

## APPENDIX C

### Section 32AA Evaluation Sites and Areas of Significance to Māori

#### 1. Introduction

Section 32AA of the RMA requires that any changes made or proposed to a plan since the initial evaluation report must undergo a subsequent evaluation, undertaken in accordance with sections 32(1) through 32(4). A section 32AA evaluation is only required for changes recommended since notification. The level of detail must correspond to the scale and significance of the changes recommended.

The recommended amendments do not alter the overall policy intent evaluated in the original section 32 report. They clarify the plan's protective framework, strengthen partnership obligations with mana whenua, improve terminology consistency, and enhance workability for plan users and decision-makers. A section 32AA evaluation is not required for provisions retained as notified; those matters are noted but not evaluated.

#### Summary of Amendments Subject to Section 32AA Evaluation

The following amendments are evaluated in this Appendix C, organised by chapter section:

Overview: Amend notified text with He Wāhi Tapu, He Taonga Tuku Iho tikanga wording
Overview: Retain and clarify HNZPT Act 2014 reminder note
Overview: Insert Schedule 1 plan change process statement
Overview: Add accidental discovery advice note
Definitions: Retain 'Sites and Areas of Significance to Māori'
Definitions: Retain 'Sites of Interest to Māori'
Definitions; New definition: 'Place of significance to tāngata whenua' (NRC PRP Policy D.1.5)
Definitions: New definition: 'Wāhi tapu'
Definitions: New definition: 'Tāngata whenua'
Definitions: Amend existing 'Tikanga' definition
Definitions: Do not prescribe 'Cultural Values' definition

SASM-O1 and SASM-O2: Retain operative text; amend SASM-O2 title; add tikanga context paragraphs
SASM-P1 Delete 'consultation and' insert 'collaboration'
SASM-P2(3) Replace 'Promoting' with 'Providing for'
SASM-P3(5) Insert 'upgrading within the existing footprint'
SASM-P4.1 Extend to 'or immediately adjacent to'
SASM-P6(1) Delete ', except farm quarries'
SASM-P7 Amend title; extend opening clause to 'within, or immediately adjacent to'; amend clause 3
SASM-R1 Retain as notified
SASM-R2.1(a) Terminology amendment linked to Schedule 3 categorisation
SASM-R12 (new) Restricted discretionary rule: setback from wāhi tapu on adjacent land
SASM-R3.1.a.ii Add 'and commercial forestry'; add accidental discovery condition
SASM-R4.1(a) Terminology amendment; add accidental discovery note
SASM-R5.1(a) Reject NRC terminology amendment; retain as notified
SASM-R6 Add three permitted activity exceptions
SASM-R7 to R11 Retain as notified
Schedule 3 Add Wairoa awa;
Schedule 3 S70.4: accept in part; cross-refer water quality monitoring to NRC
Freshwater SASM:new integrated objective, policy and rule framework

## 2. Evaluation of Objectives

SASM-O1 and SASM-O2 are recommended to be retained as notified, with one exception: the title of SASM-O2 is amended for terminology consistency (see below). The section 32 report evaluated both objectives as the most appropriate way to achieve the purpose of the RMA. The recommended amendments to policies and rules strengthen implementation of these objectives without altering their operative text.

Both objectives directly implement section 6(e) of the RMA and align with Northland Regional Policy Statement Policy 4.6.2. SASM-O1 expresses the outcome of identifying and protecting sites for their cultural significance and values. SASM-O2 expresses the outcome of recognising and protecting the relationship of tangata whenua with those sites.

The minor amendment to the SASM-O2 title replacing 'scheduled sites' with 'sites of significance to Tangata Whenua' aligns the title with the operative text of the objective, which already refers to 'sites and areas of significance to Māori' rather than 'scheduled sites'. This is efficient and effective: it imposes no additional regulatory costs, carries no change to policy intent or operative direction, and responds to the terminology consistency theme in submissions from Te Uri o Hau [S367] and Federated Farmers [S136.41].

### 3. Evaluation of Amended Provisions

#### 3.1 Overview - He Wāhi Tapu, He Taonga Tuku Iho

- Replace the notified Overview with new tikanga-grounded wording (He Wāhi Tapu, He Taonga Tuku Iho), incorporating a tikanga foundation section (Te Ao Māori, mauri, kaitiakitanga),
- Retain and clarify the HNZPT Act 2014 reminder note.
- Insert a statement that new SASM sites are added through the Schedule 1 plan change process with Māori-led assessment;
- Add an accidental discovery not requiring immediate work stoppage, notification of HNZPT and relevant mana whenua,

#### Efficiency

Efficient: the new Overview draws directly from iwi environmental management plans using language the iwi have themselves developed, avoiding new cultural content from outside the tikanga framework. The Schedule 1 statement and accidental discovery condition use existing legal frameworks without creating new regulatory obligations.

