, and tauranga waka;
- Pounamu and Aotea management areas - Pounamu and Aotea are taonga of Poutini Ngāi Tahu. Under the Pounamu Vesting Act, all pounamu on the West Coast/Tai o Poutini is owned by Poutini **formerly owned by the Crown was vested in Te Rūnanga o Ngāi Tahu. In the case of pounamu in the Arahura River catchment, this has in turn been vested in Māwhera Incorporation.** Their presence **Pounamu** is widespread across parts of the West Coast/Tai o Poutini. Aotea is only found in the Makaawhio River, over which Te Rūnanga o Ngāi Tahu hold a statutory acknowledgement and Te Rūnanga o Makaawhio hold a **Crown Mining Permit under the Crown Minerals Act 1991. There may be circumstances where Victorian title applies to an area of land.**

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

1. In some locations a resource consent is needed for a range of activities that could adversely affect cultural values of these areas. Different types of activities affect the different cultural values and some sites need a higher degree of management and oversight by Poutini Ngāi Tahu than others. Different rules relate to different Sites and Areas of Significance to Māori, and these are identified within the Rule, and cross referenced to the description in Schedule Three.

2. Across the region as a whole, policies and matters of discretion provide for consideration of effects on cultural values, particularly when consent is required for key activities with the potential to impact on cultural values, and there are also enabling provisions for customary harvest or other cultural practices of benefit to Poutini Ngāi Tahu.

Sites and Areas of Significance to Māori are listed and described in Schedule Three and mapped on the planning maps. Where mapped areas extend in to the coastal marine area, provisions of this plan only apply landward of the coastal marine area (mean high water springs).

#### **Other relevant Te Tai o Poutini Plan provisions**

**It is important to note that in addition to this chapter, a number of chapters also contain provisions that may be relevant to Sites and Areas of Significance to Māori, including:**

**• Historic Heritage – the Historic Heritage Chapter contains the provisions in relation to the sites and areas identified in Schedule One. It also contains objectives and policies that are relevant to Sites and Areas of Significance to Māori and Appendix Ten. Appendix Ten contains New Zealand Archaeological Association listed archaeological sites of Māori origin. The exact spatial location and extent of these sites has not yet been clearly identified but they are included in Appendix Ten for information purposes. Like all archaeological sites, these are protected under the Heritage New Zealand Pouhere Taonga Act 2014.**

**• Notable Trees – the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in Schedule Two due to their Poutini Ngāi Tahu values.**

**• Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the outstanding landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas outstanding.**

**• Subdivision – the Subdivision Chapter contains provisions which relate to the subdivision of land within Sites and Areas of Significance to Māori, in particular rules SUB-R10 and SUB-R17.**

**• Financial Contributions – the Financial Contributions Chapter provides the framework and provisions that allow for waivers for financial contributions in circumstances where heritage items, including Sites and Areas of Significance to Māori, are protected.**

**• Activities on the Surface of Water – the Activities on the Surface of Water Chapter contains provisions for the surface of waterbodies. In some instances, activities are restricted on some waterbodies due to the potential impacts on Poutini Ngāi Tahu values.**

**• Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains provisions for the management of indigenous vegetation and biodiversity. This includes provisions relating to indigenous vegetation clearance in the coastal environment.**

<b>SASM – O1</b>	Sites and areas of significance to Poutini Ngāi Tahu are recognised and identified and Poutini Ngāi Tahu are actively involved in decision-making that affects their values to provide for tino rangatiratanga and kaitiakitanga.
<b>SASM – O2</b>	Poutini Ngāi Tahu are able to access, maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes <b><u>with landowner agreement</u></b> .
<b>SASM – O3</b>	The values of sites and areas of significance to Māori and cultural landscapes are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.

***Cultural Landscapes***

**SASM - P1**

Protect Poutini Ngāi Tahu cultural landscapes from adverse effects of **inappropriate** subdivision, use and development, while enabling their values to be enhanced through ongoing Poutini Ngāi Tahu access and cultural use, **in agreement with landowners**.

***Identification and access to significant sites and areas***

**SASM – P2**

Work with Poutini Ngāi Tahu to identify and list sites and areas of significance to Poutini Ngāi Tahu in Schedule Three and protect the identified values of the sites and areas.

**SASM – P3**

Upon accidental discovery of kōiwi (skeletal remains) or ~~urupā~~ **taonga** ensure that the Accidental Discovery Protocol in Appendix Four is followed.

~~**SASM – P4**~~

~~Promote the provision or development of access for Poutini Ngāi Tahu to the identified sites and areas of significance to Poutini Ngāi Tahu listed in Schedule Three, including through:~~

- ~~a. Formal arrangements, such as co-management, joint management or relationship agreements, easements; and/or~~
- ~~b. Informal arrangements or understandings between landowners and local Poutini Ngāi Tahu hapū and/or marae.~~

***Poutini Ngāi Tahu Roles***

**SASM - P54**

Recognise and provide for the exercise of tino rangatiratanga and kaitiakitanga by Poutini Ngāi Tahu in decisions made in relation to identified sites and areas of significance in Schedule Three.

**SASM - P65**

Within the Pounamu **Management Area** and Aotea **Management Area** ~~O~~overlays, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid the **unauthorised and deliberate** disturbance or removal of this resource by non-hapū members.

***Management of Activities on Identified Significant Sites and Areas***

**SASM – P76**

Protect and maintain sites and areas of significance to Māori from adverse effects by:

- a. Ensuring identified sites and areas of significance to Māori are not disturbed, destroyed, removed and/or visually encroached upon by inappropriate activities; and
- b. Requiring activities on sites and areas of significance to Māori to minimise adverse effects on cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu.

