

Section 42A Report

Sites and Areas of Significance to Māori

Prepared for the

Proposed Kaipara District Plan

Report prepared by: [Sarah Horton](#)

[26 March 2026](#)

List of submitters and further submitters addressed in this report:

Submission Number	Submitter
4	Mina Henare
70	James Barrett on behalf of Tangiterōria Marae
73	PF Olsen Ltd
122	Amanda (Mandy) Harris
136	Federated Farmers of New Zealand (Inc) - Northland Province
141	Te Roroa Whatu Ora Trust & Te Roroa Manawhenua Trust
158	Manulife Forest Management NZ Ltd
206	D Leighton
229	Ravensdown Limited
270	Heritage New Zealand Pouhere Taonga
283	Northpower Limited and Northpower Fibre Limited
292	Transpower
332	Northland Regional Council
367	Te Uri o Hau
FS29	Atlas Quarries Limited
FS41	Channel Terminal Services Ltd
FS54	Heritage New Zealand Pouhere Taonga
FS72	Manulife Forest Management (NZ) Ltd
FS89	P F Olsen
FS93	Royal Forest and Bird Protection Society of NZ
FS100	Transpower New Zealand Ltd
FS110	Te Uri o Hau
FS102	J.R. Barrett on behalf of Tangiterōria Marae
FS104	Fonterra
FS107	Atlas Quarries Limited

List of Abbreviations used in this report:

Abbreviation	Term
HNZPT	Heritage New Zealand Pouhere Taonga
IHEMP	Iwi-hapū environmental management plans
KDC	Kaipara District Council
ODP	Kaipara District Council Operative District Plan
KDSP	Kaipara District Spatial Plan
LGA	Local Government Act 2002
LTP	Long Term Plan
MHF	Major Hazard Facilities
NPS-Infrastructure	National Policy Statement for Infrastructure 2025
NES	National Environmental Standards
NPS	National Policy Statements
NCPS	New Zealand Coastal Policy Statement
NRC	Northland Regional Council
NPS:UD	National Policy Statement on Urban Development
PDP	Proposed Kaipara District Plan
PRP	Proposed Regional Plan
RWSP	Regional Water and Soil Plan
NRPS	Regional Policy Statement for Northland
RMA	Resource Management Act 1991
SASM	Sites and Areas of Significance to Māori
S32	Section 32 of the RMA
S42A	Section 42A of the RMA
SP	Structure Plan
RLAA	The Resource Legislation Amendment Act 2017

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Executive Summary

- i. The Proposed Kaipara District Plan (PDP) was publicly notified in April 2025. The Sites and Areas of Significance to Māori (SASM) chapter is located in Part 2 – District Wide Matters. The purpose of the SASM chapter is to identify and protect sites and areas of significance to Tangata Whenua/Mana Whenua and to give effect to statutory acknowledgements arising from Treaty of Waitangi settlements with Te Uri o Hau and Te Roroa.
- ii. Fourteen (14) submitters, with a total of 58 submission points across the chapter, and eleven (11) further submitters containing 32 further submission points made submissions on the SASM topic. All submitters have indicated they wish to be heard. The submissions reflect a broad range of perspectives: mana whenua (Te Uri o Hau [S367] and Te Roroa [S141]) seek stronger iwi-led protection mechanisms; infrastructure providers (Northpower [S283], Transpower [S292]) seek recognition of operational need; and primary sector submitters (Federated Farmers [S136], PF Olsen [S73], Manulife [S158]) seek practical workability. Heritage New Zealand Pouhere Taonga [S270] and Northland Regional Council [S332] are broadly supportive with targeted amendments.
- iii. Having considered the submissions and further submissions, I recommend targeted amendments to strengthen the chapter's partnership approach with mana whenua, improve terminology consistency, and better implement the chapter's protection objective. Key amendments include:

Overview and General Chapter Changes

- 1) Amend the SASM Overview/Te Ao Māori, tikanga, whakapapa, kaitiakitanga, and living relationships, sites are taonga.
- 2) Clarify that unscheduled sites may still be wāhi tapu and culturally significant.
- 3) Retain the Heritage New Zealand Pouhere Taonga Act 2014 advisory note (archaeological authority required regardless of plan status).
- 4) Add a clear statement confirming that new SASM sites are added via a Schedule 1 plan change, led by tangata whenua.
- 5) Acknowledge that Schedule 3 is not exhaustive and does not represent the full extent of Māori cultural landscapes.

Terminology and Drafting Consistency

- 6) Retain differentiated terms (e.g. wāhi tapu, mahinga kai) where provisions are intentionally site-specific.

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- 7) Avoid collapsing all site references into “Schedule 3 sites” where protection intent would be weakened.

Definitions

- 8) Retain notified definitions of:
 - a. *Sites and Areas of Significance to Māori*
 - b. *Sites of Interest to Māori*
- 9) Add new definition:
 - a. “Place of significance to tāngata whenua” (adopted from NRC Proposed Regional Plan Policy D.1.5).
- 10) Add a definition of:
 - a. “Wāhi tapu” as a sacred site whose attributes and boundaries are defined by iwi/hapū kaitiaki.
- 11) Add a definition of:
 - a. “Tāngata whenua” as iwi or hapū holding mana whenua in relation to a particular place.
- 12) Amend the glossary definition of:
 - a. “Tikanga” to read: *“Tikanga means Māori customary values and practices.”*
- 13) Do not define “Cultural Values”.

Objectives

- 14) Retain SASM-O1 and SASM-O2 with refined wording.
- 15) Rename SASM-O2 to broaden focus from scheduled sites to sites and areas of significance to tāngata whenua and Māori.
- 16) Strengthen the kaitiakitanga and relationship-based framing of the objectives.
- 17) Do not add a stand-alone infrastructure objective in the SASM chapter
- 18) Add a new Freshwater adjacent Sites and Areas of Significance to Māori objective

Policies

- SASM-P1 (Identification)
- 19) Amend wording to remove “consultation” and include “collaboration”
- SASM-P2 (Kaitiakitanga)
- 20) Replace “promoting” with “providing for” active mana whenua participation in resource management processes.
- SASM-P3 (Activities Enabled)
- 21) Amend infrastructure clause to allow upgrading within the existing footprint of infrastructure.
 - 22) Reject proposals to broadly enable new activities based solely on functional or operational need.