<b>Effectiveness</b>	Effective: the new Overview establishes the interpretive foundation for the chapter, grounds provisions in tikanga and kaitiakitanga, and provides clear guidance to decision-makers. The accidental discovery condition ensures unanticipated cultural discoveries during permitted activities are immediately managed.
<b>Benefits</b>	Significant cultural benefits: stronger recognition of Te Uri o Hau and Te Roroa as living communities with ongoing kaitiaki relationships; improved guidance for decision-makers; acknowledgement of Treaty settlement context; clearer process for site addition; practical backstop for unrecorded cultural material.
<b>Costs</b>	No regulatory costs. The Overview is non-operative explanatory text. The new wording is longer than the notified text but provides proportionately greater guidance. The Schedule 1 commitment requires resourcing but is non-regulatory.
<b>Part 2 RMA</b>	Directly implements s6(e), s7(a) (kaitiakitanga), and s8 (Treaty principles). References to mauri, whakapapa, kaitiakitanga, and Treaty settlement obligations give substantive effect to these provisions. The accidental discovery condition implements s6(e) and s6(f) (protection of historic heritage).
<b>Higher-order documents</b>	Consistent with the Te Uri o Hau Claims Settlement Act 2002 and Te Roroa Claims Settlement Act 2008. Draws directly from iwi environmental management plans required to be considered under s74(2A) RMA. Consistent with NRPS Policy 4.6.2 and NPS-Infrastructure 2025 Policy 6.

### 3.2 Definitions

- Retain 'Sites and Areas of Significance to Māori' and 'Sites of Interest to Māori' definitions as notified.
- Add new definition 'Place of significance to tāngata whenua' (NRC PRP Policy D.1.5), including the four categories of cultural association and requirement for tangata whenua endorsement.
- Add new definition 'Wāhi tapu means a sacred site or area that is of special significance to Māori. The particular attributes and boundaries of any wāhi tapu are defined by the hapū and iwi who are kaitiaki for the wāhi tapu.'

- Add new definition 'Tangata whenua means, in relation to a particular area, the iwi or hapū that holds mana whenua over that area.' Consistent with RMA s2 and NRC PRP.
- Apply consistent terminology throughout chapter, retain wāhi tapu/māhinga kai terms where a rule applies to those site types specifically.

**Reason:** HNZPT [S270.10, S270.11] submitted in support of retaining both existing definitions as notified. Te Roroa [S141.6] and Te Uri o Hau [S367.2] submitted that existing definitions do not adequately capture tikanga-based understandings of wāhi tapu and sites of significance. The NRC PRP definition of wāhi tapu acknowledges its locally-defined nature. The 'Place of significance to tāngata whenua' definition provides a detailed attributes-based framework already operative in a Northland context. The 'Tangata whenua' definition resolves a gap identified by Te Roroa. A 'Cultural Values' definition is not prescribed as cultural values are living and contextual, their meaning in any particular context is properly determined by the relevant iwi and hapū. NRC [S332.42, S332.44, S332.45] and Federated Farmers [S136.41] identified inconsistent terminology across rules. The categorisation column in Schedule 3 resolves the application gap.

<b>Efficiency</b>	Efficient: retaining existing definitions avoids unnecessary disruption. New definitions draw on existing NRC PRP wording and statutory sources (RMA s2, Te Roroa Claims Settlement Act 2008 s10), avoiding the need to develop new frameworks. Terminology amendments are low-cost administrative improvements.
<b>Effectiveness</b>	Effective: retaining existing definitions provides certainty. The new 'Place of significance to tāngata whenua' definition provides a clear, regionally consistent framework. The 'Wāhi tapu' definition acknowledges iwi-led definition of sacred places. The Tikanga amendment corrects a generic non-Māori entry. Terminology consistency removes an application gap identified by NRC.
<b>Benefits</b>	Improved clarity for plan users; better alignment with NRC PRP; partial acceptance of mana whenua submissions on definitions; correction of generic Tikanga entry; foundation for future tikanga-based definition development with mana whenua; reduced litigation risk from ambiguous terminology.
<b>Costs</b>	No regulatory costs. Full tikanga-based definitions remain for future co-development with mana whenua via Mana Whakahono ā Rohe. Administrative cost of categorising Schedule 3 sites in consultation

	with Te Uri o Hau, Te Roroa, and HNZPT no additional regulatory costs.
<b>Part 2 RMA</b>	Implements s6(e) (wāhi tapu and taonga), s7(a) (kaitiakitanga), and s8 (Treaty principles). Acknowledges the tikanga-based nature of cultural significance and the authority of hapū and iwi to define their own sacred places. Consistent with s74(2A) (Treaty settlement legislation). Consistent with s5 (sustainable management) through improved workability.
<b>Higher-order documents</b>	Consistent with NRC PRP Policy D.1.5 and wāhi tapu definition. Tikanga definition drawn from Te Roroa Claims Settlement Act 2008 s10 and RMA s2. Consistent with NRPS Policy 4.6.2.