**SASM – P87**

Where an activity is proposed within any site or area of significance to Māori identified in Schedule Three, ensure that:

- a. Engagement with Poutini Ngāi Tahu occurs to ensure that effects of the activity on the values of the sites or area are understood;
- b. The ~~a~~**A**ccidental ~~d~~**D**iscovery ~~p~~**P**rotocol in Appendix Four is adopted for any earthworks;
- c. Any adverse effects on identified values are avoided, unless it can be demonstrated that to the functional needs **or operational need** of the activity it is not possible to avoid all adverse effects; and
- d. Any residual effects that cannot be practicably avoided are mitigated in a way that protects, maintains or enhances the values of the site or area.

**SASM – P98**

Require that activities within sites and areas of significance to Poutini Ngāi Tahu ~~that~~ support taonga species and mahinga kai resources as identified in Schedule Three, **by**:

- a. Minimise**ing** adverse effects on indigenous habitats and waterbodies;
- b. Enable**ing** the maintenance and enhancement of these areas; and
- c. Maintain**ing** and where appropriate improve**ing** access for Poutini Ngāi Tahu to these areas, **with landowner agreement**.

***Inappropriate Activities***

**SASM – P109**

Restrict buildings, structures, forestry, network utility structures, **installation of fence posts**, mining and earthworks on the upper slopes and peaks of ancestral maunga as identified in Schedule Three.

**SASM – P1110**

Recognise the significance to Poutini Ngāi Tahu of the sites and areas of significance to Māori listed in Schedule Three and protect the identified values of these sites and areas by:

1. avoiding the following activities in, or in close proximity to, these areas:

~~a. Mining and quarrying other than Poutini Ngāi Tahu collection of Pounamu and Aotea;~~

~~ba. Landfills and waste disposal facilities, hazardous facilities and offensive industries;~~

~~eb. Intensive indoor primary production;~~

~~ec. Cemeteries and crematoria; and~~

~~ed. Wastewater treatment plants and disposal facilities; and~~

**2. only allowing mineral extraction and quarrying other than by Poutini Ngāi Tahu where this is supported by Poutini Ngāi Tahu.**

**SASM – P1211**

Avoid the demolition or destruction of sites and areas of significance to Māori identified in Schedule Three.

***Appropriate Activities***

**SASM – P1312**

Enable activities in sites and areas of significance to Poutini Ngāi Tahu included in Schedule Three where the cultural and spiritual values of the site or area are protected. This includes:

a. Alterations to, demolitions and removal of existing buildings and structures;

b. Maintenance, operation, repair and upgrading of existing network utility structures and critical **regionally significant** infrastructure;

c. Customary harvest and other cultural practices in accordance with tikanga;

d. Indigenous vegetation clearance;

e. Temporary events;

f. Small-scale earthworks for burials within an urupā, fencing, archaeological survey and maintenance of overhead network utilities, roads and tracks; **and**

g. Animal grazing where identified values are maintained.

**SASM – P1413**

Allow subdivision of sites or areas of significance to Māori listed in Schedule Three where it can be demonstrated that:

- a. The values identified in Schedule Three are maintained and protected;
- b. Sufficient land is provided around the site or area listed in Schedule Three to protect identified values;
- c. The remainder of the site is of a size which continues to provide it with a suitable setting to the values identified in Schedule Three; and
- d. Measures are taken to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for mahinga kai, karakia, monitoring, cultural activities and ahi kā roa.

**SASM – P1514**

Allow any other use and development on the sites and areas of significance to Māori in Schedule Three where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to:

- a. Whether there are alternative methods, locations or designs that would avoid or reduce the impact on the values associated with the site or area of significance;
- b. The functional **need** or operational need for the activity to be undertaken in the location;
- c. Outcomes articulated by Poutini Ngāi Tahu through an assessment of environmental effects, cultural impact assessment or iwi planning documents;
- d. The potential to enhance the values of the site **or area** of significance and the relationship of Poutini Ngāi Tahu with their taonga, commensurate with the scale and nature of the proposal;
- e. How the values of significance to Poutini Ngāi Tahu, including tikanga, kaitiakitanga and mātauranga Māori may be incorporated; and
- f. Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, cultural activities and ahi kā roa.

**Sites and Areas of Significance to Māori Rules**

**Advice Notes:**

1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan

users should take to determine the status of an activity are provided in General Approach.

2. Under the Pounamu Vesting Act all pounamu is ~~owned by~~ **formerly owned by the Crown was vested in** Te Rūnanga o Ngāi Tahu. **In the case of pounamu in the Arahura River catchment, this has in turn been vested in Māwhera Incorporation.** Please contact a Poutini Ngāi Tahu Rūnanga or the Department of Conservation if any raw pounamu finds, not discovered on beaches open to public fossicking, are made, **and return it to the relevant owner.**

3. Poutini Ngāi Tahu may place a restriction on fossicking to protect pounamu resources or for cultural reasons. These restrictions may limit both the activity and the locations available for collection.

4. Fossicking for pounamu on the beaches of the West Coast/Te Tai o Poutini is limited to what an individual can physically lift by themselves and take unaided within a 24 hour period.