SASM-P4 (Managing Effects)

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- 23) Extend policy scope to activities within or immediately adjacent to scheduled SASM sites.
 - 24) Retain avoidance-led framework; do not introduce a general “no more than minor effects” qualifier.

SASM-P5 (Destruction or Demolition)

- 25) Retain policy as notified
- SASM-P6 (Activities to be Avoided)
- 26) Remove the farm quarry exception.
 - 27) Retain avoidance of mining, quarrying, landfills, hazardous facilities, intensive indoor primary production, cemeteries and crematoria.
 - 28) Do not exempt offal pits or on-farm domestic landfills.
- SASM-P7 (Consideration of Effects)
- 29) Amend policy title to explicitly reference tangata whenua.
 - 30) Extend application to activities within or immediately adjacent to scheduled sites.
 - 31) Strengthen cultural advice clause so decision-makers must “have regard to” cultural advice received.
 - 32) Retain provisions encouraging ongoing access and relationship maintenance (do not add landowner consent qualifiers).

Rules

- 33) Retain SASM-R1 as notified.
 - 34) Retain SASM-R4 and SASM-R5 structure; do not replace wāhi tapu references with generic Schedule 3 wording.
 - 35) Retain SASM-R7 to SASM-R11 as notified (subject to cross-chapter definition alignment).
- SASM-R3 (Land disturbance and cultivation)
- 36) Amend permitted activity to include commercial forestry infrastructure maintenance, limited to existing alignments.
 - 37) Add an accidental discovery protocol (stop work, notify HNZPT and mana whenua, no recommencement until authorised).
- SASM-R6 (Indigenous vegetation clearance)
- 38) Add permitted activity exceptions for:
 - a. Removal of hazardous trees,
 - b. Cultural practices carried out in accordance with tikanga Māori,
 - c. Maintenance of existing structures.

New Rule – Setback from Wāhi Tapu

- 39) Do not adopt a blanket 100 m mapped buffer.
- 40) Introduce a new restricted discretionary rule for:
 - a. Buildings or structures within 10 metres of a scheduled wāhi tapu on adjacent or abutting land.

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- 41) Include assessment matters focused on cultural effects, consultation outcomes, design mitigation, and iwi/hapū management plans.

Freshwater-Related SASM (New Provisions)

- 42) Introduce a new freshwater-specific SASM framework comprising:
- a. New Objective SASM-O3 (freshwater-related SASM),
 - b. New Policy SASM-P8 (activities affecting freshwater-related SASM),
 - c. New Restricted Discretionary Rule SASM-R13, and
 - d. New assessment matters (SASM-FM1).

Schedule 3 – Sites

- 43) Add the Wairoa Awa (Tangiterōria Marae reach) to Schedule 3.
- 44) Acknowledge Te Roroa Sixth Schedule wāhi tapu:
- a. Confirm four are already scheduled.
 - b. Acknowledge Kaharau but do not schedule due to jurisdictional limits.
- 45) Accept Te Uri o Hau FS110 (17 new schedule 3 sites) in part:
- 46) Retain Schedule 3 generally while recognising it is incomplete.

Non-Regulatory / Process Recommendations

- 47) Encouragement of partnership to re-establish and resource Māori-led site identification processes.

He Kupu Whakataki / Preamble

E whai ana tēnei pūrongo i ngā tāpaetanga mō te Upoko o ngā Wāhi Nui ki te Māori o te Mahere ā-Rohe o Kaipara e marohitia ana.

He taituarā tēnei pūrongo i te Rōpū Whiriwhiri ki te kite, ki te whakarite hoki i te hononga o ngā Iwi me ngā Hapū ki ō rātou whenua tūpuna, ki ngā wai, ki ngā wāhi tapu, me ētahi atu taonga; he take hiranga ā-motu ēnei i raro i te Ture Whakahaere Rauemi 1991.

E pupuri pūmau ana au i roto i te hinengaro, ehara noa te tūrangawaewae, te wāhi tapu, te marae, me te awa i te rōpū ā-ture noa iho. Koinei kē ngā wāhi e kawea ana, e mau tonu ai te whakapapa, te mātauranga, me te mauri o ia Iwi, o ia Hapū puta noa i ngā whakatupuranga. Ko taku haepapa matua, he whakahonore i aua ūara i roto i ngā tūtohitanga o tēnei pūrongo.

I raro i ngā mātāpono o Te Tiriti o Waitangi me te wehenga 6(e) o te Ture Whakahaere Rauemi, ko te hononga o te Māori ki ō rātou whenua tūpuna he take hiranga ā-motu; ehara i te mea hei whakaaro noa iho, engari me mātua kite, me mātua whakarite hoki.

Ki ngā Iwi me ngā Hapū o tēnei rohe, tēnei āku mihi, me taku whakamanawa hoki ki te toimahatanga o tēnei mahi.

This report addresses submissions on the Sites and Areas of Significance to Māori chapter of the Proposed Kaipara District Plan.

Its primary purpose is to assist the Hearing Panel in recognising and providing for the relationships of iwi and hapū with their ancestral lands, waters, wāhi tapu, and other taonga these being matters of national importance under the Resource Management Act 1991.

I hold clearly in mind that tūrangawaewae, wāhi tapu, marae, and awa are not merely legal categories. They are the places in which the whakapapa, mātauranga, and mauri of each iwi and hapū endure across generations. My responsibility is to honour those values in the recommendations of this report.

Under the principles of Te Tiriti o Waitangi and section 6(e) of the Resource Management Act, the relationship of Māori with their ancestral landscape is a matter of national importance not merely to be considered, but to be recognised and provided for.

