

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Sites and Areas of Significance to Māori

- Ngā Wāhi Tāpua ki te Māori

Hearing Dates: 30 April, 1 May and 2 May 2024,

9 October 2024 and 18 November 2024

HEARING PANEL

Dean Chrystal (Chair)

Maria Bartlett

Paul Rogers

Anton Becker

Sharon McGarry

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
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APPENDICES

Error! Reference source not found. for Definitions, Sites and Areas of Significance to Māori Chapter

Appendix 2 – Recommendations for Schedule Three (SCHED 3)– Sites and Areas of Significance to Māori, SASM Maps and Appendices

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on the proposed Te Tai o Poutini Plan (**pTTPP** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori (**SASM**) Chapter of the pTTPP; and contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this section in Part 2, Schedule Three in Part 4 and the planning maps, including the Pounamu Management Area and Aotea Management Area overlays.
3. The Section 32 Report¹ provided an evaluation of the options for the management of sites and areas of significance to Māori through the combined Plan, including the regulatory framework key resource management issues, the evidence base (research and basis for identifying Sites and Areas of Significance to Māori), consultation, information and analysis undertaken) and evaluation of options. The Section 32 Report distinguishes SASM from archaeological sites, which are separately addressed in relation to the Historic Heritage Ngā Tuku Ihotanga Chapter of the plan, although there are archaeological sites within SASMs. Sites and areas of significance to Māori are a subset of “historic heritage” within the RMA definition² and therefore the Hearings Panel (**‘the Panel’**) recognise a close relationship between the SASM and Historic Heritage chapters, although they are required to be separated in accordance with planning standards³. SASM are also considered by the Panel as recognising and providing for matters of national importance under the RMA s6(e) and s(f)), as well as RMA s7(a) and RMA s8.
4. The Section 32 Report identifies the key resource management issue to be protection of Poutini Ngāi Tahu cultural landscapes and taonga, with specific reference to pounamu and aotea stone; and recognition that only Poutini Ngāi Tahu can identify impacts of activities on their taonga. The Section 32 Report records that SASM provisions were developed collaboratively with Poutini Ngāi Tahu. Sites and areas incorporated in the notified pTTPP as SASM (according to the Section 32) cover: wāhi tapu or sacred sites; Māori reserve lands; pā, kāinga, gardens and other occupation areas; mahinga kai and waterway sites; as well as significant maunga (mountains) and ridgelines identified as ancestors in the landscape. The Section 32 Report does not consider Māori other than Poutini Ngāi Tahu in relation to this topic.
5. The Section 42A Officer’s Report⁴ (**‘s42A Report’**), authored by Ms Lois Easton, a planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in

¹ Te Tai o Poutini Plan – Section 32 Evaluation Report Four Historical and Cultural Values – Ngā Uara ā-Ahurea, ā-Hītori Hoki - Historic Heritage Ngā Tuku Ihotanga - Notable Trees Ngā Rākau Whakamaumahara – Sites and Areas of Significance to Māori Ngā Wāhi Tāpua ki te Māori

² RMA Section 2, **historic heritage** - ... (b)(iii)

³ National Planning Standards, November 2019, Section 4 District Plan Structure Standard Table 4 and Section 7 District-wide Matters Standard, 15 and 17

⁴ Te Tai o Poutini Plan Section 42A Officer’s Report: Sites and Areas of Significance to Māori Ngā Wāhi Tāpua ki te Māori

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Appendix 1 and the recommendation on all submissions as to either accept, accept in part or reject in Appendix 2).

6. Ms Easton subsequently provided an Addendum s42A Report⁵, which responded to the submission and evidence of Mr Graeme Walsh (S664), whose submission had been missed in the Summary of Submissions and therefore had not be assessed in the s42A Report, prior to the initial hearing.
7. Ms Easton also provided a supplementary s42A Report⁶ for the hearing held in Franz Josef where the topic of SASM was also covered in relation to the submission and evidence of Skyline Enterprises Limited (S250) in relation to SASM 145.
8. The s42A Report and Addendum assessed a total of 1,057 submissions points and 581 further submissions points on the Sites and Area of Significance to Māori Chapter, including Schedule Three and the planning maps. These reports provided summaries of all of the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report and Addendum) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report and Addendum). A section 32AA evaluation for all the recommended changes was provided at the end of the s42A Report.
9. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for the chapter:
 - Definitions
 - General/Whole Chapter;
 - Overview;
 - Objective;
 - Policies;
 - Rules; and
 - Schedules Three and the associated Planning Maps.
10. This Recommendation Report largely follows the same structure as the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report and Addendum analysis and recommendations, submitter evidence and statements, the Reporting Officer’s reply evidence and the responses to Minutes, before providing our evaluation and recommendation.
11. This Recommendation Report should be read in conjunction with the s42A Report and Addendum Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the recommendations and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel’s recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~striketrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the

⁵ Addendum to s42A Report: Sites and Areas of Significance to Māori Report and Appendices, 2 July 2024

⁶ Te Tai o Poutini Plan Section 42A Officer’s Report Franz Josef Area, 19 August 2024

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- Plan, the tracked change version of the Plan provisions that form part of the Panel's recommendations in this Recommendations Report must prevail.
12. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.
 13. Where the Panel recommends the TTPP provisions should remain as notified, it is because:
 - (a) The Panel has adopted the reasoning and recommendation of the s42A Report or Addendum Report to retain the provision as notified; or
 - (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or
 - (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.
 14. Where there is a recommended change to a notified provision of the TTPP, it is because:
 - (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or
 - (b) The Panel adopted the reasoning and recommendation of the s42A Reports or Addendum to change the provision to that recommended in the original s42A Report; or
 - (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or
 - (d) A consequential change has been necessary following on from a recommendation in either (a), (b) or (c).
 15. Where there may be a different recommendation between the s42A Report and the Reporting Officer's Addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
 16. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
 17. If any changes are recommended to the provisions (since the Section 32 Report was completed) a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.

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18. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel’s recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.2. Terminology in this Report

19. Throughout this Report, the following abbreviations will be used:

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
Fish & Game	West Coast Fish and Game Council
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
Hort NZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
Māwhera Inc	The Proprietors of Māwhera Incorporation
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSFM	National Policy Statement for Freshwater Management 2020
NESF	National Environmental Standard for Freshwater
NESCS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESCF	National Environmental Standard for Commercial Forestry
NTCSA	Ngāi Tahu Claims Settlement Act 1998
NZCPS	New Zealand Coastal Policy Statement
Planning Standards	National Planning Standards

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Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP or the Plan	Proposed Te Tai Poutini Plan
REG	Renewable Electricity Generation
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
RSI	Regionally Significant Infrastructure
SASM	Sites and Areas of Significance to Māori
Te Tumu Paeroa	The Office if the Māori Trustee
Transpower	Transpower New Zealand Limited
TTPP Committee	Te Tai o Poutini Plan Committee
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
WMS	WMS Group (HQ) Limited and WMS Land Co. Limited

1.3. Procedural Steps and Issues

20. A number of procedural matters arose in relation to the decision-making process for the SASM Chapter of the Plan, including:
- correction of an administrative error in the notified SASM mapping and duplication in a number of SASM rules;
 - an error in the Summary of Submissions that missed the submission of Mr Graeme Walsh (S664);
 - consideration of section 42 of the RMA and protection of sensitive information in relation to the submissions and evidence of Ridgeline 3 Investments Limited (S127) and Poutini Ngāi Tahu (S620); and
 - conferring of legal counsel and subsequent planning witness conferencing, on the matter of approval or certification as part of a permitted activity process.
21. On 12 August 2022, after notification of the Plan, Ms Easton recommended to the Chair of the Te Tai o Poutini Plan Committee (**TTPP Committee**) that changes be made to the notified plan under clause 16 of Schedule 1 of the RMA in order to correct mapping errors

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affecting SASM. She advised the TTPP Committee, in conjunction with legal advice, that errors were the result of shortening timeframes to notify the Plan and that it was important to correct these because the SASM Chapter provisions had immediate legal effect at the time of notification. She noted the errors were in the e-Plan maps, which missed 23 SASM that were included as part of the printed and pdf copies of the notified Plan. In addition, she advised that a technical issue arose when transferring GIS files from the Ngāi Tahu system to the West Coast Regional Council (**WCRC**) system hosting the Plan, which then created the wrong shape for 39 SASM (an ellipse instead of a circle). Ms Easton advised 37 SASM had been corrected with no new landowners being affected and six SASM were corrected in a way that reduced the number of landowners affected. She noted these amendments were duly made by the TTPP Committee without a further Schedule 1 process. The Panel have not compared the original notified Plan with the corrected maps, unless as part of a recommendation on a particular submission made on the notified Plan.

22. On 25 August 2022, after notification of the Plan, Ms Easton recommended to the Chair of the TTPP Committee that amendments be made under clause 16, Schedule 1 of the RMA to rules SASM-R15, SASM-R16, SASM-R17 and SASM-R18 on the basis that there would be no change to activity status for activities in Residential, Commercial and Mixed Use Zones that were already non-complying in those zones (i.e. mineral extraction, plantation forestry/shelterbelts/woodlots, a range of waste management and hazardous facilities, and activities on upper slopes/ridgelines/peaks of ancestral maunga). Legal Counsel advised the TTPP Committee that there was a risk if these activities changed status to a lower activity classification as a consequence of hearings on the Residential, Commercial and Mixed Use Zones. Changes were duly made by the TTPP Committee under clause 16, amending the notified Plan so that SASM-R15, SASM-R16, SASM-R17 and SASM-R18 no longer apply in Residential, Commercial and Mixed Use Zones. The Panel confirm that there has been no change in the status of these activities as a consequence of our recommendations on the Residential, Commercial and Mixed Use Zones such that the risk identified by legal counsel for the TTPP Committee does not arise.
23. On 10 May 2024, after the initial hearing of the SASM Chapter, an Addendum to the Summary of Submissions was notified to allow further submissions on the submission of Mr Graeme Walsh (S664) on the SASM Chapter. Mr Walsh's submission was missing from the original Summary of Submissions notified on 28 April 2023. Submitters to the notified Plan had until 27 May 2024 to lodge a further submission on Mr Walsh's submission. Four submitters took the opportunity to lodge further submissions. Mr Walsh presented to the Panel at a resumed hearing on 18 November 2024.
24. Prior to the hearing, the Panel issued a minute (Minute 24, dated 28 April 2024) responding to the request of Mr Mark Dixon, director of Ridgeline 3 Investments Limited (S127), for a confidentiality agreement in relation to his evidence on the SASM Chapter. Minute 24 outlined section 42 provisions for protecting sensitive information in RMA hearing processes, excluding the public from access to that information, and the time limited nature of protection for commercially sensitive material, which may become available at the close of proceedings. Minute 24 advised the Panel considered the test of serious offence to tikanga Māori in section 42(a) had not been met by the submitter. In terms of unreasonable prejudice to a commercial position (section 42(b), the minute also conveyed that insufficient evidence had been provided for the Panel to establish such prejudice. Opportunity was given for the submitter to supply further evidence prior to the hearing.
25. The Panel received evidence from the submitter on 30 April 2024. This evidence did not change the assessment regarding application of section 42 in the circumstances. Nothing

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further was provided by the submitter following the issuing of Minute 25 on 1 May 2024, although the minute offered further opportunity to provide evidence in support of the request. Material provided to the Panel in support of the Ridgeline 3 Investments Limited submission was made publicly available from 8 May 2024, in accordance with Minute 25.

26. Minute 24 also raised the matter of “silent files”, as referenced in the evidence of Mr Paul Madgwick on behalf of Poutini Ngāi Tahu. In particular, the minute raised the need to be able to test evidence, whilst respecting the reasons for protecting specific details around sites and areas included within silent files. Minute 24 signalled the need to discuss silent files in an open forum, in order to assist submitters who had submitted on affected SASM sites and areas. The Panel invited Poutini Ngāi Tahu to make an application under section 42 of the RMA if there was an identified need to protect sensitive information in relation to silent files.
27. Poutini Ngāi Tahu responded to Minute 24 with a Memorandum of Counsel on 29 April 2024 stating that all silent files identified as SASM in the Plan were wāhi tapu⁷, with five being the subject of submissions (SASM 41, SASM 42, SASM 122, SASM 135 and SASM 199). The Memorandum advised that all information Poutini Ngāi Tahu are comfortable sharing in public regarding these five SASM was contained in Appendix 1 to the evidence of Mr Paul Madgwick. Ms Sarah Scott requested on behalf of Poutini Ngāi Tahu that a public excluded session be utilised in the event that the Panel considered it necessary to avoid serious offence to tikanga Māori or to avoid the disclosure of the location of wāhi tapu, in accordance with section 42 of the RMA. The Panel did not adopt a public excluded session in order to question Mr Madgwick at the hearing, working instead with the publicly available information contained in Mr Madgwick’s evidence.
28. Mr McEnaney presented evidence to the Panel on behalf of Grey District Council (**GDC**) on 1 May 2024, as a planner and as an advocate for the position of the Council. The Panel considered this distinction, in light of legal submissions, and weighed aspects of his evidence accordingly.
29. Following the hearing at Arahura Marae, the Panel issued directions (in Minute 26 dated 8 May 2024) that legal counsel for the TTPP Committee, Poutini Ngāi Tahu and GDC confer to resolve, as far as possible, conflicting advice provided to the Panel on lawful options for a permitted activity, due to matters arising from the SASM Chapter provisions. This advice was provided, as requested by the Panel, on 7 June 2024. Receipt of this combined legal advice led to the Panel issuing Minute 37 (dated 13 August 2024) which directed planner caucusing amongst those involved in the SASM hearing. The planners were directed to utilise the outcome of the conference of legal counsel in order to provide permitted activity rule recommendations, as well as consider policies and methods in the SASM Chapter. A joint witness statement (**JWS**) was received from the planners on 10 September 2024.

1.4. Hearing Arrangements

30. The initial hearing was held over three days at Arahura Marae, 1 Old Christchurch Road, Arahura, from 30 April to 2 May 2024. Presentations were made to the Panel both in person and remotely by internet connection. Mr Francois Tumahai, Tumuaki of Te Rūnanga o Ngāti Waewae, led a mihi at the outset of the hearing to welcome participants. A number of

⁷ There are 21 silent files in total, roughly 10% of all identified SASMs, including: SASM 26, SASM 34, SASM 38, SASM 41, SASM 42, SASM 49, SASM 53, SASM 64, SASM 71, SASM 80, SASM 122, SASM 127, SASM 130, SASM 135, SASM 155, SASM 162, SASM 165, SASM 168, SASM 175, SASM 199 and SASM 207. Silent files are subject to a variety of SASM rules, or in some cases no rules in the SASM chapter.

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whānau and kaimahi were on site to support the presentations made on behalf of Poutini Ngāi Tahu, and to look after (manaaki) participants at the hearing.

31. At the marae hearing, the s42A Reporting Officer Ms Easton began with an Introductory Planning Statement outlining the topic and her response to written material provided by submitters ahead of the hearing, including any amendments to her recommendations in the s42A Report.
32. Legal counsel on behalf of TTPP Committee, Ms Lucy de Latour, appeared at the hearing on 2 May 2024 to assist the Panel in relation to the proposal for written approval or certification by Poutini Ngāi Tahu as a standard or condition for a permitted activity status.
33. Following the hearing, Ms Easton provided her Addendum to the s42A Report (dated 2 July 2024) with her recommendations on the submission of Mr Graeme Walsh and further submissions received on his submission points.
34. Ms Easton also provided a supplementary s42A Report (dated 19 August 2024) on matters relevant to the Franz Josef area prior to the hearing held in Franz Josef on 8 and 9 October 2024. Submissions and evidence on SASM 145 were considered in her supplementary report and at that hearing.
35. The Panel received a written Right of Reply from Ms Easton on 25 October 2024, which was not further updated.
36. During the Ecosystems and Indigenous Biodiversity (**ECO**) Chapter hearing in Westport on 18 November 2024, there was a presentation in person from Mr Walsh, where he spoke to his submission on the SASM Chapter. Ms Easton advised the Panel at the hearing that her recommendations had not changed following Mr Walsh's presentation.

1.5. Appearances

37. The following participants appeared at the hearing:

Poutini Ngāi Tahu (S620)

- Mr Paul Madgwick, Chairman of Te Rūnanga o Makaawhio
- Ms Sarah Scott, Legal Counsel
- Rachel Pull, Senior Environmental Advisor
- Phillipa Lynch, Poutini Environmental General Manager

Mr Ian Stewart (S124) for himself

Mr Ken McTigue (S551) for himself

Te Kinga/Iveagh Bay Residents and Ratepayers Association (S531)

- Mr Grant Moreton
- Mr John Hanning

Mr Tangi Weepu (S630) for himself, whānau and tūpuna

Mr Peter Kennedy (S418) for Angela Sweetman (Trustee) and Patrick William Kennedy

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The Proprietors of Māwhera Incorporation (S621)

- Mr Hemi Meihana Retara/James Mason Russell

Mr George and Mrs Caryl Coates (S415) for themselves

Ms Inger Perkins (S274) for Herenga ā Nuku Aotearoa, the Outdoor Access Commission

Ms Mary Stewart (S222) for herself

Westpower Limited (S547)

- Mr Martin Kennedy, Planner

Mr Julian Hall (S400) for himself

Mr James Sutherland for Federated Farmers West Coast (S524)

Grey District Council (S608)

- Ms Kristy Rusher, Legal Counsel

- Mr Michael McEnaney, Planner

Skyline Enterprises Limited (S250)

- Ms Rosie Hill, Legal Counsel

- Mr Sean Dent, Planner

- Ms Nikki Smetham, Landscape Architect

Mr Graeme Walsh (S664) for himself

1.6. Overview of submitter evidence received

38. For those appearing at the hearing, legal submissions were received from Ms Sarah Scott for Poutini Ngāi Tahu (dated 16 April 2024) and Ms Kristy Rusher for Grey District Council (dated 24 April 2024). In addition, at the Franz Josef hearing a synopsis of legal submissions was received from Ms Rosie Hill for Skyline Enterprises Limited (dated 23 September 2024).
39. For those appearing at the hearing the following evidence and/or statements were received:
- (a) Mr Paul Madgwick, cultural expert for Poutini Ngāi Tahu (dated 5 April 2024);
 - (b) Ms Rachael Pull, Planner for Poutini Ngāi Tahu (evidence dated 5 April 2024 and statement dated 30 April 2024);
 - (c) Ms Phillipa Lynch, Poutini Environmental General Manager (written approval process)
 - (d) Mr Ian Stewart of Taramakau, aerial maps of the Taramakau River;
 - (e) Mr Grant Moreton and Mr John Hanning, Chairman and Secretary of the Te Kinga/Iveagh Bay Residents and Ratepayers Association (statement of 30 April 2024);
 - (f) Mr Peter Kennedy of Totara Flat (statement of 30 April 2024);

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- (g) Mr Hemi Meihana Retara/James Mason Russell, Chairman of the Committee of Management of The Proprietors of Māwhera Incorporation (Māwhera Inc) (statement of 30 April 2024);
 - (h) Mr George & Mrs Caryl Coates of Nikau Deer Farm Limited, Barrytown (statement of 30 April 2024)
 - (i) Ms Inger Perkins, regional field advisor for Herenga ā Nuku Aotearoa, the Outdoor Access Commission (statement of 1 May 2024)
 - (j) Ms Mary Stewart of Karamea (statement of 1 May 2024, and a statement in support of Ms Stewart's submission from Mr Hamish Macbeth of Karamea;
 - (k) Mr Martin Kennedy, Planner for Westpower Limited (evidence dated 27 March 2024);
 - (l) Mr Julian Hall, Greymouth landowner (statement of 1 May 2024);
 - (m) Mr James Sutherland, policy advisor for Federated Farmers West Coast (evidence dated 27 March 2024);
 - (n) Mr Michael McEnaney, Environmental Planning Team Leader for Grey District Council (evidence dated 10 April 2024); and
 - (o) Mr Sean Dent, Planner for Skyline Enterprises Limited (evidence dated 9 September 2024).
40. Following the receipt of the s42A Report:
- (a) Mr Mark Dixon, director of Ridgeline 3 Investments Limited (S127), provided a statement of evidence dated 23 April 2024 and another for the 1 May 2024 hearing outlining his concerns that SASM 104, SASM 107, SASM 109, SASM 112, SASM 116, SASM 117 and SASM 121 and the Pounamu Management Overlay would interfere with his rights associated with land in the upper Arahura River valley. He provided a map showing the location of the three land parcels and documents describing the history of the land dating back to 1876, including associated mining privileges. He sought to protect sensitive information under section 42(1)(a) of the Act and did not further elaborate regarding the basis of his concerns or appear at the hearing, once he was made aware of the limitations on protection of sensitive information. The materials he provided to the Panel are part of the record of the hearing, having been publicly released on 8 May 2024.
 - (b) Mr Dean Van Mierlo, legal counsel, provided a letter dated 17 April 2024 on behalf of West Coast Fish and Game Council ('**Fish & Game**') (S302) stating that, in relation to the two submission points made by Fish & Game on the chapter provisions, the s42A Report position was accepted. Fish & Game confirmed it was satisfied that the definition of "*temporary activities*" did not include recreational activities; and that a case-by-case assessment would be undertaken when resource consent requirements were triggered. The letter also acknowledged other avenues to assist in protection of SASM through Te Rūnanga o Ngāi Tahu representation at the West Coast Fish & Game Council.
 - (c) Ms Frida Inta for herself and the Buller Conservation Group (S552 and S553) provided a statement dated 22 April 2024 that there were no additional comments she wished to make on the chapter; and noted that the "*Plantation Forestry*" definition was recommended for adoption, which she supported.

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- (d) Ms Lyn McIntosh (S469) provided a statement received by the Panel on 26 April 2024 that she had initially been advised that SASM 120 had been revised and did not interact with her property. She said it now appeared there's been an oversight, and her land was not corrected.
- (e) Ms Stephanie Styles, a planner acting on behalf of Manawa Energy Limited ('**Manawa**') (S438) provided a statement (dated 27 March 2024) that indicated general support for identification of SASM. She noted that Manawa have a memorandum of partnership with Te Rūnanga o Ngāti Waewae. Her evidence identified that there were Manawa activities located within SASM 67 (the Arnold Scheme) and SASM 104, SASM 107 and SASM 121 (the Dillmans Scheme) which were affected by SASM rules. Ms Styles asserted that enabling provisions for renewable electricity generation (**REG**) in higher order documents should be reflected in SASM provisions, including SASM-P13, SASM-R2, SASM-R9 and SASM-R10. Ms Styles focussed on ensuring that the term "*regionally significant infrastructure*" (**RSI**) was used in the policy and rule framework because Manawa were not a "*network utility operator*", and this would ensure a more enabling pathway for Manawa activities, consistent with the importance of REG nationally and regionally.
- (f) Mr Michael Snowden (S492) provided a short statement on 30 April 2024 reiterating his formal objection to SASM 197 at Okuru because it was drawn as an ellipse and appeared to be arbitrary. He expressed concern that the ellipse did not differentiate between indigenous vegetation cover and pasture.
- (g) Ms Alex Booker provided a letter on behalf of WMS Group (HQ) Limited and WMS Land Co. Limited (**WMS**) (S599) dated 21 March 2024 withdrawing their submission points on SASM 151 and SASM 179 (S599.155 and S599.156 respectively), which were requesting a review of the accuracy of the areas identified on the planning maps. The letter also supported the change to activity status of Rule SASM-R15 from non-complying to discretionary, in relation to submission S599.047.
41. Te Tumu Paeroa – the Office of the Māori Trustee (S440) were scheduled to speak to the Panel virtually during the marae hearing but did not appear. No written materials were provided to the Panel. Poutini Ngāi Tahu advised that discussions were ongoing with Te Tumu Paeroa outside of the hearing in efforts to resolve points of difference.
42. Following the hearing, subsequent information was received as follows:
- (a) Mr Peter Langford (S615) supplied a short statement opposing the SASM affecting Māori Point Terrace in Karamea (dated 4 May 2024). However, the Panel notes Mr Langford's original submission did not contain a submission point on the SASM Chapter; and
- (b) Mr Mark Dixon (S127) responded to queries raised about "Victorian title" and the relevance of this subject to his submission and evidence provided (8 May 2024), indicating that he could prove the existence of such title in relation to the three land parcels owned by Ridgeline 3 Investments Limited.
43. Minute 26 issued by the Panel on 8 May 2024, in addition to directing procedural matters to do with legal counsel and planner conferencing, also sought a legal opinion from Ms de Latour on the definition of "Victorian title". The Panel received a request from Ms Scott as part of joint advice from legal counsel in response to Minute 26 (dated 7 June 2024) to also be able to provide a response on the matter of Victorian title (although the matter was later resolved to the satisfaction of Poutini Ngāi Tahu such that no further advice was provided). Ms de

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Latour provided her response to the Panel on 6 June 2024 regarding the nature of Victorian title and whether it was capable of being defined for the purposes of the TTPP. She identified that land transferred from Crown ownership prior to 1913 fell in to the category of “Victorian title”, and that the Crown could only vest what it owned at the time of the Pounamu Vesting Act 1996 when pounamu was vested with Te Rūnanga o Ngāi Tahu. She advised that minerals other than gold, silver, uranium or petroleum, which are reserved to the Crown, may be affected by Victorian title. Ms de Latour explained that a landowner may seek to prove ownership rights to minerals other than Crown minerals in cases where Victorian title applies. She offered a definition of “Victorian title” based on the Mining Act 1971 and its elements in continuation through the Crown Minerals Act 1991. Overall, the advice of Ms de Latour tied “Victorian title” to the matter of mineral ownership as a feature of land ownership over time.

Written Approval

44. Ms de Latour, counsel for the TTPP Committee, confirmed in the joint legal advice in response to Minute 26 (dated 7 June 2024) that her position had not changed since the Memorandum of Counsel (dated 23 November 2023) that indicated: *“a permitted activity rule must not reserve by subjective formulation a discretion to decide whether an activity is a permitted activity”*. In this respect Ms de Latour did not support a permitted activity rule that reserved discretion to a third party by way of written approval.
45. Ms Sarah Scott, counsel for Poutini Ngāi Tahu, agreed on the principles outlined in Ms de Latour’s Memorandum of 23 November 2023 but differed in her assessment that a written approval rule could be drafted that met the criteria set out for a permitted activity. Her conclusion was based upon mana whenua being best placed to identify impacts of a proposal on the physical and cultural environment valued by them, such that a Ngāi Tahu cultural expert was the appropriate person to determine whether an activity would have an adverse effect on the Poutini Ngāi Tahu values associated with each SASM site or area. Ms Scott saw this as no different to an assessment by an acoustic expert, for example. She considered that it would need to be clear in the rule that an approval was based on a binary condition, either the proposed activity would or would not have adverse effects on Poutini Ngāi Tahu values associated with a SASM.
46. Ms Kristy Rusher, counsel for GDC, also agreed with the principles outlined in Ms de Latour’s memorandum of 23 November 2023. However, she did not consider it good practice to define a regulatory framework based on a control that requires certification of the absence of an adverse effect. She considered that an assessment that effects on a SASM were *“less than minor”* would constitute the exercise of a discretion and therefore would be contrary to the principles set out in Ms de Latour’s memorandum. Her preference was for the regulatory controls to be more precise with regards to triggers for resource consent.
47. As an alternative to a written approval approach, legal counsel for the TTPP Committee considered that certification requirements could be lawfully included in planning documents. Principles were identified, in addition to those outlined in Ms de Latour’s Memorandum of 23 November 2023. These principles included that a certification requirement could not reserve an unlawful discretion as to whether the activity is permitted or not, or leave the classification to the discretion of the consent authority. A requirement for written approval could be distinguished from a requirement for certification in principle, provided a council did not need to make an evaluative judgement as to the sufficiency of measures to achieve outcomes in order to be a permitted activity. Ms de Latour found that certification decisions could be made by a person using their skills and experience, but that the making of a substantive decision could not be delegated. Ms de Latour advised that a permitted activity rule requiring

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certification would need to be carefully formulated to ensure that the principles, as a whole, could be met. A range of examples of certification rules were provided in Appendix 1 to the joint response of legal counsel, including district plan permitted activity rules, although no examples were found in relation to effects on mana whenua values. In that respect, the approach being proposed was described as “novel”, but also no less appropriate than other examples in Appendix 1 to the Memorandum of Counsel. A key consideration emphasised by Ms de Latour was that certification could not require an assessment of degree of effect, but only the presence or absence of an effect.

48. Ms Scott advised that a permitted activity rule requiring certification could be drafted to achieve the binary condition and further principles outlined by Ms de Latour. Ms Scott observed that certification criteria would need to be included in the Plan to support such a rule and should be developed with Poutini Ngāi Tahu. She also emphasised that there should be no delegation of decision-making enabled by the drafting, and considered that refinement of SASM boundaries had assisted in narrowing what would be captured by permitted activity rules or trigger requirement for a resource consent.
49. Ms Rusher recorded broad agreement with Ms de Latour and Ms Scott, however, she considered that it was a matter for the Panel to determine whether a regulatory control was needed to manage effects of activities on a SASM, and that this role could not be passed to an entity that is not a consent authority by way of a rule.
50. Legal counsel further considered section 33 and section 34A of the RMA and the potential for transfer of powers or delegation of functions to Poutini Ngāi Tahu to assist in the matter. While powers and functions may be transferred to an iwi authority in accordance with these sections of the Act, counsel could not determine which powers or functions could be usefully transferred to assist. The principles to guide a permitted activity rule would still need to be met, regardless of which entity held the status of the consent authority. Ms de Latour also identified that the Panel do not have delegations to direct such a transfer. Ms Scott and Ms Rusher both agreed with the points made by Ms de Latour in relation to transfer of powers and functions.
51. Following the advice of legal counsel, planning experts that included Ms Easton for the TTPP Committee, Mr Kennedy for Westpower, Ms Styles for Manawa, Ms Pull for Poutini Ngāi Tahu and Mr McEnaney for GDC undertook video conferencing on 27 August 2024 and 10 September 2024 in response to Minute 26 and Minute 37 and provided a joint witness statement (**JWS**) dated 10 September 2024. The planning witnesses indicated a preference for the Ōtorohanga District Plan example of a permitted activity rule requiring certification, which was included in Appendix 1 of the joint statement of legal counsel. Rule wording and criteria were drafted collectively and attached to the JWS.

Minimise

52. In addition, the planners considered the question of use of the term “*minimise*” in policy, however, the JWS records no agreed position could be reached. Ms Easton considered it to be a commonly used term, looking at other plan examples. Ms Styles considered that it needed a definition if it was to be used as a term, and that “*where practicable*” as an addition was supported if it was used. Mr Kennedy did not support use of the term and sought consistency across policies. Mr McEnaney preferred “*avoid, remedy or mitigate*” but was open to use of “*minimise*” if it was defined. Ms Pull considered it to be appropriate, particularly in cases where a policy linked to discretionary activity status. When looking at

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specific policies, all but Mr Kennedy supported use of the term “*minimise*” in policies SASM-P8 and SASM-P9.

Policy and Method

53. When considering Policy SASM-P4 as notified, all the planners agreed that the policy would be better positioned as a method, with some redrafting, and saw links with SASM-O2, SASM-P1, SASM-P9, SASM-P14 and SASM-P15. The planners collectively drafted new Method SASM-M4 and recommended that Policy SASM-P4 be deleted. The planners did not progress a potential linkage from SASM-P2 into methods, which was a put forward by Federated Farmers West Coast, but in the absence of a planner participating on behalf of that submitter the matter was left unexplored in the JWS.

SASM Discussions

54. Minute 37 (dated 13 August 2024), aside from procedural directions for planner conferencing, included a request for Poutini Ngāi Tahu to provide details of further discussions that had been undertaken with submitters and the outcomes of those discussions. This further information was provided on 16 September 2024 and included a summary of all reviews of SASM boundaries in response to submissions and evidence. Four SASM were reviewed that resulted in no change to boundaries (SASM 6, SASM 42, SASM 79 and SASM 218). Poutini Ngāi Tahu recommended amendment to the boundary of SASM 96 where it intersects with the property of Mr Ian Stewart (S124) in response to river channel changes in that location. Following review and consideration of submitter evidence, Poutini Ngāi Tahu agreed that there were errors in SASM 34 and SASM 36, resulting in withdrawal of submission points FS41.583 and FS41.576 and consideration of a plan change to correctly map these SASM.

Te Tumu Paeroa Submission

55. Te Tumu Paeroa provided a letter to the Panel dated 22 August 2024, following on from a joint statement to the Panel from Te Tumu Paeroa and Poutini Ngāi Tahu dated 14 August 2024. The letter from Te Tumu Paeroa formally withdrew a number of submission points, including on SASM-O2, SASM-P5, SASM-P14, SASM-P15, SASM-R5 and on the mapped extent of SASM 18, SASM 133, SASM 149, SASM 151, SASM 153, SASM 158, SASM 178, SASM 179, SASM 180, SASM 181 and SASM 183⁸.
56. The joint statement from Te Tumu Paeroa and Poutini Ngāi Tahu dated 14 August 2024 agreed that submission point S440.053 regarding the mapped extent of particular SASM would be withdrawn, except in relation to SASM 157. The joint statement recorded points of agreement, including in relation to the challenges faced by Māori freehold landowners that limit the use and development of their whenua. The Plan was acknowledged by both parties as one method to help address those challenges by enabling use and development of Māori land. The Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**) was also cited jointly as including Crown recognition of Ngāi Tahu as “*the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui*”. The joint statement records that the matter of inclusion of Māori landowners within plan provisions remained a point of disagreement, although there was agreement reached that provisions should enable use of Māori land. A further point of disagreement remained in terms of restrictions on use of SASM 157, which was administered by the Māori Trustee.