### 33.4 SASM-P1 — Delete 'consultation and retain “collaboration”

**Delete 'consultation and' from SASM-P1, retaining only 'collaboration' with Tangata Whenua/Mana Whenua'.**

**Reason:** Te Uri o Hau [S367.23] submitted that collaboration is more appropriate than consultation for SASM site identification, implying a higher standard of joint engagement than one-directional consultation. Collaboration in the context of identifying and scheduling culturally significant sites is more aligned with Treaty obligations. HNZPT [S270.41] and Fonterra [FS104.23] support this direction.

<b>Efficiency</b>	Efficient: a targeted deletion with significant policy impact. Collaboration inherently subsumes consultation, making 'consultation and' redundant. Clarifies intent without introducing new procedural requirements.
<b>Effectiveness</b>	Effective: provides clearer direction that site identification is a collaborative process, aligning with s7(a) (kaitiakitanga) and s8 (Treaty principles). Supported by mana whenua, HNZPT, and Fonterra.
<b>Benefits</b>	Clearer policy direction; stronger alignment with Treaty partnership obligations; removes ambiguity about the level of engagement expected for SASM site identification.
<b>Costs</b>	No quantifiable costs. Collaboration requires more resourcing than basic consultation, but this reflects the appropriate level of

	engagement for cultural heritage matters and is consistent with existing Treaty obligations.
<b>Part 2 RMA</b>	Directly implements s6(e), s7(a) (kaitiakitanga), and s8 (Treaty principles). Collaboration is consistent with the RMA's recognition of the active role of mana whenua in resource management.
<b>Higher-order documents</b>	Consistent with NRPS Policy 4.6.2 and the collaborative approach to SASM endorsed by NRC.

### 3.5 SASM-P2(3) — Replace 'Promoting' with 'Providing for'

#### **Replace 'Promoting' with 'Providing for' active participation by mana whenua in resource management processes relating to scheduled sites.**

**Reason:** Te Uri o Hau [S367.24] submitted that 'promoting' is ambiguous and does not ensure participation actually occurs. 'Providing for' is established RMA policy language creating a directive obligation to enable participation, rather than merely encouraging it. HNZPT [S270.42] supports mana whenua participation and Fonterra [FS104.24] supports this amendment.

<b>Efficiency</b>	Efficient: a targeted word replacement that strengthens the policy's directive force without requiring structural changes.
<b>Effectiveness</b>	Effective: 'Providing for' directs that practical pathways must exist for mana whenua participation signalling that participation is expected, not optional.
<b>Benefits</b>	Clearer direction for consent authorities and applicants; genuine opportunities for mana whenua participation rather than aspirational encouragement; better alignment with kaitiakitanga as an active, ongoing responsibility.
<b>Costs</b>	No additional regulatory costs. The higher standard reflects existing obligations under ss 6(e), 7(a), and 8 RMA.
<b>Part 2 RMA</b>	Directly implements s7(a) (kaitiakitanga) and s8 (Treaty principles). 'Providing for' aligns with the RMA's recognition that mana whenua participation must be genuinely enabled, not merely encouraged.
<b>Higher-order documents</b>	Consistent with NRPS Policy 4.6.2 and NPS-Infrastructure 2025 Policy 6.

### 3.9 SASM-P6(1) — Remove Farm Quarry Exception

Delete ', except farm quarries' from SASM-P6(1) so that all mining and quarrying is avoided within SASM sites.

**Reason:** HNZPT [S270.46] submitted that farm quarries have the same potential to disturb unrecorded archaeological and cultural values as commercial quarrying, and that the exception creates an anomaly undermining SASM-P6's protective intent. The section 32 report did not include a specific evaluation of the farm quarry exception; its inclusion in the notified version was not supported by specific analysis of its appropriateness within SASM sites. Ravensdown [S229.18] sought clarification on the interface with significant hazardous facilities accepted in part through the overall avoidance framework. Atlas Quarries [FS29] supports the deletion in part. Federated Farmers [S136.45] sought to retain the exception and exclude offal pits and on-farm domestic landfills — not accepted.