**5. The rules are accompanied by methods that are shown at the end of the rules and indicate the means by which the policies and rules of the chapter will be implemented. This differs from other parts of the plan that do not contain methods.**

#### Permitted Activities

#### **SASM -R1      Grazing of Animals on ~~Sites and Areas in Schedule Three~~ Sites and Areas of Significance to Māori listed within Table SASM – T1**

1. Where the activity is not ~~on the following~~ **in the** Sites and Areas of Significance to Māori as identified in Schedule Three **listed within Table SASM – T1**: SASM 22 Ōkari Lagoon; SASM 41 Kotorepi (Nine Mile); SASM 55 Māwhera Burial Cave Site; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 127 Ulipa; SASM 133 No. 19 Ōkārīto Native Reserve; SASM 135 Ōkārīto (No. 18 Kaomaru Native Reserve); SASM 168 No. 4 Heretaniwha Native Reserve; or ~~SASM 207 Awawhata Reserve at River Mouth.~~

**Activity status where compliance not achieved:** Discretionary

#### **SASM - R2      Minor Earthworks on ~~Sites and Areas in Schedule Three~~ Sites and Areas of Significance to Māori listed within Table SASM – T2**

#### **Activity Status Permitted**

1. These are earthworks associated with:

~~i~~**a.** Burials at urupā; or

~~ii~~**b.** Archaeological survey by Pouhere Taonga – Heritage New Zealand, Poutini Ngāi Tahu or authorised representatives; or

~~iii~~**c.** Installing fence posts and the replacement of poles for overhead network utility lines provided that:

~~A~~**i.** The area of land disturbed is limited to what is necessary to maintain an existing fence or line along its existing alignment; and

~~B~~**ii.** The activity does not involve installation or digging of new holes for overhead network utility lines; or

~~iv.d.~~ Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/track; and

2. In relation to standards ~~ii.a), iii.b)~~ and ~~iv.c)~~ these earthworks are not undertaken at the following Sites and Areas of Significance to Māori identified in Schedule Three **Sites and Areas of Significance to Māori listed in Table SASM – T2** except with the written approval from the relevant Poutini Ngāi Tahu rūnanga which **where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification** is provided to the relevant District Council at least 10 working days prior to the activity commencing:

i.a) SASM 17 Kawatiri South Bank Native Reserve; SASM 41 Kotorepi (Nine Mile); SASM 54 Motutapu; SASM 55 Māwhera Burial Cave Site; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 110 Māhinapua; SASM 127 Ulipa; SASM 130 Whataroa Native Reserves Secs 21; SASM 133 No. 19 Ōkārīto Native Reserve; SASM 135 Ōkārīto (No. 18 Kaomaru Native Reserve); SASM 155 Hunts Beach Māori Reserve; SASM 157 No. 10 Makāwhio Native Reserve; SASM 162 Heretaniwha; SASM 165 No. 7. Mahitahi Beach Native Reserve; SASM 168 No. 4 Heretaniwha Native Reserve; SASM 170 Porangirangi to Mahitahi; SASM 185 Lake Moeraki Reserve; or SASM 207 Awawhata Reserve at River Mouth; and

3. An Accidental Discovery Protocol commitment has been completed and the form submitted to Council 10 working days prior to the commencement of any earthworks.

**Activity Status where compliance not achieved:** Discretionary

**Advice Note:**

**1. Rule SASM – R2 relates to minor earthworks on Sites and Areas of Significance to Māori within Table SASM – T2. There are additional rules for earthworks in other SASMs outlined in rule SASM – R6.**

<b>SASM – R3</b>	<b>Demolition, removal of, or alterations to a <u>building or structure on Sites and Areas in Schedule Three – Sites and Areas of Significance to Māori listed within Table SASM – T3</u></b>
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**Activity Status Permitted**

Where:

1. In relation to the Sites and Areas of Significance to Māori identified in Schedule Three identified in 2. Below **listed in Table SASM-T3:**

~~ia.~~ The activity does not occur except with the written approval from the relevant Poutini Ngāi Tahu rūnanga which **where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification** is provided to the relevant District Council at least 10 working days prior to the activity commencing; and

~~ii.b.~~ No land disturbance is involved; and

~~iii.c.~~ There is no change in the size or location of the structure’s foundation or building footprint occupied by the structure;

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~~2. SASM 41 Kotorepi (Nine Mile); SASM 55 Māwhera Burial Cave Site; SASM 64 Blaketown Part Reserve; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 121 Waitaiki Historic Reserve; SASM 127 Ulipa; SASM 135 Ōkārito (No. 18 Koamaru Native Reserve); SASM 155 Hunts Beach Māori Reserve; SASM 157 No. 10 Makāwhio Native Reserve; SASM 162 Heretaniwha; SASM 168 No. 4 Heretaniwha Reserve; and SASM 170 Porangirangi to Mahitahi;~~

**Activity Status where compliance not achieved:** Discretionary

**SASM – R4 Indigenous vegetation clearance on ~~Sites and Areas in Schedule Three~~ Sites and Areas of Significance to Māori listed in Table SASM – T4**

**Activity Status Permitted**

Where:

1. The activity does not occur ~~in the following~~ Sites and Areas of Significance to Māori identified in Schedule Three listed in Table SASM-T4, except with the written approval from the relevant Poutini Ngāi Tahu rūnanga ~~which where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification~~ is provided to the relevant District Council at least 10 working days prior to the activity commencing; or

**2. The activity is hand clearance for:**

**a. the maintenance of existing fencelines within 1m of the fenceline; or**

**b. removal of planted garden vegetation.**

- ~~i. All sites identified in Category Tahī (1) and Category Rua (2) in Schedule Three;~~
- ~~ii. SASM 52 Cobden Native Reserve;~~
- ~~iii. SASM 109 Pyramid Hill/Tumuaki Hill;~~
- ~~iv. SASM 117 Waitaiki Catchment;~~
- ~~v. SASM 156 Te Puku o te Wairapa;~~
- ~~vi. SASM 159 Tikitiki o Rehua;~~
- ~~vii. SASM 162 Heretaniwha;~~
- ~~viii. SASM 170 Porangirangi to Mahitahi;~~
- ~~ix. SASM 192 Awarua;~~
- ~~x. SASM 197 Ōkuru;~~
- ~~xi. SASM 204 Waiototo Lagoon, South Bank Nohoanga; and~~
- ~~xii. SASM 214 Huruhuru Manu/Spoon River.~~

**Activity Status where compliance not achieved:** Discretionary

**Advice Note:**

1. Indigenous vegetation clearance is also subject to the provisions in the ECO – Ecosystems and **Indigenous** Biodiversity Chapter.