⁸ Submissions points S440.017, S440.018, S440.019, S440.020, S440.021 and S440.053 respectively

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57. 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 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 158 was a more modified site than SASM 157, and that SASM 157 was a much older pā site and ancient urupā, with trees on site that were used for snaring and spearing birds, including some virgin forest. It noted SASM 157 had experienced some damage as a consequence of track clearing which caused concern for Ngāti Māhaki and highlighted the need for greater controls on activities affecting the area.

1.7. Right of Reply

58. Ms Easton provided a written Right of Reply (dated 25 October 2024), which included an updated Appendix 1 showing tracked changes to the notified provisions. She subsequently updated her Appendix 1 on 11 November 2024 to reflect both her Right of Reply and the outcome of the planners' joint witness statement of 10 September 2024.
59. Ms Easton's Right of Reply included responses to questions from the Panel, including a scan of district plans and their approach to SASM chapter provisions, following the promulgation of the National Planning Standards (**'Planning Standards'**). She advised that there are 534 privately owned land titles affected by SASM rules. She considered use of the term "*avoid*" in SASM-P6, SASM-P8, SASM-P12, and SASM-P15 and its relationship with activity status, which variously led to non-complying or discretionary classifications. She provided a definition of "*landfill*", "*cleanfill area*" and "*cleanfill material*", and further considered the definition of "*cultural landscape*". She responded to the matter of maintaining public access, as well as inclusion of the term "*access*" in relation to Ngāi Tahu access to valued sites or areas. She considered the inclusion of minerals within the definition of "*cultural materials*" and any consequential relationship with the Crown Minerals Act 1991. She considered "*network utility structures*" as compared to "*network utility infrastructure*" within the chapter provisions, and in particular SASM-P13 and SASM-R9, SASM-R10 and SASM-R13, as well as the use of "*regionally significant infrastructure*" in these same rules. She confirmed her recommended amendments to Rule SASM-R6 and the '*Other Relevant Te Tai o Poutini Plan Provisions*' section.
60. Ms Easton advised that there was nothing in particular in the iwi management plans pertaining to pounamu management that needed to be reflected in the SASM Chapter or Pounamu Management Area overlay. She concluded that there was no need to refer to "Victorian title" or include a definition in the Plan because such title was confirmed by legal counsel as being about ownership and potential extraction rights rather than a matter of Ngāi Tahu cultural values held in relation to pounamu. Ms Easton further considered Policy SASM-P8 and the matter of "*operational need*" and "*more than minor*" adverse effects as a reference in policy. She also addressed the term "*ahikāroa*" as it appears in the Glossary. She recommended changes to Rule SASM-R4 in relation to indigenous vegetation clearance and considered use of the phrase "*buildings and structures*" rather than just "*structures*" as a matter of consistency across the Plan.
61. Ms Easton amended some of her recommendations in light of the response of Poutini Ngāi Tahu to Minute 37, and in light of the withdrawal of submission points by Te Tumu Paeroa. She corrected an error in Table SASM-T1 and considered the application of Advice Note (2) to Rule SASM-R5 in terms of the regularity of certification. She addressed the question of how archaeological sites outside of SASM were managed. Ms Easton advised, as a consequence of issues raised by Ms Pull (recorded in the JWS), that the Panel would need to take care to

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rationalise terminology around infrastructure across the Plan because of the multitude of terms in use, not all of which are defined in the Plan.

1.8. Site Visits

62. The Panel undertook a number of sites visits over the course of the hearing process, from Karamea to Jacksons Bay. Each part of the coast that the Panel visited was viewed with various overlays in mind, including SASM overlays, and in particular locations where submissions raised concerns about the presence of overlays or the boundaries of those overlays.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

63. This section of the report considers the requirements for preparation of a district plan, as relevant to the SASM Chapter, particularly section 73, section 74 and section 75 of the RMA, with reference to the Memorandum of Counsel from Ms de Latour dated 13 October 2024.
64. The Panel have considered the role of the SASM Chapter in assisting Buller District Council, Grey District Council and Westland District Council (**‘the Councils’**) to carry out their functions under section 31 of the Act, including integrated management, and any need to identify responsibilities of each local authority in relation to the chapter, in accordance with section 80 of the Act.
65. The Panel relies on the Section 32 Report⁹, which records how the Mana Whakahono ā Rohe agreement¹⁰ guided the development of the Plan, and the management of Poutini Ngāi Tahu Heritage, including through the provisions of the SASM Chapter, in accordance with the Act¹¹.
66. The SASM Chapter is particularly relevant to Section 8 of the RMA and the need to take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi. The West Coast Regional Policy Statement (**RPS**), which must be given effect to in decision-making on the Plan, identifies rangatiratanga as a relevant principle¹². The Mana Whakaono ā Rohe agreement between Poutini Ngāi Tahu and the WCRC, which the Plan must be prepared in accordance with under Schedule 1, Clause 1A of the RMA (as a consequence of WCRC involvement on the TTPP Committee), includes reference to the Treaty principles of partnership, mutual benefit, informed decisions and active protection in its Appendix 2. The Panel has taken these principles into account when making recommendations on the SASM Chapter, particularly considering that the provisions have been developed in partnership with Poutini Ngāi Tahu, the information available on identified SASM provides for informed decision-making, and the provisions of the chapter respect rangatiratanga and provide for active protection of identified SASM. Rangatiratanga has been asserted by submitters other than Poutini Ngāi Tahu, including Māori land owners within the district, which is considered in the context of relevant submissions and evidence, with reference to section 6(e), section 7(a) and section 8 of the RMA, and higher order instruments under the Act, as well as relevant Treaty settlement legislation and legislation guiding the management of Māori land.
67. The inclusion of a SASM Chapter in the Plan gives effect to the Planning Standards¹³ that require the following matters to be located in a SASM chapter where they are addressed:

⁹ Section 11.2.7, p57

¹⁰ Mana Whakahono ā Rohe Resource Management Act Iwi Participation Arrangement, October 2020

¹¹ Section 73 and Schedule 1, Clause 1A

¹² Resource Management Issues of Significance to Poutini Ngāi Tahu, overview of key values, principles and practices, 2. Rangatiratanga, p11

¹³ Section 7 District-wide Matters Standard, 17, p33, in accordance with section 75(3)(ba)

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descriptions of sites and areas (with agreement by Māori for inclusion); provisions to manage sites and areas; an agreed process for identification of sites and areas; a description of any regulatory processes for identification; and a schedule listing the general location of sites and areas. The Panel notes that descriptions of sites and areas have been agreed for inclusion with Poutini Ngāi Tahu (as outlined in evidence of Poutini Ngāi Tahu), provisions have been developed to manage them, there was a process for their identification (as outlined in the Section 32 Report) and a schedule has been developed listing their general location (Schedule Three), in conjunction with mapping. A further method has also been proposed to guide future inclusion of SASM in the Plan, new Method SASM-M2.

68. The Panel has given effect to higher order documents to the extent relevant to the provisions of the SASM Chapter in reaching its recommendations. In doing so, we observe that identified SASM occur across a broad range of environments on the West Coast, inland and coastal, highly modified and more pristine environments, such that there are a number of national direction instruments relevant to their management.
69. In particular, the recommended provisions of the SASM Chapter manage any potential subdivision, use or development of land within SASM, some of which qualifies as “*specified Māori land*” as defined in the National Policy Statement for Highly Productive Land (**NPSHPL**) and may also include areas of highly productive land (e.g. SASM 43). Where this intersection occurs, the NPSHPL does not require protection of the highly productive land from subdivision, use or development¹⁴. Māori land owner priorities for management of SASM land in those circumstances take precedence, as provided for in the Panel’s recommended provisions for the SASM Chapter.
70. Identified SASM may qualify as “*specified Māori land*” under the National Policy Statement for Indigenous Biodiversity (**NPSIB**) and may also contain areas of significant indigenous vegetation and significant habitats of indigenous fauna that require protection from inappropriate subdivision, use and development (section 6(c) of the RMA), and qualify as “*significant natural areas*” (**SNA**), as defined in the NPSIB. Clause 3.18 of the NPSIB applies in those circumstances, which is considered by the Panel as part of recommending provisions in the ECO Chapter. The Panel are satisfied that provisions of the SASM Chapter are consistent with giving effect to the NPSIB where significant areas of indigenous vegetation and habitats are present, in particular clause 1.5(3)(f), the definition of mātauranga Māori and clause 3.3 of the NPSIB, and in conjunction with the provisions of the ECO Chapter.
71. Some identified SASM encompass waterbodies (e.g. SASM 67), which is considered by the Panel to be consistent with giving effect to the National Policy Statement for Freshwater Management (**NPSFM**), in particular clause 1.3(4), clause 3.2(2)(d) and clause 3.5(4). The Panel received evidence that the Plan provisions can also assist to meet the Resource Management (Stock Exclusion) Regulations 2020 that support the NPSFM wherever rules manage fencing activities.
72. The Panel received submissions and evidence on application of the National Policy Statement for Renewable Electricity (**NPSREG**) in the context of the SASM Chapter, in particular from Manawa (S438). The NPSREG recognises in its preamble that there is potential for conflict between renewable electricity generation and the relationship of Māori with their taonga and their role of kaitiaki. Some SASM are sites and areas where renewable electricity generation infrastructure is present (e.g. SASM 104). The Panel are satisfied that the SASM Chapter and any recommended amendments detailed below and in Appendix 1 appropriately give effect

¹⁴ Clause 3.9(2)(d) and the definition of “specified Māori land” on p5 of the NPSHPL

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to the NPSREG, addressing potential conflict with renewable electricity providers, as discussed in relation to particular provisions subject to submissions and evidence from Manawa.

73. The Panel received submissions and evidence on application of the National Policy Statement on Electricity Transmission (**NPSET**) in the context of the SASM Chapter, in particular from Transpower New Zealand Limited (**'Transpower'**)(S299). National Grid infrastructure (e.g. transmission lines) may be present in sites and areas identified as SASM. The NPSET does not specifically address relationship of National Grid infrastructure with sites and areas of significant to Māori. The Panel are satisfied that recommended chapter provisions appropriately give effect to the NPSET, as identified in the submission of Transpower (S299.024), and as considered in response to Transpower requests for amendment to provisions.
74. The National Policy Statement for Urban Development (**NPSUD**) is relevant to SASM identified in urban environments, particularly in the Greymouth central business district (CBD) which was developed on the site of the original Māwhera pā¹⁵. The Grey District is a 'Tier 3' local authority under the NPSUD, as identified in the Section 32 Report¹⁶. The Panel are satisfied that recommended SASM Chapter provisions appropriately give effect to the NPSUD, in particular Policy 1(a)(ii), Policy 9 and clause 3.14.
75. Many identified SASM are located within the coastal environment such that the New Zealand Coastal Policy Statement (**NZCPS**) is pertinent to their management. The Panel are satisfied that the provisions of the SASM Chapter assist in giving effect to the NZCPS, in particular Objective 3, Policy 2 (especially (g)(ii)), Policy 15 (to some extent) and Policy 19(3)(c), relevant to consideration of public access matters in the coastal environment.
76. The Panel have considered matters of consistency with the Water Conservation (Buller River) Order 2001 (**Buller WCO**) and the National Water Conservation (Grey River) Order 1991 (**Grey WCO**) that arise in relation to the SASM Chapter. The Buller WCO in Schedule 1 records waters to be retained in their natural state due to outstanding eel fisheries, native fisheries, blue duck habitat and wild and scenic values. There are a number of SASM identified along the Buller River associated with nohoanga (traditional encampments and mahinga kai gathering sites), Māori Reserve lands, and pā sites¹⁷, which relate to the availability of harvestable resources in those areas, such as those described in the Buller WCO. The Grey WCO is primarily concerned with particular outstanding scenic features, the outstanding natural characteristic of an incised river gorge with meandering pattern, retention of particular waters in a natural state, and others to be partially retained in a natural state¹⁸. There are a number of identified SASM along the Grey River that are not within the waters protected by the Grey WCO. Recommended SASM Chapter provisions are considered by the Panel to be complementary to both WCO and therefore are not inconsistent with them.
77. The Panel have considered the need to give effect to the West Coast Regional Policy Statement (**RPS**) through the provisions of the SASM Chapter. The RPS records, with reference to "*taonga*" in Section 3¹⁹ that the term "*cultural landscapes*" is an inclusive expression for taonga sites and areas, which is relevant to consideration of sites and areas of significance to Māori. As part of building resilient and sustainable communities, the RPS contains an objective to recognise and provide for the relationships of Poutini Ngāi Tahu with cultural landscapes,

¹⁵ As described in the notified Plan description of the Grey District (p8) and descriptions of SASM 56, SASM 57, SASM 58 and SASM 59

¹⁶ Te Tai o Poutini Plan – Section 32 Evaluation – Report One – Overview and Strategic Directions, Section 2.25, p7

¹⁷ For example, SASM 21, SASM 23 and SASM 25 in the upper reaches of the river

¹⁸ National Water Conservation (Grey River) Order 1991, Clauses 3, 4 and 5

¹⁹ Resource Management Issues of Significance to Poutini Ngāi Tahu, brief overview of key values, principles and practices, 7. Taonga, p11

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which is supported by policy requiring appropriate identification of cultural landscapes, and management of the effects of activities in a way that provides for the cultural relationships of Poutini Ngāi Tahu. An associated method directs that district councils will consult with Poutini Ngāi Tahu about appropriate provision for cultural landscapes in district plans²⁰. The Panel is satisfied that the process for identification of SASM by Poutini Ngāi Tahu (in collaboration with the Councils through the TTPP Committee) as described in the evidence of Mr Madgwick and the Section 32 Report, and the proposals for management of them through provisions in the SASM Chapter, are consistent with the RPS objective, policy and method in relation to cultural landscapes. Identified SASM include cultural landscapes, or taonga sites and areas, as described in the evidence of Mr Madgwick, which is accepted by the Panel. The Plan also identifies a range of SASM other than cultural landscapes, consistent with objectives, policies and methods for historic heritage²¹. The RPS has therefore been given effect to in the Panel's recommendations for the SASM Chapter provisions.

78. The Panel did not receive any submissions or evidence to suggest that the SASM Chapter provisions were in any way inconsistent with operative or proposed regional plans. Evidence was received to improve alignment in particular instances, which the Panel recommends in the context of specific provisions.
79. The Panel received evidence of the relevance of the Paparoa National Park Management Plan 2017 to the relationship of Poutini Ngāi Tahu with SASM in the Paparoa area. We also received evidence regarding the Waitaiki Historic Reserve Management Plan and its relevance to understanding the pounamu traditions associated with SASM.
80. The Panel understand that identified SASM are generally distinct and separate from listed items on the Historic Places Register/Rārangi Kōrero, which are managed under the Historic Heritage Chapter of the Plan.
81. The Panel considers that there is a relationship between identified SASM and customary fisheries regulations²² where the SASM are associated with mahinga kai harvest locations, such that management of the SASM is complementary to the purpose of those regulations.
82. Planning evidence variously referenced planning frameworks of other councils, including neighbouring territorial authorities. The Panel received evidence that Queenstown Lakes District Council has also mapped sites and areas of significance to Māori, including one that overlaps in to the Westland District Council (**WDC**) jurisdiction. The Panel recommendation is to incorporate this as an additional SASM in the Plan on the basis of submissions and evidence.
83. With reference to the National Adaptation Plan prepared in accordance with the Climate Change Response Act 2002, the Panel observe that management of SASM under the recommended provisions of the SASM Chapter is consistent with a climate change adaptation approach that works in partnership with Māori, elevates te ao Māori and mātauranga Māori, and empowers Māori in adaptation planning by Māori for Māori, in relation to sites and areas of significance to Poutini Ngāi Tahu that are vulnerable to the effects of climate change²³.
84. The Panel have considered the relationship of SASM Chapter provisions with the Pounamu Management Plans prepared by Ngāti Māhaki ki Makaawhio and Ngāti Waewae. The Panel relies on the involvement of Papatipu Rūnanga in developing the SASM Chapter, including the

²⁰ Section 4 Resilient and Sustainable Communities, Objective 5 and Policy 6, p15, explanation to the policies on p16, and Method 6, p17

²¹ RPS Chapter 4, Objective 4, Policy 5

²² Fisheries (South Island Customary Fishing) Regulations 1999

²³ Urutau, ka taurikura: Kia tū pakari a Aotearoa I ngā huringa āhuarangi – Adapt and thrive: Building a climate-resilient New Zealand – Aotearoa New Zealand's First National Adaptation Plan, p13

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Pounamu Management Overlay and the Aotea Management Overlay, to reflect the aspirations of ngā hapū as expressed in those iwi management plans. Similarly, identification of SASM at Lake Māhinapua²⁴ has a relationship with Te Mahaere Whakahaere o Te Tāwhiri a Te Makō: Lake Māhinapua Management Plan. In that respect the Panel are confident that regard has been had to these iwi management plans during the development of the SASM Chapter. Recommendations of the Panel have not significantly altered the effect of notified provisions in relation to the Pounamu Management Overlay, the Aotea Management Overlay or the SASM at Lake Māhinapua.

85. Clause 10 of the First Schedule states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMENDATIONS

2. SITES AND AREAS OF SIGNIFICANCE TO MĀORI – NGĀ WĀHI TĀPUA KI TE MĀORI

86. The SASM Chapter, as a whole, attracted a significant number of submissions, the Panel considers in part due to the errors associated with the notified version of the SASM maps, of which there were 216 identified SASM at the time of notification. In addition, the draft version of the Plan shared with the public prior to notification did not contain the identified SASM so notification was the first public exposure of the location and number of SASM. The Panel understand from the Section 32 Report and evidence provided that this has had an impact on trust in the quality of information and confidence in the SASM Chapter amongst submitters to the Plan; and contributed to errors that have been sought to be corrected through submissions and evidence, particularly that of Poutini Ngāi Tahu but also some individual submitters.
87. The s42A Report begins by assessing submissions and evidence on the definitions relevant to the SASM Chapter. The Panel adopts this same approach within this general section of the report, considering submissions on definitions ahead of the whole of chapter submissions.
88. The Panel adopts the summaries in the s42A Report when considering the relevant submissions and further submissions received, unless otherwise described. It should be noted that the Panel has also revisited original submissions and further submissions to inform recommendations on the SASM chapter.

2.1. SASM General/Whole Chapter

Submissions and Further Submissions

89. There were three submissions received on the definition of “*cultural landscapes*” and no further submissions.
90. There were 36 submissions that sought additional definitions, which attracted eight further submissions predominantly in support, with one opposed in part. The definitions sought included “*landfill*”, “*waste disposal facilities*”, “*hazardous facilities*”, “*wastewater treatment plant*”, “*wastewater disposal facilities*”, “*offensive industry*”, “*plantation forest*”, “*shelterbelt*”, “*woodlot*”, “*upper slopes*” and “*cultural material*”.

²⁴ SASM 105, SASM 110 and SASM 111

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91. There were 43 submission points on the chapter as a whole (eight supporting, one supporting in part, one neutral, one not stated, 13 requesting amendment and 19 opposed), and 21 further submission points variously supporting and opposed to the original submission points.
92. For those opposed, some simply requested deletion of the chapter, some opposed based on the effect on property owners, some sought engagement with landowners, some sought compensation, some were concerned about the accuracy of methodology or mapping, some tied their opposition to the Plan as a whole, and some thought it was a matter better dealt with by central government, the Māori Land Court or Treaty Settlement processes.²⁵
93. For those seeking amendment, some wanted more details provided about the SASM and their values, clarity for landowners to understand what it means for activities, as well as an explanation of the relationship with Treaty settlements, or review of SASM boundaries.²⁶ In addition, recognition of the functional and operational needs of mining and limited use of terms such as “avoid”, “protect”, “prevent”, “minimise”, “restrict” and “preserve” because of their impact on the “gateway test” (presumably in relation to non-complying activities) was requested by mining companies.²⁷ The Proprietors of Māwhera Incorporation (Māwhera) also requested recognition of the owners of the Native Reserves within the boundaries of the Arahura Deed of Purchase.²⁸ Consideration was sought as to whether current statutory provisions would be sufficient to protect SASM.²⁹

Section 42A Report Analysis and Recommendations

94. **Ms Easton** considered that the notified definition of “*cultural landscape*” could benefit from clarification as to the location of cultural landscapes, as was requested in the submissions of WMS (S599) and TiGa Minerals and Metals Limited (**TiGa**) (S493) who sought a schedule. She recommended a link to the schedule of outstanding natural landscapes (**ONL**) (Schedule Five), to record where there is an identified SASM located within an ONL.³⁰
95. Ms Easton supported the requests for new definitions, with the exception of “*shelterbelt*”, which she recommended be deleted where it appears in the provisions, negating the need for a definition. She utilised the definition of “*plantation forestry*” from the National Environmental Standard for Commercial Forestry (**NES-CF**). She also referred to the definition of “*offensive industries*” provided at the time of hearing submissions and evidence on the Introduction and General Provisions Chapter. Ms Easton otherwise developed definitions based on her understanding of their meaning and use within the SASM Chapter.
96. Ms Easton recommended rejecting the submissions in opposition on the basis that higher order instruments directed or supported the need for a SASM Chapter, including the RPS and section 6 of the RMA.
97. Ms Easton considered that no further review of the extent of SASM was necessary given the comprehensive review already undertaken by Poutini Ngāi Tahu, which resulted in only minor amendments compared with what was notified, including to SASM boundaries (e.g. the concern of Ms Charlotte Bradley-Peni (S370)). She responded to submitters that referred to

²⁵ G.E. and C.J. Coates (S415), Clare Gilroy (S341), Garry Livingstone (S201), Donna Mitchell (S107), Grey District Council (S608), Bernard Hands (S350), Taipo Dairies Limited (S520), Ann Bradley (S371), Stephen Page (S270), Paul Heal (S133), Kawhaka Creek Catchment Residence (S297), Scenic Hotel Group (S483), Neil Bradley (S298), Gerrit and Suzie Wolters (S308), Skyline Enterprises Limited (S250)

²⁶ Charlotte Bradley-Peni (S370), Greenstone Retreat (S459), Tangi Weepu (S630), Amy Paterson (S128), Toni Chittock (S61), Rodney Wright (S62), Michael Robson (S327)

²⁷ Rocky Mining Limited (S474) and Papahaua Resources Limited (S500)

²⁸ The Proprietors of Māwhera Incorporation (S621)

²⁹ Jennifer Lake (S323)

³⁰ This matter is further discussed in the Panel’s recommendations on the Natural Features and Landscapes chapter

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the potential for other Acts or processes outside of the RMA to look after SASM by pointing to the specific requirements of the RMA.

98. Ms Easton recognised the difficulties created as a result of SASM not being included in the draft Plan prior to notification. In response to submitters that sought direct engagement with landowners prior to SASM being included in the Plan, including GDC, Ms Easton noted that the full RMA Schedule 1 plan process had been followed and that there was no requirement in that schedule for direct engagement with affected landowners. However, she noted that landowners affected by SASM were notified by letter at the time of notification of the Plan, which was how mapping errors were identified (subsequently corrected under Schedule 1, Clause 16 of the RMA) because people who received letters raised queries with WCRC³¹.
99. In response to submissions concerned about the impact on property rights, Ms Easton said that restrictions over private land were minimised during development of the Plan and often resulted in lower levels of restriction than other section 6 matters (e.g. outstanding natural landscapes and features) covered by overlays in the Plan. She noted that there was no compensation mechanism in the RMA and historic heritage values present within identified SASM required protection under the Act. In relation to property LIM reports, Ms Easton advised that this was not a district plan matter.
100. Ms Easton supported the submission of Mr Tangi Weepu (S630.001 and S630.002) as he sought to improve understanding around the values of Lake Māhinapua and ways to protect them. She noted that SASM 10 and SASM 11 are intended to achieve what Mr Weepu seeks.
101. In considering the submission of Skyline Enterprises Limited ('Skyline') (S250.003) Ms Easton observed that the location of proposed development, Franz Josef Glacier, would require assessment under a number of more restrictive provisions in other chapters of the Plan (e.g. ONL) compared with the SASM Chapter provisions. Ms Easton emphasised that the focus of the Chapter was on protecting SASM, rather than future development opportunities.³²
102. Ms Easton supported submissions seeking further information about the methodology and basis for identifying SASM, which was not available in detail at the time of notification.
103. Ms Easton also supported the submission of Michael Robson (S327.002) who sought guidelines on what matters need to be considered in relation to a SASM and when consent would be needed. She proposed introduction of a Method in the Plan as a response to this concern, as follows:

SASM – M1:

Develop in partnership with Poutini Nqāi Tahu the following:

- (a) Which information and in what form shall information be available to the public on identified SASM sites and their values;*
- (b) Written protocols on how to engage with Poutini Nqāi Tahu for resource consent or plan change applications; and*
- (c) Guidance for the public in how to apply for a resource consent for an activity on a site containing an identified SASM.*

³¹ West Coast Regional Council administered the hearing process on behalf of the TTPP Committee

³² Ms Easton responded further to the Skyline proposal in her s42A Report for the hearing in Franz Josef (Te Tai o Poutini Plan Section 42A Officer's Report Franz Josef Area, 19 August 2024), p7-8, specifically in relation to SASM 145, on a similar basis as her s42A Report for the SASM Chapter

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104. In response to the mining companies, Ms Easton pointed to the requirement under section 6(f) of the RMA to “*protect*” historic heritage from inappropriate subdivision, use and development, such that language indicating protection was suitable in the SASM Chapter provisions. She did not address the matter of “*functional or operational need*” generally, other than to acknowledge that the companies had made similar submissions on other chapters of the Plan, although she considers the point where it arises in relation to specific provisions of the SASM Chapter in response to particular submissions and evidence.
105. Ms Easton summarised the submission of Māwhera, in particular that the SASM are more accurately described as Sites and Areas of Significance “*to Poutini Ngāi Tahu*” rather than “*to Māori*” more broadly, and that Māwhera are distinct from Poutini Ngāi Tahu as defined in the Plan, as an incorporated group. She agreed that the chapter applied to sites and areas of significance to Poutini Ngāi Tahu, rather than Māori more broadly, and that the chapter title was governed by the requirements of the Planning Standards. She did not recommend any amendments as a consequence of the submission.
106. Additional methods Ms Easton proposed to include in the plan to support the objectives, policies and rules included:

SASM – M2

The TTPP Committee will consider the merits of inclusion of additional sites and areas of significance to Māori in the Plan as part of their regular monitoring of Plan implementation. Where Poutini Ngāi Tahu identify any further sites or areas they seek to be scheduled these will need to be accompanied by an appropriate cultural assessment that outlines the values of the site or area. Evidence of consultation with the owner of the area or site should also be provided. Where such an assessment and evidence of consultation and its outcomes is provided to the TTPP Committee, the Committee will assess whether there is sufficient justification for scheduling, and if so schedule the site or area via a Committee initiated Plan Change.

SASM – M3

Develop in partnership with Poutini Ngāi Tahu information on the cultural certification process for mineral extraction within the Pounamu and Aotea management area overlays.

107. These proposed methods are further discussed in this Report where they arise in relation to specific provisions, submissions and evidence.

Hearing and Submitter Evidence/Statements

108. Legal submissions from **Ms Sarah Scott** confirmed Poutini Ngāi Tahu as mana whenua within the West Coast/Te Tai o Poutini region and emphasised the inherited kaitiaki relationship of mana whenua within their takiwā, entailing an active exercise of rights and responsibilities in a manner beneficial to the resource and the environment. Ms Scott equated the identification of SASM as assisting Poutini Ngāi Tahu to fulfil kaitiaki responsibilities, as well as make council staff and consent applicants aware of activities that may impact on Poutini Ngāi Tahu values, such as mahinga kai. She described the SASM Chapter provisions as a “targeted approach” to each identified SASM, allowing for site and area specific responses in regulation, having assessed values at the plan-making stage rather than the resource consent stage. At the hearing she described this as a way of providing for appropriate subdivision, use and development. She alluded to the extensive expert assistance provided to the TTPP Committee by Poutini Ngāi Tahu in identifying, mapping and categorising SASM sites and areas in the Plan, at the request of the Committee.

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109. Ms Scott reminded the Panel of the foundations of Ngāi Tahu tribal structure, the role of rūnanga and the origins and outcomes of Treaty Settlement, as outlined in legal submissions at the outset of the hearing process, as well as Part 2 requirements and National Planning Standards. Altogether she noted that section 6(e), section 7(a) and section 8 are “*strong directions, to be borne in mind at every stage of the planning process*” in accordance with case law³³.
110. Ms Scott summarised the wide range of SASM identified, all illuminating aspects of Poutini Ngāi Tahu culture, traditions and intergenerational relationships, as set out in Mr Madgwick’s evidence.
111. Ms Scott stated that removing SASM from the Plan, as requested by some submitters, was not an option available to the Panel because of the requirements of higher order documents and the purpose and principles in Part 2 of the RMA. She also outlined case law that reinforced rangatiratanga and the role of iwi or hapū in identifying values held in relationship with cultural landscapes and effects on them³⁴. Ms Scott submitted that the significance of SASM was individual to Poutini Ngāi Tahu and any removal of them or amendment to their level of protection would need to be supported by Poutini Ngāi Tahu, with no potential to challenge the evidence provided as compared with other types of evidence.
112. Ms Scott outlined her initial position on the use of a permitted activity rule with a written approval or certification requirement, noting that the idea of certification was raised in submission by the New Zealand Defence Force (NZDF) in relation to temporary activities, which Poutini Ngāi Tahu supported. Ms Scott identified a number of rules in the plan that similarly relied on a written approval process as part of the permitted activity requirements³⁵. She described a written approval requirement as pragmatic and available, as a means of overcoming the variability of SASM and potential effects on them, which would be hard to otherwise address in a permitted activity. While she acknowledged it would be *ultra vires* in the context of resource consent conditions, she found no similar hurdle in relation to a plan, and she considered there was case law in support of such an approach³⁶ and a number of district plan examples. Ms Scott determined that the matter of discretion by Council did not arise because the role of Council would be to simply to receive the written approval prior to commencement of an activity. She alluded to section 87B as an example where the RMA accommodated a written approval process. In comparison, she considered certification to be an undeveloped proposal and criteria would need to be included in the Plan.
113. Ms Scott addressed the matter of sensitivity in relation to silent files and submitted that Ngāi Tahu had a right not to publicly disclose details of cultural, spiritual and heritage values important to them.
114. Ms Scott responded to the evidence of GDC and the matter of consultation with affected landowners. She pointed to Schedule 1, Clause 3 of the RMA which contained mandatory consultation requirements and advised that there was no obligation on the Councils to consult with affected landowners. In her submission, neither was there any obligation to make a draft plan available to the public prior to notification. Ms Scott identified that opportunity to submit on the notified plan provides for public participation, and those affected by identified SASM could approach Poutini Ngāi Tahu. She highlighted the role of GDC on the TTPP Committee

³³ McGuire v Hastings District Council [2000] UKPC 43, [2002] 2 NZLR 577 at [21]. Recently cited in Environmental Protection Society Inc v Tauranga City Council [2021] 3 NZLR 882.

³⁴ Environmental Protection Society Inc v Tauranga City Council [2021] 3 NZLR 882 at [65] and SKP Incorporated v Auckland Council [2018] NZEnvC 81 at [157].

³⁵ For example, EW-R1, NOSZ-R1, ENG-R7 and OSZ-R1

³⁶ Population and Public Health Unit of the Northland District Health Board v Northland Regional Council [2021] NZEnvC 96

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where concerns could be raised in that forum. She also challenged the evidence of Mr McEnaney for GDC, which references the Environment Court code of conduct for expert witnesses, but she questioned his adherence to that code because his evidence did not read as independent planning evidence, which she asserted should affect any weight given to it.