To the iwi and hapū of this district these are my greetings, and my acknowledgement of the weight of this work.

1. Introduction

1.1 Qualifications and Experience

1. My full name is Sarah Alice-Eva Horton. I am a Senior Planner – Plan Development at Kaipara District Council (KDC) in the Policy and Planning Team.
2. My role in preparing this report is as an expert in planning. I do not whakapapa (that I know of) to the Kaipara District specifically, I am not speaking on behalf of or for any of the iwi or hapū groups of the Kaipara District.
3. I had no involvement in the preparation of the Sites and Areas of Significance to Māori chapter or Section 32 evaluation report prior to notification but became the s42A reporting officer for this topic early 2026.
4. I hold a Bachelor of Planning (Hons) at the University of Auckland and am a Full Member of the New Zealand Planning Institute since 2013.
5. I have 20 years' experience in statutory planning across local government, private consultancy and independent practice. My professional experience contains extensive assessment and processing of resource consents, including complex and notified applications, within Auckland and Northland. During my time at Auckland Council, I represented Auckland Council at the Environment Court, and was involved in the New Lynn Regeneration project, processing the consents for the undergrounding of the New Lynn Rail Station and electrification of the rail corridor western side. My private sector planning experience includes holding a leadership role reviewing and providing support in the preparation of planning reports and obtaining resource consents for small and large scale residential and subdivision developments in the Auckland and Northland regions. My professional background includes plan and policy development in my previous role as a Senior Policy Planner at Whangārei District Council. My independent practice included being on the supplier panel for Auckland Council and Whangārei District Council resource consent teams, reviewing and preparing submissions, and providing resource management advice.
6. I joined the Policy and Planning Team at KDC in November 2025 as a Kaiwhakamāhere Matua - Whakamahere me Whakawhanake - Senior Planner - Plan Development.

1.2 Preparation of the report

7. I am authorised by KDC to prepare this report under section 42A of the Resource Management Act (**RMA**) to assist the PDP Hearings Panel. The purpose of this report is to both assist the Hearings Panel in hearing and deciding on submissions made on to the PDP, and to assist submitters in understanding how their submission is being considered as part of the PDP process. This report includes my recommendations on matters raised in submissions, and any changes to the PDP that I consider to be appropriate having considered the statutory requirements.
8. I am the author of this report. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
9. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations that I have made in this report are not binding on the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusions or decisions having considered all the submissions and evidence from submitters. The decision ultimately lies with the Hearings Panel.

1.3 Code of Conduct

10. While this is not a hearing held by the Environment Court, I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise.

1.4 Conflict of Interest

11. I confirm that I have no real or perceived conflict of interest.

2. Scope of Report

2.1 Matters addressed by this report

12. The scope of this report is to consider the submissions and further submissions made in respect of the provisions in the Sites and Areas of Significance to Māori chapter of the PDP and make recommendations.

13. This report is prepared pursuant to section 42A of the RMA and is intended to assist the Hearings Panel to satisfy the requirements of clause 10 of the First Schedule. Clause 10 requires the Council to give a decision on the provisions and matters raised in submissions, including reasons for accepting or rejecting the submissions. This report provides my recommendations on each submission point (Appendix A) and reasons for those recommendations, to assist the Panel in making its decision.

14. This section 42A report also addresses the definitions which are specific to the Sites and Areas of Significance to Māori chapter.

2.2 Overview of the Sites and Areas of Significance to Māori chapter

15. As notified, the Sites and Areas of Significance to Māori chapter contains two objectives, seven policies, eleven rules, and Schedule 3. Together these provisions give regulatory expression to the obligations of sections 6(e), 7(a) and 8 of the RMA, providing a framework for the identification, recognition, and protection of sites and areas of significance to Māori within the Kaipara District. As notified, the Sites and Areas of Significance to Māori chapter contains two objectives, seven policies, eleven rules, and Schedule 3 that together manage land use activities involving sites and areas of significance to Māori within the Kaipara District. The chapter is structured around identifying significant sites, enabling culturally appropriate activities, managing adverse effects, and avoiding the destruction or compromise of cultural values. Schedule 3 is the notified list of scheduled sites. As notified, it primarily contains Statutory Acknowledgement Areas, Nohoanga Sites, and Cultural Redress Areas arising from the Treaty settlement legislation of Te Uri o Hau and Te Roroa. These sites carry formal Crown recognition and have a strong evidential and legal foundation. However, the notified Schedule 3 does not represent the full extent of sites and areas of significance to Māori within the Kaipara District.

2.3 Statutory Context

16. This report is prepared under the RMA. At the end of 2025, the Government proposed two new pieces of legislation that the RMA will be replaced with:

- a. A Natural Environment Bill – focused on managing the natural environment
- b. A Planning Bill – focused on planning to enable development and infrastructure.

17. The Government has announced its intention to proceed with the Select Committee process at pace through the first half of 2026, with both bills intended to be passed into law before the

2026 general election. Although the signalled intent is for a quick transition to the new resource management system by the end of 2029, the RMA continues to be in effect until this new replacement legislation is passed, with planning documents prepared under the RMA remaining in effect until new national direction instruments are prepared, standardised plan content developed and new plans prepared (including Regional Spatial Plans, Natural Environment Plans and Land Use Plans).