<b>Efficiency</b>	Efficient: a targeted deletion that removes an anomalous exception without structural change to the provision.
<b>Effectiveness</b>	Effective: removes an inconsistency in the protective framework; ensures all forms of quarrying on SASM sites are subject to the same non-complying activity status.
<b>Benefits</b>	Stronger and more consistent protection for SASM sites from quarrying activities; alignment with s6(f) RMA (protection of historic heritage); removal of an anomaly that could be exploited to authorise significant disturbance on culturally significant sites.
<b>Costs</b>	Farm operators wishing to establish a new farm quarry within a SASM site will require a non-complying consent. This is a justified cost. The effect is limited to new quarries within SASM sites only.
<b>Part 2 RMA</b>	Directly implements s6(e) and s6(f) (protection of historic heritage). Consistent with the protective purpose of the SASM chapter.
<b>Higher-order documents</b>	Consistent with NRPS Policy 4.6.2.

### 3.10 SASM-P7 — Title, Opening Clause, and Clause 3

Three amendments: (a) amend title to include 'and Tangata Whenua'; (b) amend opening clause to apply to activities 'within, or immediately adjacent to' a scheduled site; (c) amend clause 3 to read 'The outcome of any consultation with tangata whenua and, where cultural advice is received, have regard to the proposal's consistency with the

recommendations identified.' SASM-P7(4) is retained as notified. Mandatory Cultural Impact Assessments are not recommended.

**Reason:** HNZPT [S270.47] sought extension of SASM-P7 to activities within or near a scheduled site. Te Uri o Hau [S367.26] sought strengthening of clause 3 so that cultural advice must be genuinely given regard. The opening clause amendment is consistent with the extension of SASM-P4.1. The clause 3 amendment clarifies that cultural advice is a material consideration not optional consistent with ss 104 and 104A RMA. Federated Farmers [S136.46] sought amendment to clause 4 not accepted as SASM-P7(4) is a consideration in consent assessment, not a mandatory requirement on landowners. D Leighton [S206.10] sought mandatory Cultural Impact Assessments not accepted as the existing SASM-P7 framework already requires genuine consideration of cultural effects. The title amendment responds to PF Olsen [S73.10]'s submission on consistent terminology. Fonterra [FS104.26] and Atlas Quarries [FS107.19] support this direction.

<b>Efficiency</b>	Efficient: targeted text amendments achieving better alignment with SASM-P4.1 (both now use 'within, or immediately adjacent to') and clarifying the weight of cultural advice without creating a mandatory compliance framework.
<b>Effectiveness</b>	Effective: ensures effects on cultural values from activities in proximity to SASM sites are captured in the consideration framework. The clause 3 amendment avoids a veto-type mechanism while ensuring cultural advice receives genuine consideration, consistent with ss 104 and 104A RMA.
<b>Benefits</b>	Better alignment between SASM-P4 and SASM-P7; clearer direction that cultural advice received must be genuinely considered in consent assessment; improved protection for the cultural values of scheduled sites from adjacent activities.
<b>Costs</b>	Marginal increase in assessment requirements for activities near SASM sites. This is a justified cost.
<b>Part 2 RMA</b>	Directly implements s6(e) and s7(a) (kaitiakitanga). Consistent with ss 104 and 104A RMA which require genuine consideration of cultural effects and tangata whenua values in consent assessment.
<b>Higher-order documents</b>	Consistent with NRPS Policy 4.6.2 and NPS-Infrastructure 2025 Policy 6.

### 3.13 New SASM-R12 — Setback from Wāhi Tapu on Adjacent Land

- Add new restricted discretionary activity rule SASM-R12 for buildings and structures to be erected on land adjacent to or abutting a Schedule 3 wāhi tapu site, where any part of the building or structure is within 10 metres of the scheduled wāhi tapu boundary.
- Matters of discretion: (a) effects on the cultural, spiritual, and historical values of the scheduled wāhi tapu, including visual prominence and proximity; (b) outcome of consultation with relevant mana whenua kaitiaki and consistency of the proposal with recommendations received; (c) extent to which design, materials, scale, and orientation minimise adverse effects; (d) provisions of any relevant iwi and hapū management plan. A 100m mapped buffer zone is not recommended.

**Reason:** Te Uri o Hau [S367.82] sought a setback from wāhi tapu on adjacent land. Te Roroa [S141.9] sought a 100m buffer zone with iwi consent required. Fonterra [FS104.81] and Manulife [FS72.16] support setback requirements. The notified chapter contains no rule addressing activities on adjacent land, creating a gap. A restricted discretionary rule for structures within 10m is appropriate and proportionate. The NPDC operative plan uses a 50m proximity consent trigger as a comparator. A 100m mapped buffer is not recommended as it would require site-specific evidential assessment to justify the geographic extent and is more appropriately the subject of a future plan change process once site-specific mapping is confirmed.