115. **Mr Paul Madgwick**, Poutini Ngāi Tahu, began his evidence with an explanation of his whakapapa, roles and background as a tribal historian.
116. Mr Madgwick listed the sources he drew from in preparing his evidence, both oral and written. He acknowledged the collaborative approach taken by the TTPP Committee in developing the Plan, including Poutini Ngāi Tahu representation on the committee, honouring the spirit of the Mana Whakahono ā Rohe agreement with WCRC and enabling expression of tino rangatiratanga, kaitiakitanga and mana motuhake. He emphasised Poutini Ngāi Tahu support for the Plan and the recommendations of the s42A Report. He reiterated legislative recognition of the mana whenua status of Poutini Ngāi Tahu, and their tino rangatiratanga and role as kaitiaki.
117. Mr Madgwick outlined the history of the Arahura Deed of 1860 and failure of the Crown to honour agreements in relation to reserve lands, schools and hospitals. He advised that some of the identified SASM were native reserves dating back to this time, constituting the only land left in Māori ownership after the Arahura purchase. He described migration of Poutini Ngāi Tahu whānau from the Māhwera Reserve at the location of the expanding town of Greymouth to Arahura, a process that occurred between 1860 and the early 1880s. He identified these circumstances as material to the Ngāi Tahu Treaty Settlement process and the resulting apology to Ngāi Tahu in the NTCSA. He raised the significance of affirmation by the Crown of the rangatiratanga of Ngāi Tahu. He described what rangatiratanga meant to him, that it was fundamental to identity as Poutini Ngāi Tahu, uninterrupted since before 1840, the right to freely live, govern, work and care for te taiao/the natural environment in a manner that dignifies tūpuna, and something to be protected and enhanced for future generations.
118. Mr Madgwick advised that kaitiaki are the people who practice kaitiakitanga because they hold the authority and responsibility to do so, as an inherited and intergenerational responsibility, linked to mahinga kai practice. He stated that identification of SASM assisted Poutini Ngāi Tahu to exercise kaitiaki responsibilities, and that Poutini Ngāi Tahu have a team of experienced RMA practitioners and cultural experts able to respond to RMA demands. He noted this enabled Poutini Ngāi Tahu to be able to respond to the request of the TTPP Committee to identify and digitally map SASM for inclusion in the Plan.
119. Mr Madgwick described SASM as important places that provide significant associations to cultural traditions, history or identity for Poutini Ngāi Tahu, including sacred sites and areas such as burial caves, urupā/cemetaries, battle sites, occupation sites such as kāinga/villages, pā and Māori reserves, as well as cultural landscapes such as significant maunga/mountains, ara tāwhito/trails, waka landing areas, nohoanga/temporary camp sites and important mahinga kai gathering areas. He stated that these needed to be protected as a matter of national importance. He described their potential destruction or damage as causing a loss of knowledge and connection to the past, identity, history and cultural traditions.
120. Mr Madgwick observed that in the past Heritage New Zealand/Pouhere Taonga (**HNZPT**) had better protected European heritage, and that often, planning documents only recorded New Zealand Archaeological Association (**NZAA**) or HNZPT archaeological sites. At the hearing, he explained that many SASM contained clusters of archaeological sites and that in those cases the SASM boundaries extend beyond the individual find locations, and that there are also

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individual archaeological sites outside of SASM. He referred to deficiencies in existing district plans, with very limited record of culturally significant sites or archaeological sites and that what was there had been identified without Poutini Ngāi Tahu involvement. He noted that the TTPP Committee sought to use current best practice in the Plan development process, resulting in the request to Poutini Ngāi Tahu for assistance.

121. Mr Madgwick explained that identifying the SASM was a substantial piece of work requiring over 30 hui with rūnanga representatives, with a number of steps, including site visits. He commented on the mapping errors at the time of notification, indicating that they were largely the consequence of technological issues. He considered that the SASM were accurately mapped and no further changes would be required other than those requested in the Poutini Ngāi Tahu submission. He also noted that the exercise of identifying SASM also created Appendix Ten to the Plan, which picked up references from the existing district plans and recorded archaeological sites that have been confirmed as being of Māori origin.
122. Mr Madgwick's evidence outlined that the SASM identified reflected the migratory patterns of Poutini Ngāi Tahu, connected to the life cycles of animals and plants in the forests and rivers, and the concentration of use along the coastline due to an abundance of mahinga kai. He observed that European settlers often found the same locations desirable for similar reasons. He explained that there has been significant land modification, and that identifying SASM in modified locations provided for Poutini Ngāi Tahu to have their connections to ancestral lands recognised.
123. Mr Madgwick clarified that SASM include "*cultural landscapes*", which were described in Schedule Three as "*ancestors embedded in the landscape*". He acknowledged that the entire takiwā was important to Poutini Ngāi Tahu but this has not been mapped as a single cultural landscape. He explained the difficulties in using "western" planning terms that don't fit easily with a Te Ao Māori view and that categorising ancestral maunga was not consistent with how Poutini Ngāi Tahu think about relationships but that the information was provided to meet the needs of the planning system.
124. Mr Madgwick responded to submitter concerns that SASM should be removed from their properties because they had purchased land from either Māwhera Incorporation or The Māori Land Trustees (Te Tumu Paeroa and its predecessors) and it must therefore be of no cultural significance. He explained that Poutini Ngāi Tahu identified former Māori reserve sites as significant because they were chosen and reserved by tūpuna as places for occupation, kāinga, historic pā, urupā and other wāhi tapu or for mahinga kai. He indicated that there may have been a variety of reasons why land was sold, however, it was important that Ngāi Tahu whānui had their connection to ancestral lands recognised. He clarified that Poutini Ngāi Tahu would not routinely be seeking access to private land.
125. **Ms Rachael Pull**, Senior Environmental Advisor for Poutini Ngāi Tahu, assessed various definitions including some that were subject of submission points from Te Tumu Paeroa, which were subsequently withdrawn, and which were not included in the initial s42A Report assessment. Ms Pull referred to her evidence in the first hearing in relation to the term "*ancestral land*", which she did not consider needed a definition, and also in relation to "*cultural uses*", "*cultural purposes*", "*cultural activities*", which she recommended replacing with "*Māori purpose activities*" or "*Poutini Ngāi Tahu activities*" and confirmed that her position had not changed. She also addressed "*Poutini Ngāi Tahu land*", "*Poutini Ngāi Tahu members*" and "*Poutini Ngāi Tahu whānui*" in the first hearing and retained her position that reliance could be placed on the "*Poutini Ngāi Tahu*" definition in the Plan to understand these variations. She also did not support a definition for the term "*Te Rūnanga o Ngāi Tahu Land*",

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which was not discussed in the s42A Report, indicating that “*specified Māori land*” would be considered in the ECO Chapter in relation to the NPS-IB. She did not support the introduction of the term “*Victorian title*” because she proposed changing the wording of Rule SASM-R7 where it was used.

126. In relation to “*cultural landscapes*”, Ms Pull referred to her evidence for the Energy, Infrastructure and Transport chapters hearing where she noted that there was an extra sentence in the definition in the RPS compared with the Plan and no clarity as to why they are different. She pointed to the evidence of Mr Madgwick regarding the inclusion of some cultural landscapes within SASM.

127. Ms Pull recommended amendment to the proposed definition of “*cultural materials*” in the s42A Report to include minerals, as follows:

Cultural materials means minerals, plants, plant materials and materials derived from animals, marine mammals or birds which are important to Poutini Ngāi Tahu in maintaining their culture.

128. In relation to “*hazardous facilities*”, Ms Pull favoured drawing from the definition in the West Coast Land and Water Plan (WCLWP) for “*hazardous substances*”, and the Hazardous Substances and New Organisms Act 1996 (HASNO), and using the term consistently across the plan. She recommended the definition read as follows:

Hazardous facilities means in relation to Sites and Areas of Significance to Māori, activities that involve the manufacturing and disposal of hazardous substances including any substance

(a) With one or more of the following intrinsic properties:

(i) Explosiveness:

(ii) Flammability:

(iii) A capacity to oxidise:

(iv) Corrosiveness:

(v) Toxicity (including chronic toxicity):

(vi) Ecotoxicity, with or without bioaccumulation; or

(b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Advice Note: Hazardous Facilities are also managed through the West Coast Regional Council and the Hazardous Substances and New Organisms Act 1996.

129. Ms Pull also supported utilising the definition of “*landfill*” from the WCLWP and using it consistently across the Plan, as follows:

Landfill means any premises used for the lawful deposit or disposal of waste materials into or onto land.

130. She recommended considering the definitions of “*plantation forestry*”, “*shelterbelt*” and “*woodlot*” in the context of the General Rural Zone.

131. In relation to “*Iwi/Papatipu Rūnanga Management Plan*”, Ms Pull in her Appendix One pointed towards retaining the definition with amendments as sought in the Poutini Ngāi Tahu submission, which was not discussed in the s42A Report.

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132. In relation to “*waste disposal facilities*”, “*wastewater disposal facilities*” and “*wastewater treatment plant*”, Ms Pull noted that the SASM Chapter was the only chapter in the Plan that referred to “*waste disposal facilities*” and “*wastewater disposal facilities*” and was unsure if the definitions were needed, although she supported clarification that domestic and farm related facilities would be excluded. She recommended review of the use of these terms.
133. Ms Pull raised concerns around ongoing confusion caused by inconsistent use of infrastructure terminology and favoured consistent use of the term “*Regionally Significant Infrastructure*”.
134. Ms Pull supported the s42A analysis that sought to achieve consistency between the Historic Heritage Chapter and the SASM Chapter, however she emphasised the influence of section 6(e) and that Māori heritage typically requires more intervention than a more “hands off” approach to other kinds of historic heritage. She used mining as an example of an activity that needs to occur in a way that respects the relationship between mana whenua and taonga, including when pounamu and aotea are unearthed during operations, which has the potential to provide a source of stone for mana whenua.
135. Ms Pull considered that SASM are a tool that supports a range of matters of national importance and higher order documents.
136. Ms Pull went on to note that the SASM Chapter supports section 7(c) because there will be an assessment of the natural and physical qualities and characteristics that contribute to Poutini Ngāi Tahu historical and cultural identity, and similarly in relation to section 7(d). She highlighted, in relation to section 8, that the SASM Chapter provided for rangatiratanga, active protection and informed decision-making.
137. Ms Pull emphasised the high degree of support for the Plan in the Poutini Ngāi Tahu submission, and support for the recommendations of the s42A Report. She stated that the site-specific analysis that had enabled a targeted rule framework to apply to identified SASM meant that there was more clarity for plan users, which she considered to be an enabling framework for subdivision, use and development, appropriate to each site. She noted that this approach differed from other district planning frameworks that take a more standardised approach, with reliance on a resource consenting pathway.
138. Ms Pull supported the drafting of Method SASM-M1 in the s42A Report, on the basis that it will direct the Councils to work with Poutini Ngāi Tahu around implementation of the Plan rules, in order to appropriately balance clarity and information for the landowner and cultural sensitivity. Ms Pull alluded to issues arising when information provided in one context is used inappropriately in another context without checking with Poutini Ngāi Tahu, and concerns about intellectual property.
139. Ms Pull supported the new Tables SASM T1 to SASM-T8 that group SASM according to applicable rules and thought they would be most helpful embedded in the rules, with hyperlinks. She noted, however, that: Table SASM T1 was missing reference to SASM 127, SASM 133 and SASM 135; and that Table SASM- T2 was missing SASM 163 and SASM 216. Ms Pull supported use of the term “*Regionally Significant Infrastructure*” in Table SASM-T8.
140. In response to questions at the hearing, Ms Pull considered that the word “*avoid*” would be most suitable in policy where it then led to non-complying activity status in the rules, and that “*only allow*” would be better suited to policies that lead to discretionary activity status. Ms Pull also advised the Panel at the hearing that she considered “*minimise*” to mean reduce all

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the way down, as far as practicable, which was different to “reduce” which could involve a reduction less than that.

141. **Mr Tangi Weepu** spoke to his basic written submission, with his oral evidence being the primary basis of his submission. He described his understanding of tino rangatiratanga and mana whenua, and asserted his right to speak on the basis of both. He described Te Tiriti o Waitangi as intending to preserve the social structure, and that therefore tino rangatiratanga was essential to his lived experience. He said that although statute assigned mana whenua to Papatipu Rūnanga, he was adamant that Papatipu Rūnanga did not speak for him, as mana whenua. He expressed his connection to Lake Māhinapua and his responsibility to care for the lake, for his tūpuna and his mokopuna, as well as his sadness that the site of so many deaths of his tūpuna in battle was treated as a recreational site.
142. **Mr Hemi Meihana Retara/James Mason Russell**, chairman of the Committee of Management of The Proprietors of Māwhera Incorporation (Māwhera Inc.) presented to the Panel in relation to the interests of the shareholding members of the incorporation, who own and manage lands reserved for Māori as a consequence of the Arahura Deed of Purchase in 1860. Mr Retara/Russell in his written statement described these reserve lands as ancestral land and that the owners are kaitiaki of that land. He indicated that the SASM should only refer to takata whenua of Te Tai o Poutini and not Māori generally. He pointed to tino rakatirataka over lands that were never acquired by the Crown and challenged kawanatanga as only applying to land purchased by the Crown.
143. Mr Retara/Russell explained that owners of 36 reserve lands amalgamated their interests in 1976. He asserted that neither the Plan nor the Mana Whakahono ā Rohe agreement reflected manawhenua status because neither included Māori reserve landowners who may not whakapapa to Ngāti Waewae or Ngāti Mahaki. He argued that the Papatipu Rūnanga representing Ngāti Waewae and Ngāti Mahaki did not have authority over reserve landowners, in accordance with tikaka Māori. Mr Retara/Russell stated that Te Rūnanga o Ngāi Tahu only had authority over assets gained through the Treaty Settlement process and the WAI 27 claim, and that all pounamu within the Arahura River catchment was vested in Māwhera Inc on 23 September 1997. Mr Retara/Russell emphasised that the lands and pounamu resources were managed for the benefit of the incorporated members, including in relation to cultural values, customary harvest or other cultural practices. He countered suggestion that land sold had no cultural values, explaining that a range of economic and valuation factors might influence sale of land but cultural values remain. He described Papatipu Rūnanga as also being incorporated societies representing their members. Mr Retara/Russell considered that Victorian title in relation to pounamu had been superseded when pounamu was vested with Te Rūnanga o Ngāi Tahu and Māwhera Inc.
144. At the hearing, Mr Retara/Russell indicated that some lands owned and managed by Māwhera Inc. would be subject to processes that required approval from Poutini Ngāi Tahu, as per the notified version of the Plan. He stated that tikanga over time has been that Ngāi Tahu does not interfere with organised groups of whānau that were set up prior to the finalisation of Te Kēreme, the Ngāi Tahu claim, such as Māwhera Inc.
145. **Mr George & Mrs Caryl Coates** of Nikau Deer Farm Limited, Barrytown sought removal of the SASM Chapter on the grounds of poor communication, inaccurate mapping, excessive rules, no quantitative section 32 analysis, no respect for freehold landowners (e.g. owners for 50 years and allowed archaeologists on in the 1970s), disregard for private property rights, the need for business flexibility, and the Government’s intention to remove SASM. Mr & Mrs Coates pointed to the operative Grey District Plan implementation method and the need to

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consult with and provide information to landowners. Concerns were also expressed about the rules having immediate legal effect; and impact on every day farming activities like trimming native vegetation, digging post holes, reinstating flood damaged drains, creek crossings, culverts, bridges and creek channels, cleaning out drains, filling in holes and laying gravel. They considered that there would be quantifiable economic effects due to the costs of consenting and devaluation of land (e.g. loss of \$500,000 land value for not being able to subdivide their bush block), as well as costs that Poutini Ngāi Tahu would need to recoup for managing SASM. Mr & Mrs Coates indicated that dialogue between Poutini Ngāi Tahu and landowners would get further than rules in a plan that irritate landowners, and compensation should be given where restrictions were placed on use of land.

146. **Ms Inger Perkins**, regional field advisor for Herenga ā Nuku Aotearoa, the Outdoor Access Commission provided a written statement to the Panel at the time of her presentation. Ms Perkins explained the role of the Commission in providing leadership on outdoor access issues and advocating for free, certain, enduring and practical access to the outdoors. She requested that that existing legal access not be restricted as a consequence of SASM Chapter provisions and considered alternative public access could be provided where necessary to avoid sensitive cultural sites on a case by case basis. She could not identify an issue of this nature arising over the previous eight years. Ms Perkins indicated that review of the Walking Access Act 2008 resulted in improved response to Māori interests, including: a partnership approach; providing access for relevant Māori specifically; preserving Māori ownership and control where public access is provided; controlling authorities managing public access to sites of cultural significance in negotiation with Māori; improving code of behaviour on culturally sensitive sites; and working more closely with post-Settlement Māori to explore access opportunities.
147. **Mr Martin Kennedy**, planner for Westpower Limited (Westpower) focussed his evidence of remaining areas of difference between the s42A Report recommendations and Westpower submission points. Mr Kennedy supported use of the term “*regionally significant infrastructure*” within the provisions provided it captured infrastructure managed by Westpower.
148. **Mr Julian Hall**, Greymouth landowner, presented to the Panel regarding his concerns about SASM being placed over land that had been made freehold by Māwhera Inc. and sold within the last five years. He provided evidence of a transaction in 2021 where the Māori Land Court changed the status of land under its administration to general land. Although he understood that land within the Greymouth CBD would not be subject to rules, he was concerned about the potential for further restrictions to be placed on the area over time.
149. **Mr James Sutherland**, policy advisor for Federated Farmers West Coast, indicated support for Ms Easton’s proposed Method SASM-M1. He cited the Mackenzie District Council process for Plan Change 24 as a good example of council and rūnaka communicating well with landowners about the introduction of SASM. Information was made available to the landowner without it being publicly available in order to help protect sites and areas from amateur archaeologists. He acknowledged that council resources may be constrained but more refined information and better communication with landowners would be beneficial. He expressed concern about impacts on existing use rights. He described the West Coast as a region that still had large swathes of land farmed intergenerationally so landowners understand about the need to protect land for the next generation. Mr Sutherland expressed concerns about the accuracy of the mapping.

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150. **Ms Kristy Rusher**, legal counsel for GDC, presented to the Panel in support of the GDC position that the SASM Chapter not be adopted without further consultation. Ms Rusher acknowledged Poutini Ngāi Tahu as kaitiaki and the role of the SASM Chapter in assisting with the exercise of kaitiakitanga responsibility. She identified GDC as an affected landowner and a consent authority, and the evidence of Mr McEnaney as representing both GDC roles. Ms Rusher indicated GDC support for the structure of the Plan and the enabling of land use that does not impact on a SASM but expressed concern regarding the spatial extent of mapped SASM and provisions that set expectations of access to SASM sites on private land.
151. Ms Rusher emphasised that further consultation would resolve concerns regarding the spatial extent of SASM, and so the focus was on removal of the SASM overlay until further review and assessment has been undertaken to ensure accuracy. She stated that GDC sought a future plan change to introduce SASM. She compared this with the process for introduction of Significant Natural Areas (**SNA**) in the Grey District and indicated that landowners affected by SASM had been excluded from the process that was used to develop other chapters of the Plan. Ms Rusher pointed to obligations for consultation under the Local Government Act 2002 (LGA) in support of her position that consultation on the SASM Chapter had been inadequate prior to notification, regardless of the fact that the Schedule 1 process under the RMA had been followed. She highlighted GDC had the power to undertake further consultation.
152. Ms Rusher submitted that regulations should be expressed clearly and that restrictions on rights should be limited to the greatest degree possible to achieve a statutory purpose. She stated that outcomes under the regulatory framework should have a high degree of predictability or certainty. She considered that the imposition of a spatial area overlay on private property, which required resource consent when permitted activity conditions were not met, interfered with a landowner's peaceful enjoyment of their property to the fullest extent. She stated that the Plan should be in a form that is accurate, clear, certain and predictable, and that where there are uncertainties as to the location or spatial extent of a SASM or the significance to iwi is unknown or not communicated then it is not possible for a private landowner to use their land in a "respectful and considerate" manner. Ms Rusher proposed that the spatial extent of SASM should be the minimum area necessary to provide protection. Ms Rusher contended that no site visits had been undertaken on private land to confirm SASM and that there was evidence of errors and anomalies in the documentation. She pointed to reliance on oral history as a reason for further consultation. She submitted that it was justifiable to impose upon the free use of land to give effect to section 6(e) of the RMA, section 7(a) and (aa), and section 8. She also indicated that GDC consider it appropriate that resource consent is only required when there is an impact on the cultural significance of a SASM but expressed concern about the potential for "third party approval" in order to be a permitted activity.
153. Ms Rusher cited case law that confirmed that decision-makers must provide for connections of hapū with their ancestral lands of a "*cultural, spiritual and historical nature as well as other more tangible connections*"³⁷ and that the spiritual element of kaitiakitanga has been recognised in decisions of the Court of Appeal and the Supreme Court, such that the existence and significance of a belief that underpins identification of a SASM was a finding of fact for the decision-maker. She submitted, however, that the belief must be supported by consistent and credible evidence, particularly in relation to wāhi tapu. She pointed towards the late discovery of spatial mapping errors as pertinent to the reliability of evidence provided to the Panel in support of the spatial area of SASM. She highlighted SASM 218 Aromahana/Cobden Island as an example where GDC were not aware of the reason for identifying cultural

³⁷ Raikes v Hastings District Council [2023] NZCA 264 at para 16

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significance. She supported the introduction of Methods SASM-M1 and SASM-M2 but considered that they did not cure the issues raised regarding the spatial extent of mapped SASM.

154. **Mr Michael McEnaney**, Environmental Planning Team Leader for GDC, advised the Panel that he presented his evidence on behalf of GDC as a regulatory authority and as a landowner affected by the Plan. He acknowledged the identification and protection of SASM was a matter of national importance and the influence of higher order documents such as the RPS and the Mana Whakahono ā Rohe agreement between WCRC and Poutini Ngāi Tahu. Mr McEnaney emphasised GDC's concerns with the consultation process, that the wording of policies, objectives and rules goes beyond what was required under the RMA in a way that affects private property rights and that information relied on to spatially identify SASM was not accurate or complete. He highlighted that GDC supported submitters, through further submissions, who advocated for private property rights and existing use rights.
155. Mr McEnaney included a timeline for the development of the SASM Chapter and described it as relatively compressed, and that documentary resources used by Poutini Ngāi Tahu were inaccurate or incomplete, alongside technical issues with the mapping. As a consequence, he said that some landowners had very late notice of the inclusion of their land within a SASM. He compared the process with the SNA process undertaken by GDC, which he said did not only rely on a desktop exercise, and considered site visits should be undertaken. He indicated that GDC wanted to be able to carry out its own verification exercise as concerns remain regarding the accuracy of spatial areas. Mr McEnaney considered that the same approach should be taken to all SASM as had been taken by Ms Easton to the introduction of the Cobden Island SASM. He considered that the spatial extent of SASM had tended towards over-estimation of sites and areas. He expressed concern that corrections to SASM would require a costly plan change process. He alluded to anger and mistrust from landowners who had been surprised by a SASM overlay on their property. Mr McEnaney supported the introduction of Method SASM-M1.
156. Mr McEnaney elaborated on the impact on GDC as a landowner, much of which he described as leased and undeveloped greenfield land. He noted GDC were concerned about the impact of broad overlays and their potential to impose significant constraints and costs.

Reporting Officer Reply Evidence

157. Ms Easton provided her Right of Reply on 25 October 2024 in response to questions from the Panel.
158. Ms Easton provided examples of SASM chapter approaches in other district plans that had been developed since the National Planning Standards 2019 ('the Planning Standards'), including Porirua, New Plymouth, Timaru, Selwyn, Waimakariri, Central Hawkes Bay and Northland. She noted New Plymouth had identified roughly seven times as many SASM and Northland roughly twice as many as the pTTPP. In contrast Porirua, Timaru and Waimakariri identified around 10-15% of the number in the pTTPP, and Central Hawkes Bay around a third of those identified on the West Coast. She noted a high degree of variability in approach to permitted activities and non-complying activities was evident, with Timaru, Selwyn and Waimakariri having variable rule responses depending on the type of SASM.
159. Ms Easton identified 534 privately owned titles that are subject to SASM rules.

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160. Ms Easton identified the need for a consequential amendment arising from required use of the Planning Standards definition of “*landfill*”, which relied on a further definition of “*cleanfill areas*” and “*cleanfill material*”. Accordingly, she recommended the following additions to the Interpretation section of the Plan:

Landfill means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.

Cleanfill areas means an area used exclusively for the disposal of cleanfill material.

Cleanfill material means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of:

a) combustible, putrescible, degradable or leachable components;

b) hazardous substances and materials;

c) products and materials derived from hazardous waste treatment, stabilisation or disposal practices;

d) medical and veterinary wastes, asbestos, and radioactive substances;

e) contaminated soil and other contaminated materials; and

f) liquid wastes.

161. Ms Easton did not believe there was scope to change the definition of “*cultural landscape*” from that in the notified Plan, when considering potential for use of the RPS definition. She relied on the evidence of Ms Pull for Poutini Ngāi Tahu and noted that Mr Madgwick clarified that cultural landscapes have now all been identified in SASM. She considered the RPS definition to be superseded by the development of SASM, of which cultural landscapes were a part.
162. Ms Easton identified the submission point of Herenga ā Nuku Aotearoa Outdoor Access Commission (\$274.006) as the only submission providing scope to address the matter of maintaining public access.
163. In considering the status of minerals, Ms Easton identified that the Crown Minerals Act 1991 does not regulate pounamu that has been vested with Ngāi Tahu or minerals that are within land subject to “Victorian title”. She noted that restrictions do not apply under that Act in relation to minerals used for “*any reasonable agricultural, pastoral, domestic, roadmaking, or building purpose on land of which the person is an owner or occupier; or for any sand, shingle, or other natural material in the bed of a river or a lake or in the coastal marine area unless otherwise specified in a minerals programme*”. Ms Easton considered that “*cultural materials*” other than aotea were likely to be covered by these exclusions, such as the gathering of hangi stones or pigments and dyes. She noted that Te Rūnanga o Makaawhio hold a mining permit under the Crown Minerals Act for the area where aotea stone is located, and that restrictions in the pTTPP on collection of aotea were not in conflict with the mining permit.
164. Ms Easton did not support use of the term “*network utility infrastructure*” as a replacement for “*network utility structure*” on a widespread basis as she considered that infrastructure could include below ground infrastructure and that activities not currently regulated would fall under the provisions if that were done.
165. Ms Easton responded to the Panel regarding guidance in the pounamu management plans of Ngāi Tahu. She summarised that the plans set out key principles for sustainable management of pounamu in each takiwā. Objectives in the plans include upholding pounamu as a taonga of each Rūnanga and providing for kaitiakitanga in relation to control, use, protection, extraction and management of pounamu within their takiwā for the best possible advocacy,

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protection, service and performance to their respective hapū. The plans direct sustainable management of pounamu according to tikanga, including in relation to fossicking, customary collection and commercial extraction. Her overall analysis was that there was nothing in the plans that specifically needed to be pulled into the pTTPP.

166. Ms Easton agreed with the evidence of Ms Pull that the matter of ownership of pounamu was not as material to provisions as the cultural value of the stone, which is what the Plan is trying to manage. For that reason, she saw no need to use the term "*Victorian title*".
167. Ms Easton confirmed that the term "*ahikāroa*" was in the Glossary but noted it was shown as "*ahi kā roa*".
168. Ms Easton assessed various uses in the plan of "*structures*" versus "*buildings and structures*" and found no consistency. She indicated that "*structures*" tended to be referenced in relation to infrastructure, and that "*building and structures*" was common in the District-wide chapters of the Plan. She considered it appropriate for consistency to change "*structures*" to "*buildings and structures*" in the District-wide chapters where there were still some differences. However, she cautioned about referring to "*buildings and structures*" when rules refer only to "*buildings*" because this would be a substantial change to the meaning of the provision. She also did not support reference to "*minor structures*" being changed to "*minor buildings and structures*" where this occurs. She noted that "*buildings*" were included within the definition of "*structures*". She concluded that there was no further consequence of this analysis to the SASM Chapter because of the changes that she recommended to refer to "network utility infrastructure".
169. Ms Easton responded to the issue raised by Ms Pull in planner caucusing regarding the multiple terms used for infrastructure in the Plan. She recorded that the planners as a whole identified a multiplicity of terms, including "*critical infrastructure*", "*infrastructure*" (RMA definition), "*network utility operator*" (RMA definition), "*lifeline utilities*", "*network utilities*", "*network infrastructure*", "*network utility structures*", "*public network utilities*", "*reticulated network utility systems*" and "*temporary network utilities*", as well as terms supported in s42A Reports such as "*regionally significant infrastructure*" and "*network utility infrastructure*". Ms Easton recommended looking holistically across the Plan to resolve the appropriate terminology in each instance. Recommendations on the Energy and Infrastructure Chapters include recommendations on infrastructure definitions, referencing this evidence and evidence received in other hearings.

Hearing Panel's Evaluation

170. The Panel accept, based on the advice of legal counsel for the TTPP Committee and Poutini Ngāi Tahu, that the statutory basis for recommendations on the SASM Chapter includes recognition of Ngāi Tahu rangatiratanga; and that there is a direct relationship between this recognition of rangatiratanga and Ngāi Tahu tribal structure that establishes Papatipu Rūnanga, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio, as having local authority. This position was recognised by Te Tumu Pāeroa in their joint statement with Poutini Ngāi Tahu dated 14 August 2024. The Panel do not find it an available pathway to determine any other party as having rangatiratanga status, based on the submissions and evidence received, which is considered by the Panel to be a matter better established by the Crown through Treaty Settlement processes. This finding is relevant to submissions and evidence from Māwhera Inc.

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171. As discussed at the hearing with Mr Retara/Russell, presenting on behalf of Māwhera Inc., the Panel recommendations must be made within the bounds of relevant statutory instruments. The RMA references iwi and hapū, iwi authorities, Māori land owners, Māori generally, and tikanga in various sections of the Act. Mr Retara/Russell confirmed that shareholders of Māwhera Inc. are variously members that whakapapa to Kāti Waewae and Kāti Mahaaki, members that whakapapa to other Ngāi Tahu hapū represented by Papatipu Rūnanga, members that whakapapa to other iwi, and also include non-Maori members as a consequence of the history of whānau connected with original Māori reserve lands (e.g. intermarriage and succession).
172. The Panel finds that exploration of tikanga during the hearing is particularly relevant to recommendations on the SASM Chapter and the impact of provisions on owners of Māori land, including Māori reserve lands that were never sold to the Crown. The Panel accepts that the status of this land is different to other land held in freehold title. This is recognised in higher order instruments that refer to “*specified Māori land*” and that then allow for exceptions in the national direction on the basis of those differences. Such differences are also acknowledged in the joint statement of Te Tumu Pāeroa and Poutini Ngāi Tahu dated 14 August 2024. The Panel finds that in the specific case of Māwhera Inc., there is a distinct relationship between Te Rūnanga o Ngāi Tahu and Māwhera Inc., as illustrated in the Pounamu Vesting Act 1996 and in the Crown negotiation that Mr Retara/Russell described during Te Kēreme, the Ngāi Tahu Waitangi Tribunal claim process. The Panel do not consider it appropriate to make a determination as to the precise nature of tikanga involved between the parties but do determine that tikanga is a relevant factor when recommending provisions in the SASM Chapter. This finding is true in relation to Māwhera Inc. and to other owners of Māori freehold land. The Panel’s understanding of this matter is applied in the context of discussions and recommendations on specific provisions, as relevant.
173. The Panel consider that there is a need to recognise the potential existence of “*Victorian title*” in some circumstances, which is included in the Overview to this chapter. However, consideration of Poutini Ngāi Tahu values is not dependent on ownership, in the event that such title can be proven. The Panel do not consider it necessary to include a definition of “*Victorian title*” in the Plan because in circumstances where it may apply, title owners will be familiar with its meaning.
174. The Panel find that, contrary to the primary briefs of evidence of Ms Easton and Poutini Ngāi Tahu, the mapped extent of SASM cannot be described as “*accurate and complete*” following the Schedule 1, Clause 16 amendments, as has been shown during the further exchanges of evidence at the hearing. However, we disagree with GDC and other submitters that cite further refinement of mapped areas as evidence that the SASM Chapter should be abandoned in its entirety. We consider such refinement and adjustment to be appropriate and typical of evidential exchange in a plan hearing process. The Panel acknowledge the advantage to users of the Plan of having clarity around which rules in the chapter, if any, apply in the context of a particular SASM, and the relationship of this level of detail with the values of each site and how they may be affected by various activities.
175. The Panel note that GDC has signalled intent to undertake further consultation with landowners affected by SASM within their district, which is a pathway open to them as part of their local government responsibilities. We consider that recommendations on the SASM Chapter provisions pertaining to particular SASM is not dependent on this process having occurred and does not interfere with the potential for that process to occur subsequent to decisions on the Plan. The Panel have recommended amendments to individual SASM based on the submissions and evidence received, and recommended removal of two SASM that will

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need to be introduced to the Plan by way of a future plan change. Any additional SASM not recommended for adoption into the Plan will also need to be subject to a plan change process. In the event that further consultation is undertaken by GDC with affected landowners and any refinement is identified that has the support of Poutini Ngāi Tahu, this may also be dealt with by way of a plan change process.