18. The Operative Kaipara District Plan (ODP) is thirteen years old and drafted in a matter that is misaligned with both the National Planning Standards and other district plans in the Northland region (being Whangārei and Far North district plans). Substantive work is required to better align it with other planning provisions in the region, as well as with the style, content and format of plans that are likely to be required under the new planning system. The Schedule 1 hearing process for the PDP is an important part of modernising the district plan and achieving clear and consistent provisions that will better integrate into the new planning system.
19. Once the new legislation is passed, the direction of the new legislation will be considered when making recommendations and alignment will be sought with this direction where it is within the scope of submissions to do so. As the new legislation is not yet in force and the content is not finalised, this section 42A report does not consider the direction contained in the new bills. This approach is consistent with a recent decision from the *High Court in Box Property Investments Limited v The Expert Consenting Panel [2025] NZH 1773* which held that decisions must be made based on the law as it currently stands, not on future legislative changes [at 35].
20. It is noted that the Natural Environment Bill and the Planning Bill include provision for the identification and protection of sites of significance to Māori. It is anticipated that councils will clearly continue to have a role protecting sites and areas of significance to Māori under the new planning framework. Generally, the PDP SASM provisions can be considered to be in alignment with the future direction in planning and the proposed modernisation of the structure and approach will assist with transitioning smoothly into the new system. Both require Māori interests to be provided for in three ways: Māori participation in national instruments and plans, identification and protection of sites of significance to Māori, and enabling and protecting identified Māori land.
21. Resource Management Act 1991
22. The district council has legal obligations with respect to Tangata Whenua when managing the natural and physical resources of the district. The core obligations under the RMA relevant to the SASM chapter are:

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- i. Section 6(e) – the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga is to be recognised and provided for as a matter of national importance*
 - ii. Section 6(f) – the protection of historic heritage from inappropriate subdivision, use, and development*
 - iii. Section 6(g) – the protection of protected customary rights*
 - iv. Section 7(a) – kaitiakitanga is to be had particular regard to*
 - v. Section 8 – the principles of the Treaty of Waitangi/Te Tiriti o Waitangi are to be taken into account*
 - vi. Section 35A – duty to keep records about iwi and hapū*
 - vii. Sections 36B–36E – joint management agreements with iwi authorities*
 - viii. Section 74(2)(b)(ii) – district plans must take into account iwi planning documents*
 - ix. Section 74(2A) – particular regard to Treaty settlement legislation*
 - x. Schedule 1 – plan-making process, including consultation with iwi authorities*
23. Section 6(e) of the RMA is a matter of national importance that imposes a protective obligation on the district plan. It requires the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga to be recognised and provided for, not merely balanced against competing interests. This is not a factor to be weighed in a cost-benefit exercise. The Environment Court has confirmed that s6(e) carries directive weight in plan-making: see *McCallum Bros Ltd v Auckland Council [2024] NZEnvC 75*, in which the Court held that ss6/7/8 of the RMA provide strong protective directions, and that balancing cannot mean balancing away Treaty principles. Similarly, in *Connor-Kingi v Whangārei District Council [2024] NZEnvC 351* the Court confirmed that s6(e) is a protective obligation that frames the purpose and policies of a chapter of this kind. The provisions identified above collectively establish the statutory foundation for the SASM chapter and must be applied in a manner that gives genuine protective effect to the relationship of tangāta whenua with their ancestral lands, sites, wāhi tapu and taonga.
24. The National Planning Standards 2019 require Sites and Areas of Significance to Māori provisions to be located in a district-wide chapter under “Historical and cultural values”. The Standards specify that the following matters, where addressed, must be located in the SASM chapter: descriptions of sites and areas; provisions to manage those sites; a description of the

agreed process of identification; a schedule listing specific or general locations; and a description of any regulatory processes for identification. The recommended amendments to the SASM chapter maintain compliance with the National Planning Standards 2019.

25. The New Zealand Coastal Policy Statement 2010 (as amended 2025) (NZCPS) is also relevant to this chapter. A number of the SASM scheduled sites lie within or adjacent to the coastal environment as defined in the NZCPS, including the Kaipara Harbour, Mangawhai Harbour, and Ripiro coastal areas over which Te Uri o Hau hold statutory acknowledgements, and the west coast areas within the Te Roroa rohe.
26. Policy 2 of the NZCPS requires local authorities, in consultation and collaboration with tangata whenua and working in accordance with tikanga Māori, to provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including coastal pā and fishing villages, and to recognise that tangata whenua have the right to choose not to identify places or values of spiritual or cultural significance. Policy 2 also requires that opportunities be provided for tangata whenua to exercise kaitiakitanga over coastal waters, lands and resources. Policy 17 requires the involvement of iwi authorities and kaitiaki in the identification and protection of historic heritage in the coastal environment, which directly encompasses wāhi tapu and ancestral sites within SASM scheduled areas. The recommended SASM chapter provisions are consistent with and give district plan expression to the direction established by Policies 2 and 17 of the NZCPS.
27. National Policy Statement for Freshwater Management (NPS-FM) The National Policy Statement for Freshwater Management (NPS-FM) provides the primary national direction for the management of freshwater resources under the Resource Management Act 1991. Its purpose is to ensure that freshwater is managed in a way that prioritises the health and wellbeing of water bodies and freshwater ecosystems, while also providing for people and communities to use freshwater for their social, economic, and cultural wellbeing. Central to the NPS-FM is Te Mana o te Wai, which recognises the integral relationship between the health of freshwater, the health of the environment, and the health of people, and requires that the interests, values, and roles of tangata whenua be recognised and provided for in freshwater management. The NPS-FM requires councils to identify freshwater values, set freshwater objectives and limits, and manage land use and development in an integrated manner to avoid further degradation and support the restoration of freshwater, including Māori cultural values such as mahinga kai, wāhi tapu, and ancestral relationships with water.
28. National Policy Statement on Urban Development (NPS-UD) is only relevant to the SASM chapter for when sites are in the urban environment as defined by the NPS-UD. Objective 5 and Policy 9 require local authorities to take into account the principles of Te Tiriti o Waitangi in

relation to urban environments, with Policy 9(c) specifically requiring that opportunities be provided for Māori involvement in decision-making on resource consents in relation to sites of significance to Māori and issues of cultural significance.