<b>Efficiency</b>	Efficient: a restricted discretionary rule provides a targeted, proportionate mechanism for assessing effects on wāhi tapu from adjacent structures. The 10m threshold is calibrated to capture the most proximate development risk. This approach is supported by the NPDC comparator.
<b>Effectiveness</b>	Effective: fills the gap in the notified chapter. Assessment matters are directly focused on cultural effects, consultation outcomes, and design mitigation. The rule gives practical effect to the 'adjacent to' extension in SASM-P4.1.
<b>Benefits</b>	Improved protection for cultural and spiritual values of wāhi tapu from proximate development; practical implementation of SASM-P4.1 extension; partial acceptance of Te Uri o Hau and Te Roroa submissions seeking buffer-type protection.
<b>Costs</b>	Increased assessment requirements for structures within 10m of scheduled wāhi tapu on adjacent land. In practice the 10m threshold is narrow and will affect a limited number of proposals. This cost is justified by the significance of the cultural values at stake.

<b>Part 2 RMA</b>	Directly implements s6(e) by providing a regulatory mechanism to assess and manage effects on wāhi tapu from adjacent development. Consistent with s7(a) (kaitiakitanga) through the consultation and iwi management plan assessment matters. Consistent with s8 and Treaty settlement obligations.
<b>Higher-order documents</b>	Consistent with NPS-Infrastructure 2025 Policy 6. Consistent with NRPS Policy 4.6.2. Supported by NRC PRP Policies D.1.2 and D.1.3 which establish the regional framework for cultural effects assessment.

### 3.14 SASM-R3 — Commercial Forestry and Accidental Discovery

- Insert 'and commercial forestry' in SASM-R3.1.a.ii so that repair and maintenance of existing farm and commercial forestry infrastructure (including tracks and drains, limited to the existing alignment) is a permitted activity.
- Add accidental discovery note to SASM-R3 requiring immediate work stoppage, notification of HNZPT and relevant mana whenua

**Reason:** PF Olsen [S73.10] and Manulife [S158.1] sought inclusion of commercial forestry infrastructure alongside farm infrastructure. NRC [S332.43] sought an accidental discovery condition. The commercial forestry amendment corrects an inequity between primary production sectors with no policy justification. 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. Supported by PF Olsen [FS89.8] and Manulife [FS72.9]. HNZPT [FS54.3] opposition is not accepted on this basis.

<b>Efficiency</b>	Efficient: corrects a gap with no policy justification. The accidental discovery condition uses standard wording consistent with HNZPT Act 2014 obligations.
<b>Effectiveness</b>	Effective: aligns with NES-CF terminology; provides equitable treatment of primary production sectors on SASM sites. The accidental discovery condition ensures unanticipated discoveries during permitted activities do not result in further damage.
<b>Benefits</b>	Equitable treatment of forestry operators; alignment with NES-CF; protection for unrecorded cultural material; improved alignment with HNZPT Act 2014 obligations.

<b>Costs</b>	The commercial forestry amendment creates a small expansion of permitted activity scope, limited to existing infrastructure along its existing alignment. Risk is low. HNZPT Act 2014 obligations continue to apply independently.
<b>Part 2 RMA</b>	Amendment 1 consistent with s5 (sustainable management). Amendment 2 directly implements s6(e) (relationship of Māori with ancestral lands) and s6(f) (protection of historic heritage).
<b>Higher-order documents</b>	Amendment 1 consistent with NES-CF. Amendment 2 consistent with HNZPT Act 2014 and NRPS Policy 4.6.2.

### 3.15 SASM-R6 — Permitted Activity Exceptions

- Add three permitted activity conditions to SASM-R6: (a) removal of hazardous trees posing immediate safety risk; (b) vegetation clearance associated with the exercise of tikanga Māori and cultural practices carried out in accordance with tikanga Māori; (c) maintenance of existing structures within the scheduled site. Activity status where conditions not met: Restricted Discretionary.

**Reason:** NRC [S332.46] identified that SASM-R6 does not provide for low-impact activities such as hazardous tree removal or the exercise of cultural practices, which are already enabled at a policy level under SASM-P3. Providing for these as permitted activity exceptions improves workability and removes an inconsistency between policy and rule.

<b>Efficiency</b>	Efficient: aligns SASM-R6 with SASM-P3 which already enables these activities at a policy level. Removes an inconsistency where the policy enables activities the rule does not provide for.
<b>Effectiveness</b>	Effective: three exceptions are precisely targeted. Hazardous tree removal addresses immediate safety needs. Cultural practice clearance enables mana whenua to exercise kaitiakitanga on scheduled sites. Maintenance clearance avoids unnecessary consenting for routine management.
<b>Benefits</b>	Improved workability; removal of unnecessary consent requirement for low-impact activities already enabled at policy level; better alignment between SASM-P3 and SASM-R6; practical support for mana whenua cultural practices.