176. In making this finding, the Panel accept that Poutini Ngāi Tahu are best placed to identify applicable cultural relationships, including the variety of relationships described across SASM. The Panel also find that Poutini Ngāi Tahu have been responsive to concerns raised by individual submitters, and to contrary evidence where that has impacted on cultural assessments undertaken, have recommended amendments depending on the specifics of each case. The Panel therefore have confidence that further refinement may be enabled if and when additional evidence comes to light on particular SASM.
177. The Panel accept the cultural expertise of Mr Madgwick, as outlined in the introduction to his evidence in chief, and those amongst Poutini Ngāi Tahu that supported the development of SASM, despite additional roles undertaken by Mr Madgwick. The Panel recognise that Mr Madgwick “wears a number of hats”, which is not unusual for iwi and hapū representatives, including in this case a role on the TTPP Committee. The Panel consider it a matter for the TTPP Committee to reconcile any conflicts of interest between the role of Mr Madgwick as a cultural expert, on behalf of Poutini Ngāi Tahu as a submitter, and his role in decision-making on the TTPP Committee at the time of their decisions on our recommendations on the Plan.
178. The Panel also find that there are significant deficiencies in existing district plans when it comes to section 6(f) and section 6(e), including identification and protection of sites and areas of significance to Māori. We rely on directions in the National Planning Standards in support of introduction of the chapter and the clear need to improve upon the extent to which existing district plans give effect to higher order instruments. We therefore reject all submissions opposing the chapter as a whole. The Panel agree with Ms Easton that freehold land is affected by a range of provisions and overlays in the Plan, in full accordance with direction in higher order instruments, such that SASM Chapter provisions are no different. We note that existing use rights are unaffected, in accordance with the Act. The Panel therefore also reject all submissions seeking deletion of the chapter based on actual or perceived imposition on freehold land.

Definitions

179. The Panel recommend amendment to the notified definition of “*cultural landscapes*” based on evidence received that individual SASM have addressed cultural landscapes on a case-by-case basis. We acknowledge the evidence of Mr Madgwick that cultural landscapes will only be identified through SASM and will not otherwise apply in other chapters of the Plan. Submissions on this point are consequently accepted in part where they sought better understanding of the term “*cultural landscapes*” as applied in the Plan. We agree with Ms Easton’s recommended amendment to the definition of “*cultural landscapes*” that introduces an advice note to the definition, linking SASM to landscapes where they occur within an ONL. The Panel consider that an addition to the definition is needed to reflect that cultural landscapes are identified within SASM.
180. The Panel have considered the definition proposed for “*cultural materials*”, noting that Te Tumu Paeroa did not withdraw their submission point on this definition. The Panel prefer, rather than incorporating the word “*minerals*” in the description of “*cultural materials*” (as proposed by Ms Pull) to specifically include mention of hangi stones, pigments and dyes, aotea

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and pounamu as referenced in evidence at the hearing. In reaching that conclusion the Panel is mindful of the different roles of the Crown Minerals Act 1991 and the RMA. The definition of “*cultural materials*” is therefore related to matters around ongoing access to those materials to protect cultural heritage and maintain cultural practices, and adverse effects on those materials, from a variety of activities managed under the jurisdiction of the Plan.

181. The Panel prefers the definition of “*hazardous facilities*” recommended by Ms Easton in her Right of Reply over the evidence of Ms Pull and submitters seeking reference to “*major hazard facilities*” because Ms Easton’s recommendation is succinct, relies on the definition of “*hazardous substances*” in the Act without including the text in full, and is consistent with RPS definition referenced by Ms Pull. We agree with Ms Easton that the nature of effects on cultural values from such activities is not dependent on an assessment as to scale (e.g. “*major*” versus “*minor*” facilities). The Panel disagrees with Ms Easton regarding the need for the definition of “*hazardous facilities*” to only apply within the SASM Chapter and consider that where it is relevant to other chapters of the Plan it should similarly apply (e.g. references in relation to port activities). The Panel therefore variously accepts or rejects submission points based on this determination.
182. The Panel prefers Ms Easton’s proposed definitions for “*landfill*”, “*cleanfill*” and “*cleanfill materials*” in her Right of Reply over the definition recommended by Ms Pull, for the reason that Ms Easton has utilised the definitions in the Planning Standards, which must be given effect to in our recommendations.
183. The Panel consider use of the terms “*plantation forestry*” and “*woodlot*” in the context of the NES-CF. As with recommendations on the Rural Zones Chapter, the Panel rely on differentiation between “*commercial forestry*” and “*plantation forestry*”, and “*woodlots*”, when making recommendations on specific provisions, as discussed below in the context of each provision.
184. The Panel agree that no definition of the term “*shelterbelts*” is needed in relation to the SASM Chapter, based on recommended provisions.
185. The Panel agree with Ms Pull that rationalisation is required in relation to the definitions of “*waste disposal facilities*”, “*wastewater treatment plants*” and “*wastewater disposal facilities*”, and that our recommendation must give effect to the Planning Standards. The Panel note that “*wastewater*” in the Planning Standards includes sewerage, greywater, industrial and trade waste and that therefore the definition of “*wastewater treatment plants*” is inconsistent with those standards, referring to “*human wastewater*”. The Panel consider that there is no need for the definition of “*wastewater disposal facilities*” on the basis that the only material difference between that definition and the notified definition of “*wastewater treatment plants*” is that it references disposal as well as treatment, and that one refers to “*facilities*” and the other “*plants*”. There is no definition in the Planning Standards, the RPS or the WCLWP to assist. The Panel consider that the Plan should have a single definition across all chapters of the Plan and recommends a preferred definition. The Panel also consider that “*waste disposal facilities*” that are not “*wastewater disposal facilities*” are covered by the definition of “*landfill*” as recommended. The Panel also consider that the definition should align with reference in the definition of “*regionally significant infrastructure*”.
186. The Panel recommend use of the term “*regionally significant infrastructure*” within SASM Chapter provisions as relevant given this is consistent with our recommendations on other parts of the Plan.

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187. The Panel agree with the recommendation of Ms Easton in relation to providing a definition of “*upper slopes*” as requested by BDC (S538.003 and S538.184). However, we consider that the definition proposed in Ms Easton’s Right of Reply should be utilised across the Plan, as relevant, and not just in the SASM Chapter.

Methods

188. The Panel acknowledge the support of submitters at the hearing for proposed **SASM-M1**. The final version of this method as recommended in Ms Easton’s Right of Reply did not alter from her original s42A Report. The value of materials proposed to be developed through implementation of the method for the public and landowners affected by SASM is recognised by the Panel. Although there were no submissions that specifically sought such a method, we are satisfied that this mechanism falls within the wide scope of submissions, being somewhere between the Plan as notified and requests to delete SASM based on a lack of knowledge of their values or implications. The Panel consider SASM-M1 to be an appropriate response to those concerns raised by submitters and therefore accept those submissions in part. No refinement to the wording of the method was proposed in evidence of any party, however, we consider that amendment is required to improve readability and include reference to permitted activity processes that were thoroughly canvassed in the hearing.
189. The Panel did not receive evidence seeking to amend proposed **SASM-M2** following the s42A Report, and therefore the proposed provision remained unchanged at the time of Ms Easton’s recommendations in her Right of Reply. The Panel do not consider it necessary to include proposed method SASM-M2 in the Plan because it essentially describes a variation or plan change process. The Panel acknowledge that these processes will be needed to amend individual SASMs or include new SASMs in the Plan, with standard procedures for those processes applying at the time. The proposed method, therefore, does not add anything useful, and any public communication around the process for amending SASMs or incorporating new SASMs can be managed outside of the Plan.
190. The Panel received very little evidence on proposed Method **SASM-M3** recommended by Ms Easton in her s42A Report in response to submissions and evidence on Rule SASM-R7, which remained unchanged in her Right of Reply and was not addressed in the JWS, despite that statement being directly concerned with the certification process for permitted activities. We consider that in light of the JWS recommendations, Method SASM-M3 is not required and SASM-M1, as recommended for amendment by the Panel, is sufficient.
191. The Panel agrees with submitters that sought clarification as to the meaning of “*access*” in the SASM Chapter provisions in terms of maintaining or enhancing Ngāi Tahu access to sites and areas. We agree with Ms Perkins for Herenga ā Nuku Aotearoa, that existing use rights are unaffected by the provisions and that there is a role for Herenga ā Nuku in relationship with Poutini Ngāi Tahu to ensure that, where needed, access arrangements are reconsidered on a case-by-case basis where SASM have been identified. We also support the outcome of the JWS that introduced a proposed Method **SASM-M4** to address the concerns of a number of submitters, including GDC, around the matter of access, and in recognition by the planners that Policy SASM-P4 was better suited as a method than a policy. However, the Panel prefer use of the language “*encourage*” in association with formal and informal mechanisms, rather than “*promote*”. We accept the recommendation of the JWS without considering any need for further amendment to the proposed method, aside from numbering the method as SASM-M2 because of the recommendation of the Panel in relation to proposed methods SASM-M2 and SASM-M3.

Hearing Panel's Recommendation

192. The Panel recommend the SASM Chapter and Schedule Three are retained in the Plan, with amendments as discussed through this report in relation to specific provisions or SASM.
193. The Panel recommend that the term “*shelterbelts*” is not defined in the Plan.
194. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the to the **Interpretation and Glossary sections** of the Plan and the addition of the following **new methods after the SASM rules**:

Cleanfill area means an area used exclusively for the disposal of cleanfill material.³⁸

Cleanfill material means virgin excavated materials including clay, gravel, sand, soil and rock that are free of:

- a) **combustible, putrescible, degradable or leachable components;**
- b) **hazardous substances and materials;**
- c) **products and materials derived from hazardous waste treatment, stabilisation or disposal practices;**
- d) **medical and veterinary wastes, asbestos, and radioactive substances;**
- e) **contaminated soil and other contaminated materials; and**
- f) **liquid wastes.**³⁹

Cultural landscape 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, **as identified as part of sSites and Areas of Significance to Māori.**

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 Rārangi Tuarima: Ngā Whenua Aotūroa Puru Rourou.⁴⁰

Cultural materials 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 culture⁴¹

³⁸ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.027

³⁹ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.027

⁴⁰ WMS Group (HQ) Limited and WMS Land Co. Limited, S599.008

⁴¹ Te Tumu Paeroa – the Office of the Māori Trustee, S440.010

Hazardous facilities means activities that involve the manufacturing and disposal of hazardous substances.⁴²

Landfill means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.⁴³

Upper slopes means the area within a 50 metre radius (measured on the horizontal plane) from the summit of the mountain or hill.⁴⁴

Wastewater treatment facilities 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.⁴⁵

Ahikaroa-ahi kā roa continuous occupation

SASM – M1.⁴⁶

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 – M2.⁴⁷

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**

⁴² Te Tai o Poutini Plan Committee S171.011, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.027, Avery Brothers S609.003, Grey District Council S608.005, Peter Langford S615.003, Karamea Lime Company S614.003, Koiterangi Lime Co LTD S577.003, Catherine Smart-Simpson S564.006, William McLaughlin S567.042, Steve Croasdale S516.002, Geoff Volckman S563.003, Leonie Avery S507.003, Jared Avery S508.003, Kyle Avery S509.003, Avery Bros S510.003, Bradshaw Farms S511.003, Paul Avery S512.003, Brett Avery S513.003, Chris J Coll Surveying Limited S566.362, Chris & Jan Coll S558.362, Laura Coll McLaughlin S574.362, Buller District Council S538.003

⁴³ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.027

⁴⁴ Buller District Council S538.003 and S538.184

⁴⁵ Te Tai o Poutini Plan Committee, S171.011

⁴⁶ A large number and variety of submission points were relied upon to support the introduction of SASM-M1 including Buller District Council S38.183, Michael Robson S327.002, Bernard Hands S350.001, Anne Chapman S425.002, Misato Nomura S151.004

⁴⁷ A number of submitters, including Grey District Council S608.016, Stephen Page S270.010, Horticulture New Zealand S486.026, Federated Farmers of New Zealand S524.050

b. Informal arrangements or understanding between landowners and local Poutini Ngāi Tahu hapū and/or marae.

2.2. SASM Overview

Submissions and Further Submissions

195. Eight submission points relating to the Overview section of the SASM Chapter were summarised in a Table on pages 27-28 of the s42A Report, from three submitters (Poutini Ngāi Tahu (S620), Māwhera Inc (S621) and Forest & Bird (S560)). All submission points sought amendments to the wording in the Overview.
196. The Panel adopts these summaries and has considered the relevant submissions.

Section 42A Report

197. The s42A Report supported the submission point of Māwhera Inc. that sought clarification that all pounamu within the catchment of the Arahura River is vested with them (S621.019). Ms Easton supported the Poutini Ngāi Tahu submission in part (S620.113) because she recognised the complexity of pounamu ownership, which was simplified in the notified version of the Plan. Ms Easton noted there were three types of pounamu ownership, with Te Rūnanga o Ngāi Tahu, Māwhera Inc. and with landowners that can prove “Victorian title”. She supported amending the wording of the Overview to reflect this situation, as follows:

Pounamu and Aotea are taonga of Poutini Ngāi Tahu. Under the Pounamu Vesting Act, all pounamu ~~owned by the Crown~~ on the West Coast/Tai o Poutini **was vested in** ~~is owned by Poutini Te Rūnanga o Ngāi Tahu.~~ **In the case of the pounamu in the Arahura Catchment, this has in turn been vested in Māwhera Incorporation.** Their presence **Pounamu** is widespread across parts of the West Coast/Tai o Poutini.

198. Ms Easton noted the assertion of Māwhera Inc. that they have mana whenua status within Te Tai o Poutini (S621.017, S621.027, S621.918 and S621.020) and their request for wording changes in the Overview. She referred back to the Introduction and General Provisions s42A Report where she outlined that Poutini Ngāi Tahu, as defined in the Plan (Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio), are mana whenua as described in law. She agreed that members of Māwhera Inc. and other Māori landowners may whakapapa to Poutini Ngāi Tahu but that as entities they do not have mana whenua status in terms of the RMA definition.
199. Ms Easton considered the request of Māwhera Inc. that the chapter instead refer to “*Sites and Areas of Significance to Poutini Kāi Tahu Iwi*” and did not believe this was possible due to the mandatory directions in the Planning Standards. She agreed, however, that the chapter did not address sites and areas of significance to Māori generally and only identified sites and areas of significance to Poutini Ngāi Tahu, so she supported the submission in part.
200. Ms Easton supported the submission of Forest & Bird (S560.189) that sought the addition of a section similar to other chapters of the Plan that provided for cross-references to other chapters. She provided recommended wording in her Appendix 1 for the ‘*Other relevant Te Tai o Poutini Plan provisions*’ section of the Overview that was missing from the notified Plan.

Hearing and Submitter Evidence/Statements

201. Poutini Ngāi Tahu and Māwhera Inc. both provided evidence at the hearing that is discussed in the SASM General/Whole Chapter section of this Report above, which influenced the recommendations on the Overview section in the s42A Report and Right of Reply.

Reporting Officer Reply Evidence

202. In her Right of Reply, Ms Easton updated her recommendation on the Other Relevant Te Tai o Poutini Plan Provisions section of the Overview to include reference to the Ecosystems and Biodiversity chapter, as follows:

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 for 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 also relevant to Sites and Areas of Significance to Māori.
- Notable Trees - the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in this schedule due to their Poutini Ngāi Tahu values.
- Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas significant.
- Subdivision - the Subdivision Chapter contains provisions which relate to the subdivision of land with 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 Biodiversity – The Ecosystems and Biodiversity Chapter contains provisions for the management of indigenous vegetation and biodiversity. This includes provisions relating to indigenous vegetation clearance in the coastal environment.
- Appendix Ten - This appendix contains NZAA 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 this appendix for information purposes. Like all archaeological sites, these are protected under the Heritage New Zealand Pouhere Taonga Act 2014.

Hearing Panel's Evaluation

203. The Panel considers that a clear statement is required at the outset of the Overview section, in response to the submission from Māwhera Inc. (S621.021), to indicate that while the title of the chapter references “Māori” generally, the chapter only references sites and areas of significance to Poutini Ngāi Tahu. The Panel also considers that recognition of Māori freehold land within SASM is warranted.
204. The Panel agrees with Ms Easton that amendment is needed to the section of the Overview that discusses pounamu in response to the evidence from Māwhera Inc., Te Tumu Paeroa, and also submitters that sought to demonstrate “Victorian title”. These matters are further discussed in relation to recommendations on the Pounamu Management Area overlay and the Aotea Management Area Overlay. The Panel has amended the wording to clarify the nature of the mining permit referenced in relation to aotea.

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205. The Panel note that some mapped Sites and Areas of Significance to Māori in the plan extend in to the coastal marine area. The Panel therefore consider it important to make it clear that the jurisdiction of the Plan is limited to landward of the coastal marine area, above mean high water springs.
206. The Panel agrees with Ms Easton that a new section, similar to other chapters, be added to reference other relevant Te Tai o Poutini provisions; and that it should contain the wording proposed by Ms Easton, with the exception that the Panel also considers it important to reference Appendix Ten in relation to the Historic Heritage Chapter provisions, consistent with Panel recommendations on Appendix Ten which is discussed later in this Report. The Panel also recommends minor changes to the wording proposed by Ms Easton to improve readability.

Hearing Panel's Recommendation

207. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **SASM – Ngā Wāhi Tāpua ki Māori Overview**:

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 land⁴⁸.

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;

⁴⁸ The Proprietors of Māwhera Incorporation S621.021

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• 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.**⁴⁹ 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.**⁵⁰ **There may be circumstances where Victorian title applies to an area of land**⁵¹.

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 provisions⁵²

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**⁵³.

• **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.**

⁴⁹ The Proprietors of Māwhera Incorporation S621.019

⁵⁰ RMA First Schedule, Clause 16

⁵¹ Ridgeline 3 Investments Limited S127.001

⁵² Royal Forest & Bird Protection Society of New Zealand Inc S560.189

⁵³ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.100

- **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.**

2.3. SASM Objectives

Submissions and Further Submissions

208. On the SASM objectives as a whole there were a total of seven submissions points and no further submissions, with six in support and one seeking amendment.
209. In relation to Objective **SASM-O1**, there were four submissions points (one in support, two opposed and one seeking amendment) and three further submissions.
210. In relation to Objective **SASM-O2**, there were eight submissions points (two in support, three supporting in part, one opposed, one opposing in part, and one seeking amendment) and seven further submissions. Te Tumu Paeroa later withdrew their submission point (S440.017).
211. In relation to Objective **SASM-O3**, there were seven submissions points (two in support, one opposed, one opposing in part, and three seeking amendment) and eight further submissions.
212. All the submissions on SASM objectives were summarised in a table on pages 31-34 of the s42A Report. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions.

Section 42A Report

213. The s42A Report supported in part the submission of J P Parson (S335.001) that sought definitions to assist with interpretation of “*broad brush*” statements in the objectives. Ms Easton considered that detail was better suited to policies and rules, whereas objectives often contain broad statements of direction. She also supported the submitter’s point that there needed to be appropriate engagement with rūnanga, which she linked to her recommendation for new Method SASM-M1.
214. In relation to Objective **SASM-O1**, Ms Easton did not support the submission of Stephen Page (S270.019) that requested the objective be written in English only. She considered that the two Te Reo Māori terms in the objective, tino rangatiratanga and kaitiakitanga, were well defined and understood in case law, in planning and general usage, and reflected Te Reo Māori as an official language of New Zealand. She also supported continued use of the terms because the concepts were more accurately communicated in Te Reo Māori than in English. Kristy Henderson (S125.005) and Helen Carter (S209.002) were similarly concerned with use

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of the terms due to their potential impact on private property. Ms Easton noted identification and regulation of SASM was similar to other chapters of the Plan that regulated land use activities, particularly in relation to the protection of matters of national importance. She also considered that it was for Poutini Ngāi Tahu to determine impacts on cultural values and the terms were used in that context. She therefore did not recommend any changes to the objective in response to submissions.

215. In relation to Objective **SASM-O2**, Ms Easton did not support the submission of Stephen Page (S270.006) that sought recourse to the Māori Land Court in relation to access, maintenance and use of SASM because of direction in higher order instruments. In response to a number of submitters concerned about reference to “access”⁵⁴, she considered that there was consistency between Objective SASM-O2 and Objective PA-O1 in terms of thinking about access and how it is maintained or enhanced. She did not support excluding private land from the objective as she considered it necessary to provide a pathway for Māori to be able to maintain their relationships, whilst giving appropriate consideration to the rights and responsibilities of landowners. She favoured requiring agreement for access on private land. She did not recommend any changes to the objective in response to submissions.
216. In relation to Objective **SASM-O3**, Ms Easton responded to submitters concerned about how to interpret what is “appropriate” or “inappropriate” subdivision, use and development with reference to section 6 of the RMA and other objectives in the Plan, such as Objective ECO-O2. She pointed towards the policies and rules as expanding on the activities envisaged within SASM, particularly policies SASM-P10 through to SASM-P15; and therefore, did not support the submissions (Kirsty Henderson (S125.007) and Stephen Page (S270.007)). She also responded to mining companies⁵⁵ concerned that the objective may not provide an adequate consenting pathway where minerals coincide with SASM, particularly mineral sands in beach locations. The submitters sought that SASM be protected from effects rather than from activities, but Ms Easton reiterated that the wording proposed came directly from the RMA and section 6(f) in particular. Ms Easton did not recommend any changes to the objectives in response to submissions.

Hearing and Submitter Evidence/Statements

217. Ms Rusher, legal counsel for GDC, emphasised that protection did not mean that activity must not occur, but rather that it must be determined how to provide for the significance of the site without unreasonably restricting other activities. She noted GDC’s concern regarding “access” referenced in the objectives and policies, which Ms Rusher submitted is not required to give effect to section 6(e), and sought removal of these references.
218. Mr McEnaney, for GDC, also raised concerns with use of the phrases “access, maintain and use” in the objectives and policies because it implied that a landowner must provide physical access to a SASM. He disagreed with the s42A Report that providing for a SASM as a matter of national significance required physical access. Mr McEnaney could not find other examples of district plans that provided for physical access in a SASM objective, although he acknowledged this was provided in some district plans at the policy level. His analysis of other district plans indicated a focus at the objective level on identification, protection and

⁵⁴ Helen Carter S209.003, Kirsty Henderson S125.006, Grey District Council S608.013, Horticulture New Zealand S486.025, Federated Farmers of New Zealand S524.048, and Te Tumu Paeroa S440.017, although this last submission point was later withdrawn

⁵⁵ WMS Group (HQ) Limited and WMS Land Co. Limited S599.036, TiGa Minerals and Metals Limited S493.032, and Birchfield Ross Mining Limited S604.021

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recognition of SASM. He requested that all instances of “*access, maintain and use*” be replaced with “*recognise, protect and maintain*”.

219. In relation to Objective **SASM-O1**, Mr McEnaney acknowledged recognition of Poutini Ngāi Tahu relationship with ancestral lands, higher order instruments and the importance of Poutini Ngāi Tahu involvement in decision-making where values are threatened. He sought the following changes in his Appendix 1:

SASM – O1

Sites and areas of significance to Poutini Ngāi Tahu Māori are identified, recognised and identified managed and Poutini Ngāi Tahu are actively involved in decision making that affects their values to provide for tino rangatiratanga and kaitiakitanga, to ensure their long-term protection for future generations.

220. In relation to Objective **SASM-O2**, Ms Pull, for Poutini Ngāi Tahu, responded to the submission of Te Tumu Paeroa on SASM-O2, which was subsequently withdrawn through discussions between the parties. Ms Pull’s recommendation, prior to formal withdrawal by Te Tumu Paeroa, was for the objective to state:

SASM - O2

Poutini Ngāi Tahu are enabled through formal and informal access arrangements with landowners, to maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes.

Ms Pull considered “*enabled*” to be more respectful of private property rights, in conjunction with a process involving the formation of arrangements, which may be offered as part of a resource consent application, for example. She saw this as providing a clear connection to the landowner arrangements referred to in Policy SASM-P4.

221. Mr James Sutherland, for West Coast Federated Farmers, requested that access be granted with landowners’ consent only, due to safety concerns associated with a working farm environment. He stressed the importance of building relationships between the parties, early engagement and transparency, and indicated that farmers are often happy to enable access under the right conditions.
222. Mr McEnaney, for GDC, reiterated opposition to providing for physical access to lands in private ownership. He considered that agreement with landowners was necessary, or that the objective should apply to public land only and link to Objective PA-O1. He indicated some consistency with Poutini Ngāi Tahu evidence. He sought the following changes in his Appendix 1:

SASM - O2

The relationship of Poutini Ngāi Tahu with sites and areas of significance to Māori is recognised and provided for and are involved in decision making that affects their values to provide for tino rangatiratanga and kaitiakitanga are able to access, maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes.

223. In relation to a new Objective **SASM-O3**, Mr McEnaney expressed support for the objective to protect SASM sites from inappropriate subdivision, use and development.

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224. In relation to a new Objective **SASM-O4**, Mr McEnaney proposed the following wording in his Appendix 1, although he did not specifically address the new objective in the body of his evidence:

SASM O4

Develop partnership between the Council, landowners and tangata whenua in the management of sites and areas of significance.

Reporting Officer Reply Evidence

225. Ms Easton did not further address the objectives in her Right of Reply.

Hearing Panel's Evaluation

226. The Panel notes that GDC did not submit on objectives SASM-O1 and SASM-O3 specifically. However, Mr McEnaney's proposed changes to SASM-O2 from his Appendix 1 are akin to notified SASM-O1. On this basis, the Panel understand that GDC are comfortable with the wording of SASM-O1. Otherwise, the Panel has only considered the GDC submission on SASM-O2 and has not further assessed Mr McEnaney's proposed SASM-O4, although the Panel note that partnership approaches may be undertaken outside of and apart from the provisions of the Plan.
227. In relation to Objective **SASM-O1**, the Panel agrees with Ms Easton, including her reasoning, that no amendment is required to this objective in response to submissions and evidence.
228. In relation to Objective **SASM-O2**, the Panel prefer some amendment to the wording put forward by Ms Pull to address concerns from submitters about use of the term "access" in this objective. Ms Pull built on the wording first proposed by Te Tumu Paeroa, based on the submission point that has since been withdrawn. The Panel observe that Federated Farmers have requested amendment to the objective with regards to landowner agreement around any access to private property (S524.048) but did not provide any recommended wording. However, the Panel consider that amendment to the wording put forward by Ms Pull is appropriate to address Federated Farmers' submission point, in light of the evidence received from Mr Sutherland, and the submission point of Kirsty Henderson (S125.006). The Panel consider that reference to agreement with landowners provides a clear link to notified Policy SASM-P4, which is recommended to become new Method SASM-M2.
229. In relation to Objective **SASM-O3**, the Panel agrees with Ms Easton that no change is required to the objective in response to submissions and evidence, in particular because the objective is consistent with section 6(f) of the RMA.

Hearing Panel's Recommendation

230. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **SASM Objectives**:

SASM – 01	Sites and areas of significance to Poutini Ngāi Tahu are recognised and identified and Poutini Ngāi Tahu are actively involved in decision-making ⁵⁶ that affects their values to provide for tino rangatiratanga and kaitiakitanga.
SASM – 02	Poutini Ngāi Tahu are able to access, maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes <u>with landowner agreement</u> ⁵⁷ .
SASM – 03	The values of sites and areas of significance to Māori and cultural landscapes are protected from inappropriate subdivision, use and development, ⁵⁸ including inappropriate modification, demolition or destruction.

2.4. SASM Policies

Submissions and Further Submissions

231. On the SASM policies as a whole, there were a total of two submissions points in support.
232. In relation to Policy **SASM-P1**, there were 11 submissions points (six in support and five seeking amendments) and seven further submissions. The mining companies⁵⁹ sought that the wording change to indicate protection from “*significant adverse effects of*” inappropriate sub-division, use and development. GDC (S608.014) sought removal of reference to “*access*”, while Westpower Limited (S547.204) sought addition of the word “*inappropriate*”.
233. In relation to Policy **SASM-P2** there were nine submissions points (six in support, one supporting in part, one opposed and one seeking amendment) and no further submissions. Westpower Limited (S547.205) sought to remove clause (a), Stephen Page (S270.008) sought a clear process for identification of any further SASM, and Federated Farmers (S524.049) sought an explanation of the values of sites and areas.
234. In relation to Policy **SASM-P3** there were seven submissions points (five in support, one supporting in part, and one seeking amendment) and one further submission. HNZPT (S140.034) sought reference to an archaeological authority being issued by HNZPT, and that there would be no need to follow the Accidental Discovery Protocol when an authority was issued, which was opposed by Poutini Ngāi Tahu. Poutini Ngāi Tahu (S620.114) sought deletion of reference to “*urupā*” and addition of reference to “*taonga*”.
235. In relation to Policy **SASM-P4** there were nine submissions points (eight in support and one opposed) and one further submission. Stephen Page (S270.010) sought clarification of the process if informal arrangements were unsuccessful.
236. In relation to Policy **SASM-P5** there were seven submissions points (five in support, one supporting in part⁶⁰, and one opposed) and one further submission, although Te Tumu Paeroa later withdrew their submission point (S440.018). Kristy Henderson (S125.008) sought clarification of what tino rangatiratanga and kaitiakitanga meant in relation to private landowners and particular SASM.

⁵⁶ RMA Schedule One.Clause 16

⁵⁷ Federated Farmers of New Zealand – West Coast S524.048, Kirsty Henderson S125.006

⁵⁸ RMA Schedule One.Clause 16

⁵⁹ WMS Group (HQ) S599.037, TiGa Minerals and Metals Limited S493.033 and Birchfield Ross Mining Limited S604.022

⁶⁰ Te Tumu Paeroa later withdrew this submission point

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237. In relation to Policy **SASM-P6** there were 10 submissions points (five in support and five seeking amendment) and four further submissions. Minerals West Coast (S569.020) sought reference to “*or their authorised representatives or contractors*” in the policy, while the mining companies⁶¹ sought to include the word “*intentional*”.
238. In relation to Policy **SASM-P7** there were nine submissions points (two in support, one opposed and six seeking amendments) and eight further submissions. Kenneth Doig (S172.002) sought recognition of “*Victorian title*”. Stephen Page (S270.011) sought clarity around what was “*inappropriate*” and what the values, interests and associations are. The mining companies⁶² and GDC (S608.017) sought to change the word “*minimise*” to “*manage*”, while Westpower (S547.206) sought that “*minimise*” change to “*avoid, remedy or mitigate*”.
239. In relation to Policy **SASM-P8** there were 10 submissions points (three in support, one opposing in part, and six seeking amendments) and eight further submissions. HNZPT (S140.038) sought reference to an archaeological authority being issued by HNZPT, and that the Accidental Discovery Protocol need not be followed when an authority is issued, and the Director General (S602.057) sought reference to engagement with HNZPT. GDC (S608.018) sought to change “*avoid*” to “*mitigate*”. The mining companies⁶³ sought reference to “*operational need*”, as did Transpower (S299.024). Westpower (S547.208) sought further amendments.
240. In relation to Policy **SASM-P9** there were four submissions points (two in support, one opposing in part, one opposed and one seeking amendment) and two further submissions. Westpower (S547.209) sought that “*minimise*” change to “*avoid, remedy or mitigate*” in sub-clause (a). GDC (S608.019) sought to change “*minimise*” to “*mitigate*”.
241. In relation to Policy **SASM-P10** there were three submissions points (two in support and one seeking amendment) and no further submissions. The Director General (S602.058) sought to allow for land disturbance during the installation of fence posts. Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.006) sought cross-referencing to ensure no loss of public access where it currently exists.
242. In relation to Policy **SASM-P11** there were six submissions points (one in support, one opposing in part, two opposed and two seeking amendments) and eight further submissions. The mining companies sought deletion of clause (a)⁶⁴ and Rocky Mining Ltd (S474.038) did not want a presumption of adverse effect in the policy. Kenneth Doig (S172.002) wanted recognition of “*Victorian title*”. GDC (S608.020) sought deletion of all words after “*sites*” so that the policy stops before the words “*by avoiding*”.
243. In relation to Policy **SASM-P12** there were three submissions points (one in support, one opposed and one seeking amendment) and two further submissions. The mining companies⁶⁵ sought deletion of the policy or amendment to exclude minerals prospecting, exploration and extraction.
244. In relation to Policy **SASM-P13** there were 14 submissions points (five in support, one supporting in part, two opposing in part, two opposed, and four seeking amendments) and

⁶¹ WMS Group (HQ) S599.038, TiGa Minerals and Metals Limited S493.034, Birchfield Ross Mining Limited S604.023 and Birchfield Coal Mines Limited S601.030

⁶² WMS Group S599.039, TiGa Minerals and Metals Limited S493.035, Birchfield Ross Mining Limited S604.024

⁶³ WMS Group (HQ) Limited and WMS Land Co. Limited S599.040, TiGa Minerals and Metals Limited S493.036, Birchfield Ross Mining Limited S604.025

⁶⁴ WMS Group (HQ) Limited and WMS Land Co. Limited S599.041, and TiGa Minerals and Metals Limited S493.037

⁶⁵ WMS Group (HQ) Limited and WMS Land Co. Limited S599.042, and TiGa Minerals and Metals Limited S493.038

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seven further submissions. Frida Inta and the Buller Conservation Group (S553.056 and S552.056) sought reference to other rules around indigenous vegetation clearance in sub-clause (d). Fish & Game (S302.003) sought additional reference to lawful recreational and conservation activities. Kirsty Henderson (S125.004) sought clarification on what “critical infrastructure” meant, and Stephen Page (S270.012) sought clarification on access to private property and what the identified values were. Westpower (S547.210) sought to replace “protected” with “maintained or potential effects managed” and sought separate reference to “existing energy activities”. GDC (S608.021) sought to delete all words after “protected”. Manawa (S438.070) sought reference to “regionally significant infrastructure”.