29. The National Policy Statement for Indigenous Biodiversity (NPS-IB) The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe.
30. The National Policy Statement for Infrastructure 2025 (NPS-I) came into force on 15 January 2026 and is relevant to this hearing. The NPS-I sets out policies to enable, recognise, and protect new and proposed infrastructure and applies to all infrastructure activities and infrastructure supporting activities. Its primary objective is to direct decision-makers to recognise and provide for the significant public benefits of infrastructure at national, regional, and local levels. Policy 6 of NPS-I recognises and provides for the relationship of Māori with ancestral lands, water, sites, Wāhi tapu and other taonga.

2.4 Northland Regional Policy Statement (NRPS)

31. The Proposed Kaipara District Plan must give effect to the Regional Policy Statement for Northland (NRPS) and must not be inconsistent with the Northland Regional Plan, pursuant to sections 75(3) and 75(4) of the RMA. The recommended amendments to the SASM chapter have been developed with this hierarchy in mind and are consistent with the regional framework for tāngata whenua values and cultural heritage established by both documents.
32. Policy 4.6.2 of the NRPS requires activities that compromise important spiritual or cultural values associated with heritage places or features to be restricted. The protective framework recommended in this report (including the avoidance-based policies, the accidental discovery conditions, and new SASM-R12) gives effect to this policy.

2.5 Northland Regional Plan - Tāngata Whenua provisions

33. The Proposed Regional Plan for Northland, February 2024(NRC PRP)) contains a dedicated suite of tāngata whenua policies at section D.1 that are directly relevant to the SASM chapter. The PDP must be consistent with the NRC PRP under section 75(4) RMA.
34. **Policy D.1.1** - When an analysis of effects on tāngata whenua is required. The NRC PRP requires that resource consent applications include an analysis of effects on tāngata whenua and their taonga where activities are likely to cause adverse effects on māhinga kai, wāhi tapu,

ancestral sites, indigenous biodiversity affecting tāngata whenua cultural practices, or sites and areas of significance to tāngata whenua.

35. **Policy D.1.2** - Requirements of an analysis of effects on tāngata whenua and their taonga. The NRC PRP requires that an analysis of cultural effects incorporate Mātauranga Māori (clause 6), be evidence-based (clause 5), have regard to iwi management plans and statutory acknowledgements in Treaty settlement legislation (clauses 2(a) and 2(c)), and follow best practice including requesting in the first instance that the relevant tāngata whenua undertake the assessment (clause 3)..
36. **Policy D.1.3** - Affected persons. The NRC PRP requires that tāngata whenua identified through a D.1.2 analysis be treated as affected persons for notification purposes where adverse effects on cultural resources or activities are minor or more than minor.
37. **Policy D.1.4** - Managing effects on places of significance to tāngata whenua. This policy discusses resource consents and effects on the values of places of significance to tāngata whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.
38. **Policy D.1.5** - Places of significance to tāngata whenua. Policy D.1.5 provides the regional framework for identifying and describing places of significance to tāngata whenua, establishing four categories of cultural association historic, traditional, cultural, and spiritual and requiring that identified places be endorsed by the relevant tāngata whenua community and geographically defined. The sites of significance to tangata whenua assessment process developed jointly by KDC, Te Uri o Hau Settlement Trust, and Te Roroa Whatu Ora Trust was largely modelled on the D.1.5 framework, and the definition of “Place of significance to tāngata whenua” recommended for adoption in the PDP definitions chapter is drawn verbatim from this policy.
39. **Policy D.2.15** - Recognising other plans and strategies. The NRC PRP requires regard to be had to operative plans and strategies adopted by the Regional Council following LGA consultative processes, to the extent their content bears on resource management issues of the region. This provision is consistent with and supports the district plan’s obligation under section 74(2A) of the RMA to give effect to iwi and hapū management plans.
40. **Policy D.2.16** - Managing adverse effects on Historic Heritage. The NRC PRP requires that significant adverse effects on Historic Heritage characteristics, qualities, and values be avoided, and specifically identifies destruction, relocation, and alteration of Historic Heritage as significant adverse effects. Consent applicants for activities near SASM scheduled sites should also have regard to the D.2.16 framework.

2.6 KDC Policy on Te Tiriti Partnerships with Māori

41. KDC's Policy on Te Tiriti Partnerships with Māori (June 2024) recognises Te Tiriti o Waitangi as foundational and commits the Council to having regard to Māori rights and interests, and to the application of Te Tiriti principles in relevant legislation and national policy statements. The policy confirms that, when developing plans and policies, the Council will consider in partnership with Māori whether different approaches are required and will have regard to Māori taonga and tikanga values, including mana, whakapapa, whanaungatanga, manaakitanga and kaitiakitanga. This approach reflects the Council's obligations under section 81 of the Local Government Act 2002 to provide opportunities for Māori to contribute to decision-making and to support Māori capacity to participate in those processes.
42. The Northland Regional Council's Te Tiriti strategy Tāiki ē, developed jointly with the Te Taitokerau Māori and Council (TTMAC) Working Party, provides regional expression to these obligations through its kaupapa of Kāwanatanga and Rangatiratanga working together for the wellbeing of the taiao. The TTMAC model demonstrates a structured and effective approach to Māori participation in decision-making.
43. **Treaty Settlement Acts**
44. Four Treaty settlement Acts are directly relevant to this chapter. The Te Uri o Hau Claims Settlement Act 2002 and the Te Roroa Claims Settlement Act 2008 provide cultural redress, including statutory acknowledgements, and require consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga to have regard to those acknowledgements. The Te Roroa Manawhenua Trust Deed (executed 15 August 2006) further identifies five wāhi tapu in its Sixth Schedule: Manuwhetai, Whangaiariki, Puketapu, Maunganui Bluff and Kaharau, which must remain under the control of the Trust and cannot be alienated or charged. These sites have a formal Treaty settlement foundation that is directly relevant to the weight to be given to Te Roroa's submission seeking their recognition in Schedule 3.
45. The Ngāti Whātua o Kaipara Claims Settlement Act 2013 and the Ngāti Manuhiri Claims Settlement Act 2012 similarly provide statutory acknowledgements and confirm the Crown's recognition of cultural, spiritual, historical and traditional associations with their respective statutory areas. The statutory acknowledgements remain relevant to any future plan change process affecting sites within their rohe, and engagement with the relevant settlement entities will be required.