**SASM – R5 Temporary Events on ~~Sites and Areas in Schedule Three~~ Sites and Areas of Significance to Māori listed in Table SASM – T5**

**Activity Status Permitted**

Where:

1. These are Poutini Ngāi Tahu cultural events in accordance with tikanga; or
2. They are temporary events and activities in accordance with the Temporary Activities Chapter; and
3. On the following Sites and Areas of Significance to Māori identified **listed** in Schedule Three **Table SASM-T5**, these only occur: ~~with the written approval from the relevant Poutini Ngāi Tahu rūnanga that~~ **(i) where the activity has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification is provided to the relevant District Council at least 10 working days prior to the activity commencing; or (ii) where the activity is permitted in accordance with Rule ASW-R2.**

;

- ~~i) All sites identified in Category Tahī (1) in Schedule Three;~~
- ~~ii) SASM 1 Kahurangi Point; SASM 3 Whakapoai Native Reserve 7B; SASM 17 No. 37 Kawatiri South Bank Native Reserve; SASM 34 Te Nikau Scenic Reserve; SASM 67 Kōtukuwhakaoko/Arnold River including on the surface of its waters; SASM 94 No. 3 Arahura Native Reserve; SASM 107 Island Hill/Raparapahoi; SASM 109 Pyramid Hill/Tumuakai Hill; SASM 110 Māhinapua; SASM 114 Tara o Tama; SASM 116 Mt Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 130 Whataroa Native Reserves Secs 21; SASM 131 Ōkarito Lagoon; SASM 162 Heretaniwha; SASM 165 No.7 Mahitahi Beach Native Reserve; SASM 169 No. 5 Mahitahi Native Reserve; SASM 170 Porangirangi to Mahitahi; and SASM 205 No. 2 Waitototo Native Reserve.~~

**Activity Status where compliance not achieved:** Discretionary

**Advice Notes:**

- 1.** Where Temporary Events are proposed on the Surface of Water within Sites and Areas of Significance to Māori then this Rule SASM -R5 will apply.

**SASM – R6 Earthworks, Buildings and Structures ~~not provided for in SASM R2 in Schedule Three~~ –within Sites and Areas of Significance to Māori listed in Table SASM – T6 and SASM – T7**

**Activity Status Permitted**

Where:

1. The **earthworks, buildings and structures** activity ~~does not occur on the following Sites and Areas of Significance to Māori identified in Schedule Three, except with written approval from the relevant~~

Poutini Ngāi Tahu rūnanga which **within Sites and Areas of Significance to Māori listed in Table SASM-T6 or SASM-T7 have been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification** is provided to the relevant District Council at least 10 working days prior to the activity commencing;

- i) All sites identified in Category Tahī (1), Category Rua (2), Category Toru (3) and Category Whā (4) in Schedule Three; and
  - ii) SASM 3 Whakapoai Native Reserve 7B and SASM 170 Porangirangi to Mahitahi;
  - iii) provided that:-
2. No earthworks, buildings or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ **Table SASM – T7.**

**Activity Status where compliance not achieved:**

Discretionary where Standard 1 is not complied with.

Non-complying where Standard 2 is not complied with.

**SASM – R7 Farm Quarries, including Farm Quarries, and Mineral Extraction Activities within the Pounamu Management Area and Aotea Overlay Management Areas or in a Site or Area of Significance to Māori in Schedule Three**

**Activity Status Permitted**

Where:

1. ~~In relation to~~ **The activity is mineral** extraction that **disturbs or removes A**aotea:
  - ~~ia.~~ Any extraction of Aotea **this** is only undertaken by Te Rūnanga o Makaawhio or their authorised representatives or contractors; **and**
  - ~~ii~~**b.** Where an Aotea Management Plan prepared by Te Rūnanga o Makaawhio exists, ~~any~~ extraction of Aotea is **the activity is undertaken** in accordance with that plan; **and**
  - ~~iii~~**c.** Where ~~this is Aotea extraction~~ **the activity occurs** in the Aotea ~~overlay~~ **Management Area**, notice of the activity is provided to the Westland District Council by Te Rūnanga o Makaawhio, at least 10 working days prior to the activity ~~occurring~~ **commencing**.
2. ~~In relation to~~ **The activity is mineral** extraction of ~~that disturbs or removes P~~pounamu:
  - ~~ia.~~ Any extraction of Pounamu **This** is only undertaken by **Te Rūnanga o Ngāi Tahu**, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio or their authorised representatives or contractors; **and**
  - ~~ii~~**b.** Where an ~~P~~pounamu Management Plan prepared by Poutini Ngāi Tahu exists, ~~any~~ extraction of ~~P~~pounamu is the activity is undertaken in accordance with that plan; **and**
  - ~~iii~~**c.** Where ~~this Pounamu extraction is~~ **the activity occurs** within the Pounamu ~~overlay~~ **Management Area**, notice of the activity is provided to the relevant district council by the relevant Poutini Ngāi Tahu rūnanga, at least 10 working days prior to the activity commencing;
3. ~~In relation to other~~**The activity is** mineral extraction and quarrying activity **(including farm quarries) that disturbs or removes pounamu and is not undertaken by Poutini Ngāi Tahu:**

~~ia. Written approval is provided by **The mineral extraction or quarrying** the relevant Poutini Ngāi Tahu rūnanga— Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, that the activity can occur within the Pounamu and/or Aotea overlay(s) and the written confirmation shall be **has been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification is** provided to the relevant district council at least 10 working days prior to the activity commencing.~~

**Activity Status where compliance not achieved:**

Prohibited where Standard 1 or 2 is not complied with.