245. In relation to Policy **SASM-P14** there were 11 submissions points (six in support, one supporting in part⁶⁶, two opposed and two seeking amendments) and five further submissions, although Te Tumu Paeroa later withdrew their submission point. Kirsty Henderson (S125.002) sought deletion of the policy to allow for landowners and business owners to make improvement without undue cost or uncertainty. Helen Carter (S209.004) sought to exclude private land. Stephen Page (S270.013) sought to clarify what measures might arise from the policy and how access might occur. GDC (S608.022) sought to delete clause (d).
246. In relation to Policy **SASM-P15** there were 12 submissions points (seven in support, one supporting in part⁶⁷, two opposed and two seeking amendments) and seven further submissions, although Te Tumu Paeroa later withdrew their submission point. The mining companies⁶⁸ sought to delete the words “any other” from the policy. Kirsty Henderson (S125.003) sought deletion of the policy to allow for landowners and business owners to make improvement without undue cost or uncertainty. Westpower (S547.213) sought substantial amendments to the policy.
247. All the submissions on SASM policies were summarised in a table on pages 37-52 of the s42A Report. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

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248. In relation to Policy **SASM-P1**, Ms Easton supported the submission of Westpower and recommended introduction of the word “appropriate” to the policy, which also partly supported the submissions of the mining companies. However, she did not support reference to “significant adverse effects” because this did not reflect section 6 of the Act.
249. In response to GDC’s concerns around the term “access”, Ms Easton considered that there should be agreement with landowners and therefore supported the submission in part.
250. She recommended that the policy be amended to read as follows:

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 affected landowners.

⁶⁶ Te Tumu Paeroa subsequently withdrew this submission point.

⁶⁷ Te Tumu Paeroa subsequently withdrew this submission point.

⁶⁸ WMS Group (HQ) Limited and WMS Land Co. Limited S599.043, and TiGa Minerals and Metals Limited S493.039

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251. In relation to Policy **SASM-P2**, Ms Easton supported the submission of Mr Stephen Page (S270.008) and Federated Farmers (S524.049) that sought clarity around the process for identifying any further SASMs and including those in Schedule 3, and in response proposed a new method addressing the point, utilising similar wording as in the Historic Heritage chapter, as follows:

SASM – M2

The TTPP Committee will consider the merits of inclusion of additional sites and areas of significance to Māori in the Plan as part of their regular monitoring of Plan implementation. Where Poutini Ngāi Tahu identify any further sites or areas they seek to be scheduled these will need to be accompanied by an appropriate cultural assessment that outlines the values of the site or area. Evidence of consultation with the owner of the area or site should also be provided. Where such an assessment and evidence of consultation and its outcomes is provided to the TTPP Committee, the Committee will assess whether there is sufficient justification for scheduling, and if so schedule the site or area via a Committee - initiated Plan Change.

252. Ms Easton noted that there were 24 different values identified for SASM in Schedule Three, which reflected the context specific nature of understanding what is present and how it might be affected.
253. In response to Westpower (S547.205) Ms Easton agreed that the policy should be focussed on identification rather than protection so recommended amendment to the policy as follows:

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.~~

254. In relation to Policy **SASM-P3**, Ms Easton supported the submissions of HNZPT and Poutini Ngāi Tahu in part. She emphasised that SASM were not archaeological sites, although they may contain such sites. She considered that the submissions were best addressed through amendment to the Accidental Discovery Protocol, rather than the policy so she did not recommend any changes to SASM-P3 in response to submissions.
255. In relation to Policy **SASM-P4**, Ms Easton responded to the submission of Stephen Page by clarifying that it would not be the role of council to assist in landowner agreement and that it would be up to the parties to arrange. She also referred to new Method SASM-M1 in response to the submitter's concerns. She noted at the hearing that the language of the policy was supportive of access rather than compulsive.
256. In relation to Policy **SASM-P5**, Ms Easton responded to the concerns of Kristy Henderson by referring to the RMA definition of "*kaitiakitanga*" and she considered that guidance developed through new Method SASM-M1 would assist in addressing the concerns of the submitter.
257. In relation to Policy **SASM-P6**, Ms Easton supported in part the submission of Minerals West Coast, with reference to the further submission of Poutini Ngāi Tahu (SS41.265) but preferred the solution offered by Poutini Ngāi Tahu with the words "*avoid the unauthorised deliberate disturbance*" rather than the words "*or their authorised representatives or contractors*" as sought by Minerals West Coast. She therefore recommended amendment to the policy as follows:

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SASM – P6

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

258. In relation to Policy **SASM-P7**, Ms Easton considered that the submission of Kenneth Doig in relation to “*Victorian title*” was better suited to a different policy. In response to Stephen Page, she referred to RMA section 6(f) and the word “*inappropriate*”, which she noted was elaborated on in policies SASM-P10 to SASM-P12. She referred to Schedule Three in relation to values identified by Poutini Ngāi Tahu and considered that guidance developed through new Method SASM-M1 would assist. In terms of potential replacements for the word “*minimise*” Ms Easton dismissed them because she considered “*minimise*” related well to the requirement to “*protect*” under section 6(f). She therefore did not recommend any changes to Policy SASM-P7.
259. In relation to Policy **SASM-P8**, Ms Easton responded to the Director General’s submission requesting wording that signalled engagement with HNZPT, which was not supported by HNZPT in further submission, so was not supported in the s42A Report. Ms Easton also referred to amendment to the Accidental Discovery Protocol as the appropriate response to HNZPT requested policy wording changes. Ms Easton supported additional reference to “*operational need*” as requested by the mining companies and Transpower, similar to recommendations in other chapters, but did not support further additions requested by Westpower. She also considered “*where practicable*” was too diluted in terms of the intent of the policy, in relation to Westpower requests, and that “*protect*” was the appropriate term to reflect the RMA, so overall, she only supported Westpower in part in relation to “*operational need*”. She did not support the submission of GDC because she considered the use of “*avoid*” allowed for mitigation of any residual effects that could not be avoided in the wording of the policy. She recommended amendment to the policy as follows:

SASM – P8

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 site or area are understood;
 - b. The accidental discovery protocol in Appendix Four is adopted for any earthworks;
 - c. Any adverse effects on identified values are avoided, unless it can be demonstrated that due to the functional needs or operational needs of the activity it is not possible to avoid all adverse effects; and ...
260. In relation to Policy **SASM-P9**, Ms Easton supported the submission of Westpower to replace “*minimise*” with “*avoid, remedy or mitigate*” in the context of this policy because it was not protecting the sites themselves so can be less stringent. She also considered that indigenous biodiversity and waterbodies are subject to other provisions in the Plan. She therefore partially supported the submission of GDC, as follows:

SASM – P9

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

a. ~~Minimise~~ Avoid, remedy or mitigate adverse effects on indigenous habitats and waterbodies;

...

261. In relation to Policy **SASM-P10**, Ms Easton supported the submission of the Director General to include land disturbance for the installation of fence posts because there was potential to adversely affect the upper slopes and peaks of ancestral maunga. Ms Easton did not support the submission of Herenga ā Nuku Aotearoa Outdoor Access Commission because she did not consider that public access to culturally sensitive sites should continue if such access was inappropriate. She therefore considered that public access needed to be considered on a case-by-case basis. Ms Easton recommended the following wording changes to the policy:

SASM – P10

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.

262. In relation to Policy **SASM-P11**, Ms Easton did not support the submissions of the mining companies to have mining and quarrying removed as inappropriate activities because Poutini Ngāi Tahu had indicated that earthworks and land disturbance posed the greatest risks to cultural values within SASM. Ms Easton supported the submission of Kenneth Doig who referenced “*Victorian title*” but did not think that SASM-P11 was the right place to address the matter, which she considered would be best suited to a standalone policy in relation to the Pounamu Management Area and the Aotea Management Area. Ms Easton considered, in response to a further submission for the Fuel Companies (FS64.001), that “*or in close proximity to these areas*” was appropriate in the policy because it linked to SASM-R17. She partially supported the submission of GDC that sought to remove reference to “*avoid*” in the policy because mineral extraction was not an activity regulated by Rule SASM-R17; although she considered “*avoid*” was suitable in relation to the activities listed that are of considerable offence to tikanga. Ms Easton recommended the following amendments to the policy wording⁶⁹:

SASM – P11

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 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;~~ a. Landfills and waste disposal facilities, hazardous facilities and offensive industries;
b. Intensive indoor primary production;
c. Cemeteries and crematoria; and
d. Wastewater treatment plants and disposal facilities

263. In relation to Policy **SASM-P12**, Ms Easton did not support the submission of the mining companies with reference to RMA section 6(f), stating that demolition or destruction was not protection, and did not recognise and provide for the relationship of Poutini Ngāi Tahu with

⁶⁹ Note that the s42A Report incorrectly labelled the policy “Policy 12”, which was amended in Ms Easton’s right of reply, but for the purposes of this report it is recorded as she intended

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sites and areas (RMA section 6(e)). She therefore did not recommend any amendment to SASM-P12.

264. In relation to Policy **SASM-P13**, Ms Easton responded to the submissions of Frida Inta and the Buller Conservation Group by stating that the Plan was clear that the ECO Chapter provisions would apply and therefore nothing further was needed in the SASM policy. In response to Fish & Game, she considered that public access for a lawful conservation or recreational activity should be on a case-by-case basis to ensure appropriate respect for urupā and former battle sites. Ms Easton partially supported the submission of Kristy Henderson and the need for clear definitions in relation to infrastructure. In response to Stephen Page, Ms Easton clarified that a SASM did not create ownership rights and only regulated specific activities through the rules, which she considered were not particularly onerous. She explained that any activity not specifically regulated is a permitted activity. She also considered that new Method SASM-M1 would address some of the concerns of the submitter.
265. Ms Easton did not support the submission of Westpower that some level of effect must be envisaged by the list of appropriate activities therefore the word “*protect*” was too strong, because she considered that protection was still required under the RMA and as in other chapters, she did not support specific reference to “*energy activities*”. She did not support GDC’s request to delete the list of activities because she considered the list necessary so that the policy signals support for a range of permitted activities. She supported Manawa’s request to incorporate reference to “*regionally significant infrastructure*”. Her recommended amendments to SASM-P13 were as follows:

SASM – P13

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;

266. In relation to Policy **SASM-P14**, Ms Easton responded to the submissions of Stephen Page and Kristy Henderson by stating that subdivision is not a permitted activity or automatic right on any land, regardless of the location. She considered that new Method SASM-M1 would assist landowners. Ms Easton also indicated, in response to Helen Carter and GDC, that the policy did not allow access as of right but provided for the possibility at the time of subdivision, which may be by way of an esplanade reserve for instance and that would allow for potential access to mahinga kai. She did not recommend any changes to the policy in response to submissions.
267. In relation to Policy **SASM-P15**, Ms Easton did not support the submission of Kristy Henderson because she considered the policy to be enabling of a range of permitted activities; and noted that restrictions were likely to be greater in other chapters of the Plan. She did not support the mining companies’ submissions seeking removal of the words “*any other*” because she considered that the policy already achieved what the submitters were seeking to achieve in relation to functional and operational need. Ms Easton did not support the Westpower amendments, and particularly considered consistency with the Historic Heritage Chapter, finding similarities in wording between Policy SASM-P15 and Policy HH-P10. She found less restrictions on infrastructure in the SASM Chapter compared with the Historic Heritage Chapter. She responded to the submission of Te Tumu Paeroa (later withdrawn) that requested agreement with landowners where Poutini Ngāi Tahu access was to be maintained

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or enhanced, and recommended amendment to the policy to reflect her support of that submission, as follows:

SASM – P15

Allow any other use and development on 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:

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 are made in agreement with affected landowners.

268. In relation to a new policy, Ms Easton proposed **SASM-P16** to address submissions raised regarding the ownership of pounamu and aotea stone, as follows:

SASM – P16

Recognise that pounamu and aotea are significant cultural resources and where these are owned by Poutini Ngāi Tahu within the pounamu and aotea management overlays support Poutini Ngāi Tahu management of them.

Hearing and Submitter Evidence

269. In relation to the policies as a whole, Ms Pull (for Poutini Ngāi Tahu) responded to the submission of Te Tumu Paeroa on policies SASM-P5, SASM-P14 and SASM-P15, which were subsequently withdrawn through discussions between the parties. Prior to the withdrawal by Te Tumu Paeroa Ms Pull had recommended no change to SASM-P5, SASM-P14 or SASM-P15 in response to the submission. Ms Pull considered that reference to landowner arrangements would be unnecessary in any policy other than notified SASM-P4 because that policy would need to be considered in consenting processes alongside the others in the chapter.
270. Ms Pull indicated support for the use of an Accidental Discovery Protocol, as defined in the hearing on the Historic Heritage Chapter and linking this to SASM-P3, SASM-P8 and SASM-R2. She considered it would be valuable to agree on wording with HNZPT for the Protocol included in Appendix Four, which is further discussed in this Report in relation to the content of Appendix Four.
271. Ms Pull did not support a blanket enablement of Regionally Significant Infrastructure (**RSI**) in the SASM Chapter given that these sites and areas involve irreplaceable taonga and historic heritage, which needs to be considered on a case-by-case basis. She referenced use of the term “enable” (SASM-P13) and “allow” (SASM-P15), and that in relation to activities with a “functional or operational need” to be located within a SASM, Policy SASM-P8 did not require avoidance, which was a lower level of protection than other historic heritage. She related the higher level of enablement to the detailed work that had been done on each SASM to determine what may be appropriate.
272. In relation to Policy **SASM-P1**, Mr McEnaney (for GDC) expressed support for the s42A Report amendments that require access to be by way of landowner agreement, but maintained that reference to physical access be removed. He proposed the following changes in his Appendix 1:

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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 management access and cultural use.

273. Ms Pull expressed concern about use of the phrase “*in agreement with affected landowners*” because of the word “*affected*”, which she considered introduced an unnecessary degree of uncertainty about who was “*affected*”.
274. In relation to Policy **SASM-P2**, Ms Pull supported the introduction of proposed SASM-M2 to support the policy, as proposed in the s42A Report, on the basis that it was similar to wording of a method in the Historic Heritage Chapter.
275. Mr Sutherland, for Federated Farmers, supported identifying and listing SASM, and the need to engage with relevant iwi and rūnanga. He indicated the importance of farmers better understanding what needs protecting and working together to achieve protection, acknowledging that rules and maps can be daunting to landowners.
276. Mr McEnaney highlighted GDC’s concern that SASM-P2 (as notified) interferes with private property rights, based on the idea that “*identifying and listing*” should be a consultative approach and that the policy should reflect that. He considered that new Method SASM-M1 would assist but that the policy should be directed at ensuring the connection between iwi and SASM was identified, recognised and managed. He proposed the following changes in his Appendix 1:

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.~~ Support land owners to manage, maintain and preserve sites and areas of significance to Māori by:

a. increasing awareness, understanding and appreciation within the community of the presence and importance of sites and areas of significance to Māori;

b. encouraging land owners to engage with mana whenua to develop positive working relationships in regard to the on-going management and/or protection of sites and areas of significance to Māori.

c. providing assistance to land owners to preserve, maintain and enhance sites and areas of significance to Māori; and

d. through engagement, consultation and collaboration with mana whenua, promoting the use of mātauranga Māori, tikanga and kaitiakitanga to manage, maintain, preserve and protect sites and areas of significance to Māori;

e. for identified SASM, or for silent SASM, seeking to establish an extent through engagement, consultation and collaboration with tangata whenua.

277. In relation to Policy **SASM-P3**, Ms Pull supported retaining the Accidental Discovery Protocol, and continue to oppose the position of HNZPT that sought for an archaeological authority to negate the need to follow the protocol.
278. In relation to Policy **SASM-P4**, Mr Sutherland supported the drafting on the basis that access was in collaboration with landowners.

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279. Mr McEnaney requested that the policy remove reference to “*access, use and maintain*” and supported recommended Method SASM-M1. He supported the requirement for landowner agreement, but considered landowners must retain the right to restrict access and that formal access must be by way of landowner, council and mana whenua partnership.
280. In relation to Policy **SASM-P6**, Ms Pull noted that the submission points of mining companies had not been identified in the s42A Report analysis and that Poutini Ngāi Tahu had supported these submissions⁷⁰. Ms Pull supported the proposed addition to the policy as outlined in the s42A Report clarifying that it is only “*unauthorised, deliberate disturbance or removal*” that was of concern in relation to non-hapū members. She identified that this better clarified existing practice that is working well. However, she recommended an “*and*” between “*unauthorised*” and “*deliberate*” for purposes of readability, such that the policy would read:

SASM – P6

Within the Pounamu and Aotea Management overlay, 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.

281. In relation to Policy **SASM-P7**, Mr Kennedy, on behalf of Westpower, sought to replace the term “*minimise*” with “*avoid, remedy or mitigate*”.
282. In relation to Policy **SASM-P8**, Mr Kennedy sought for adverse effects to be “*avoided where practicable*” in clause (c), combined with reference to “*technical, locational, functional or operational constraints or requirements*” rather than just “*functional needs*” of the activity. Mr McEnaney, for GDC indicated support for the proposed amendments to this policy.
283. In relation to Policy **SASM-P9**, Ms Pull did not support replacing the term “*minimise*” with “*avoid, remedy or mitigate*”, which she believed to be a lower level of protection for indigenous habitats and waterbodies that are recognised in the NTCSA as being of high importance to Poutini Ngāi Tahu. She alluded to mahinga kai as the “9th Tall Tree” of the Ngāi Tahu Claim, essential to identified values in the Tangata Whenua chapter of the Plan. She noted that all three SASM objectives link to mahinga kai through recognition of values (SASM-O1), undertaking mahinga kai (SASM-O2) and the protection of mahinga kai locations (SASM-O3). She recommended “*avoid or minimise*”, which would allow for some flexibility around what was practicable, as follows:

SASM – P9

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

- a. Avoid, or minimise ~~remedy or mitigate~~ adverse effects on indigenous habitats and waterbodies;
...

284. Mr McEnaney indicated support for the proposed amendments to this policy
285. In relation to Policy **SASM-P10**, Ms Pull supported use of the term “*Regionally Significant Infrastructure*”.
286. In relation to Policy **SASM-P11**, Ms Pull discussed opposition to submissions from mining companies and recommended retention of reference to “*mineral extraction*” in the policy due

⁷⁰ Further Submission on S493.034, S599.038, S604.023, and S601.030

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to the potential for such activities to cause offence to tikanga, similar to other activities referenced in the policy. Within her evidence she recommended no change to the policy as notified. She discussed with the Panel the implications of “avoid” in the policy and considered that this usually led to non-complying activity status; whereas, the Poutini Ngāi Tahu submission requested that SASM-R15 be amended to discretionary status. She agreed that “only allow” would be more appropriate for a discretionary activity.

287. In relation to Policy **SASM-P12**, Ms Pull discussed opposition to submissions from mining companies and recommended retention of the policy as notified, which utilises the term “avoid” in relation to the “demolition or destruction” of sites and areas in Schedule Three. Her analysis indicated that Poutini Ngāi Tahu anticipated the potential for use of sites and areas for mineral extraction in some circumstances. Mr McEnaney indicated support for the proposed amendments to this policy but sought that the error in s42A Report version of the policy was corrected so that it was not a repeat of SASM-P11.
288. In relation to Policy **SASM-P13**, Ms Pull supported use of the term “Regionally Significant Infrastructure”, as did Mr Kennedy, provided that the definition captures Westpower infrastructure. Mr Sutherland supported the drafting and s42A Report recommendations on the basis that the policy provided sufficient cover for appropriate activities to occur within SASM. Mr McEnaney indicated support for the proposed amendments to this policy
289. In relation to Policy **SASM-P14**, Mr McEnaney indicated that his recommended changes to SASM-P1 and SASM-P4 would satisfy GDC concerns with clause (d) of the policy.
290. In relation to Policy **SASM-P15**, Ms Pull for Poutini Ngāi Tahu opposed the inclusion of “affected landowner” in clause (f) because the phrase may refer to landowners other than those where the activity was taking place and would require an impact assessment of whether the landowner at that site of activity could be “affected”. She considered that the amendment added nothing to the policy and that relying on SASM-P4 would be more appropriate, including because of the range of options envisaged in SASM-P4. She therefore recommended no change to the policy as notified. In exchange with the Panel at the hearing, Ms Pull gave the example of using the policy to assess an infrastructure application, which may be considered in terms of the timing of works to avoid impacts on mahinga kai.
291. Mr Kennedy sought to replace “protected and maintained” with “avoided, remedied or mitigated”, add in a new clause (a) that read “avoidance in the first instance, and where this is not practicable the proposed measures to manage potential effects on the identified values” and expand on the reference to “functional and operational need” in clause (b), as per SASM-P8 and requested in other chapters of the Plan.
292. In relation to proposed new policy **SASM-P16** (as recommended in the s42A Report), Ms Pull considered the policy to be inappropriately worded. She referred in her evidence of pounamu as a taonga and how its value was not dependent upon ownership, and the need for the SASM Chapter provisions to focus on the potential for cultural effects. Ms Pull recommended that the policy should appropriately read:

SASM – P16 Recognise that pounamu and aotea are significant cultural resources.

Reporting Officer Reply Evidence

293. In her Right of Reply, responding to questions from the Panel, Ms Easton explained her rationale for policies SASM-P6 and SASM-P12 leading to non-complying activity status, while policies SASM-P8 and SASM-P15 led to discretionary activity status. She considered use of the

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term “avoid” on its own is linked to non-complying activity status, whereas qualified use of the term “avoid” that allows for exceptions is linked to discretionary activity status.

294. Ms Easton did not consider there was scope within submissions to amend Policy **SASM-P1** to refer to “no more than minor” effects in relation to public access. She identified one submission seeking that reference to “access” be removed, which she did not support.
295. In relation to Policy **SASM-P8**, Ms Easton did not change her view on addition of reference to “operational needs” from that contained in her s42A Report. She also did not support use of the phrase “no more than minor” within this policy, or generally as a phrase used in other policies of the Plan. She considered it to be more of a matter for resource consent and application of section 104D for non-complying activities, and in relation to notification decisions. After looking across other recent plans, implementing the Planning Standards, she found one instance of the phrase being used in an assessment criterion.
296. In relation to Policy **SASM-P13**, Ms Easton considered that the phrase “network utility infrastructure” was suitable in the context, to replace “network utility structures” because the policy applies to maintenance, repair and upgrade of existing infrastructure within SASM that were located primarily in areas of substantial built development. Her final recommendation for the policy was as follows:

SASM – P13

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~~ infrastructure 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
- g. maintenance of overhead network utilities, roads and tracks;
- h. Animal grazing where identified values are maintained.

297. In relation to Policy **SASM-P15**, Ms Easton advised that as a result of Te Tumu Paeroa withdrawing their submission point on this policy there was no longer scope for her recommended amendment to the policy. Accordingly, she removed the previously recommended phrase “are made in agreement with affected landowners” from clause (f).

Hearing Panel’s Evaluation

298. In relation to Policy **SASM-P1**, the Panel prefer the wording put forward by Ms Easton in her s42A Report, and therefore also accept the Westpower submission point seeking to incorporate reference to “inappropriate”, due to the amended policy overall being in accordance with section 6(f) of the RMA. Although Ms Easton expressed some concern about scope to include the words “in agreement with affected landowners”, the Panel consider this to be a suitable response to the concerns expressed by GDC in their submission seeking to remove the word “access” from the policy (S608.014), and their evidence presented at the hearing. We consider this phrase is also consistent with recommended amendments to SASM-O2, and ensures policy support for new Method SASM-M2, which was supported by all the planners in the JWS (although referenced as SASM-M4 in that document). However, the Panel

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agree with Ms Pull that the word “*affected*” is not needed and could potentially cause confusion.

299. In relation to Policy **SASM-P2**, the Panel note that GDC submitted in support of the policy and so no further consideration has been given to Mr McEnaney’s proposed amendments; although we consider the recommended methods will achieve some of what he sought to cover, and also address concerns raised by Federated Farmers in their submission and evidence. The Panel agree with Ms Easton’s reasoning in her s42A Report and therefore also accept the Westpower submission point.
300. In relation to Policy **SASM-P3**, the Panel note that Appendix 1 to Ms Easton’s Right of Reply did not include the Poutini Ngāi Tahu submission point on this policy, which sought to replace “*or urupā*” and replace it with “*and/or taonga*” (S620.114). The Panel accept this submission point. The Panel do not support the submission of HNZPT that would negate the need to follow the Accidental Discovery Protocol when an Archaeological Authority has been issued (S140.034), on the basis that the matter is relevant to both HNZPT and Poutini Ngāi Tahu.
301. In relation to notified Policy **SASM-P4**, the Panel recommend deletion of the policy and replacement with new Method SASM-M2, in line with the recommendation of the planners in the JWS. We note that this substantial amendment is dependent upon a submission point, from Stephen Page (S270.010), who sought clarification about what would happen if agreement was not reached between a landowner and Poutini Ngāi Tahu representatives. Other submission points support the policy, and therefore the Panel partially accepts these submissions. The Panel is satisfied that, overall, there is scope between these submissions to make the recommended changes given the method responds to the nature of Mr Page’s submission and provides guidance on how the process signalled in recommendations on policy SASM-P1 will work in practice. Essentially, the Panel understand that the result of no agreement would be no access to private property, and therefore access will be dependent upon building and strengthening relationships between the parties, in line with evidence received from Federated Farmers and GDC on this issue.
302. In relation to notified Policy **SASM-P5**, the Panel agree with Ms Easton that new method SASM-M1 will assist to address the submission point of Kirsty Henderson (S125.008) and that no changes are required to the policy, aside from re-numbering. In reaching this conclusion, we have considered the submissions and evidence of Māwhera Inc. and Mr Weepu regarding rangatiratanga, as discussed in relation to the whole chapter. The Panel understand this policy applies, regardless of land ownership status, and relies on the role of tikanga in relationship between these submitters to resolve matters, alongside application of the Plan provisions.
303. In relation to notified Policy **SASM-P6**, the Panel accept the wording proposed by Ms Pull that clarifies application of the policy, which we consider to be alternative relief to that sought by the mining companies. We also recommend additional minor amendments to improve wording. The Panel has been mindful when assessing this policy that not all pounamu is owned by Poutini Ngāi Tahu, as outlined in the evidence of Māwhera Inc., and as previously discussed in relation to the Pounamu Vesting Act 1996. Similar to our analysis of SASM-P5, the Panel understand this policy to apply regardless of the status of pounamu ownership, and recognise that the role of tikanga in relationship between ngā rūnanga and Māwhera Inc. will be a matter for the parties, alongside application of the Plan provisions. To be clear, the Panel consider that the Plan provisions do not over-ride tikanga, as it applies in the circumstances, and it is not for the Panel or local authorities to determine appropriate application of tikanga. We expect that, in practice, Māwhera’s relationship with pounamu in the Arahura River catchment will necessitate a very different interpretation of “*unauthorised and deliberate*”

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disturbance or removal” by non-hapū members, than a party that has no direct connection with the resource. Te Rūnanga o Ngāi Tahu vesting the resource with Māwhera Inc. may well be interpreted as a form of authorisation.

304. In relation to notified Policy **SASM-P7**, the Panel generally agree with Ms Easton. We have reviewed the outcome of the JWS, in which the majority of the planners supported use of the term “*minimise*” in clause (b) of the policy and Mr Kennedy for Westpower maintained a preference for “*avoid, remedy or mitigate*”.
305. The Panel consider that the policy is implementing a blend of section 6(f) and section 6(e) of the RMA, due to clause (a) requiring that inappropriate activities do not disturb, destroy, remove and/or visually encroach upon sites and areas; while clause (b) requires activities to otherwise minimise their adverse effects on values that are present. We are satisfied that in the context of the policy “*minimise*” is an available option, and is recommended to be retained. The Panel considers that a resource user may employ a range of techniques to minimise adverse effects, including a combination of avoidance, remedy and mitigation, whilst clause (a) ensures protection from inappropriate subdivision, use and development. The Panel therefore recommends no change to the policy, aside from re-numbering.
306. In relation to notified Policy **SASM-P8**, the Panel generally agree with the assessments of Ms Easton and therefore accept the submission of Transpower (S299.024) to incorporate reference to “*operational need*”. The Panel do not support the submission of HNZPT that would negate the need to follow the Accidental Discovery Protocol when an Archaeological Authority has been issued (S140.038), on the basis that the matter is relevant to both HNZPT and Poutini Ngāi Tahu.
307. In relation to notified Policy **SASM-P9**, the Panel note that Ms Easton is recorded in the JWS as agreeing with use of the term “*minimise*” in clause (a) of this policy, along with the majority of planners, however this differs from her prior recommendation and differs from Appendix 1 in her Right of Reply. We have considered the JWS, which records Mr Kennedy was the only planner advocating for use of “*avoid, remedy or mitigate*” (although Ms Easton had previously supported this). In the context of SASM, the Panel is satisfied that “*minimise*” is appropriate, particularly when considering how the NPS-IB addresses specified Māori land (although not all SASM would qualify) and in light of the fact that the ECO Chapter provisions will also be relevant when looking at Plan provisions as a whole. The Panel noted that there is reference to “*access*” in sub-clause (c) of the policy and therefore it needs to be amended to be consistent with Objective SASM-O2, amendment to Policy SASM-P1 and new Method SASM-M2. The Panel therefore recommends addition of “*with landowner agreement*” to the end of sub-clause (c) of the policy, and re-numbering.
308. In relation to notified Policy **SASM-P10**, the Panel agree with the assessment of Ms Easton and therefore accept in part the submission point of the Director General. The Panel note that, while Ms Pull has recommended replacing the term “*network utility structures*” with “*regionally significant infrastructure*”, Poutini Ngāi Tahu do not have a submission point on this policy and the Panel have not identified scope to make the change requested.
309. In relation to notified Policy **SASM-P11**, the Panel disagree with Ms Easton that clause (a) be deleted, as requested by the mining companies. Although the policy links to SASM-R17, as Ms Easton identified that it can equally be considered to link to SASM-R15, and the Panel is guided by the evidence of Ms Pull in relation to the management of these sites and areas from the perspective of Poutini Ngāi Tahu. The Panel makes consequential amendments to the policy

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from recommendations regarding definitions, so that only “landfills” and “wastewater treatment facilities” are referenced, rather than other variations of these particular activities.

310. The Panel agrees with Ms Pull that there is a difference between the activities in the policy that lead to non-complying status and the mineral extraction and quarrying activities that lead to a discretionary status, because of Poutini Ngāi Tahu requested amendments to SASM-R15. The Panel considers it necessary to amend the policy so that “avoid” leads to a non-complying rule and “only allow” leads to a discretionary rule, with the caveat that such activity would only be allowed within a SASM if it was supported by Poutini Ngāi Tahu to occur in that location. This is the only basis upon which the Panel can discern the difference between the activities covered by the policy, on the basis of evidence received from Poutini Ngāi Tahu.
311. In relation to notified Policy **SASM-P12**, the Panel agree with Ms Easton that no amendment is required to this policy, as per the reasoning in her s42A Report and the reasoning of Ms Pull. We note that there is some overlap with SASM-P7(a), which means that the policies reinforce one another in relation to protection of sites and areas in accordance with section 6(f) of the RMA.
312. In relation to notified Policy **SASM-P13**, the Panel agree with Ms Easton that it is appropriate to amend the policy to reference “regionally significant infrastructure” for the reasons she outlined, as also supported by Ms Pull for Poutini Ngāi Tahu; and that submitter concerns can be addressed through the methods recommended.
313. In relation to notified Policy **SASM-P14**, the Panel agree with Ms Easton that no amendment is required to the policy for the reasons given, and acknowledge the change in position of GDC.
314. In relation to notified Policy **SASM-P15**, the Panel consider that no amendment is required to the policy, as per Ms Easton’s Right of Reply, other than minor amendments, for the reasons outlined in her s42A Report.
315. In relation to Policy **SASM-P16**, the Panel do not consider this additional policy as proposed by Ms Easton to be necessary in light of notified SASM-P6, which already provides for exercise of tino rangatiratanga and kaitiakitanga. We consider that the exercise of these duties and responsibilities will differ in practice depending on whether or not Poutini Ngāi Tahu own the resource. The Panel consider that the policy as reworded by Ms Pull has some merit, in order to support other policies, such as POU-P6 and notified SASM-P6, however the Panel does not find scope to introduce the policy and consider that it will be sufficient to rely on the Poutini Ngāi Values section of the Tangata Whenua Chapter and its passage under the heading of Taonga to support the understanding of plan users that pounamu and aotea are significant cultural resources. The Panel consider that reference to the Pounamu Management Area and Aotea Management Area overlays in the SASM Chapter reinforces this point.

Hearing Panel’s Recommendation

316. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **SASM Policies**:

Cultural Landscapes

SASM - P1

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Protect Poutini Ngāi Tahu cultural landscapes from adverse effects of **inappropriate**⁷¹ subdivision, use and development, while enabling their values to be enhanced through ongoing Poutini Ngāi Tahu access and cultural use, **in agreement with landowners**.⁷²

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.~~⁷³

SASM – P3

Upon accidental discovery of kōiwi (skeletal remains) or ~~urupā~~ **taonga**⁷⁴ 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.~~⁷⁵

Poutini Ngāi Tahu Roles

SASM - P54⁷⁶

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 - P65⁷⁷

Within the Pounamu **Management Area** and Aotea **Management Area** ~~Overlays~~,⁷⁸ enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid the **unauthorised and deliberate**⁷⁹ disturbance or removal of this resource by non-hapū members.