Te Uri o Hau Claims Settlement Act 2002

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46. The Te Uri o Hau Claims Settlement Act 2002 gives effect to the Deed of Settlement between the Crown and Te Uri o Hau, settling their historical claims arising from Crown breaches of the Treaty of Waitangi — including the failure to protect Te Uri o Hau lands, resources, and cultural sites within their rohe encompassing the Kaipara Moana and Ripiro Coast. The Act provides cultural redress including statutory acknowledgements over specified areas, kirihipi overlays, nohoanga sites, and cultural redress properties, and establishes the ongoing obligations of consent authorities and the Environment Court to have regard to those acknowledgements.

Te Roroa Claims Settlement Act 2008

47. The Te Roroa Claims Settlement Act 2008 gives effect to the Deed of Settlement between the Crown and Te Roroa, settling their historical claims arising from Crown breaches of the Treaty including the use of unfair methods to purchase Te Roroa lands at Waipoua, the failure to make proper provision for reserves, and the failure to protect Te Roroa wāhi tapu and taonga, as found by the Waitangi Tribunal in the Te Roroa Report (Wai 38, 1992). The Act provides cultural redress including statutory acknowledgements over specified areas and establishes the Te Roroa Manawhenua Trust and Te Roroa Whatu Ora Trust as the governance entities through which the settlement's ongoing obligations are administered, including the protection of wāhi tapu named in the Sixth Schedule of the Trust Deed.

Ngāti Whātua o Kaipara Claims Settlement Act 2013

48. The Ngāti Whātua o Kaipara Claims Settlement Act 2013 gives effect to the Deed of Settlement between the Crown and Ngāti Whātua o Kaipara, settling their historical claims arising from the progressive loss of their lands and resources in the South Kaipara through Crown failures to honour the Treaty partnership — including the failure to protect Ngāti Whātua o Kaipara's interests as successive Crown administrations facilitated land alienations that eroded the economic and cultural foundation of the iwi. The Act records the Crown's acknowledgements and apology, provides cultural redress including statutory acknowledgements over areas within and adjacent to the Kaipara District, and establishes the settlement as final.

Ngāti Manuhiri Claims Settlement Act 2012

49. The Ngāti Manuhiri Claims Settlement Act 2012 gives effect to the Deed of Settlement between the Crown and Ngāti Manuhiri, settling their historical claims arising from Crown breaches of the Treaty most significantly the forcible acquisition of Te Hauturu-o-Toi / Little Barrier Island, the compulsory taking of shares from those who refused to sell, and the eviction of Ngāti Manuhiri residents from their island home in 1896, acts the Crown expressly acknowledges

were unreasonable, unfair, and in breach of the Treaty and its principles. The Act provides cultural redress including statutory acknowledgements over areas that include the Hōteu River and parts of the Mangawhai rohe relevant to this chapter, and includes the remarkable provision that Te Hauturu-o-Toi be returned to Ngāti Manuhiri and then gifted back by them to the Crown for the people of New Zealand an act of extraordinary generosity the Crown expressly acknowledges in the Act.

50. Each Act contains a provision in identical or near-identical terms enabling the governance entity and members of the iwi to cite the statutory acknowledgement as evidence of association. The relevant sections are:

1. Te Uri o Hau Claims Settlement Act 2002, section 65
2. Te Roroa Claims Settlement Act 2008, section 75
3. Ngāti Whātua o Kaipara Claims Settlement Act 2013, section 67
4. Ngāti Manuhiri Claims Settlement Act 2012, section 34

51. Each of those sections says, in substance, that the trustees and any member of the iwi may cite the statutory acknowledgement as evidence of the association of the iwi with a statutory area in submissions to, and proceedings before, a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga, concerning activities within, adjacent to, or directly affecting the statutory area.

52. Te Ture Whakamana ngā Iwi o Taitokerau: Statutory Acknowledgements in Northland (October 2018) is a companion document published by the Northland Regional Council that consolidates, in one place, all of the statutory acknowledgements that arise from Treaty settlement legislation for iwi whose rohe falls within the Northland region

53. Taken together, this framework supports a district plan approach that actively recognises Māori relationships with culturally significant places, gives effect to Treaty settlement legislation, and provides for meaningful mana whenua participation in the identification, review and management of sites and areas of significance to Māori.

2.7 Iwi and Hapū Management Plans

54. Section 74(2A) of the RMA requires territorial authorities to take into account any relevant planning document recognised by an iwi authority to the extent that its content has a bearing on the resource management issues of the district. Kaipara District contains seven Iwi Authorities.