Discretionary where Standard **2 or** 3 is not complied with.

**Advice Notes:**

~~1. Under the Pounamu Vesting Act, all pounamu is owned by Te Rūnanga o Ngāi Tahu. Any pounamu or Aotea disturbed shall be returned to the relevant Poutini Ngāi Tahu papatipu rūnanga— Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio.~~

**This rule manages the adverse cultural effects of mineral extraction and quarrying in relation to the cultural taonga of pounamu and aotea. This rule is in addition to the rules in the zone chapters for mineral extraction and quarrying.**

**SASM – R8 Land disturbance from Fossicking of Aotea by Ngāti Mahaki whanui within the Aotea overlay Management Area**

**Activity Status Permitted**

Where:

1. Any **land disturbance associated with** fossicking ~~for~~ of Aotea stone is only undertaken by Ngāti Māhaki o Makaawhio whanui and only occurs seaward of the State Highway Bridge on the Makaawhio (Jacobs) River within the Aotea ~~overlay~~ **Management Area**.
2. Any **land disturbance associated with** fossicking of Aotea is in accordance with:
  - ~~ia.~~ An Aotea Management Plan prepared by Te Rūnanga o Makaawhio; or
  - ii** Where there is no Aotea Management Plan, ~~the fossicking~~ **any resulting removal of aotea** is limited to what an individual can hold within one hand within any 24 hour period.

**Activity Status where compliance not achieved:** Prohibited

**Advice Note:**

1. Te Rūnanga o Makaawhio do not allow public fossicking to protect the Aotea resource and for cultural reasons.

**SASM – R9 Maintenance, Repair and Upgrading of Network Utility Structures Infrastructure and Regionally Significant Infrastructure on or within Sites and Areas of Significance to Māori identified in Schedule Three listed in Table SASM – T8**

**Activity Status Permitted**

Where:

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1. The activity occurs within the Sites and Areas of Significance to Māori listed within Table SASM – T8. in the following Sites and Areas of Significance to Māori as identified in Schedule Three:

- i. SASM 10 Kawatiri Pā
- ii. SASM 12 Kawatiri Town Reserve
- iii. SASM 15 No. 42 Kawatiri (Township) Native Reserve
- iv. SASM 31 Punakaiki Area
- v. SASM 56 Māwhera Pā 1
- vi. SASM 57 Māwhera Gardens
- vii. SASM 58 Greymouth Railway Land
- viii. SASM 59 Māwhera Pā 2
- ix. SASM 60 Māwhera Kāinga
- x. SASM 61 Victoria Park
- xi. SASM 63 No. 32 Nga Moana e Rua Native Reserve
- xii. SASM 94 No. 30 Arahura Native Reserve
- xiii. SASM 96 Taramakau River
- xiv. SASM 104 Kawhaka Creek Catchment
- xv. SASM 112 Arahura River at Tūhua
- xvi. SASM 117 Waitaiki Catchment
- xvii. SASM 121 Waitaiki Historic Reserve
- xviii. SASM 197 Ōkuru

**Activity Status where compliance not achieved:** Controlled

**Controlled Activities**

**SASM -R10 Maintenance, Repair and Upgrading of Network Utility Structures Infrastructure and Regionally Significant Infrastructure on or within Sites and Areas in Schedule Three—Sites and Areas of Significance to Māori where Permitted Activity standards are not met**

**Activity Status Controlled**

Where:

- 1. Notice of works is provided to the relevant Poutini Ngāi Tahu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga of Makaawhio, 10 working days prior to any earthworks commencing; and

2. The works is are in an area that has previously been disturbed by the network utility infrastructure or regionally significant infrastructure and the area of land disturbed is limited to what is necessary for the work required; and or:
- a. ~~For the maintenance, repair and upgrading of above ground structures any earthworks involves no more than 0.3m<sup>2</sup> to a maximum depth of 450mm at the base of the above ground structure; and~~
  - b. ~~For underground structures, a maximum area of 10m<sup>2</sup> or a maximum volume of 5m<sup>3</sup> of land; or.~~
3. The work is installing customer connections to an existing network, provided that any associated earthworks are limited to the extent that is necessary to install the connection; or
4. The work is the trimming or removal of trees or vegetation for the purpose of protecting the integrity of the structure or is otherwise undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.

**Matters of control are:**

- a. Area and depth of earthworks for above ground structures;
- b. Area and volume of earthworks for underground structures;
- c. Extent of earthworks for new customer connections;
- d. Extent of any vegetation trimming or removal;
- e. Impacts of the activity on the cultural values on any site or area of significance to Māori;
- f. Implementation of any advice received from the relevant Poutini Ngāi Tahu rūnanga on ways to manage the effects on cultural values of the proposed maintenance works.

**Activity Status where compliance not achieved:** Discretionary

**Advice Note:**

**1. This rule applies to all Sites and Areas of Significance to Māori, not only those sites and areas within Table SASM– T8**

**Discretionary Activities**

**SASM -R11 ~~Farm Quarries, including Farm Quarries, and Mineral Extraction Activities within the Pounamu Management Area and Aotea Overlay Management Areas or in a Site or Area of Significance to Māori in Schedule Three not meeting Permitted Activity Standards~~**

**Activity Status Discretionary**

**Activity Status where compliance not achieved:**

N/A

**Advice Note:**

~~Under the Pounamu Vesting Act all pounamu is owned by Te Rūnanga o Ngāi Tahu.~~

**Notification:**

**When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

**SASM -R12 Earthworks, Buildings and Structures, including Demolition and Removal of Buildings and Structures on or within ~~Sites and Areas in Schedule Three~~ Sites and Areas of Significance to Māori not meeting Permitted Activity Standards.**

**Activity Status Discretionary**

Where:

1. No earthworks or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ **Table SASM – R7;**
2. This is not Mineral Extraction subject to Rule SASM – ~~R14~~**15**; and
3. This will not result in the destruction of a Site or Area of Significance to Māori.