Management of Activities on Identified Significant Sites and Areas

⁷¹ Westpower Limited S547.204

⁷² Federated Farmers of New Zealand S524.048, consequential to changes to SASM-O2, and Grey District Council S608.014

⁷³ Westpower Limited S547.205

⁷⁴ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.114

⁷⁵ Stephen Page S270.010

⁷⁶ RMA First Schedule, Clause 16, consequential amendment

⁷⁷ RMA First Schedule, Clause 16, consequential amendment

⁷⁸ RMA First Schedule, Clause 16

⁷⁹ WMS Group (HQ) S599.038, TiGa Minerals and Metals Limited S493.034, Birchfield Ross Mining Limited S604.023 and Birchfield Coal Mines Limited S601.030

SASM – P76⁸⁰

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 – P87⁸¹

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~~Accidental ~~d~~Discovery ~~p~~Protocol⁸² 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**⁸³ 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 – P98⁸⁴

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. Maintaining and where appropriate improve~~ing~~⁸⁵ access for Poutini Ngāi Tahu to these areas, **with landowner agreement**⁸⁶.

Inappropriate Activities

SASM – P109⁸⁷

⁸⁰ RMA First Schedule, Clause 16, consequential amendment

⁸¹ RMA First Schedule, Clause 16, consequential amendment

⁸² RMA First Schedule, Clause 16

⁸³ Transpower New Zealand Limited S299.024

⁸⁴ RMA First Schedule, Clause 16, consequential amendment

⁸⁵ RMA First Schedule, Clause 16

⁸⁶ RMA First Schedule, Clause 16, consequential amendment, Federated Farmers of New Zealand – West Coast S524.048

⁸⁷ RMA First Schedule, Clause 16, consequential amendment

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Restrict buildings, structures, forestry, network utility structures, **installation of fence posts**,⁸⁸ mining and earthworks on the upper slopes and peaks of ancestral maunga as identified in Schedule Three.

SASM – P1110⁸⁹

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;~~

~~cb. Intensive indoor primary production;~~

~~cc. Cemeteries and crematoria; and~~

~~cd. Wastewater treatment plants and disposal~~⁹⁰ facilities; and

2. only allowing mineral extraction and quarrying other than by Poutini Ngāi Tahu where this is supported by Poutini Ngāi Tahu.⁹¹

SASM – P1211⁹²

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

Appropriate Activities

SASM – P1312⁹³

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;⁹⁴

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

d. Indigenous vegetation clearance;

⁸⁸ Director General of Conservation S602.058

⁸⁹ RMA First Schedule, Clause 16, consequential amendment

⁹⁰ Consequential amendment as a result of the submission point of Te Tai o Poutini Plan Committee S171.011

⁹¹ WMS Group (HQ) Limited and WMS Land Co. Limited S599.041 and Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.396

⁹² RMA First Schedule, Clause 16, consequential amendment

⁹³ RMA First Schedule, Clause 16, consequential amendment

⁹⁴ Manawa Energy Limited S438.070

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- 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**⁹⁵
- g. Animal grazing where identified values are maintained.

SASM – P1413⁹⁶

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 – P1514⁹⁷

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**⁹⁸ 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**⁹⁹ 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

⁹⁵ RMA First Schedule, Clause 16

⁹⁶ RMA First Schedule, Clause 16, consequential amendment

⁹⁷ RMA First Schedule, Clause 16, consequential amendment

⁹⁸ RMA First Schedule, Clause 16

⁹⁹ RMA First Schedule, Clause 16

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.

2.5. SASM Rules

Submissions and Further Submissions

317. In relation to the SASM rules as a whole, there were 58 submission points (five in support, three supporting in part, four neutral or not stated, 15 opposed and 31 seeking amendments) and nine further submissions.
318. In relation to SASM permitted activity rules as a whole, there were seven submission points (one in support, one opposed and five seeking amendments) and five further submissions. Poutini Ngāi Tahu sought that tables should be created for each rule to be embedded in the rule in order to make it easier for plan users (S620.115) and sought removal of the first reference to “*Sites and Areas in Schedule Three*” in the rule headings (S620.395). Westpower sought a stand-alone permitted activity rule for “*energy activities*” and an appropriate activity status when consent was required (S547.215, S547.216). Stephen Page queried how the written approval process would work, and the costs involved (S270.015).
319. In relation to **SASM-R1** (grazing of animals), there were nine submissions (seven in support, one opposed and one seeking amendment) and one further submission. GDC sought deletion of the rule (S608.023). Poutini Ngāi Tahu sought reference to Table SASM-R1 as a replacement for the listed SASM in the rule (S620.116).
320. In relation to **SASM-R2** (minor earthworks), there were 17 submissions (two in support, four supporting in part, ten opposing in part, and two seeking amendments) and 11 further submissions. A number of submitters¹⁰⁰ sought deletion of clauses (iii)(a) and (iii)(b), while GDC sought deletion of the rule as a whole (S608.024), as well as inclusion of an agreed Accidental Discovery Protocol and a timeframe for response (S608.626), while BDC wanted assurance that Poutini Ngāi Tahu could meet written approval requests in a timely manner (S538.179). Federated Farmers (S524.053) sought a list in the rule similar to SASM-R4, and Kirsty Henderson sought to be able to fence without consent (S125.009). Westpower sought to be able to maintain underground lines and cables and existing substations, through specific wording amendments (S547.217) and Manawa sought to be able to maintain and repair existing RSI (S438.071). Poutini Ngāi Tahu sought reference to Table SASM-R2 as a replacement for the listed SASM in the rule (S620.117) and that SASM 17 no longer be included in the rule (S620.320).
321. In relation to **SASM-R3** (demolition, removal or alteration of a structure), there were 18 submissions (three in support, one supporting in part, one opposing in part, two opposed and 11 seeking amendments) and 11 further submissions. A number of submitters¹⁰¹ sought removal of SASM 14 from the rule, while Kirsty Henderson sought to be able to disturb land (S125.010). Westpower sought reference to “*building or structure*”, a stand-alone rule for “*energy activities*” and deletion of clauses (ii) and (iii) (S547.222, S547.223 and S547.224). Poutini Ngāi Tahu sought amendment to include Table SASM-R3 (S620.118).

¹⁰⁰ Leonie Avery S507.022, Jared Avery S508.022, Kyle Avery S509.022, Avery Bros S510.022, Bradshaw Farms S511.022, Paul Avery S512.022, Brett Avery S513.022, and Avery Brothers S609.021

¹⁰¹ Leonie Avery S507.023, Jared Avery S508.023, Kyle Avery S509.023, Avery Bros S510.023, Bradshaw Farms S511.023, Paul Avery S512.023, Brett Avery S513.023, and Avery Brothers S609.022

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322. In relation to **SASM-R4** (indigenous vegetation clearance), there were 12 submissions (three in support, one supporting in part, five opposed and three seeking amendments) and five further submissions. GDC sought deletion of the rule as a whole (S608.026), while BDC wanted assurance that Poutini Ngāi Tahu could meet written approval requests in a timely manner (S538.181). Rodney Wright (S62.001) and Toni Chittock (S61.001) sought that the rule did not apply to private land, while Avery Brothers sought that it be removed from SASM 14 (S609.023). 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 submission (S620.372). Poutini Ngāi Tahu sought amendment to include Table SASM-R4 (S620.119). Westpower sought to be able to maintain existing buildings and structures as part of its network (S547.225).
323. In relation to **SASM-R5** (temporary events), there were 11 submissions (three in support, two supporting in part, two not stated, one opposing in part, one opposed and two seeking amendments) and three further submissions. GDC sought deletion of the rule as a whole (S608.027), while BDC wanted assurance that Poutini Ngāi Tahu could meet written approval requests in a timely manner (S538.182). Jet Boating NZ sought that written approvals should not be unreasonably withheld (S161.009) and Lake Mahinapua Aquatic Club Inc sought a single approval for their regular annual event (S332.003). Kawhaka Creek Catchment Residence (S297.016) and Gerrit & Suzie Wolters (S308.017) sought clarification of which SASM the rule applied to. Poutini Ngāi Tahu sought amendment to include Table SASM-R5 (S620.120).
324. In relation to **SASM-R6** (earthworks not provided for in SASM-R2), there were 19 submissions (two in support, one supporting in part, one opposing in part, nine opposed and six seeking amendments) and nine further submissions. GDC sought deletion of the rule as a whole (S608.028), while BDC wanted assurance that Poutini Ngāi Tahu could meet written approval requests in a timely manner (S538.183) and that minor structures and buildings would not require approval, as well as a definition of “*upper slopes*” (S538.184). A number of submitters¹⁰² sought removal of SASM 14 from the rule, while Steve Croasdale sought a more enabling rule (S516.024) and Stephen Page (S270.021) sought removal of the requirement for written approval. Mining companies¹⁰³ proposed an exclusion for their activities. Poutini Ngāi Tahu sought amendment to include Table SASM-R6 and Table SASM-R6A (S620.121), and that SASM 14A and SASM 14B be removed from Rule SASM-R6 (S620.319). Westpower sought amendments that enabled maintenance, replacement, reconstruction or addition to existing buildings and structures within their network (S547.227).
325. In relation to **SASM-R7** (quarries and mineral extraction in the Pounamu Management Area and the Aotea Management Area), there were 18 submissions (three in support, two opposing in part, two opposed and 11 seeking amendments) and 10 further submissions. Poutini Ngāi Tahu sought to include reference to Te Rūnanga o Ngāi Tahu (S620.122), delete requirement to consult with Poutini Ngāi Tahu for mineral extraction and quarrying outside the boundary (S620.400) and amend the rule so that prohibited activity status was connected with Standard 1 only and activity status was discretionary where Standards 2 and 3 were not complied with (S620.394). Mining companies¹⁰⁴ sought reference to “*mineral extraction*” rather than just “*extraction*” and deletion of the requirement for written approval from Poutini Ngāi Tahu, which GDC (S608.029), Alistair Cameron (S452.005) and Davis Ogilvie & Partners Ltd

¹⁰² Leonie Avery S507.024, Jared Avery S508.024, Kyle Avery S509.024, Avery Bros S510.024, Bradshaw Farms S511.024, Paul Avery S512.024, Brett Avery S513.024

¹⁰³ WMS Group (HQ) Limited and WMS Land Co. Limited S599.044, TiGa Minerals and Metals Limited S493.040

¹⁰⁴ WMS Group (HQ) Limited and WMS Land Co. Limited S599.045, TiGa Minerals and Metals Limited S493.041 and Rocky Mining Limited S474.042 in relation to written approval only

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- (S465.003) and Forest & Bird (S560.190) also opposed. Alistair Cameron preferred reference to notifying Poutini Ngāi Tahu. Forest & Bird sought connection to other relevant rules for mineral extraction and farm quarries, as well as clarification around how the rule would be managed by councils, and potential for resource consent instead (S560.473 and S560.474). Federated Farmers sought clarity over application of the rule to farm quarries (S524.055)
326. In relation to **SASM-R8** (fossicking of aotea within the Aotea Management Area), there were three submissions, all in support, and no further submissions.
327. In relation to **SASM-R9** (maintenance, repair and upgrading of network utility structures), there were 17 submissions (four in support, two opposing in part, two opposed and 11 seeking amendments) and 10 further submissions. A number sought deletion of the rule or removal of SASM 14¹⁰⁵, while GDC sought removal of the rule (S608.030). Poutini Ngāi Tahu sought amendments to include Table SASM-R9 (S620.124, S620.393). Westpower sought to be able to include reference to “*buildings and structures*”, “*associated earthworks and vegetation clearance*” and “*limited to what is necessary for the work required*” (S547.231). Manawa sought clear reference to “*regionally significant infrastructure*” (S438.072).
328. In relation to **SASM-R10** (maintenance, repair and upgrading of network utility structures not meeting Permitted Activity standards), there were 14 submissions (one in support, two supporting in part, one opposing in part, eight opposed and two seeking amendments) and nine further submissions. A number simply sought deletion of the rule¹⁰⁶, while Misato Nomura (S151.003) sought a permitted activity status. Poutini Ngāi Tahu sought clarification that all sites in Schedule Three are subject to the rule (S620.125, S620.126). Westpower sought amendments to provide for maintenance, repair and upgrade of their infrastructure (S547.234) and Manawa sought reference to “*regionally significant infrastructure*” (S438.073).
329. In relation to **SASM-R11** (quarries and mineral extraction not meeting Permitted Activity standards), there were 15 submissions (two in support, one supporting in part, nine opposed and three seeking amendments) and two further submissions. A number simply sought deletion of the rule¹⁰⁷, including GDC (S608.031). Mining companies¹⁰⁸ sought mandatory notification to Poutini Ngāi Tahu where written approval was not obtained. Poutini Ngāi Tahu sought reference to “*Extraction of Pounamu Activities*” in the titles to the rule (S620.128) and deletion of the requirement to consult with Poutini Ngāi Tahu for mineral extraction and quarrying outside the boundary (S620.401).
330. In relation to **SASM-R12** (earthworks, buildings and structures, including demolition and removal of buildings and structures not meeting Permitted Activity standards), there were 19 submissions (two in support, nine opposed and eight seeking amendments) and 15 further submissions. A number simply sought deletion of the rule¹⁰⁹, including GDC (S608.032), while others requested that the rule refer to SASM-R15 rather than SASM-R14¹¹⁰. Steve Croasdale (S516.025) requested a controlled or restricted discretionary activity status. Westpower

¹⁰⁵ Leonie Avery S507.025, Jared Avery S508.025, Kyle Avery S509.025, Avery Bros S510.025, Bradshaw Farms S511.025, Paul Avery S512.025, Brett Avery S513.025, and Avery Brothers S609.024

¹⁰⁶ Leonie Avery S507.026, Jared Avery S508.026, Kyle Avery S509.026, Avery Bros S510.026, Bradshaw Farms S511.026, Paul Avery S512.026, Brett Avery S513.026, and Avery Brothers S609.025

¹⁰⁷ Leonie Avery S507.027, Jared Avery S508.027, Kyle Avery S509.027, Avery Bros S510.027, Bradshaw Farms S511.027, Paul Avery S512.027, Brett Avery S513.027, and Avery Brothers S609.026

¹⁰⁸ WMS Group (HQ) Limited and WMS Land Co. Limited S599.046, TiGa Minerals and Metals Limited S493.042

¹⁰⁹ Leonie Avery S507.028, Jared Avery S508.028, Kyle Avery S509.028, Avery Bros S510.028, Bradshaw Farms S511.028, Paul Avery S512.028, Brett Avery S513.028, and Avery Brothers S609.027

¹¹⁰ Buller District Council S538.187, William McLaughlin S567.163, Chris & Jan Coll S558.080, Chris J Coll Surveying Limited S566.080, Laura Coll McLaughlin S574.080

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sought a stand-alone rule (S547.236) and notification only to Poutini Ngāi Tahu (S547.240). Poutini Ngāi Tahu sought amendment to include Table SASM-R6B (S620.129).

331. In relation to **SASM-R13** (maintenance, repair, upgrade and new network utility structures not meeting permitted or controlled activity standards), there were 15 submissions (two in support, nine opposed and four seeking amendments) and 13 further submissions. A number simply sought deletion of the rule¹¹¹. Steve Croasdale (S516.026) requested a controlled or restricted discretionary activity status. Westpower sought a stand-alone rule (S547.241), notification only to Poutini Ngāi Tahu (S547.243) and a change to the rule title (S547.242). Poutini Ngāi Tahu sought amendment to include Table SASM-R6B (S620.130).
332. In relation to **SASM-R14** (grazing, indigenous vegetation clearance and temporary events not meeting permitted standards), there were 13 submissions (two in support, ten opposed and one seeking amendment) and 12 further submissions. A number simply sought deletion of the rule¹¹², including GDC (S608.033). Westpower sought a stand-alone rule (S547.244) and notification only to Poutini Ngāi Tahu (S547.245). Poutini Ngāi Tahu sought amendment to include Table SASM-R6B (S620.130).
333. In relation to **SASM-R15** (mineral extraction other than by Poutini Ngāi Tahu in SASM), there were 24 submissions (two in support, one opposing in part, 12 opposed and nine seeking amendments) and ten further submissions. A number simply sought deletion of the rule¹¹³, including GDC (S608.034). Bill Baxter opposed restrictions on planting of trees and gold mining (S210.003). Mining companies and advocates sought a restricted discretionary rule¹¹⁴ or a discretionary rule¹¹⁵, as did Steve Croasdale (S516.028) and Poutini Ngāi Tahu (S620.396). Poutini Ngāi Tahu sought amendment to the title of the rule and to retain requirement for notification to rūnanga (S620.131, S620.397).
334. In relation to **SASM-R16** (plantation forestry or planting of shelterbelts or woodlots in SASM), there were 19 submissions (three in support, ten opposed and six seeking amendments) and one further submission. A number simply sought deletion of the rule¹¹⁶, while others sought a discretionary activity status¹¹⁷. Bill Baxter opposed restrictions on planting of trees and gold mining (S210.003). Poutini Ngāi Tahu sought that the rule did not apply to amenity plantings (S620.405) and Federated Farmers sought that it did not apply to shelterbelts (S524.056).
335. In relation to **SASM-R17** (Landfills, waste disposal facilities, new crematoria, hazardous facilities, intensive indoor primary production, wastewater treatment plants and wastewater disposal facilities, on or within 50m of sites and areas in Schedule Three), there were 18 submissions (three in support, two opposing in part, ten opposed and three seeking amendments) and 14 further submissions. A number simply sought deletion of the rule¹¹⁸, including GDC (S608.035), while others sought a discretionary activity status¹¹⁹. Kirsty

¹¹¹ Leonie Avery S507.029, Jared Avery S508.029, Kyle Avery S509.029, Avery Bros S510.029, Bradshaw Farms S511.029, Paul Avery S512.029, Brett Avery S513.029, and Avery Brothers S609.028

¹¹² Leonie Avery S507.030, Jared Avery S508.030, Kyle Avery S509.030, Avery Bros S510.030, Bradshaw Farms S511.030, Paul Avery S512.030, Brett Avery S513.030, and Avery Brothers S609.029

¹¹³ Leonie Avery S507.031, Jared Avery S508.031, Kyle Avery S509.031, Avery Bros S510.031, Bradshaw Farms S511.031, Paul Avery S512.031, Brett Avery S513.031, and Avery Brothers S609.030, and Steve Croasdale S516.027

¹¹⁴ WMS Group (HQ) Limited and WMS Land Co. Limited S599.047, TiGa Minerals and Metals Limited S493.043

¹¹⁵ Birchfield Coal Mines Ltd S601.031, Minerals West Coast S569.023, New Zealand Coal & Carbon Limited S472.012, Straterra S536.006, S536.045

¹¹⁶ Leonie Avery S507.032, Jared Avery S508.032, Kyle Avery S509.032, Avery Bros S510.032, Bradshaw Farms S511.032, Paul Avery S512.032, Brett Avery S513.032, and Avery Brothers S609.031, and Steve Croasdale S516.029 and S516.030

¹¹⁷ William McLaughlin S567.164, Chris & Jan Coll S558.081, Chris J Coll Surveying Limited S566.081

¹¹⁸ Leonie Avery S507.033, Jared Avery S508.033, Kyle Avery S509.033, Avery Bros S510.033, Bradshaw Farms S511.033, Paul Avery S512.033, Brett Avery S513.033, and Avery Brothers (S609.032)

¹¹⁹ William McLaughlin S567.166, Chris & Jan Coll S558.083, Chris J Coll Surveying Limited S566.083

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Henderson opposed restrictions on new wastewater disposal (S125.011). Horticulture New Zealand (S486.027) and Federated Farmers (S524.057) sought that “*major hazard facility*” replace “*hazardous facilities*”.

336. In relation to **SASM-R18** (earthworks, buildings or structures on the upper slopes, ridgelines or peaks of ancestral maunga), there were five submissions (three in support and two opposing) and two further submissions. GDC sought deletion of the rule (S608.036), while Straterra sought a non-complying activity status (S536.007).
337. In relation to **SASM-R19**, mineral extraction or fossicking of aotea by anyone other than Poutini Ngāi Tahu, there were six submissions (three in support, two opposed and one seeking amendment) and two further submissions. Mining companies¹²⁰ sought deletion of the rule. Poutini Ngāi Tahu sought amendment to the title of the rule to remove reference to “*Mineral Extraction of Pounamu*” (S620.135).
338. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

339. Ms Easton responded to submitters concerned about how to understand the rules and the varying importance of individual SASM. She noted that the targeted approach to each SASM had created a confusing rule framework, and she supported submissions from Poutini Ngāi Tahu to improve clarity around which rules apply to each SASM by using tables, as well as removing unnecessary words in the title of rules. She discussed lack of clarity around when rules SASM-R2 and SASM-R6 apply.
340. Ms Easton discussed a range of submissions that raised concerns about how the written approval process would work, including Kristy Henderson’s concern (S125.001) that iwi might withhold approval on a prejudicial basis and Misato Nomura’s concern (S151.004) that there be a timeframe for the process, and other concerns associated with costs and information about values that may be affected. She responded with reference to new Method SASM-M1. She noted that since the rule framework had taken immediate legal effect, a number of written approval letters had been provided for free by Poutini Ngāi Tahu, which outlined understanding of the activity and that adverse cultural effects would not occur on the basis of what had been described.
341. At the hearing, Ms Easton noted that the intention of the permitted activity rules was to filter out low impact activities from the consenting process. She considered risks to the process were low because there is only one iwi and two hapū involved. She could not guarantee that there would be a “no fees” approach taken by the Councils for administration of the permitted activities because there were three councils involved, and she considered this would be a decision for them. She considered this process would be considerably cheaper and less burdensome than a controlled activity process. She noted that the process would allow for discussion to occur between the resource user and Poutini Ngāi Tahu, which may result in modification of the activity (e.g. method or design) to avoid adverse effects and achieve written approval.
342. Ms Easton responded to concerns that further rules might be applied over and above those already included in the Plan and confirmed that no new rules were proposed in this process. In terms of the immediate legal effect of rules, Ms Easton explained in response to concerned

¹²⁰ WMS Group (HQ) Limited and WMS Land Co. Limited S599.048, TiGa Minerals and Metals Limited S493.044

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submitters that section 88B(3) of the RMA directs that rules protecting areas of historic heritage have immediate legal effect at the point of notification. In response to submitter concerns about the impact on their LIM reports, she noted that recording information was a council responsibility that sat outside the hearing process. She did not support submissions seeking that SASM rules do not apply to freehold land, pointing to higher order instruments and noting that land tenure did not impact on whether or not sites and areas are culturally significant. In response to WCRC seeking that SASM rules be refined in consultation with landowners, Ms Easton considered that the submissions and hearing process allowed for this to occur.

343. A number of submitters affected by a mapping error associated with SASM 68 (Paroa Lagoon) were reassured by Ms Easton that the error had been fixed so that private properties fronting the State Highway at Paroa were no longer included within the boundaries of the SASM. She noted that this correction was made by the TTPP Committee using RMA Schedule 1, clause 16 on 16 September 2022.
344. A number of submitters supported retention of the rule framework that meant some SASM identified in Schedule Three did not have any rules associated with them, which Ms Easton supported. Mining companies¹²¹ requested a restricted discretionary status for mining activities, which Ms Easton did not support as she considered a non-complying activity status to be appropriate given the likely significant adverse effects on cultural values arising from mining activities. She did not support the Fish & Game request for a new permitted activity rule because she considered the conservation and recreation activities, they wanted to support would be permitted activities by default because they are not specifically managed by the rules. She also did not support a new stand-alone rule for “*energy activities*” as sought by Westpower because she considered the SASM rules were permissive and that the rule drafting was concerned with cultural effects rather than particular activities.
345. Ms Easton responded to concerns of David Ellerm (S581.022) regarding sewerage collection at Cashmere Bay by indicating the issue to be a matter more relevant to regional council functions and the Infrastructure Chapter of the pTTPP.
346. Ms Easton did not recommend any changes to the rules in response to submissions relating to the rule framework as a whole, aside from adopting the approach of using tables in association with the rules to simplify them.
347. Ms Easton did support addition of a definition of “*Victorian title*” and an advice note to the rules, acknowledging that the plan drafting had not considered the matter, although she noted that regardless of ownership status, pounamu was a significant taonga to Poutini Ngāi Tahu. Her recommendation was as follows:

Victorian title means land whereby ownership of minerals in the ground lies with the landowner, not the Crown, or Ngāi Tahu, in the case of pounamu.

Advice Note: In order to establish whether Victorian title exists a Land and Minerals (LMS) report prepared under the Crown Minerals (Minerals Other than Petroleum) 2007

348. Ms Easton recommended that the general advice note accompanying relevant rules should be amended to read as follows:

¹²¹ Rocky Mining Limited (S474.007, S474.041) and Papahaua Resources (S500.028, S500.023)

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1. Under the Pounamu Vesting Act all pounamu formerly owned by the Crown, is owned by Te Rūnanga o Ngāi Tahu...

349. Ms Easton indicated to the Panel at the hearing that she saw some value in referring to the new methods relied upon to implement the rules, potentially in the Overview section, but did not offer any additional wording for consideration by the Panel.

350. In relation to Rule **SASM-R1**, Ms Easton supported retention of the rule, noting that considerable care had been taken to identify where grazing animals would be inappropriate, and in most cases the sites and areas were bush covered and not grazed currently. She recommended accepting the approach to tables included in the Poutini Ngāi Tahu submission. Ms Easton's recommended amendments were as follows:

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

Activity Status Permitted

1. Where the activity is not ~~on the following~~ in the Sites and Areas of Significance to Māori ~~as identified in Schedule Three included 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 Arawhata Reserve at River Mouth.~~

SASM – T1 - Table for Rule SASM - R1 Grazing of Animals

SASM 22 Ōkari Lagoon

SASM 41 Kotorepi (Nine Mile)

SASM 55 (Māwhera Burial Cave Site)

SASM 81 Takataka Islands

SASM 84 Ōkārīto (No. 18 Kaomaru Native Reserve)

SASM 168 No 4. Heretaniwha Native Reserve

SASM 207 Arawhata Reserve at River Mouth – Silent File

351. In relation to Rule **SASM-R2**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process. She also considered that reference to the "footprint" of an existing activity could be readily understood, in response to query from GDC. She confirmed that the Avery properties were not affected by the rule. She indicated that considerable care had been taken to identify where earthworks were likely to impact on cultural values or where archaeological material may be found, such that only 19 out of 216 sites were affected by the rule.

352. Ms Easton did not support the submission of Westpower due to only 4 out of 216 sites being affected in relation to their infrastructure and she was unaware of any affected substations. She did not support reference to RSI because she considered this only affected the State Highway and NZTA Waka Kotahi due to network utilities already being provided for in the rule. She recommended a variation on the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

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

Where:

1. These are earthworks associated with:

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- i. Burials at urupā; or
- ii. Archaeological survey by Pouhere Taonga - Heritage New Zealand, Poutini Ngāi Tahu or authorised representatives; or
- iii. Installing fence posts and the replacement of poles for overhead network utility lines provided that:
 - a. The area of land disturbed is limited to what is necessary to maintain an existing fence or line along its existing alignment; and
 - b. The activity does not involve installation or digging of new holes for overhead network utility lines; or
- iv. Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/ track; and

2. In relation to standards ii., iii. and iv. These earthworks are not undertaken in ~~at the following Sites and Areas of Significance to Māori identified in Table SASM – T2 Schedule Three~~ except where these have been certified by ~~with the written approval from the relevant Poutini Ngāi Tahu rūnanga~~ that the activity will not have adverse effects on the cultural values of the site or area, and this certification which is provided to the relevant District Council at least 10 working days prior to the activity commencing; ~~and i. 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.

Advice Note: 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 SASM outlined in rule SASM – R6

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 165 No 7. Mahitahi Beach Native Reserve;
SASM 168 No. 4 Heretaniwha Native Reserve;
SASM 170 Porangirangi to Mahitahi;
SASM 185 Lake Moeraki Reserve;
SASM 207 Arawhata Reserve at River Mouth;

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353. In relation to Rule **SASM-R3**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process. She confirmed that the Avery properties were not affected by the rule. She did not support the submissions of Westpower due to only 3 out of 216 sites potentially interacting with their infrastructure, each of which being highly sensitive and previously affected by activities (wāhi tapu at 9 Mile, burial cave at Greymouth and urupā at Blaketown), as well as “buildings” being included in the definition of a “structure”. She did not support the submission of Manawa and reference to RSI because she considered this only affected the State Highway and NZTA Waka Kotahi due to network utilities already being provided for in the rule. She recommended a variation to the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton’s recommended amendments were as follows:

SASM - R3 Demolition, removal of, or alterations to a structure on Sites and Areas in ~~Schedule Three~~ Sites and Areas of Significance to Māori listed in Table SASM – T3

Activity Status Permitted

Where:

~~1. In relation to the Sites and Areas of Significance to Māori identified in Schedule Three identified in 2. below:~~

~~1. i-~~ The activity does not occur in Sites and Areas of Significance to Māori listed in Table SASM – T3 except where it has been certified by with the written approval from the relevant Poutini Ngāi Tahu rūnanga that the activity will not have adverse effects on the cultural values of the site or area, with evidence of this certification ~~which is~~ provided to the relevant District Council at least 10 working days prior to the activity commencing; and

~~2. ii-~~ No land disturbance is involved; and

~~3. i-~~ There is no change to the size or location of the structures foundation or building footprint occupied by the structure;

~~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;~~

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 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;

SASM 170 Porangirangi to Mahitahi

354. In relation to Rule **SASM-R4**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process. She confirmed that the Avery properties were not affected by the rule. She supported removal of

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SASM 197 from the rule. She did not support the submissions of Westpower because she did not consider it onerous to consult with Poutini Ngāi Tahu ahead of works. She recommended a variation to the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

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 ~~on the following~~ within the Sites and Areas of Significance to Māori ~~identified in Schedule Three~~ listed in Table SASM – T4, except ~~with the written approval from the~~ where it has been certified by the relevant Poutini Ngāi Tahu rūnanga that the activity will not have adverse effects on the cultural values of the site or area, with evidence of this certification which 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) 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 Waioototo Lagoon, South Bank Nohoanga; and xii. SASM 214 Huruwharu Manu/Spoon River.

Advice Note: Indigenous vegetation clearance is also subject to the provisions in the ECO - Ecosystems and Biodiversity Chapter.

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 34 Te Nikau Scenic Reserve

SASM 38 Kararoa SASM 41 Kotorepi (Nine Mile)

SASM 52 Cobden Native Reserve

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 102 No.24 Hokitika Native Reserve

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 Koamaru Native Reserve)

SASM 155 Hunts Beach Māori

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

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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 192 Awarua Māori Reserve
SASM 197 Ōkuru
SASM 199 Mussel Point
SASM 204 Waitototo Lagoon, South Bank Nohoanga
SASM 205 No. 2 Waitototo 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 Huruheru Manu/Spoon River
SASM 215 Hautai
SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi

355. In relation to Rule **SASM-R5**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process and use of an advice note in relation to Lake Māhinapua. She noted that SASM 104 was not affected by the rule. She recommended a variation to the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

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. These activities do not occur on the following within the Sites and Areas of Significance to Māori identified in Schedule Three except where it has been certified by these only occur with the written approval from the relevant Poutini Ngāi Tahu rūnanga that the activity will not have adverse effects on the cultural values of the site or area, with evidence of this certification that is provided to the relevant District Council at least 10 working days prior to the activities commencing: ~~i. All sites identified in Category Tahi (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~~

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~~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 Waiototo Native Reserve.~~

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.

2. In relation to Lake Mahinapua, the annual programme of the Lake Mahinapua Aquatic Club is considered to be one single event in terms of the certification required under this provision.