- a. Te Uri o Hau Settlement Trust

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- b. Te Roroa Whatu Ora Trust
 - c. Te Kawerau ā Maki Iwi Tribal Authority
 - d. Ngāti Manuhiri Settlement Trust
 - e. Te Rūnanga o Ngāti Whātua
 - f. Ngātiwai Trust
 - g. Te Rūnanga Ā Iwi Ō Ngāpuhi
55. Four have been established under Treaty Settlement Claims legislation, with the remaining three established under other legislative mechanisms. These three Iwi Authorities are still progressing their own Treaty settlements with the Crown.
56. Iwi and Hapū Management Plans were referenced in the s32 report. A list of the formally recognised iwi and hapū management plans for the Kaipara District is provided below:
- a. Te Uri o Hau Kaitiakitanga o te Taiao (Te Uri o Hau)
 - b. Nga Ture Mo Te Taiao O Te Roroa (Te Roroa)
 - c. Te Kawerau ā Maki Iwi Management Plan (Te Kawerau ā Maki Iwi Tribal Authority)
 - d. Patuharakeke Hapū Environmental Management Plan 20148 (Patuharakeke)
57. The four iwi management plans (IHEMPS) relevant to the Kaipara district were considered as part of developing the PDP, as set out in Section 2.5 of the Section 32 Overview Report. The s32 reports on Strategic Directions, SASM, and the Māori Purpose Zone contain the most relevant content, but all chapters of the plan take the IHEMPS into account.
58. Nga Ture Mo Te Taiao O Te Roroa (Te Roroa). Ngā Ture Mo Te Taiao O Te Roroa addresses the protection of wāhi tapu, cultural landscapes, and the Whenua Tūpuna (ancestral lands) of Te Roroa across the west coast of the district, including named places at Waipoua, Maunganui Bluff, Manuwhetai, Whangaiariki, and the coastal and forest areas of the Te Roroa rohe. Te Roroa's EMP articulates the iwi's expectation that KDC will embed Treaty principles in its plans and that wāhi tapu and cultural landscapes will be identified and managed through processes led by Te Roroa. The 2019 Mana Enhancing Agreement between KDC and Te Roroa gives operational effect to this relationship, and the Te Toa Whenua restoration project (900 hectares returned under the Treaty settlement) provides concrete expression of Te Roroa's active kaitiakitanga over their ancestral landscape.

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59. Te Uri o Hau Kaitiakitanga o te Taiāo (2011). The Te Uri o Hau EMP sets out the iwi's environmental management framework for their rohe encompassing the Kaipara Moana, Ripiro Coast, and surrounding lands. It identifies core objectives including a Long-Term Integrated Catchment Plan for the Kaipara Harbour, maintenance and enhancement of cultural redress properties, and participation in resource consent and district plan processes. Section 53 of the EMP addresses Sites of Significance directly, recording that Te Uri o Hau's aspirations extend beyond the properties returned under the Settlement Act and that external agencies must facilitate meaningful Te Uri o Hau involvement in the management of cultural sites. The EMP is implemented by Environs Holdings Trust (Te Uri o Hau's environmental subsidiary), which monitors the twelve cultural redress properties within the rohe. KDC's Memorandum of Understanding with Te Uri o Hau Settlement Trust gives operational effect to these obligations in the district plan context.
60. Patuharakeke Hapū Environmental Management Plan 2014. Patuharakeke is a hapū of composite descent from Ngāti Manaia, Ngāi Tāhuhu, Ngāti Wharepaia and related hapū, with shared descent from Ngāti Whātua and Te Uri o Hau. Their rohe extends from Otaika west to the Tangihua ranges and south along the coast through Ruakaka, Waipu, and Langs Beach to Wakatarariki (Bream Tail) encompassing the southern Kaipara fringe and the coastline between the Kaipara and Mangawhai areas. Their pepeha grounds them in Manaia as their maunga and Whangarēi Terenga Paraoa as their moana, with Takahiwai as their marae. The EMP identifies wāhi tapu, mauri, tikanga, and rāhui as central cultural values, and records that the historical confiscation of Poupouwhenua and imperfect Crown purchases of Ruakaka, Mata, and Waipu had a profound effect on the spiritual and cultural relationship between Patuharakeke and their landscape. The EMP establishes Cultural Impact Assessments, Cultural Values Assessments, and Cultural Health Monitoring as the hapū's primary planning tools. Patuharakeke rohe overlaps with the southern Kaipara coastal area and their EMP's expression of cultural values is directly relevant to the identification of sites of significance in that area through any future plan change process.

Te Kawerau ā Maki Iwi Management Plan

61. Te Kawerau ā Maki Iwi Management Plan Resource Management Statement (Kawerau ā Maki Trust, 1995) is the environmental management document prepared by the Kawerau ā Maki Trust's Environment Group, endorsed by iwi kaumātua and the Trust, and recognised as an iwi authority planning document under the RMA. Te Kawerau ā Maki are the descendants of the ancestor Maki, who conquered and settled the Auckland isthmus and Kaipara areas, and the iwi holds mana whenua and ancestral interests extending into the southern and eastern areas of Rodney District placing their rohe at the southern fringe of the Kaipara District.

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62. The document sets out the iwi's kaitiakitanga framework, grounded in the principle that the primary responsibility of kaitiaki is to protect the mauri of all things so that the quality of tribal taonga is protected and enhanced for future generations. On heritage matters which are directly relevant to this chapter the document asserts that only the Trust or its agents can establish the significance of any historic place or area associated with Te Kawerau, and that there are many sites of significance known only to iwi members, including urūpā and places associated with significant events where no physical evidence remains, which are wāhi tapu that will be protected by the iwi. This principle mirrors the silent file approach recommended in this report and provides direct support for the proposition that mātauranga Māori and oral knowledge constitute legitimate evidence of cultural significance in plan-making processes.
63. The document also establishes that resource consent applicants and territorial authorities must contact the Trust at the earliest stage of any development affecting their rohe, and that the Trust wishes to be involved in all statutory planning processes that impact on their objectives an expectation that KDC should have regard to in the context of any future plan change affecting the southern Kaipara coastal area.
64. Exposure Draft PDP 2022
65. The Exposure Draft PDP published in 2022 included draft objectives and policies for the SASM chapter. In conjunction with Regional Plan controls, the PDP SASM provisions provide the statutory mechanism through which mana whenua involvement can be considered under RMA ss 6(e), 7(a) and 8 when activities may affect sites and areas of significance to Māori. These provisions provide the clear statutory bridge between the iwi management plans and decision-making under the Proposed Kaipara District Plan.
66. The key iwi/hapū feedback on the Exposure Draft Kaipara District Plan (2022) that is documented is:
- They did not have sufficient time/resourcing to review all provisions and said the comments were feedback only, with a desire to continue working with Council prior to notification.
 - Request to simplify plan language, reduce jargon/complexity, and make objectives/policies more directive.
 - Concerns about inconsistent and potentially confusing use of “tangata whenua” vs “mana whenua” and overlapping definitions (e.g., Māori purpose activity vs Māori cultural activity vs customary activity).