**Activity Status where compliance not achieved:** Non-complying

**Notification:**

~~Applications for earthworks on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

**SASM -R13 Maintenance, Repair, and Upgrade of and ~~New~~ Network Utility Structures Infrastructure and Regionally Significant Infrastructure on or within Sites and Areas of Significance to Māori in Schedule Three not meeting Controlled Activity Standards, and any New Network Utility Infrastructure and Regionally Significant Infrastructure**

**Activity Status Discretionary**

Where:

1. There are no new structures on the upper slopes, ridgelines or peaks of ancestral maunga identified in ~~Category Toru (3) in Schedule Three~~ **Table SASM – R7.**

**Activity Status where compliance not achieved:** Non-complying

**Notification:**

~~Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga.~~ **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

**SASM -R14 Grazing, Indigenous Vegetation Clearance and Temporary Events on Sites and Areas of Significance to Māori in Schedule Three not meeting Permitted Activity Standards**

**Activity Status Discretionary**

**Activity Status where compliance not achieved:** N/A

**Notification:**

Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga. **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

**SASM -R15** ~~Quarries, including Farm Quarries, and Mineral Extraction Activities by other than~~ **Quarries, including Farm Quarries, and Mineral Extraction Activities by other than** by Poutini Ngāi Tahu in Sites and Areas of Significance to Māori **identified in Schedule Three**

**Activity Status** ~~Non-complying~~ **Discretionary**

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special **Purpose** Zone (other than AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ) or INZ – Industrial Zone

**Notification:**

Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga. **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

**Advice Note:**

1. Mineral Extraction in RESZ – Residential Zones and ~~COMZ~~ **CMUZ** – Commercial and Mixed Use Zones is not regulated by this rule. Refer to relevant zone rules for the status of industrial activities in these areas.

**Activity Status where compliance not achieved:** N/A

**Non-complying Activities**

**SASM -R16** ~~Plantation Commercial forestry or planting of shelterbelts or woodlots on land in Schedule Three~~ **Plantation Commercial forestry or planting of shelterbelts or woodlots on land in Sites and Areas of Significance to Māori identified in Schedule Three**

**Activity Status** ~~Non-complying~~

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special **Purpose** Zone (other than AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ) or INZ – Industrial Zone

**Notification:**

Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga. **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

**Advice Note:**

1. ~~Plantation Commercial~~ **Plantation Commercial** forestry shelterbelts and woodlots in RESZ – Residential Zones and ~~COMZ~~ **CMUZ** – Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules and the NES – ~~Plantation Commercial~~ **Plantation Commercial** Forestry for the status of these activities in these areas.

**Activity Status where compliance not achieved:** N/A

**SASM -R17** Landfills, ~~waste disposal facilities~~, new crematoria, hazardous facilities, intensive indoor primary production, and wastewater treatment plants ~~and wastewater disposal facilities~~, on or within 50m of sites and areas in ~~Schedule Three Sites and Areas of Significance to Māori~~ identified in Schedule Three

**Activity Status Non-complying**

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special Purpose Zone or INZ – Industrial Zone

**Notification:**

Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga. When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.

**Advice Note:**

1. Where these activities are proposed in RESZ – Residential Zones and ~~COMZ~~ **CMUZ** – Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules for the status of these activities in these areas.

**Activity Status where compliance not achieved: N/A**

**SASM -R18** Earthworks, Buildings or Structures on the Upper Slopes, Ridgelines or Peaks of Ancestral Maunga in ~~Schedule Three Sites and Areas of Significance to Māori~~ Table SASM – T7 ~~not meeting Permitted, Controlled, Restricted Discretionary or Discretionary Activity Standards~~

**Activity Status Non-complying**

Where:

1. ~~This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special Zone or INZ – Industrial Zone~~

**Notification:**

Applications for activities on sites and areas of significance to Māori will always be limited notified to the relevant Poutini Ngāi Tahu rūnanga. When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.

~~**Advice Note:** Where these activities are proposed in RESZ – Residential Zones and COMZ – Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules for the status of these activities in these areas.~~

**Activity Status where compliance not achieved: N/A**

**Prohibited Activities**

**SASM -R19** Quarries, including Farm Quarries, and Mineral extraction that disturb or remove aotea, or land disturbance from fossicking of Aotea, or Mineral Extraction of

~~Pounamu~~ by anyone other than ~~Poutini Ngāi Tahu~~ Ngāti Māhaki whanui in the  
~~Pounamu – Aotea Overlay Management Area~~ not meeting Rule SASM – R7

No application for resource consent will be accepted for this activity.

#### Sites and Areas of Significance to Māori Tables

##### **SASM – T1      Table for Rule SASM - R1      Grazing of Animals**

SASM 41    Kotorepi (Nine Mile)

SASM 81    Takataka Islands

SASM 84    Ōkarito (No. 18 Kaomaru Native Reserve)

SASM 127    Ulipa

SASM 133    No. 19 Ōkarito Native Reserve

SASM 168    No 4. Heretaniwha Native Reserve

SASM 207    Arawhata Reserve at River Mouth – Silent File

##### **SASM – T2      Table for Rule SASM – R2      Minor Earthworks**

SASM 41    Kotorepi (Nine Mile)

SASM 54    Motutapu

SASM 55    Māwhera Burial Cave Site

SASM 81    Takataka Islands

SASM 84    Knoll Point

SASM 110    Māhinapua

SASM 127    Ulipa

SASM 130    Whataroa Native Reserves Secs 21

SASM 133    No. 19 Ōkārīto Native Reserve

SASM 135    Ōkārīto (No. 18 Kaomaru Native Reserve)

