

**BEFORE KAIPARA DISTRICT COUNCIL
PROPOSED DISTRICT PLAN HEARING PANEL**

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the hearing of submissions on
Hearing 11 – Sites and Areas of
Significance to Māori

AND

IN THE MATTER of the submission # S270 and further
submission # FS54, Heritage New
Zealand Pouhere Taonga (HNZPT)

**STATEMENT OF EVIDENCE OF LISA AHN
ON BEHALF OF HERITAGE NEW ZEALAND POUHERE TAONGA**

13 April 2026

1. INTRODUCTION

- 1.1. My name is Lisa Ahn. In July 2024 I took up the role of Heritage Planner for the Northern Region of Heritage New Zealand Pouhere Taonga (**HNZPT**). I am a qualified planner holding a Bachelor of Urban Planning (Honours) and have three and a half years of planning experience in local government (Taupō District Council) and central government agency (Heritage New Zealand Pouhere Taonga). I am an Intermediate Member of the New Zealand Planning Institute. My professional experience includes plan preparation, submitting to plans and legislations, policy and bylaw analysis, resource consent application assessment, Fast-track application assessment and growth and spatial planning.
- 1.2. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it when preparing this evidence. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise. In the preparation of my Planning evidence, I have also discussed the matters raised with other Historic heritage professionals within my organisation, including, planning, Māori cultural heritage and archaeological inhouse experts.

2. STATUTORY FRAMEWORK

- 2.1. The purpose of the Heritage New Zealand Pouhere Taonga Act 2014 (“**HNZPTA**”) is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.¹
- 2.2. The HNZPT has a number of responsibilities in addition to advocating for its interests at any public forum or in any planning process in which it has standing under an Act.² These include the preparation and maintenance of the New Zealand Heritage List / Rārangi Kōrero (the NZ Heritage List), previously called the Register, of historic places (Category 1 and Category 2), historic areas, wahi tapu, wahi tapu areas, wahi tupuna and wahi tupuna areas. As well as establishing and maintaining a list of places of

¹ HNZPTA Part 1, s3.

² HNZPTA Part 2, s14 (1)(a).

outstanding natural value, the National Historic Landmarks / Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu.³

- 2.3. HNZPT also has responsibilities for the protection of archaeological sites. An archaeological site is defined in the HNZPTA as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, which provides or may provide evidence relating to the history of New Zealand that can be investigated using archaeological methods.⁴
- 2.4. Local authorities, such as Kaipara District Council (“**KDC**”), have complementary obligations under the RMA. Historic heritage is a matter of national importance under the RMA that requires all persons exercising functions and powers under the act to recognise and provide for in preparing policy statements and plans, and in the assessment of resource consent applications.⁵
- 2.5. In preparing a District Plan, councils must recognise and provide for matters of national importance concerning heritage:
- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (section 6(e))
 - the protection of historic heritage from inappropriate subdivision, use and development (section 6(f))
- 2.6. Historic heritage is defined in the RMA as those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: archaeological, architectural, cultural, historic, scientific and technological. It includes historic sites, structures, places, areas, archaeological sites, sites of significance to Māori, including wahi tapu, and surroundings associated with the natural and physical resources.⁶

³ HNZPTA Part 2, s13.

⁴ HNZPTA s6(a).

⁵ RMA s 6(f), ss. 61, 66, 74.

⁶ RMA Part 1 (1), s2.

3. KEY HNZPT SUBMISSION POINTS

3.1. In 2025, HNZPT made submissions on the Proposed Kaipara District Plan (“PDP”). My evidence will focus on the following points:

- Site and Areas of Significance to Māori (“SASM”)– Overview
- Policy SASM – P1
- Policy SASM – P2
- Policy SASM – P3
- Policy SASM – P4
- Policy SASM – P6
- Rule SASM – R3
- Definitions

4. SASM Overview

HNZPT (S270.38) sought to add an advice note to the Overview to raise awareness of responsibilities for landowners and developers under the HNZPTA.

The reporting planner considers the advice note proposed by HNZPT is helpful and appropriate as it assists landowners and developers who may not be aware of their parallel obligations⁷. The planner also notes the duplication of legislation but considers that this does not outweigh the public benefit of awareness-raising within the plan document.

The reporting planner has also rewritten the Overview. I am generally satisfied with the reporting planner’s rewrite (Appendix B Page 1-2). The amended wording provides clarity of the chapter intent, avoids repetitive words, and raises awareness of unrecorded archaeology that can be accidentally destroyed when undertaking activities within sensitive environments (in accordance with the HNZPTA). I also support the additional wording on unscheduled sites (seventh paragraph of the proposed Overview) as there are sites that are unscheduled but may still be wāhi tapu and culturally significant to Māori.

⁷ Kaipara District Council Section 42A Report – Sites and Areas of Significance to Māori, p.27.