<b>Costs</b>	Marginal reduction in oversight for vegetation clearance on SASM sites for the three permitted scenarios. Risk is low given the targeted and limited nature of the exceptions.
<b>Part 2 RMA</b>	Consistent with s5 (sustainable management). Exception (b) directly implements s7(a) (kaitiakitanga) by enabling mana whenua to exercise their cultural responsibilities on scheduled sites.
<b>Higher-order documents</b>	Consistent with NRPS Policy 4.6.2 and the chapter's enabling framework for cultural practices.

### 3.16 Schedule 3 — Wairoa Awa

- Add to Schedule 3 the awa from the junction of Pukehuia Road and Girls High School Road to the confluence of the Wairoa, Wairua, and Mangakāhia awa as a site of cultural and spiritual significance to tangata whenua of Tangiterōria. KDC to initiate a Schedule 1 plan change in partnership with relevant tangata whenua as a post-hearing priority.
- Accept S70.4 in part water quality monitoring is a regional council function; cross-reference NRC PRP Policies D.1.1 and D.1.4. Rec 33: Accept S141.3 in part the SASM Overlay does not represent the full extent of Te Roroa's cultural landscape; full mapping is appropriately pursued through future Mana Whakahono ā Rohe and plan change processes.

**Reason:** James Barrett [S70.1] submitted that the Wairoa awa is of cultural and spiritual significance to tangata whenua of Tangiterōria, documented in the Te Uri o Hau Environmental Management Plan 2011 as a principal travel and communication route with pā sites, urupā and wāhi tapu along its shores. Supported by Tangiterōria Marae through FS102.6. S70.4 monitoring is a regional council function. S141.3 cultural landscape mapping aspirations are accepted in principle but are appropriately pursued through future processes consistent with the approach that each iwi and hapū leads their own site identification according to their tikanga. S4.3 raises a legitimate question about the process for adding new sites. S367.77 does not relate to the SASM chapter provisions.

<b>Efficiency</b>	Efficient: accepting S70.1 and recommending a plan change is the appropriate regulatory pathway under Schedule 1 of the RMA. Cross-referencing the NRC for monitoring is consistent with the division of functions. The Overview amendment (Rec 3) efficiently addresses both S136.42 and S4.3 on the site-addition process.
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<b>Effectiveness</b>	Effective: provides a clear pathway to Schedule 3 protection for the Wairoa awa. Acknowledges SASM Overlay limitations without structural change. Responds to S4.3 through the Overview amendment. Maintains regulatory certainty by directing S70.4 monitoring to the appropriate statutory authority.
<b>Benefits</b>	Recognition of the cultural and spiritual significance of the Wairoa awa; clear pathway to Schedule 3 protection; acknowledgement that the SASM Overlay is not the full extent of Te Roroa's cultural landscape; clearer process for new site additions.
<b>Costs</b>	The plan change recommendation requires resourcing but is a non-regulatory commitment. Water quality monitoring cross-reference creates no new district plan obligations.
<b>Part 2 RMA</b>	Directly implements s6(e) (relationship of Māori with ancestral waters, wāhi tapu and taonga) and s7(a) (kaitiakitanga). The awa is a living waterway of cultural and spiritual significance.
<b>Higher-order documents</b>	Consistent with NRPS Policy 4.6.2. Consistent with Te Uri o Hau EMP 2011 identifying the Wairoa River as a taonga. NRC PRP Policies D.1.1 and D.1.4 address regional monitoring functions.

### 3.18 FS110 — Te Uri o Hau Settlement Trust, 17 New Sites

- Accept FS110 in part, subject to the Panel finding the further submission is within scope. Priority sites with the strongest evidential foundation for scheduling consideration at this hearing: (a) Marohemo/Whakapirau (Site 3) multiple NZAA-registered pā sites, documented koiwi desecration, HNZPT records cross-corroborate significance; (b) Te Ihu Pā and Raepare Pā (Site 6) NZAA registration, detailed historical narrative, associated midden and oven sites; (c) Motuwheke/Green Hill (Site 9) former pā and papakainga, oral traditions documented in the Journal of the Polynesian Society (1911), active KDC quarry creating ongoing conflict with s6(e) RMA obligations; (d) Pukekaroro, Pukearenga and Pukepohatu (Site 17, silent file) existing statutory acknowledgement foundation under the Te Uri o Hau Claims Settlement Act 2002.
- For remaining eight named sites, requested that Te Uri o Hau to present evidence at the hearing with clear site location identification. For remaining four silent file sites, the Panel to receive confidential evidential records under appropriate directions if Te Uri o Hau agree. Te Uri o Hau may make a section 42 RMA application to formally protect sensitive information.

**Reason:** Te Uri o Hau Settlement Trust filed FS110 identifying 17 new sites for potential scheduling. The Treaty settlement framework established by the Te Uri o Hau Claims Settlement Act 2002 grounds the reporting officer's position that sites with a documented statutory acknowledgement foundation have a strong evidential basis for scheduling. For the remaining named sites, location information needs to be confirmed before a scheduling recommendation can be made with confidence. Silent file sites warrant evidential consideration under appropriate Panel directions to protect culturally sensitive information.