SASM 155    Hunts Beach Māori Reserve

SASM 157    No. 10 Makāwhio Native Reserve

SASM 162    Heretaniwha

SASM 163    Māori Beach Kāinga

SASM 165    No 7. Mahitahi Beach Native Reserve

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SASM 168 No. 4 Heretaniwha Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 185 Lake Moeraki Reserve

SASM 207 Arawhata Reserve at River Mouth

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

**SASM – T3      Table for Rule SASM – R3      Demolition, Removal or Alteration of a Structure**

SASM 41 Kotorepi (Nine Mile)

SASM 55 Māwhera Burial Cave Site

SASM 64 Blaketown Part Reserve

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 135 Ōkārīto (No. 18 Kaomaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 162 Heretaniwha

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 170 Porangirangi to Mahitahi

**SASM – T4      Table for Rule SASM – R4      Indigenous Vegetation Clearance**

SASM 23 No. 45 Watarakau Native Reserve

SASM 25 Tiroroa

SASM 27 Fox River

SASM 28 Te Ana Matuku

SASM 29 Pahautane Beach

SASM 33 Pakiroa Beach

SASM 38 Kararoa

SASM 41 Kotorepi (Nine Mile)

SASM 52 Cobden Native Reserve

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Schedule Three: Sites and Areas of Significance to Māori - Te Rārangi Tuatoru: Ngā Wahi Tapu ki te Māori**

SASM 54 Motutapu

SASM 55 Māwhera Burial Cave Site

SASM 74 Lake Haupiri Nohoanga

SASM 78 Lady Lake Nohoanga

SASM 80 Pah Point

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 109 Pyramid Hill/Tumuaki Hill

SASM 110 Māhinapua

SASM 117 Waitaiki Catchment

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 133 No.19 Ōkarito Native Reserve

SASM 135 Ōkārīto (No. 18 Kaomaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 156 Te Puku o te Wairapa

SASM 157 No. 10 Makāwhio Native Reserve

SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve

SASM 159 Tikitiki o Rehua

SASM 162 Heretaniwha

SASM 163 Māori Beach Kāinga

SASM 165 No. 7 Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 169 No. 5 Mahitahi Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 171 Mahitahi River Nohoanga

SASM 173 Mahitahi River

SASM 175 No.6 Mahitahi - Silent File Wāhi tapu

SASM 176 Mahitahi Reserve Lot 1-3 DP346435

SASM 179 No. 6 Mahitahi Reserve Māori Reserve

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Schedule Three: Sites and Areas of Significance to Māori - Te Rārangī Tuatoru: Ngā Wahi Tapu ki te Māori**

SASM 180 No. 3 Paringa Native Reserve

SASM 181 Paringa River Reserve -Rural Section 727A

SASM 182 Paringa River Reserve - Lot1 DP 3785

SASM 185 Lake Moeraki Reserve

SASM 192 Awarua Māori Reserve

SASM 199 Mussel Point

SASM 204 Waitoto Lagoon, South Bank Nohoanga

SASM 205 No. 2 Waitoto Native Reserve

SASM 207 Arawata Reserve at River Mouth

SASM 209 No. 1 Arawata Native Reserve - West Reserve Block

SASM 211 Cascade River Nohoanga

SASM 213 Barn Bay

SASM 214 Huruhuru Manu/Spoon River

SASM 215 Hautai

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

**SASM – T5      Table for Rule SASM – R5      Temporary Events**

SASM 1      Kahurangi Point

SASM 3      Whakapoai Native Reserve7B

SASM 17      No. 37 Kawatiri South Bank Native Reserve

SASM 41      Kotorepi (Nine Mile)

SASM 55      Māwhera Burial Cave Site

SASM 67      Kōtukuwhakaoko/ArnoldRiver

SASM 81      Takataka Islands

SASM 84      Knoll Point

SASM 94      No. 30 Arahura Native Reserve

SASM 107      Island Hill/Raparapahoi

SASM 109      Pyramid Hill/Tumuaki Hill

SASM 110      Māhinapua

SASM 114      Tara o Tama

SASM 116      Mt Tūhua Maunga

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Schedule Three: Sites and Areas of Significance to Māori - Te Rārangi Tuatoru: Ngā Wahi Tapu ki te Māori**

SASM 117 Waitaiki Catchment

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 131 Ōkārīto Lagoon

SASM 133 No.19 Ōkarito Native Reserve

SASM 135 Ōkārīto (No. 18 Kaomaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve

SASM 162 Heretaniwha

SASM 165 No. 7 Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 169 No. 5 Mahitahi Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 205 No. 2 Waiatoto Native Reserve

SASM 207 Arawata Reserve at River Mouth

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

**SASM – T6      Table for Rule SASM – R6      Earthworks, Buildings and Structures**

SASM 1      Kahurangi Point

SASM 2      Whakapoai / Heaphy Māori Reserve

SASM 3      Whakapoai Native Reserve 7B

SASM 6      Karamea (Pā point)

SASM 16      Tauranga Bay

SASM 17      No. 37 Kawatiri South Bank Native Reserve

SASM 18      No. 38 Kawatiri North Bank Native Reserve

SASM 19      Ōkari

SASM 21      No. 46 Oweka Native Reserve

SASM 23      No. 45 Watarakau Native Reserve

SASM 25      Tiroroa

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Schedule Three: Sites and Areas of Significance to Māori - Te Rārangi Tuatoru: Ngā Wahi Tapu ki te Māori**

SASM 27 Fox River

SASM 28 Te Ana Matuku

SASM 29 Pahautane Beach

SASM 33 Pakiroa Beach

SASM 38 Kararoa

SASM 41 Kotorepi (Nine Mile)