5. POLICY SASM-P2(3)

HNZPT (S270.42) supported Policy SASM-P2(3) and sought to retain the proposed policy relating to Kaitiakitanga.

The reporting planner has amended the wording in clause 3 from “promoting” to “providing for” to ensure there is a clear obligation for active participation by mana whenua rather than implying the encouragement of participation to occur. The planner also states that *“the amended word allows practical pathways that must exist rather than optional, and decision-makers must consider whether participation has been genuinely enabled”*⁸.

I support the amendment as it supports and provides certainty for mana whenua participation to occur, and it better aligns with the chapter intent to identify and protect sites and areas of significance to Māori.

6. POLICY SASM-P3

HNZPT (S270.43) supported Policy SASM-P3 where activities are permitted to occur and should only occur when the associated cultural, spiritual and historical Māori values are protected and that activities should only be carried out with appropriate tikanga Māori.

The reporting planner recommends including “upgrading within the existing footprint” where activities are limited to the existing alignment or footprint and does not involve significant new earthworks⁹.

I have no concerns with including the wording amendment as long as the reporting planner’s recommendations of “existing footprint” and “no significant new earthworks” are followed. The term “existing footprint” provides better clarity for where works are to be carried out and certainty for landowners and those with an interest in any impacted SASM.

7. POLICY SASM-P4

HNZPT (S270.44) submitted development on SASM should only occur where cultural, spiritual and historical Māori values will not be compromised and sought to retain SASM-P4 as notified. HNZPT (FS54.8) opposed Federated Farmers (S136.44)’s submission because there is uncertainty about who would define “no more than minor effects”.

⁸ Kaipara District Council Section 42A Report – Sites and Areas of Significance to Māori, p.41.

⁹ Kaipara District Council Section 42A Report – Sites and Areas of Significance to Māori, p.42.

The reporting planner accepted the relief sought by HNZPT (FS54.8 and S270.44) and recommends retaining the policy as notified because *“adding a broad no more than minor effects qualifier creates uncertainty about what is permitted and who makes that assessment”*¹⁰.

I agree with the reporting planner’s recommendation because it aligns with the intention of Policy SASM-P4 which is to ensure development does not compromise the values and relationships associated with SASM by avoiding any adverse effects arising from such activities.

8. POLICY SASM-P6(1)

HNZPT (S270.46) requested amendment to remove any farm quarry exception as farm quarries can create the same potential adverse effects as any other quarrying activity on SASM sites (including damage to unrecorded archaeological features).

The reporting planner recommends removing the farm quarry exception as it creates an anomaly and undermines the intent of the SASM chapter and matter of national importance under the RMA¹¹.

I agree with HNZPT submission point (S270.46) and the reporting planner. Deleting “except farm quarries” from the proposed plan is appropriate and it provides clarity that “quarrying” includes any form of quarrying enabling an appropriate level of assessment of any adverse effects arising from this activity.

9. POLICY SASM-P7

When considering activities close to SASM, HNZPT (S270.47) suggested adding “or near to” in the opening clause of Policy SASM-P7. The reporting planner recommends wording of “or immediately adjacent to” to provide plan consistency as this term is used throughout the PDP¹². I support this proposed amendment.

10. RULE SASM-R3(1)a.ii

HNZPT (FS54.3) further submitted against including commercial forestry infrastructure in Rule SASM-R3.1.a.ii due to the risk of damage to recorded and undiscovered archaeology.

¹⁰ Kaipara District Council Section 42A Report – Sites and Areas of Significance to Māori, p.45.

¹¹ Kaipara District Council Section 42A Report – Sites and Areas of Significance to Māori, p.47.

¹² Kaipara District Council Section 42A Report – Sites and Areas of Significance to Māori, p.50.

The reporting planner rejects this request stating that *“the amendment is expressly limited to repair and maintenance of existing infrastructure along its existing alignment it does not authorise new tracks or disturbance of previously undisturbed ground”*¹³. I note that including commercial forestry infrastructure is limited to the existing infrastructure footprint as with other general farming activities and therefore agree with this amendment.

The reporting planner has also recommended adding an Accidental Discovery condition. I suggest a note is more appropriate for accidental discovery than having it as a condition.

11. SASM DEFINITIONS

HNZPT made submissions supporting the following definition –

- Sites and Areas of Significance to Māori

I agree with retaining this definition as it is a term used within current legislation. I also agree with the reporting planner’s recommendation to add a new supporting term ‘places of significance to tangata whenua’ as it adds clarification and certainty for tangata whenua.

12. CONCLUSION

In my opinion, the s42a council reporting planner has considered all SASM matters raised in HNZPT’s submission and further submission. The recommendations are written constructively to address cultural matters and gives effects to section 6(e) and (f) under the RMA.

Lisa Ahn

Northern Region Heritage Planner

Heritage New Zealand Pouhere Taonga

¹³ Kaipara District Council Section 42A Report – Sites and Areas of Significance to Māori, p.55.