<b>Efficiency</b>	Efficient: directing Te Uri o Hau to present evidence at the hearing avoids premature scheduling decisions on sites where location information is incomplete, while ensuring the hearing provides a full evidential record. The most tractable sites for scheduling are identified to focus the hearing on the strongest evidential cases.
<b>Effectiveness</b>	Effective: provides Te Uri o Hau with a clear pathway to scheduling while maintaining the evidential standards required for Schedule 3 inclusion. Addresses the gap between the treaty settlement framework and the notified Schedule 3.
<b>Benefits</b>	Recognition of additional sites of cultural significance; protection against ongoing damage (particularly Motuwheke/Green Hill, Site 9, where an active KDC quarry is causing ongoing harm); alignment with Treaty settlement obligations.
<b>Costs</b>	Regulatory costs for landowners of newly scheduled sites. These are justified by the significance of the cultural values and the Treaty settlement foundation. The hearing process itself is the appropriate forum for evidential assessment.
<b>Part 2 RMA</b>	Directly implements s6(e) (relationship of Māori with wāhi tapu and taonga) and s6(f) (protection of historic heritage). Consistent with s74(2A) (Treaty settlement legislation) and NRPS Policy 4.6.2.
<b>Higher-order documents</b>	Gives effect to the Te Uri o Hau Claims Settlement Act 2002. Consistent with NRPS Policy 4.6.2 and NRC PRP Policy D.1.5 framework for places of significance to tangata whenua.

### 3.19 Freshwater SASM

- The reporting officer recommends the Panel consider a new integrated freshwater SASM framework: (a) new Objective SASM-O3 protect and recognise Sites and Areas of Significance to Māori associated with freshwater bodies, maintaining the

- health, mauri, and cultural relationships of tangata whenua with water and its margins, including wāhi tapu, wāhi taonga, mahinga kai, and other culturally significant freshwater values;
- (b) new Policy SASM-P8 assessment framework for activities within, adjacent to, or affecting freshwater bodies, having particular regard to: the relationship of tangata whenua with ancestral freshwater bodies; Te Mana o te Wai; mahinga kai values; and early and meaningful engagement with affected iwi and hapū;
  - (c) new restricted discretionary rule for any activity within 10 metres of a freshwater body, or that may adversely affect Māori cultural values associated with a freshwater body. Assessment matters to include freshwater-related SASM association, effects on tangata whenua relationships with ancestral waters, Te Mana o te Wai, mahinga kai, nature and scale of disturbance, engagement and cultural input, accidental discovery protocols, and consistency with higher-order direction.

**Reason:** Multiple submission points raise concerns about how the PDP recognises and manages SASM associated with freshwater bodies: S70.1 and S70.4 (Wairoa awa); S141.1–S141.9 (Te Roroa); S367.22–S367.26 (Te Uri o Hau); S332.41–S332.46 (NRC). Taken collectively, these submissions demonstrate that freshwater-related SASM is a material planning issue. The existing chapter addresses scheduled sites but does not explicitly provide for the relationship of tangata whenua with freshwater bodies. As a framework of this scope would go beyond the scope of any individual submission as notified, it is presented for Panel consideration rather than as a firm recommendation, consistent with the Panel's jurisdiction under the First Schedule of the RMA.

<p><b>Efficiency</b></p>	<p>Efficient: an integrated objective, policy, and rule framework is more efficient than addressing freshwater-related submissions through scheduling alone or non-regulatory methods, providing a clear regulatory pathway for assessing land-use effects on freshwater cultural values.</p>
<p><b>Effectiveness</b></p>	<p>Effective: directly responds to the collective weight of submissions and ensures that activities with the potential to adversely affect freshwater-related SASM are subject to a proportionate consenting pathway.</p>
<p><b>Benefits</b></p>	<p>Stronger recognition of Māori cultural relationships with freshwater; implementation of Te Mana o te Wai and mahinga kai values at the district plan scale; consistency with NPS-FM and NRC PRP Policy D.1; complementary to NRC's regional freshwater functions.</p>

<b>Costs</b>	Increased consenting requirements for activities within 10 metres of freshwater bodies. These costs are proportionate given the significance of freshwater cultural values. Full cost analysis would be undertaken as part of a formal section 32 evaluation if the Panel directs this option be developed as a firm amendment.
<b>Part 2 RMA</b>	Directly implements s6(e) (relationship of Māori with ancestral lands, water, wāhi tapu and taonga), s7(a) (kaitiakitanga), and s8 (Treaty principles). Consistent with NPS-FM Te Mana o te Wai.
<b>Higher-order documents</b>	Consistent with NPS-FM (Te Mana o te Wai), NRPS Policy 4.6.2, and NRC PRP Policy D.1. Implementing freshwater cultural value protection at the district plan scale complements the regional plan framework.