SASM 49 Kōtukuwhakaoko River Mouth

SASM 50 Aromahana

SASM 54 Motutapu

SASM 55 Māwhera Burial Cave Site

SASM 56 Māwhera Pā 1 Pā site, Kāinga

SASM 60 Māwhera Kāinga

SASM 64 Blaketown Part Reserve

SASM 71 Taramakau

SASM 72 Taramakau Ngutu Awa

SASM 74 Lake Haupiri Nohoanga

SASM 76 Taramakau Pā

SASM 77 Kotukuwhakaoko (Moana) Nohoanga

SASM 78 Lady Lake Nohoanga

SASM 80 Pah Point

SASM 81 Takataka Islands

SASM 84 Knoll Point

SASM 88 Timuaki Pā

SASM 101 Hokitka Pā

SASM 110 Māhinapua

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 133 No.19 Ōkarito Native Reserve

SASM 135 Ōkarito (No. 18 Kaomaru Native Reserve)

SASM 144 Karangarua Lagoon

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Schedule Three: Sites and Areas of Significance to Māori - Te Rārangi Tuatoru: Ngā Wahi Tapu ki te Māori**

SASM 149 No.12 Manakaiaua Native Reserve

SASM 150 Hunts Beach Kāinga

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve

SASM 162 Heretaniwha

SASM 163 Māori Beach Kāinga

SASM 165 No. 7 Mahitahi Beach Native Reserve

SASM 168 No. 4 Heretaniwha Native Reserve

SASM 169 No. 5 Mahitahi Native Reserve

SASM 170 Porangirangi to Mahitahi

SASM 171 Mahitahi River Nohoanga

SASM 173 Mahitahi River

SASM 175 No.6 Mahitahi - Silent File Wāhi tapu

SASM 176 Mahitahi Reserve Lot 1-3 DP346435

SASM 179 No. 6 Mahitahi Reserve Māori Reserve

SASM 180 No. 3 Paringa Native Reserve

SASM 181 Paringa River Reserve -Rural Section 727A

SASM 182 Paringa River Reserve - Lot1 DP 3785

SASM 185 Lake Moeraki Reserve

SASM 190 Waita River Kāinga, Urupā, Mahinga kai

SASM 193 Awarua/Haast River South Bank

SASM 199 Mussel Point

SASM 205 No. 2 Waitatoto Native Reserve

SASM 206 Arawata Beach Reserve Māori Reserve

SASM 207 Arawata Reserve at River Mouth

SASM 209 No. 1 Arawata Native Reserve - West Reserve Block

SASM 211 Cascade River Nohoanga - Nohoanga, Mahinga kai

SASM 213 Barn Bay Kāinga, Urupā

SASM 214 Huruuru Manu/Spoon River Traditional nohoanga, Mahinga kai

SASM 215 Hautai Kāinga, Mahinga kai

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
**Schedule Three: Sites and Areas of Significance to Māori - Te Rārangi Tuatoru: Ngā Wahi Tapu ki te Māori**

SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

SASM 226 Makarore & Tiore Pātea

**SASM – T7 Table for Rules SASM – R6, SASM – R12, SASM-R13, SASM – R14 and SASM – R18**

**Ancestral Maunga**

SASM 107 Island Hill/Raparapahoi

SASM 109 Pyramid Hill/Tumuaki Hill

SASM 114 Tara o Tama

SASM 116 Mt Tūhua Maunga

SASM 117 Waitaiki Catchment

SASM 142 Pawaiuru/Malcolms Knob

SASM 146 Puketahi - The Sugar Loaf

SASM 155 Hunts Beach Māori Reserve

SASM 156 Te Puku o te Wairapa

SASM 159 Tikitiki o Rehua

SASM 162 Heretaniwha

**SASM – T8 Table for Rule SASM – R9 Maintenance, Repair and Upgrading of Network**

**Utility Infrastructure and Regionally Significant Infrastructure**

SASM 10 Kawatiri Pā

SASM 12 Kawatiri Town Reserve

SASM 15 No. 42 Kawatiri (Township) Native Reserve

SASM 31 Punakaiki Area

SASM 56 Māwhera Pā 1

SASM 57 Māwhera Gardens

SASM 58 Greymouth Railway Land

SASM 59 Māwhera Pā 2

SASM 60 Māwhera

SASM 61 Victoria Park

SASM 63 No. 32 Ngā Moana e Rua Native Reserve

SASM 94 No. 30 Arahura Native Reserve

SASM 96 Taramakau River

SASM 104 Kawhaka Creek

SASM 112 Arahura River at Tūhua

SASM 117 Waitaiki Catchment

SASM 121 Waitaiki Historic Reserve

SASM 197 Ōkuru

#### **OTHER METHODS**

##### **SASM – M1:**

**Councils to develop and provide, in partnership with Poutini Ngāi Tahu, the following:**

- a. written protocols to guide engagement with Poutini Ngāi Tahu for permitted activities (including the certification process), resource consents or plan change applications; and**
- b. guidance for the public on how to apply for a resource consent for an activity on a site containing an identified Site and Area of Significance to Māori;**
- c. information available for landowners of identified Sites and Areas of Significance to Māori and their values, including the nature and form of that information.**

##### **SASM – M2:**

**The Councils in partnership with Poutini Ngāi Tahu will encourage the provision or development of access for Poutini Ngāi Tahu to identified Sites and Areas of Significance to Māori listed in Schedule Three through a range of methods, including:**

- a. Formal arrangements, such as co-management, joint management or relationship agreements, easements and land covenants, or access agreements; and/or**
- b. Informal arrangements or understanding between landowners and local Poutini Ngāi Tahu hapū and/or marae.**

**APPENDIX 2 - SCHEDULE THREE (SCHED 3) – SITES AND AREAS OF SIGNIFICANCE TO MĀORI**