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 34 Te Nikau Scenic 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,

SASM 117 Waitaiki Catchment

SASM 121 Waitaiki Historic Reserve

SASM 127 Ulipa

SASM 130 Whataroa Native Reserves Secs 21

SASM 131 Ōkārito Lagoon

SASM 133 No.19 Ōkarito Native Reserve

SASM 135 Ōkārito (No. 18 Koamaru Native Reserve)

SASM 155 Hunts Beach Māori Reserve

SASM 157 No. 10 Makāwhio Native Reserve

SASM 158 No. 8 Makāwhio and No. 9 Makāwhio

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

356. In relation to Rule **SASM-R6**, Ms Easton supported retention of the rule, rather than a non-regulatory approach as sought by GDC, with new Method SASM-M1 to guide the process. She did not support the submission of BDC to allow for minor structures and buildings because of the risk that such development may disturb culturally sensitive sites and materials, and because she considered the rule framework was generally permissive. She did support the addition of a definition for “*upper slopes*” as requested by BDC. She noted that, on the advice of Poutini Ngāi Tahu, the Avery property affected by SASM 14 did not need be captured in the rule and she therefore supported those submissions. She did not support the Westpower submission because she did not consider it onerous to consult with Poutini Ngāi Tahu ahead of works. She recommended a variation on the approach to tables included in the Poutini Ngāi

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Tahu submission to improve rule clarity. Ms Easton's recommended amendments were as follows:

SASM – R6 Earthworks Buildings and Structures ~~not Provided for in SASM – R2 in within Schedule Three~~—Sites and Areas of Significance to Māori listed in Tables SASM – T6 and SASM – T7 and not provided for in Rule SASM – R2

Activity Status Permitted

Where:

1. The activity does not occur ~~within the~~ ~~on the following~~ Sites and Areas of Significance to Māori ~~listed identified in Table SASM – T6A Schedule Three~~, except ~~where it has been certified by with~~ ~~written approval from~~ the relevant Poutini Ngāi Tahu ~~that the activity will not have adverse effects on cultural values of the site and that evidence of this certification which is provided to the relevant District Council at least 10 working days prior to the activity commencing.;~~ ~~and 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 Table SASM 6B Category Toru (3) in Schedule Three.~~

SASM – T6 -Table for Rule SASM – R6 Earthworks Buildings and Structures

SASM 2 Whakapoai / Heaphy Māori Reserve

SASM 3 Whakapoai Native Reserve 7B

SASM 6 Karamea (Pā point)

SASM 7 No. 47 Kongahu Native Reserve

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 Tīroroa

SASM 27 Fox River

SASM 28 Te Ana Matuku

SASM 29 Pahautane Beach

SASM 33 Pakiroa Beach

SASM 34 Te Nikau Scenic Reserve

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 Kāin

SASM 64 Blaketown Part Reserve

SASM 66 No. 33 Kaiata Native Reserve

SASM 71 Taramakau

SASM 72 Taramakau ngutuawa

SASM 74 Lake Haupiri Nohoanga

SASM 76 Taramakau Pā

SASM 77 Kōtukuwhakaoko (Moana) Nohoanga

SASM 78 Lady Lake Nohoanga

SASM 80 Pah Point

SASM 81 Takataka Islands

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SASM 84 Knoll Point
SASM 88 Timuaki Pā
SASM 101 Hokitka Pā
SASM 102 No.24 Hokitika Native Reserve
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 Ōkārīto (No. 18 Koamaru Native Reserve)
SASM 144 Karangarua Lagoon
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
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 Kāinga
SASM 171 Mahitahi River Nohoanga Nohoanga
SASM 173 Mahitahi River Māori Reserve
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 Māori Reserve, Mahinga kai
SASM 190 Waita River Kāinga, Urupā, Mahinga kai
SASM 193 Awarua/Haast River South Bank
SASM 199 Mussel Point - Silent File Wāhi tapu
SASM 205 No. 2 Waiatoto 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 Huruhuru Manu/Spoon River Traditional nohoanga, Mahinga kai
SASM 215 Hautai Kāinga, Mahinga kai
SASM 216 Ōtukoro Historic Reserve /Ōtukoro Iti, Kahurangi
SASM 220 Makarore & Tiore Pātea

357. In relation to Rule **SASM-R7**, Ms Easton preferred a certification process to a written approval process, in response to submitter concerns about how such a process would work; and supported clarification about the process to be followed. She proposed a new method to guide the written approval or certification process referenced in Rule SASM-R7, in response to a number of submitters¹²², as follows:

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¹²² WMS Group (HQ) Limited and WMS Land Co. Limited S599.045, TiGa Minerals and Metals Limited S493.041, Alistair Cameron S452.006, Davis Ogilvie Partners Ltd S465.003

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Develop in partnership with Poutini Ngāi Tahu information on the cultural certification process for mineral extraction within the Pounamu and Aotea management area overlays.

358. Ms Easton supported the submission of Poutini Ngāi Tahu and recommended amending the rule as requested, including a correction that escalated the rule to discretionary activity status under Rule SASM-R11. She noted that the discretionary activity pathway would be available for landowners that could demonstrate “*Victorian title*”. Ms Easton also supported the Forest & Bird submission in part, proposing the addition of an advice note referring plan users to other relevant provisions in the Plan that manage mineral extraction and quarrying activities. She did not support Forest & Bird’s request for resource consenting to apply on the basis of protecting indigenous biodiversity because she considered these matters were addressed in other parts of the Plan. Ms Easton supported the Director General’s submission in part, noting that resource consent would be required under Rule SASM-R15 and that would enable consideration of any need for an archaeological authority. She noted that it may not be clear that Rule SASM-R7 applied outside of SASM, within the Pounamu Management Overlay and the Aotea Management Overlay, so she recommended changing the heading of the rule to provide that clarification.
359. In addition to the new proposed method, Ms Easton’s recommended amendments to Rule SASM-R7 are as follows:

SASM – R7

Farm Quarries, including Farm Quarries and Mineral Extraction Activities within the Pounamu and Aotea Overlay Areas Outside of Sites and Areas of Significance to Māori in Schedule 3 Activity Status Permitted

Where:

1. In relation to extraction of Aaotea:

- i. Any extraction of Aaotea is only undertaken by Te Rūnanga o Makaawhio or their authorised representatives or contractors;
- ii. Where an Aotea Management Plan prepared by Te Rūnanga o Makaawhio exists, any extraction of Aaotea is in accordance with that plan;
- iii. Where this is Aaotea extraction in the Aotea overlay, 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.

2. In relation to extraction of Ppounamu:

- i. Any extraction of Ppounamu is only undertaken by Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio or their authorised representatives or contractors;
- ii. Where a Pounamu Management Plan prepared by Poutini Ngāi Tahu exists, any extraction of Ppounamu is in accordance with that plan;
- iii. Where this Ppounamu extraction is within the Pounamu overlay, 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 mineral extraction and quarrying activity:

- i. Certification that there will not be adverse cultural effects from the activity ~~Written approval~~ is provided by the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, that the activity can occur within the Pounamu

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and/or Aotea overlay(s) and ~~the written confirmation shall be~~ this is provided to the relevant district council at least 10 working days prior to the activity commencing.

Advice Notes:

1. Under the Pounamu Vesting Act, all pounamu formerly owned by the Crown, is owned by Te Rūnanga o Ngāi Tahu. Where Victorian title is established, the pounamu is owned by the landowner. Outside of Victorian title lands 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.

2. 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.

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

SASM – T7 – Ancestral Maunga – Table for Rule SASM - R6, SASM - R12, SASM – R13, SASM – R14 and SASM R-18

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

360. In relation to Rule **SASM-R8**, no amendments were recommended by Ms Easton.

361. In relation to Rule **SASM-R9**, Ms Easton noted that the Avery property affected by SASM 14 was undeveloped land and was not captured by the rule. She did not support the Westpower submissions because she considered that their activities were already covered by the rule as they were network utilities, and that the term “structures” already includes “buildings”. She did not support the submission of Manawa and reference to RSI because she considered that unintended activities would then be included, other than those found in urban and suburban locations. She recommended a variation on the approach to tables included in the Poutini Ngāi Tahu submission to improve rule clarity. Ms Easton’s recommended amendments were as follows:

SASM – R9 Maintenance, Repair and Upgrading of Network Utility Structures on or within Sites and Areas of Significance to Māori identified listed in Schedule Three Table SASM – T8

Activity Status Permitted

Where: ~~1. The activity occurs in one of 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

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~~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~~

SASM – T8 -Table for Rule SASM – R9 Maintenance, Repair and Upgrading of Network Utility Structures

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 62 No 31. Māwhera Native Reserve

SASM 63 No. 32 Nga Moana e Rua Native Reserve

SASM 94 No. 30 Arahura Native Reserve

SASM 96 Taramakau River

SASM 104 Kawhaka Creek Catchment

SASM 112 Arahura River at Tūhua

SASM 117 Waitaiki Catchment

SASM 121 Waitaiki Historic Reserve

SASM 197 Ōkuru

362. In relation to Rule **SASM-R10**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered a controlled activity status was reasonable, and less stringent than the Historic Heritage Chapter. She considered that the rule was unsuited to a certification process, but as a controlled activity provided certainty for network utility operators. She supported the Poutini Ngāi Tahu requested amendments. She did not support the Westpower submission because “structures” already included “buildings”; and she considered the maximum area parameters of the rule to be important for the activity status. She did not support reference to RSI because she considered network utilities already covered what was intended and no additional infrastructure needed to be brought in. Ms Easton recommended the following amendments to the rule:

SASM – R10 Maintenance, Repair and Upgrading of Network Utility Structures 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 o Makaawhio, 10 working days prior to any earthworks commencing; and...

Advice Note: This rule applies to all Sites and Areas of Significance to Māori other than those within Table SASM – T8

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363. In relation to Rule **SASM-R11**, Ms Easton supported the request of the mining companies to include a reference to notification to Poutini Ngāi Tahu when permitted activity conditions were not met; although she noted that requiring limited notification would be *ultra vires*. She recommended adopting wording put forward in her s42A Report in relation to the Activities on the Surface of Water Chapter. She did not support requests to delete the rule on the basis that pounamu was a significant taonga to Poutini Ngāi Tahu. She supported the submission points of Poutini Ngāi Tahu. Ms Easton recommended the following amendments to this rule:

SASM – R11 ~~Farm~~ Quarries, including Farm Quarries, and Mineral Extraction and Extraction of Pounamu Activities within the Pounamu and Aotea Overlay Areas not meeting Permitted Activity Standards
Activity Status Discretionary

Notification: When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu.

Advice Note: Under the Pounamu Vesting Act all pounamu, formerly owned by the Crown is owned by Te Rūnanga o Ngāi Tahu.

364. In relation to Rule **SASM-R12**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered a discretionary status was consistent with the Historic Heritage Chapter. She supported the correction to refer to Rule SASM-R15. She did not support the Westpower's request for a stand-alone rule, consistent with other rules, but supported in part the matter of notification to Poutini Ngāi Tahu. She supported the Poutini Ngāi Tahu requested amendment to refer to the relevant table. Ms Easton recommended the following amendments to this rule:

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 - R145; and
3. This will not result in the destruction of a Site or Area of Significance to Māori.

~~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 be informed by advice from Poutini Ngāi Tahu

365. In relation to Rule **SASM-R13**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered a discretionary status was consistent with the Historic Heritage Chapter. She did not support the Westpower submission for a stand-alone rule, consistent with other rules, or inclusion of earthworks and vegetation clearance, but she supported in part the matter of notification to Poutini Ngāi Tahu. She supported the Poutini Ngāi Tahu's requested amendment to refer to the relevant table. Ms Easton recommended the following amendments to this rule:

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SASM - R13 Maintenance, Repair, Upgrade and New Network Utility Structures on or within Sites and Areas of Significance to Māori in Schedule Three not meeting Controlled Activity Standards

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 – T7

~~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 be informed by advice from Poutini Ngāi Tahu.~~

366. In relation to Rule **SASM-R14**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered the activity status was appropriate when considering the potential cultural effects. She did not support the Westpower submission for a stand-alone rule, consistent with other rules, but she supported in part the matter of notification to Poutini Ngāi Tahu. Ms Easton recommended the following amendments to this rule:

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

~~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 be informed by advice from Poutini Ngāi Tahu.~~

367. In relation to Rule **SASM-R15**, Ms Easton did not support deletion of the rule due to section 6 of the RMA and because she considered the activity status was appropriate when considering the potential cultural effects. She supported the mining companies and advocates that sought a discretionary activity status on the basis that this was also supported by Poutini Ngāi Tahu. She supported submission points of Poutini Ngāi Tahu. She considered that Bill Baxter's concerns were likely addressed by the recommended amendment to SASM 104, which altered the scope of the SASM to apply only to the river bed and not to the whole of the Kawhaka Creek catchment. Ms Easton recommended the following amendments to this rule:

SASM - R15 Mineral Extraction by other than by Poutini Ngāi Tahu in Sites and Areas of Significance to Māori

Activity Status ~~Non-complying~~ Discretionary

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 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 be informed by advice from Poutini Ngāi Tahu.~~

368. In relation to Rule **SASM-R16**, Ms Easton did not support deletion of the rule because she considered tight controls on plantation forestry was necessary to protect sites and areas of cultural significance, and although over a lesser area, the same effects could arise from woodlots. She considered the level of restriction was appropriate, rather than allowing for a

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discretionary activity, because of the potential scale and significance of effects. She considered that Bill Baxter's concerns were likely addressed by the recommended amendment to SASM 104, which altered the scope of the SASM to apply only to the river bed and not to the whole of the Kawhaka Creek catchment. She agreed with Poutini Ngāi Tahu and Federated Farmers that amenity plantings and shelterbelts should not be captured by the rule because the likely effects of these activities are lower than for plantation forestry and woodlots. Ms Easton recommended the following amendments to this rule:

SASM - R16 Plantation forestry or planting of ~~shelterbelts or~~ woodlots on land in Schedule Three - Sites and Areas of Significance to Māori

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 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 be informed by advice from Poutini Ngāi Tahu.

~~Advice Note: Plantation Forestry, shelterbelts and woodlots in the RESZ - Residential Zones and COMZ - Commercial and Mixed Use Zones are not regulated by this rule. Refer relevant zone rules, and the NES - Plantation Forestry for the status of these activities in these area~~

369. In relation to Rule **SASM-R17**, Ms Easton did not support deletion of the rule or change to discretionary activity status because she considered the level of restriction on activities offensive to Poutini Ngāi Tahu was appropriate in relation to sites and areas of cultural significance, where such activities would be incompatible. In response to Kristy Henderson, she considered that a definition would be useful to ensure that domestic wastewater systems were not captured by the rule. She did not support amendment to refer to "*major hazardous facilities*" because the definition of "*hazardous facilities*" is appropriate given the activities it refers to being incompatible with culturally sensitive sites. She also considered that the definition of "*hazardous facilities*" does not include the kinds of activities of concern to Horticulture New Zealand and Federated Farmers. Ms Easton recommended the following amendments to this rule:

SASM - R17 Landfills, waste disposal facilities, new crematoria, hazardous facilities, intensive indoor primary production, 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

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 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 be informed by advice from Poutini Ngāi Tahu

370. In relation to Rule **SASM-R18**, Ms Easton did not support deletion of the rule because of section 6 of the RMA and the need to protect culturally significant sites. She did not support a change in activity status to discretionary because ancestral maunga have very high cultural

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values and earthworks or buildings on their upper slopes would be considered desecration by Poutini Ngāi Tahu. She recommended the following amendments to this rule:

SASM - R18 Earthworks, Buildings or Structures on the Upper Slopes, Ridgelines or Peaks of Ancestral Maunga listed 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. 131 Te Tai o Poutini Plan – Section 42A Report Sites and Areas of Significance to Māori 132 Te Tai o Poutini Plan – Section 42A Report Sites and Areas of Significance to Māori

~~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 be informed by advice from Poutini Ngāi Tahu

371. In relation to Rule **SASM-R19**, Ms Easton supported a consequential amendment arising from the Poutini Ngāi Tahu submission. She recommended the following amendments to this rule:

SASM - R19 Mineral extraction or Fossicking of Aotea or Mineral Extraction of Pounamu by anyone other than Poutini Ngāi Tahu in the Pounamu - Aotea Overlay area not meeting Rule SASM - R7 or Rule SASM – R8

Hearing and Submitter Evidence/Statements

372. Ms Pull, for Poutini Ngāi Tahu, explained that the overlay and SASM Chapter must be read in conjunction with other parts of the Plan, particularly in relation to activities not otherwise covered by the SASM rules. She used the Natural Character and Margins of Waterbodies Chapter as an example, because there were SASM covering waterbodies, but rules in that chapter also apply to consideration of effects on Ngāi Tahu values, and similarly the Energy Chapter rules where activities occur within SASM. In that way, she considered the identified SASM specific values and associated rules were complemented by Ngāi Tahu values more broadly in the context of other chapters and their rules, which she noted was similar to the approach taken in the West Coast Land and Water Plan, Schedule 7C.
373. Ms Pull noted that the SASM rules have had legal effect since notification of the Plan. She explained that Ms Philippa Lynch of Poutini Environmental had assisted in implementing the rules and that six written approval requests had been answered since notification with no issues arising in the process. In conjunction with the presentation of Ms Pull at the hearing, Ms Lynch supplied the Panel with copies of written approval letters and confirmed the statement in Ms Pull's evidence, noting turnaround of requests within a fortnight, subject to reference to cultural experts (including the chairs of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio). She explained that only "light detail" had been required from applicants, subject to set questions that met Poutini Ngāi Tahu information needs, and that any costs associated with an on-site expert or archaeologist would be unlikely for a permitted activity. She noted greater levels of information and effort would be required without a written approval option and would trigger a resource consent pathway. Ms Pull noted that this description of the existing written approval process by Ms Lynch had contributed to her support for the methods proposed in the s42A Report.

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374. Ms Pull outlined that a certification process could assist in achieving the goal of not creating unnecessary costs and delays to landowners within SASM, whilst appropriately protecting Poutini Ngāi Tahu values associated with the sites and areas, in the event that a written approval process was deemed to be *ultra vires*. She saw advantage in a certification clause for clarifying that what is being sought is an expert opinion from Poutini Ngāi Tahu, similar to rules NOISE-R3 or TRN-R11, but observed that quantifiable measures would be needed, in comparison to the simplicity of the written approval process, which she preferred. She noted that neither approach was common in district plans and that efforts to find a simple, cost effective process were laudable. She emphasised that criteria for certification would need to be developed before finalising the Plan and referred to the Healthy Streets design check as an example to score and certify qualitative measures like sense of place. Ms Pull considered that proposed Method SASM-M3 should apply to more than just mineral extraction processes and therefore recommended amendment, as follows:

SASM-M3

Develop in partnership with Poutini Ngāi Tahu information on the cultural certification process.

375. Ms Pull also indicated that a discretionary activity status was appropriate in relation to the rule framework governing SASM, as compared to a non-complying framework that may be more appropriate in the context of the Historic Heritage Chapter. She explained that there can be a beneficial and interactive relationship involved in resolving Māori heritage issues specific to activities and their location, which makes it different than other forms of historic heritage. She noted that Poutini Ngāi Tahu opposed a restricted discretionary activity status for mining activities in SASM, as sought by a number of mining companies.
376. Ms Pull did not support a blanket enablement of RSI in the SASM Chapter given that these sites and areas involve irreplaceable taonga and historic heritage, which needed be considered on a case-by-case basis. She supported the combination of permitted, controlled, discretionary and non-complying activities for various RSI and the use of the term “enable” in relation to activities with a “*functional or operational need*” to be located within SASM.
377. Ms Pull supported the addition of new activities to the permitted activity provisions because they were addressed in other parts of the Plan and would also apply to SASM. She supported the advice notes to address the Lake Māhinapua Aquatic Club and mining concerns. She also supported the S42A Report approach to not detail each type of infrastructure activity or structure beyond what was necessary to clarify activity status.
378. Ms Rusher, for GDC, submitted that rules SASM-R2, SASM-R3, SASM-R4, SASM-R5 and SASM-R6 did not align well with the rule of law because they relied on a third party assessment of actual and potential adverse effects in order to achieve written approval or certification, something that does not conform with lawful approach to resource consent conditions. She expressed concern about unfettered discretion being given to Poutini Ngāi Tahu and use of “*subjective formulation*”.
379. Mr McEnaney, for GDC, considered the s42A Report recommendations to the SASM rules were an improvement on the notified version. His principal concern remained the spatial extent of SASM triggering rules unnecessarily. While he considered the introduction of the rule framework should be delayed, he addressed the drafting to improve upon it.
380. In relation to Rule **SASM-R1**, Mr Sutherland, for Federated Farmers, supported the drafting because it recognised that animal grazing can be an appropriate activity. He advised that animal grazing can assist to keep pest plants down. Mr McEnaney noted that SASM 55 was

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listed as requiring consent for grazing but was located within an urban area and therefore potential for grazing at the site was fanciful. He sought that reference to SASM 55 be removed from the rule.

381. In relation to Rule **SASM-R2**, Ms Pull recommended use of the term “*Regionally Significant Infrastructure*” and use of a written approval or certification process. Mr Kennedy recommended that maintenance of existing underground lines and cables should be specifically provided for in the rule, in conjunction with a certification process that allowed consideration by Poutini Ngāi Tahu of the activity in the specific circumstances. He also reminded the Panel, as in prior evidence, that replacing poles often required digging new holes and therefore clause (1)(iii)(b) should be amended to reflect that practical reality. Mr Kennedy identified six sites where the rule would impact Westpower infrastructure, which necessitated provision in the rule. His recommended amendment to the rule as follows:

SASM R2

1. These are earthworks associated with:

i. Burials at urupā; or

ii. Archaeological survey by Pouhere Taonga - Heritage New Zealand, Poutini Ngāi Tahu or authorised representatives; or

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

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

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

iv. maintaining existing underground lines and cables provided that:

a. The area of land disturbed is limited to what is necessary to maintain the lines or cables; or

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

382. Mr Sutherland supported the s42A Report recommendations to redraft the rule so that it was clearer which SASM were affected by the rule. He emphasised the importance of being able to undertake simple tasks such as installing fence posts in order to maintain existing fences or lines, which assisted with Stock Exclusion Regulation compliance.

383. Mr McEnaney sought that the rule provides for the replacement of fence posts and fence maintenance as a permitted activity and allow for installation of a new fence along the boundary of a SASM as a permitted activity. He considered the scope of permitted activities was too narrow and that small projects with minor effects should be able to obtain consent more easily compared to large, complex projects via a controlled or restricted discretionary pathway.

384. In relation to Rule **SASM-R3**, Mr Kennedy considered that the most important aspect of the rule, the certification process, was contained in clause (1) and therefore clauses (2) and (3)

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were not needed. Mr Sutherland confirmed Federated Farmers supported the rule as it was clear and concise. Similar to Rule SASM-R2, Mr McEnaney sought that the rule provide for the replacement of fence posts and fence maintenance as a permitted activity and allow for installation of a new fence along the boundary of a SASM as a permitted activity. He considered the scope of permitted activities was too narrow and that small projects with minor effects should be able to obtain consent more easily compared to large, complex projects via a controlled or restricted discretionary pathway.

385. In relation to Rule **SASM-R4**, Ms Pull recommended use of a written approval or certification process. Mr Kennedy identified 14 sites where the rule would impact Westpower infrastructure. He expressed concern that Westpower were required to meet electrical safety standards and it was unclear how those obligations were provided for in the Plan in the event that certification was not forthcoming. He accepted the s42A Report recommendation but with reservations about the impact on Westpower's obligations.
386. Mr Sutherland confirmed Federated Farmers supported the rule as it was clear and concise; and sought that the list of SASM were formatted as per Rule SASM-R4.
387. Mr McEnaney questioned the written approval or certification process for a permitted activity, as he considered it was an administrative step rather than determining activity status by reference to effects on the environment. He acknowledged that Far North District Council included a similar provision in their district plan. He did not see the need for temporary events and activities with minor effects on SASM to apply to private land, which he thought should be permitted activities.
388. Ms Pull responded to the submission of Te Tumu Paeroa on Rule **SASM-R5**, but this submission point was subsequently withdrawn. Prior to the withdrawal by Te Tumu Paeroa, Ms Pull had recommended no change to Rule SASM-R5 in response to the submission, considering that every day activities of Māori landowners would not be affected by the rule, which only applies to some sites and temporary activities as defined in the Plan. Ms Pull recommended use of a written approval or certification process.
389. Mr Sutherland confirmed Federated Farmers supported the rule as it was clear and concise.
390. Similar to Rule SASM-R4, Mr McEnaney questioned the written approval or certification process for a permitted activity as he considered it was an administrative step rather than determining activity status by reference to effects on the environment. He acknowledged that Far North District Council included a similar provision in their district plan. He did not see the need for temporary events and activities with minor effects on SASMs to apply to private land, which he thought should be permitted activities.
391. In relation to Rule **SASM-R6**, Ms Pull recommended use of a written approval or certification process. Mr Kennedy identified 20 sites where the rule would impact Westpower infrastructure, which he said was over 20% of sites. He favoured a single rule for Westpower infrastructure to be able to manage issues in a comprehensive and co-ordinated manner. He confirmed that Westpower support the certification process. He queried whether the rule referred to the correct tables and identified a relationship with Rule SASM-R3 rather than Rule SASM-R2 in the title.
392. Similar to Rule SASM-R2, Mr McEnaney sought that the rule provides for the replacement of fence posts and fence maintenance as a permitted activity and allow for installation of a new fence along the boundary of a SASM as a permitted activity. He considered the scope of

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permitted activities was narrow and that small projects with minor effects should be able to obtain consent more easily compared to large, complex projects via a controlled or restricted discretionary pathway.

393. In relation to Rule **SASM-R7**, Ms Pull recommended use of a written approval or certification process. Ms Pull also responded to the concept of “*Victorian title*” and considered there was potential for confusion about what it meant. She noted that not all natural state pounamu was owned by Te Rūnanga o Ngāi Tahu. She therefore recommended amendment to the Advice note accompanying the rule, as follows:

1. Under the Ngai Tahu (Pounamu Vesting) Act 1997, all pounamu is owned by vested Crown owned pounamu in Te Rūnanga o Ngāi Tahu. Any pounamu or Aotea disturbed shall be returned to the relevant Please contact a Poutini Ngāi Tahu papatipu rūnanga — Te Rūnanga o Ngāi Waewae o Te Rūnanga o Makaawhio. Rūnanga or the Department of Conservation if any raw pounamu finds, not discovered on beaches open to public fossicking, are made.

394. Ms Pull also supported the introduction of proposed Method SASM-M3 in the s42A Report to assist with implementation of a written approval or certification process.
395. Mr Sutherland identified that that heading and body of the rule did not align and sought greater clarity in the rule drafting with regards to management of farm quarries. He considered that mineral extraction and farm quarries should be separated within the rule because they are two different uses, one about farm maintenance and the other about commercial activity. He supported the s42A Report recommendations.
396. Mr McEnaney 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. He sought deletion of clause (3) in the rule or amendment of the spatial extent of the overlay.
397. In relation to Rule **SASM-R9**, Ms Pull supported use of the term “*Regionally Significant Infrastructure*”. Mr Kennedy identified some overlap with Rule SASM-R9 between SASM 62 in SASM-R2 and SASM 55 in Rule SASM-R6, which he noted could be a mapping error. He saw some potential for confusion in implementing Rule SASM-R9.
398. In relation to Rule **SASM-R10**, Ms Pull supported use of the term “*Regionally Significant Infrastructure*”. Mr Kennedy maintained that the additional wording sought in submission would clarify the rule but did not pursue the point. He assumed that the rule did not apply to activities under Rule SASM-R9 and Table SASM-T8, but did apply to sites and areas identified in SASM-T2, SASM-T3, SASM-T4, SASM-T6 and SASM-T7. He was unsure whether compliance with Rule SASM-R4 negated the need for a controlled activity consent under Rule SASM-R10, and particularly clause (4). He favoured the certification process and a separate rule for Westpower activities. He recommended allowing a maximum depth of 1200mm for replacement of poles and for underground activities.
399. In relation to Rule **SASM-R12**, Mr Kennedy indicated some confusion as to whether the rule applied to network utilities and expressed concern that parties other than Poutini Ngāi Tahu may become involved if the affected party were not identified in the rule.
400. In relation to Rule **SASM-R13**, Ms Pull supported use of the term “*Regionally Significant Infrastructure*”. Mr Kennedy expressed concern that parties other than Poutini Ngāi Tahu may become involved if the affected party were not identified in the rule. He also pointed out that Rule SASM-R13 was the first rule to refer to “*new*” activities and that the controlled activity

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pathway in Rule SASM-R10 was therefore not available for such activities, including within a large part of Greymouth township. He recommended either developing a specific rule or amending the scope of Rule SASM-R10.

401. In relation to Rule **SASM-R14**, Mr Kennedy expressed concern that parties other than Poutini Ngāi Tahu may become involved if the affected party were not identified in the rule.
402. In relation to Rule **SASM-R16**, Mr Sutherland sought that “*shelterbelts*” be excluded because they provide shelter for stock, as well as seasonal food supply and shelter for indigenous fauna. He supported the Poutini Ngāi Tahu submission point that differentiated “*amenity plantings*” and considered that shelterbelts can be considered amenity plantings, as well as providing essential services for animal welfare, and can assist with management of nutrient run-off. He wanted their exclusion specifically included in the rule, rather than relying on the term “*amenity plantings*” so that there was no doubt.
403. In relation to Rule **SASM-R17**, Mr Sutherland expressed concern that the rule could capture indoor raised stock. He considered that an amendment to the definition of “*intensive indoor primary production*” could assist or otherwise wintering barns could be provided for as a restricted discretionary activity with limited notification to Poutini Ngāi Tahu. He noted that SASM could cover whole farms and that there was a need to provide for wintering barns. Mr Sutherland did not support the s42A Report recommendations and was concerned about how to determine the 50m buffer when a site was not pinpointed within an area.

Reporting Officer Reply Evidence

404. Ms Easton reconsidered Rule **SASM-R4** in light of evidence from GDC regarding indigenous vegetation clearance. She identified five SASM that have developed areas that may include planted gardens, indigenous vegetation or farmed properties, including SASM 33, SASM 52, SASM 102, SASM 135 and SASM 197. She therefore considered there was value in providing for some exceptions to the rule, as follows:

**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 ~~on the following~~ within the Sites and Areas of Significance to Māori identified in Schedule Three listed in Table SASM – T4, except with the written approval from the where:

i. it has been certified by the relevant Poutini Ngāi Tahu rūnanga that the activity will not have adverse effects on the cultural values of the site or area, with evidence of this certification which is provided to the relevant District Council at least 10 working days prior to the activity commencing; or

ii. this is hand clearance for: the maintenance of existing fencelines within 1m of the fenceline; or 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;~~

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- 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 Waioototo Lagoon, South Bank Nohoanga; and~~
- xii. ~~SASM 214 Huruhuru Manu/Spoon River.~~

Advice Note: Indigenous vegetation clearance is also subject to the provisions in the ECO - Ecosystems and Biodiversity Chapter.

405. In relation to Rule **SASM-R5**, Ms Easton responded to a question from the Panel regarding certification, as described in Advice Note (2) in relation to Lake Māhinapua, and whether certification would be required annually. She considered that the frequency of certification for be a matter for the certifying party. She noted there would be opportunity for dialogue with the Lake Māhinapua Aquatic Club as part of the certification process about the scale and types of activities planned and how they could be adjusted over time to recognise cultural values. She relied on the certification process described in the JWS in giving her answer, and considered it was a matter better addressed between the parties than as part of the Plan provisions.
406. As a consequence of Ms Easton agreeing with the evidence of Ms Pull that the matter of ownership of pounamu was not as material to the Plan provisions as the cultural value of the stone, she recommended deleting the Advice Note under Rule **SASM-R7** and its reference to “*Victorian title*”.
407. As a consequence of Ms Easton amending Policy SASM-P13, she recommended amending the heading of Rule **SASM-R9** to refer to “*network utility infrastructure*”, and she confirmed her support for the inclusion of “*regionally significant infrastructure*” in this rule.
408. As a consequence of Ms Easton amending Policy SASM-P13, she recommended amending the heading of Rule **SASM-R10** to refer to “*network utility infrastructure*”, and she confirmed her support for the Rule inclusion of “*regionally significant infrastructure*” in this rule.
409. As a consequence of Ms Easton amending Policy SASM-P13, she recommended amending the heading of **SASM-R13** to refer to “*network utility infrastructure*”, and she confirmed her support for the inclusion of “*regionally significant infrastructure*” in this rule.

Hearing Panel’s Evaluation

410. The Panel recommends amendment to Advice Note (2) in order to reflect the amended wording of the Overview regarding ownership of pounamu. The Panel do not consider it necessary to refer to Victorian title given that, where such title is proven, pounamu will be encountered *in situ* where the title is present. In a wider catchment setting, such as the Arahura River catchment or another pounamu rich catchment, the likelihood increases that pounamu vested with Poutini Ngāi Tahu or Māwhera Incorporation will be incidentally

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encountered outside of public fossicking beaches. This may be true during minor earthworks activities, for instance, similar to accidental discovery of other taonga.