#### 4. Overall Evaluation Summary

The recommended amendments to the SASM chapter are collectively evaluated against section 32(1) of the RMA below.

<b>Environmental costs</b>	No significant additional costs. The amendments do not reduce protection for SASM sites. The removal of the farm quarry exception from SASM-P6(1) strengthens environmental protection.
<b>Environmental benefits</b>	Stronger protection for SASM sites and their cultural values from adjacent activities (SASM-P4.1 extension and new SASM-R12); improved backstop for unrecorded cultural material (accidental discovery conditions in SASM-R3 and R4); removal of inconsistent farm quarry exception from SASM-P6(1).
<b>Economic costs</b>	No significant additional costs. The commercial forestry amendment reduces regulatory burden. Minor increases in assessment requirements for activities adjacent to SASM sites are justified by cultural heritage protection obligations. Regulatory costs for landowners of newly scheduled sites (Wairoa awa, Kaharau) are justified by Treaty settlement and evidential foundations.

<b>Economic benefits</b>	Improved certainty and workability for plan users, reducing interpretation costs; equitable treatment of commercial forestry operators; permitted activity exceptions in SASM-R6 reduce unnecessary consenting costs; new definitions improve clarity for applicants and consent authorities.
<b>Social costs</b>	No identified social costs.
<b>Social benefits</b>	Clearer regulatory framework; improved public awareness of HNZPT Act obligations through Overview; commitment to plan change process for additional SASM sites; new SASM-R12 providing setback protection adjacent to wāhi tapu; tikanga context paragraphs for objectives grounding the chapter in kaitiakitanga.
<b>Cultural costs</b>	No identified cultural costs.
<b>Cultural benefits</b>	Stronger partnership-based identification framework (SASM-P1 collaboration, SASM-P2 providing for participation); new Wāhi tapu, Place of significance to tāngata whenua, and Tangata Whenua definitions; corrected Tikanga definition; retained existing definitions providing certainty; He Wāhi Tapu Overview grounding the chapter in tikanga; addition of Wairoa awa to Schedule 3; SASM-R12 setback rule protecting wāhi tapu from proximate development; permitted activity exceptions enabling cultural practices (SASM-R6); FS110 pathway for 17 new Te Uri o Hau sites.
<b>Risk of acting</b>	Low. Amendments primarily clarify existing intent, strengthen partnership obligations, and improve workability. No new regulatory requirements are imposed beyond those already established by the RMA, settlement legislation, and national direction instruments.
<b>Risk of not acting</b>	Moderate. Submitter concerns about inconsistent terminology, missing sites, inadequate partnership provisions, and gaps in the accidental discovery framework would remain unaddressed. This could undermine confidence in the chapter's ability to protect cultural values and create uncertainty for all parties. The absence of Kaharau from Schedule 3 would perpetuate a gap

	between Treaty settlement obligations and district plan mechanisms.
<b>Effectiveness</b>	The amendments are effective. They directly respond to submitter concerns while maintaining the protective policy intent. They strengthen the chapter's alignment with Treaty obligations, improve consistency, and provide practical tools for implementing protection mechanisms on the ground.
<b>Efficiency</b>	The amendments are efficient. They primarily involve targeted textual changes rather than structural reform. The accidental discovery conditions use established wording. The commercial forestry amendment corrects an existing gap at minimal cost. The new definitions draw on existing regional frameworks.

### Preferred Option

Having considered a range of options for each amendment including retaining the notified provisions unchanged — the recommended amendments represent the most appropriate way to achieve the purpose of the RMA. The amendments:

- (a) give effect to the Te Uri o Hau Claims Settlement Act 2002 and Te Roroa Claims Settlement Act 2008 and the partnership obligations they establish;
- (b) give effect to higher-order documents including the Northland Regional Policy Statement Policy 4.6.2, NPS-Infrastructure 2025 Policy 6, and NRC Proposed Regional Plan Policy D.1.5;
- (c) implement the relevant Part 2 matters: ss 5, 6(e), 6(f), 7(a), and 8 of the RMA;
- (d) respond directly to submitter concerns while maintaining the protective policy intent of the chapter;
- (e) improve workability and certainty for plan users, consent authorities, and mana whenua; and
- (f) enable the Council to effectively administer the district plan and monitor outcomes in a clear and consistent manner.

For the reasons set out above, the recommended amendments are the most efficient and effective means of achieving the objectives of the SASM chapter. The amendments are proportionate to the scale and significance of the changes and are consistent with section 32AA of the RMA.