411. The Panel accept the evidence of Ms Pull that the recommended new methods should reference the certification process, which the Panel has recommended be incorporated into new Method SASM-M1. The Panel also recommends an additional advice note that alerts plan users to the presence of the methods at the end of the rules because this differs from other chapters of the Plan where there are no methods.
412. The Panel has thoroughly considered the matter of written approval and certification within permitted activity rules (e.g. notified Rule SASM-R2), based on the various legal opinions received and the collective view of the planners in the JWS. The understanding of the Panel is that a level of agreement was reached by the parties to make a permitted activity process work, in preference to a resource consent process. The Panel find that it is desirable to support a permitted activity process that is simple to administer, and therefore efficient and cost effective, whilst allowing for Poutini Ngāi Tahu to confirm that a proposed activity will not give rise to adverse effects of concern on values in sensitive sites and areas. In landing on an option to achieve this outcome, the Panel has first considered the alternative of a controlled activity. Aside from determining suitable matters of control, establishing a controlled activity status for the activities that were notified as permitted activities requiring written approval would be a fairly straightforward recommendation. However, such a recommendation would not achieve what was sought to be achieved by the notified Plan. Use of controlled activity status would increase the administrative burden on the Councils and increase cost and complexity for resource users. The Panel consider that the notified approach has support from a number of submitters, with submission points predominantly concerned about the way in which the process for permitted activities would work, in order to be able to rely upon a permitted status. This has also been a primary concern of the Panel in considering the most effective and efficient rule framework.
413. The Panel find that a written approval process, although it has been occurring since notification of the Plan without incident (based on evidence provided by Poutini Ngāi Tahu), is not the right approach over the life of the Plan. The Panel determine that a written approval process constitutes third party approval and is therefore potentially *ultra vires*, although acknowledging the advice of Ms Scott that this has not been tested by the courts. The Panel accept the concerns of submitters that written approval may be withheld for a variety of reasons in the absence of parameters set in the Plan, or even potentially withdrawn, which creates uncertainty for resource users¹²³. The Panel accept that written approval as part of a permitted activity is a “novel” mechanism to include within a plan, as opposed to occurring as part of a resource consent process. The Panel’s preference is to utilise a proven mechanism that is found in other district plans, which provides more certainty for Plan users. We consider that a certification process better formalises the written approval process that has been relied upon since notification of the Plan.
414. The Panel agree with the assessment of legal counsel and the planners that a certification process can form part of a permitted activity rule, looking at other district plans around the country. A certification process, therefore, does not give rise to the same concerns as a written approval process. We note that certification as proposed by the planners in the JWS relies upon a suitably qualified or experienced person certifying that an activity does or does not give rise to adverse effects of concern on the values of a particular SASM. The Panel recognise that, in this case, the suitably qualified or experienced person is not independent,

¹²³ For example, Stephen Page S270.015, Erin Stagg S314.004, Misato Nomura S151.004, Kirsty Henderson S125.001 and Buller District Council S538.179

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as expected with other kinds of environmental effects, because of who holds the necessary mātauranga or knowledge. We accept that this is necessarily true, consistent with relevant case law¹²⁴. The Panel understand that certification in relation to effects on mana whenua values is also “novel” because there are no examples of an equivalent approach being taken in any other jurisdiction for these types of environmental effects. The Panel does not see this as a barrier to adopting a certification process, but it does mean that considerable care has been taken to ensure that there are clear parameters and that the process can be readily understood by Plan users. The Panel is first guided in this regard by the legal advice received, and in particular, that a permitted activity rule “*must not reserve by subjective formulation a discretion to decide whether an activity is a permitted activity*”¹²⁵, and also by the advice of the planners recorded in the JWS.

415. The Panel agree with Ms Scott that cultural expertise is required to understand effects on mana whenua values, and that such expertise will necessarily sit within Poutini Ngāi Tahu, as she outlined in the joint memorandum of counsel¹²⁶. We also agree that the determination would necessarily be binary in nature, rather than being dependent upon an approach that was subject to conditions - either the proposed activity does or does not give rise to adverse effects of concern to Poutini Ngāi Tahu on values that are present within the sensitive site or area.¹²⁷ The Panel therefore identify that certification is: (a) reliant upon the details of a proposed activity as provided to Poutini Ngāi Tahu; (b) specific to the identified values of a particular SASM; and (c) a determination that is not subject to any conditions or caveats. These aspects of the certification process are incorporated in our recommendation on Schedule Three (SCHED 3A) and further discussed in relation to that new Schedule to the Plan.
416. The Panel disagree with Ms Rusher that determining that a proposed activity within a sensitive site or area does not give rise to adverse effects on values present in the site or area necessarily means that there is an issue with the spatial extent of a SASM. We are satisfied that it will be the particulars of a proposed activity that will be considered and certified by Poutini Ngāi Tahu in the circumstances of each site or area, and accept that it would be onerous to identify all potential variations of sensitivities within a site or area and particulars of proposed activities. We do not consider it to be efficient to undertake such an identification process, which also may not be achievable. We are satisfied that a process has been undertaken by Poutini Ngāi Tahu to “narrow down” the types of activities that are permitted in certain sites or areas, and that allowance has been made through some of the permitted activity rules to accommodate activities, provided there is an opportunity for Poutini Ngāi Tahu to review what is proposed, and confirm that there are no concerns with regards to adverse effects on mana whenua values once the particulars of a proposal are known. The Panel disagree with Ms Rusher that this is a matter for the Panel to determine because the members do not have the necessary expertise to establish whether or not the particulars of an activity will give rise to adverse effects on mana whenua values associated with a particular SASM¹²⁸.
417. The Panel is assisted by the joint memorandum of counsel findings regarding the necessity for criteria to be included in a Plan if a certification process is to be used as part of a permitted activity rule. We understand that it is the combination of criteria and expertise that are necessary for a certification process, and that the making of a substantive decision cannot be

¹²⁴ For example, *Environmental Protection Society Inc v Tauranga City Council* [2021] 3 NZLR 882 at [65] and *SKP Incorporated v Auckland Council* [2018] NZEnvC 81 at [157] as noted in Footnote 34 of this report

¹²⁵ Confirmed as the most relevant principle in the Joint Memorandum of Counsel, 7 June 2024, para 4

¹²⁶ *Ibid.*, para 7

¹²⁷ *Ibid.*, para 10

¹²⁸ *Ibid.*, para 31

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delegated¹²⁹. The joint memorandum of counsel confirms the position in case law that “persons who hold mana whenua are best placed to identify impacts of any proposal on the physical and cultural environment valued by them”¹³⁰. As previously noted, we accept this position and have therefore concentrated on the nature and role of criteria and the process of certification. The Panel also accept the advice of Ms de Latour that certification is binary in nature (similar to the advice of Ms Scott), and therefore a matter of the presence or absence of effects of concern, rather than a consideration of the level of effect, which she advises will ensure that there has been no delegation of a substantive decision¹³¹. In this regard, we understand that Ms de Latour is making a distinction between confirming the presence or absence of an effect and assessing the scale of an effect that has been found to be present. As such, the Panel also understand that the presence of an adverse effect of concern would mean that certification was not given and that therefore the level of effect that has been found to be present would be assessed as part of a discretionary resource consent process. The Panel note that at that point Poutini Ngāi Tahu may be able to provide an indication of the basis upon which they would provide written approval, for instance once conditions have been put forward to address identified adverse effects of the proposed activity, for inclusion on a resource consent.

418. The Panel acknowledge that the planners’ preference (as recorded in the JWS) is for a permitted activity rule reliant on certification, similar to that in the Ōtorohanga District Plan, included as an example in Appendix 1 of the joint memorandum of counsel. We note that this example from the Ōtorohanga District Plan allows for an assessment by a suitably qualified person as to the nature of indigenous vegetation present, to determine whether it crosses the threshold of being “significant” and therefore requiring protection under section 6(c). We understand that such an assessment is generally undertaken by an ecologist and will be an assessment of vegetation present, and to some extent the impact of loss or modification of that vegetation¹³². In that respect, we are not convinced that methodologies employed by suitably qualified persons are necessarily always black and white, or completely absent of consideration of level of effect, but rather require a judgement based on relevant skills and expertise in order to reach a clear conclusion. This differs from an assessment of a measured level of effect, for instance, such as a particular decibel level from a source of noise, which might also require technical expertise, but judgement based on skills and experience may play less of a role. The Panel agree with the planners that the Ōtorohanga District Plan example is useful in the context of considering adverse effects on mana whenua values and how cultural expertise would be employed in a certification process to reach a clear conclusion. We acknowledge that the planners were unanimous in their preference for the Ōtorohanga example as the basis for amending the rules and incorporating a schedule in the Plan, which would contain the criteria for certification.
419. The Panel recommend inclusion of a new schedule in the Plan, as proposed by the planners in the JWS, to be named “*Schedule Three (SCHED 3A)*” and incorporated at the end of Schedule Three. The contents of new SCHED 3A are further discussed in this Recommendations Report when considering Schedule Three, after the recommendations on individual SASM. The Panel’s recommendations on the wording of each rule that was notified as a permitted activity requiring written approval are included in this section.

¹²⁹ Ibid., para 20

¹³⁰ Ibid., para 24

¹³¹ Ibid., para 26

¹³² The Ōtorohanga District Plan assessment criteria for the rule are contained in Appendix 2 and include a criterion that must consider whether vegetation in the riparian margin of waterbodies is critical for the life cycle of aquatic species, and therefore to what extent loss of the vegetation would impact on those species.

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420. The Panel rely on the s32 Report and s32AA assessments of the planners in adopting a certification process, rather than a written approval process. We consider a certification process to be more certain, and therefore more effective, than the notified written approval process, whilst being similarly efficient and cost effective for the Councils and resource users.
421. In relation to Rule **SASM-R1**, the Panel notes that Poutini Ngāi Tahu requested that SASM 22, Ōkari Lagoon, be removed from SASM – R1 (S620.116), which was not reflected in Ms Easton’s Right of Reply. We agree with GDC that SASM 55, Māwhera Burial Cave, is not in a location likely to be grazed by animals and recommend it is removed from Table SASM-T1, as shown in Ms Easton’s Right of Reply. This means the permitted activity rule will only apply to five SASM. The Panel otherwise agrees with Ms Easton regarding amendments to the rule arising from the Poutini Ngāi Tahu submission.
422. In relation to Rule **SASM-R2**, the Panel recommend amending the wording to reflect our acceptance of a certification process instead of requiring written approval, in response to submissions.¹³³ This is the first of the permitted activity rules that were notified as requiring written approval for certain activities in identified SASM and we recommend wording in this rule is replicated in the other permitted activity rules notified as requiring a written approval process.
423. The Panel recommends amending the notified wording to that provided by the planners in the JWS, with some simplification of the reference to *“being assessed and certified as not having adverse effects on cultural values”*, to match the text recommended by the Panel in new Schedule Three (SCHED 3A). The Panel recommends the wording in the rule simply refers to certification *“in accordance with Schedule Three (SCHED 3A)”* so that the matter of *“not having adverse effects on cultural values”* is addressed in the Schedule (including by amending the wording proposed for the Schedule as drafted by the planners in the JWS). This is further discussed within this report in the section on Schedule Three (SCHED 3A).
424. The Panel otherwise agree with the reasoning of Ms Easton in relation to this rule but could not find analysis for inclusion of the new advice note. However, the Panel consider it to be a helpful addition for plan users navigating rules in the chapter.
425. In relation to Rule **SASM-R3**, the Panel accepts the reasoning of Ms Easton in her s42A Report and Right of Reply, whilst recommending amendments to the wording regarding certification in order to be consistent across similar permitted activities.
426. In relation to Rule **SASM-R4**, the Panel accepts the reasoning of Ms Easton in her s42A Report and Right of Reply, whilst recommending amendments to the wording regarding certification to be consistent across the rule framework. We recommend SASM 34, Te Nikau Scenic Reserve, is deleted from Table SASM – T4 as a consequence of our recommendation for that SASM, as discussed later in this Report in relation to Schedule Three. We understand the concerns expressed by Westpower regarding clearance of vegetation around electricity distribution lines and have considered Mr Kennedy’s requested addition to the rule but note his acceptance of Ms Easton’s recommendations and support for certification through the JWS. The Panel also note that recommendations for rules SASM-R9 and SASM-R10 are likely to address any remaining concerns of Mr Kennedy.
427. In relation to Rule **SASM-R5**, the Panel considers that Advice Note (2), as proposed in the s42A Report, is not required. The Panel find it necessary to differentiate between activities that may

¹³³ For example, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001, Buller District Council S538.179

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be permitted under Rule ASW-R2 and other activities that may be subject to Rule SASM-R5, to ensure that the Plan is internally consistent. The Panel therefore include a further exception to the rule that references Rule ASW-R2. We otherwise accept the reasoning of Ms Easton and recommend amendment to the wording regarding certification to be consistent across the rule framework. The Panel recommends SASM 34, Te Nikau Scenic Reserve, is deleted from Table SASM-T5 as a consequence of our recommendation for that SASM, as discussed later in this Report in relation to Schedule Three.

428. In relation to Rule **SASM-R6**, the Panel agrees with the recommendations and reasoning of Ms Easton. As with other rules, we recommend SASM 34, Te Nikau Scenic Reserve, is deleted from Table SASM-T6 as a consequence of recommendation for that SASM, and recommend amendment to the wording regarding certification to be consistent across the rule framework. The Panel has considered the evidence of Westpower and consider that there is provision within the rules as a consequence of recommendations for rules SASM-R9 and SASM-R10.
429. In relation to Rule **SASM-R7**, the Panel is concerned with ensuring the rule is clear about its purpose, which is to manage activities within the jurisdiction of the district plan, as distinct from the management of mineral extraction under the Crown Minerals Act. The Panel has amended wording in the rule to ensure there is no confusion, utilising RMA Schedule 1, clause 16 to ensure the rule is managing activities that disturb or remove pounamu or aotea during mineral extraction or quarrying. The Panel agree with Federated Farmers and Forest & Bird submission points that indicate confusion arising from the three standards in the notified rule and how they are intended to work, including in relation to who is undertaking the activity, what the activity is, and how the rule relates to other rules in the Plan. The Panel has recommended amendments to the wording of the rule to clarify the intention of each standard in the rule.
430. The Panel accept the JWS version of the title, including reference to SASM in Schedule Three, which differs from the s42A Report that excluded SASM in Schedule Three. No explanation is provided in the JWS for this amendment, but the Panel considers it is likely there may be pounamu or aotea within some SASM and that application of the rule in those sites and areas is therefore appropriate. The Panel has recommended removing capitalisation of the words “*pounamu*” and “*aotea*” and using the full title of the overlays, being the “*Pounamu Management Area*” and the “*Aotea Management Area*”. The extent of these overlays is discussed later in this Report. The Panel recommends not including Advice Note (1) as shown in the Right of Reply evidence because it replicates Advice Note (2) included at the start of all the rules in the chapter. The Panel do not consider it necessary to repeat the advice. Otherwise, the Panel accepts the recommendation to include a new advice note in response to the Forest & Bird submission point.
431. In relation to Rule **SASM-R8**, the Panel has similar concerns about this rule as notified, which needs to be clear about its purpose. The rule must manage activities within the jurisdiction of the district plan, as distinct from the management of mineral extraction under the Crown Minerals Act. The Panel has amended wording in the rule to ensure there is no confusion, utilising RMA Schedule 1, clause 16 to express that the rule is managing land disturbance associated with fossicking. The Panel acknowledge the three submissions in support of this rule.
432. In relation to Rule **SASM-R9**, the Panel accepts the reasoning of Ms Easton and her recommended amendments in the Right of Reply. We have considered the evidence of Westpower and conclude that suite of permitted activity rules will provide suitable pathways for maintenance, operation and upgrade of the existing electricity distribution network. The

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Panel notes the point made by Mr Kennedy regarding overlapping SASM but consider that the overlapping SASM will not impede decision-making or ability for infrastructure providers to be able to rely on Rule SASM-R9.

433. In relation to Rule **SASM-R10**, the Panel accepts the recommended amendments of Ms Easton to the title and the introduction of the advice note in response to the Poutini Ngāi Tahu submission point. However, the Panel have further considered the evidence of Westpower in relation to the depth of earthworks to maintain, repair or upgrade infrastructure and prefer the wording proposed in their submission for clause (2). We consider that, as this is a controlled activity rule, the matters for control will allow an assessment of the extent of any earthworks, with conditions to manage any actual or potential adverse effects. We make this recommendation in light of the purpose of the rule, which is the maintenance, repair and upgrade of existing network utility infrastructure or RSI.
434. In relation to Rule **SASM-R11**, the Panel accepts the recommended amendments of Ms Easton in her s42A Report and Right of Reply, and her reasoning. However, the Panel does not consider it necessary to have an advice note regarding pounamu when there is already one at the beginning of all the rules. The Panel also prefers the phrase “*will consult with*” rather than “*will be informed by advice from*” in the advice note regarding notification.
435. In relation to Rule **SASM-R12**, the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. The Panel also recommends minor and consequential amendments.
436. In relation to Rule **SASM-R13**, the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. The Panel also recommends minor and consequential amendments.
437. In relation to Rule **SASM-R14**, the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. The Panel also recommends minor and consequential amendments.
438. In relation to Rule **SASM-R15**, the Panel accepts the recommended amendments of Ms Easton and her reasoning, including the re-classification of the rule as discretionary in response to the submission of Poutini Ngāi Tahu, aside from preferring consistent wording for the notification advice note. However, we recommend that the proposed activity in special purpose zones should be limited to the BCZ, MINZ and MPZ zones because it would not be appropriate for the Plan to enable mineral extraction and quarrying activities in the AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ zones. The Panel also recommends minor and consequential amendments.
439. In relation to Rule **SASM-R16**, the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. In addition, we recommend amendment to match the NES-CF, referring to “*commercial forestry*” instead of “*plantation forestry*” to avoid unintended consequences of a gap in the rule in relation to “*exotic continuous-cover forestry*”, which is not covered by the definition of “*plantation forestry*” in the NES-CF but is included in the definition of “*commercial forestry*”. The Panel has also recommended that the proposed activity in special purpose zones should be limited to the BCZ, MINZ, and MPZ because it would not be appropriate for the Plan to enable commercial forestry and woodlots in the AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ zones. The Panel also recommends minor and consequential amendments.

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440. In relation to Rule **SASM-R17**, the Panel accepts the recommended amendments of Ms Easton and her reasoning, aside from preferring consistent wording for the notification advice note. We also recommend minor and consequential amendments, including as a result of recommendations regarding definitions earlier in this report. We consider that the types of activities covered by Rule SASM-R17 may occur in a variety of special purpose zones, therefore it is not recommended to amend that aspect of the rule. The Panel has further considered the evidence of Federated Farmers but do not recommend amendment to the rule. We consider that a resource consent process, while a non-complying activity, would allow for discussions with Poutini Ngāi Tahu regarding written approval based on the design or location of any intensive indoor primary production. This is considered by the Panel to be appropriate given the various sensitivities of identified SASM and provides a consent pathway depending on the circumstances.
441. In relation to Rule **SASM-R18**, the Panel generally accept the recommendation and analysis of Ms Easton, aside from preferring consistent wording for the notification advice note. However, we do not consider it necessary to retain the standard in the rule given that it is a catch-all rule after all other rules have been breached. The Panel recommend deleting reference to ‘*controlled and restricted discretionary rules*’ in the title to the rule because there are no applicable rules of this classification associated with the activities.
442. In relation to Rule **SASM-R19**, the Panel generally accept the recommendation and the analysis of Ms Easton. However, we have recommended amendment to the title of the rule to reflect changes made to rules SASM-R7 and SASM-R8, to make the rule less confusing, given its antecedents are only the first standard of rules SASM-R7 and SASM-R8, which are specific to aotea, the Aotea Management Area, and Ngāti Māhaki.

Hearing Panel’s Recommendation

443. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Sites and Areas of Significance to Māori Rules**:

Sites and Areas of Significance to Māori Rules
<p>Advice Notes:</p> <p>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.</p> <p>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.¹³⁴</p> <p>3. Poutini Ngāi Tahu may place a restriction on fossicking to protect pounamu resources or</p>

¹³⁴ The Proprietors of Māwhera Incorporation S621.019

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.¹³⁵

Permitted Activities

SASM -R1 Grazing of Animals on ~~Sites and Areas in Schedule Three~~¹³⁶ Sites and Areas of Significance to Māori listed within Table SASM – T1¹³⁷

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 Lagoon¹³⁸; SASM 41 Kotorepi (Nine Mile); SASM 55 Māwhera Burial Cave Site¹³⁹; 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~~¹⁴⁰ Sites and Areas of Significance to Māori listed within Table SASM – T2¹⁴¹

Activity Status Permitted

1. These are earthworks associated with:

~~1a.~~ Burials at urupā; or

~~1b.~~ Archaeological survey by Pouhere Taonga – Heritage New Zealand, Poutini Ngāi Tahu or authorised representatives; or

~~1c.~~ Installing fence posts and the replacement of poles for overhead network utility lines provided that:

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

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

¹³⁵ RMA First Schedule, Clause 16

¹³⁶ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

¹³⁷ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.116

¹³⁸ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.116, so SASM 22 Ōkari Lagoon is not subject to the rule

¹³⁹ Grey District Council S608.023, so SASM 55 Māwhera Burial Cave Is not subject to the rule

¹⁴⁰ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

¹⁴¹ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.117, consequential amendment

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~~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)~~¹⁴² 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**¹⁴³ 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**¹⁴⁴ 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 – R6.¹⁴⁵

SASM – R3 Demolition, removal of, or alterations to a building or¹⁴⁶ **structure on Sites and Areas in Schedule Three**¹⁴⁷ **Sites and Areas of Significance to Māori listed within Table SASM – T3**¹⁴⁸

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**¹⁴⁹:

~~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)**

¹⁴² RMA First Schedule, Clause 16

¹⁴³ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.117

¹⁴⁴ Buller District Council, S538.179, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001

¹⁴⁵ RMA First Schedule, Clause 16

¹⁴⁶ Westpower Limited S547.222

¹⁴⁷ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

¹⁴⁸ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.118, consequential amendment

¹⁴⁹ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.118

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and this certification¹⁵⁰ is provided to the relevant District Council at least 10 working days prior to the activity commencing; and

ii. No land disturbance is involved; and

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

~~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 Ōkārīto (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~~¹⁵¹ Sites and Areas of Significance to Māori listed in Table SASM – T4¹⁵²

Activity Status Permitted

Where:

1. The activity does not occur on¹⁵³ the following Sites and Areas of Significance to Māori identified in Schedule Three listed in Table SASM-T4¹⁵⁴, except with the written approval from the relevant Poutini Ngāi Tahu rūnanga 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 certification¹⁵⁵ 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.¹⁵⁶

~~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;~~

¹⁵⁰ Buller District Council S538.180; Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001

¹⁵¹ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

¹⁵² Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.119, consequential amendment

¹⁵³ RMA First Schedule, Clause 16

¹⁵⁴ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.119

¹⁵⁵ Buller District Council S538.181, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001

¹⁵⁶ Grey District Council S608.026, in response to evidence provided at the hearing by the Council regarding particular concerns with the rule

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- 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**¹⁵⁷ Biodiversity Chapter.

SASM – R5 Temporary Events on Sites and Areas in Schedule Three¹⁵⁸ **Sites and Areas of Significance to Māori listed in Table SASM – T5**¹⁵⁹

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**,¹⁶⁰ 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**¹⁶¹ 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.**¹⁶²

∴

- i) All sites identified in Category Tahi (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

¹⁵⁷ RMA First Schedule, Clause 16

¹⁵⁸ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

¹⁵⁹ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.120, consequential amendment

¹⁶⁰ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.120

¹⁶¹ Jet Boating New Zealand S161.009, Buller District Council S538.182, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001

¹⁶² Consequential amendment based on recommendations for Rule ASW-R2 in the Activities on the Surface of Water Chapter, which provides for some permitted activities on SASM 111 Lake Māhinapua, with the support of Poutini Ngāi Tahu

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Mahitahi Native Reserve; SASM 170 Porangirangi to Mahitahi; and SASM 205 No. 2 Waiototo 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~~
~~–¹⁶³ within Sites and Areas of Significance to Māori listed in Table SASM – T6 and~~
~~SASM – T7¹⁶⁴~~

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-T7¹⁶⁵–have been certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga in accordance with Schedule Three (SCHED 3A) and this certification¹⁶⁶ is provided to the relevant District Council at least 10 working days prior to the activity commencing:

- i) ~~All sites identified in Category Tahi (1), Category Rua (2), Category Toru (3) and Category Wha (4) in Schedule Three; and~~
- ii) ~~SASM 3 Whakapoai Native Reserve 7B and SASM 170 Porangirangi to Mahitahi;~~
- iii) ~~provided that:~~¹⁶⁷

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.**¹⁶⁸

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,~~¹⁶⁹ ~~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**¹⁷⁰

Activity Status Permitted

Where:

¹⁶³ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

¹⁶⁴ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.121, consequential amendment

¹⁶⁵ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.121

¹⁶⁶ Buller District Council S538.183, Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001

¹⁶⁷ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.121

¹⁶⁸ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.115

¹⁶⁹ Federated Farmers of New Zealand – West Coast S524.055

¹⁷⁰ RMA First Schedule, Clause 16

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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**¹⁷¹ is only undertaken by **Te Rūnanga o Ngāi Tahu**,¹⁷² 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**,¹⁷³ 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**:¹⁷⁴
 - ~~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**¹⁷⁵ 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**¹⁷⁶ 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.~~

¹⁷¹ RMA First Schedule, Clause 16, consistent with recommendations on notified SASM P6 (re-named SASM P5)

¹⁷² Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.122

¹⁷³ RMA First Schedule, Clause 16

¹⁷⁴ Royal New Zealand Forest & Bird Protection Society Inc S560.190, Federated Farmers of New Zealand – West Coast S524.055, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.122

¹⁷⁵ Misato Nomura S151.004, Kirsty Henderson S125.001, Stephen Page S270.015, Erin Stagg S314.004, Michael Robson S327.002, J P Parsons S335.001

¹⁷⁶ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.394

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.¹⁷⁷

SASM – R8 Land disturbance from fossicking of Aotea by Ngāti Mahaki whanui within the Aotea overlay Management Area¹⁷⁸

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:
 - i. 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 Aotea¹⁷⁹ resource and for cultural reasons.

SASM – R9 Maintenance, Repair and Upgrading of Network Utility Structures Infrastructure¹⁸⁰
and Regionally Significant Infrastructure¹⁸¹ **on or within Sites and Areas of Significance to Māori identified in Schedule Three listed in Table SASM – T8**¹⁸²

Activity Status Permitted

Where:

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

¹⁷⁷ Royal New Zealand Forest & Bird Protection Society Inc. S560.473

¹⁷⁸ RMA First Schedule, Clause 16

¹⁷⁹ RMA First Schedule, Clause 16

¹⁸⁰ Westpower Limited S547.231, infrastructure includes buildings and structures

¹⁸¹ Manawa Energy Limited S438.072

¹⁸² Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.393, consequential amendment

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- 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 Ōkuru¹⁸³

Activity Status where compliance not achieved: Controlled

Controlled Activities

SASM -R10 Maintenance, Repair and Upgrading of Network Utility Structures Infrastructure¹⁸⁴ and Regionally Significant Infrastructure¹⁸⁵ on or within Sites and Areas in Schedule Three —¹⁸⁶ 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 infrastructure¹⁸⁷ 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 0.3m² to a maximum depth of 450mm at the base of the above ground structure; and
 - b. For underground structures, a maximum area of 10m² or a maximum volume of 5m³ of land; or.¹⁸⁸

¹⁸³ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.393

¹⁸⁴ Westpower Limited S547.234, infrastructure includes buildings and structures

¹⁸⁵ Manawa Energy Limited S438.073

¹⁸⁶ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

¹⁸⁷ RMA First Schedule, clause 16

¹⁸⁸ Westpower Limited S547.234

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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– T8¹⁸⁹

Discretionary Activities

SASM -R11 ~~Farm Quarries, including Farm Quarries,~~¹⁹⁰ 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 Three¹⁹¹ 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.¹⁹²

¹⁸⁹Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.125

¹⁹⁰ Federated Farmers of New Zealand – West Coast S524.055, consequential amendment to accord with Rule SASM-R7

¹⁹¹ RMA First Schedule, Clause 16

¹⁹² WMS Group (HQ) Limited and WMS Land Co. Limited S599.046

SASM -R12 Earthworks, Buildings and Structures, including Demolition and Removal of Buildings and Structures on or within ~~Sites and Areas in Schedule Three~~¹⁹³ 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**;¹⁹⁴
2. This is not Mineral Extraction subject to Rule SASM – ~~R1415~~;¹⁹⁵ 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.**¹⁹⁶

SASM -R13 Maintenance, Repair, and Upgrade of ~~and New~~ Network Utility Structures Infrastructure¹⁹⁷ and Regionally Significant Infrastructure¹⁹⁸ 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 Infrastructure¹⁹⁹

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**.²⁰⁰

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.**²⁰¹

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

¹⁹³ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

¹⁹⁴ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.129

¹⁹⁵ Buller District Council S538.187

¹⁹⁶ Westpower Limited, S547.240 and consequential amendment consistent with Rule SASM-R11

¹⁹⁷ Westpower Limited, S547.240, infrastructure includes buildings and structures

¹⁹⁸ Manawa Energy Limited S438.073, consequential amendment

¹⁹⁹ RMA First Schedule, Clause 16

²⁰⁰ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.130

²⁰¹ Westpower Limited, S547.243 and consequential amendment consistent with Rule SASM-R11

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.**²⁰²

SASM -R15 Quarries, including Farm Quarries²⁰³, and Mineral Extraction Activities by²⁰⁴ other than by Poutini Ngāi Tahu in Sites and Areas of Significance to Māori identified in Schedule Three²⁰⁵

Activity Status Non-complying Discretionary²⁰⁶

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)²⁰⁷ 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.**²⁰⁸

Advice Note:

1. Mineral Extraction in RESZ – Residential Zones and ~~COMZ~~ **CMUZ²⁰⁹** – 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 Commercial²¹⁰ forestry or planting of shelterbelts or²¹¹ woodlots on land in Schedule Three²¹² Sites and Areas of Significance to Māori identified in Schedule Three²¹³~~

Activity Status Non-complying

²⁰² Westpower Limited S547.245 and consequential amendment consistent with Rule SASM-R11

²⁰³ Federated Farmers of New Zealand – West Coast S524.055, consequential amendment to accord with Rule SASM-R7

²⁰⁴ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.131

²⁰⁵ RMA First Schedule, Clause 16

²⁰⁶ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.396

²⁰⁷ RMA First Schedule, Clause 16, consequential amendment in relation to recommendations on the AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ Chapters of the Plan that support the purpose of those zones

²⁰⁸ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.397, consequential amendment consistent with Rule SASM-R11

²⁰⁹ RMA First Schedule, Clause 16

²¹⁰ RMA First Schedule, Clause 16, consequential amendment to reflect the National Environmental Standards for Commercial Forestry 2017, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132

²¹¹ Federated Farmers of New Zealand – West Coast S524.056

²¹² Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

²¹³ RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132

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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)²¹⁴ 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.**²¹⁵

Advice Note:

~~1. Plantation~~ **Commercial** forestry shelterbelts and woodlots in RESZ – Residential Zones and ~~COMZ~~ **CMUZ**²¹⁶ – Commercial and Mixed Use Zones are not regulated by this rule. Refer to relevant zone rules and the NES – ~~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,~~²¹⁷ on or within 50m of sites and areas in ~~Schedule Three~~²¹⁸ Sites and Areas of Significance to Māori **identified in Schedule Three**²¹⁹

Activity Status Non-complying

Where:

1. This occurs in any RURZ – Rural Zone, OSRZ – Open Space and Recreation Zone, SPZ – Special **Purpose**²²⁰ 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.**²²¹

Advice Note:

1. Where these activities are proposed in RESZ – Residential Zones and ~~COMZ~~ **CMUZ**²²² – 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

²¹⁴ RMA First Schedule, Clause 16, consequential amendment in relation to recommendations on the AIRPZ, FUZ, HOSZ, PORTZ, STADZ or SVZ Chapters of the Plan that support the purpose of those zones, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132

²¹⁵ RMA First Schedule, Clause 16, consequential amendment consistent with Rule SASM-R11, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132

²¹⁶ RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.132

²¹⁷ Te Tai o Poutini Plan Committee S171.011, consequential amendment associated with recommendations on definitions

²¹⁸ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

²¹⁹ RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.133

²²⁰ RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.133

²²¹ RMA First Schedule, Clause 16, consequential amendment consistent with Rule SASM-R11, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.133

²²² RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.133

SASM -R18 Earthworks, Buildings or Structures on the Upper Slopes, Ridgelines or Peaks of Ancestral Maunga in ~~Schedule Three~~²²³ ~~Sites and Areas of Significance to Māori Table SASM – T7~~²²⁴ not meeting Permitted, Controlled, ~~Restricted Discretionary or Discretionary Activity Standards~~²²⁵

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.~~²²⁶

~~**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,²²⁷ ~~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 a~~Area not meeting Rule SASM – R7²²⁸

No application for resource consent will be accepted for this activity.

Sites and Areas of Significance to Māori Tables²²⁹

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

²²³ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.395

²²⁴ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.115

²²⁵ RMA First Schedule, Clause 16, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.134

²²⁶ RMA First Schedule, Clause 16, consequential amendment consistent with Rule SASM-R11, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.134

²²⁷ Federated Farmers of New Zealand – West Coast S524.055, consequential amendment

²²⁸ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.315, and consequential amendments associated with recommendations on Rule SASM-R7, Rule SASM-R8, Rule SASM-R11 and Rule SASM-R15

²²⁹ Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.115, with consequential amendments to the tables arising from recommendations on the SASM rules, Schedule Three and individual SASM

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori**

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

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)

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori**

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

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 Ōkārito (No. 18 Kaomaru Native Reserve)

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori**

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

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

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori

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

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

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori**

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

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

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori**

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 Ōkārīto (No. 18 Kaomaru Native Reserve)

SASM 144 Karangarua Lagoon

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

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori**

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 Huruheru Manu/Spoon River Traditional nohoanga, Mahinga kai

SASM 215 Hautai Kāinga, Mahinga kai

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

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori**

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