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- Requests for stronger, clearer integration of tikanga, mātauranga Māori, and kaitiakitanga across the plan (not “buried” in one chapter), including clear cross-referencing from other chapters.
 - Specific SASM-related points including wanting mana whenua to determine cultural effects, stronger engagement expectations, and better recognition/protection of unmapped sites (not just mapped/scheduled ones).
 - Mapping and evidence-base issues (e.g., wanting comparative overlay mapping; wanting clarity on hazard mapping and climate change impacts on marae/whenua Māori).

Neighbouring Councils

67. In preparing this report I have had regard to SASM provisions and best practice from comparable councils across Aotearoa New Zealand, including:
68. Auckland Council’s Māori Cultural Heritage Programme (MCHP) has operated since 2014 as a formal partnership between mana whenua and the council’s heritage team, taking an incremental approach. As of 2025 the MCHP has resulted in over 121 scheduled sites across the Auckland Unitary Plan, including 10 new sites added in July 2025. This demonstrates the value of sustained long-term partnership for future plan changes to add additional SASM sites in partnership with Te Roroa and Te Uri o Hau.
69. Far North District Council’s Proposed District Plan includes a Schedule 3 developed in partnership with local hapū and informed by 14 iwi and hapū management plans. The Taiao Portal developed with Te Kahu o Taonui, which enables hapū to track resource consent applications affecting their rohe in real time. This model is directly relevant to how KDC might improve mana whenua visibility of consent activity around scheduled SASM sites.
70. Northland Regional Council has formalised its mana whenua relationships through Mana Whakahono ā Rohe (MWaR) agreements: with Te Parawhau hapū in May 2024, and with Te Rūnanga o Ngāti Hine in December 2024 (the first iwi-level MWaR agreement in Taitokerau Northland). This is directly relevant to this report’s recommendation that KDC explore MWaR arrangements with Te Uri o Hau and Te Roroa to support timely SASM site identification and monitoring.

2.8 Procedural matters

Pre hearing matters

71. No formal pre-hearing meetings have been held under clause 8AA of Schedule 1 of the Resource Management Act 1991. I have met informally with representatives of Te Roroa, and

to confirm where I can source the correct schedule. I also met with James Barrett for the limited purpose of confirming the location of the awa. In addition, I have engaged in email correspondence with Te Uri o Hau, but no meetings have been held, and no matters have been resolved through that correspondence. These engagements were undertaken to improve understanding of submitters' concerns and do not form part of any formal dispute-resolution process.

72. NZHPT requested a meeting with Northpower regarding infrastructure matters intersecting with SASM provisions, an online discussion was held and emails providing draft provisions that are including in the document below, no resolution was confirmed.

Scope

73. Te Uri o Hau Settlement Trust's further submission (FS110, 9 March 2026) seeks to include 17 new sites and cultural landscapes in Schedule 3. The further submission is in support of its primary submission. I have been provided with initial legal advice which concludes that the further submission lodged by Te Uri o Hau Settlement Trust (FS110) is outside the scope of its original submission for the purposes of clause 8 of Schedule 1 of the Resource Management Act 1991. This is on the basis that its primary submission did not seek the scheduling of any specific sites and potentially affected landowners have not had an opportunity to further submit on those sites under the schedule 1 process. I acknowledge the importance of this procedural assessment and the need to ensure fairness to all affected parties. The determination on scope appropriately rests with the Hearings Panel after hearing legal submissions.
74. The further submission relates directly to the identification and protection of Sites and Areas of Significance to Māori, which are matters of national importance under section 6(e) of the Act and engage the obligation to take the principles of the Treaty of Waitangi into account under section 8. The Trust's original submission sought mechanisms and processes to enable the identification and protection of additional sites by mana whenua and in collaboration with Council. The further submission may be understood as particularising and evidencing that relief, providing the specific cultural, historical, and spiritual evidence that gives content to the broader identification and scheduling mechanisms the original submission sought. Whilst concurrently landowners have not had opportunity to submit on the further submission.
75. If the Hearing Panel determine that the further submission is within scope, then I have assessed each of the additional 17 sites on their merits and provide a recommendation as to whether the evidence is sufficient to include them in Schedule 3.
- 76.

Possible application under section 42 RMA

77. As five of the 17 sites contained in Te Uri o Hau Settlement Trust's further submission are silent file sites, it may wish to make an application under section 42 of the RMA for the evidence relating to these silent sites to be received in confidence and heard by the Hearing Panel with the public excluded. An order restricting the publication or communication of sensitive information and excluding the public from a hearing can be made under section 42(1) on the ground that such an order is required to avoid serious offence to tikanga Māori or to avoid the disclosure of the location of wāhi tapu. Any party to a hearing may apply for an order under section 42. Council can assist iwi in obtaining an order however Council would require supporting information to substantiate the grounds for the application. This is discussed further in Topic 6: Schedule

2.9 Organisation of the report

78. The report is set out to follow the general provisions structure of the SASM chapter, submissions are addressed in the following topics as follows:
- a. Topic 1: Overview/General
 - b. Topic 2: Definitions
 - c. Topic 3: Objectives
 - d. Topic 4: Policies
 - e. Topic 5: Rules
 - f. Topic 6. Schedule 3
79. Submissions and further submissions
80. 18 submissions containing 58 submission points and 12 further submissions containing 32 further submission points were received. The summary of submissions and further submissions pertaining to this section 42A report, and my recommendation for each are attach as Appendix A. The original submission and further submission documents can be found on KDC's website.
81. While all submitters have been read and considered in the summary of submissions (Appendix A), responses have not necessarily been written for each individual submission point. To assist the Hearings Panel in achieving clause 10(2) of the First Schedule of the RMA, I have provided reasons for my recommendations to accept or reject submissions and further submissions generally by themes. Responses have been written for individual submissions that raise matters that differ from other submissions within the same thematic group or that request specific amendments to the provisions

Recommended changes

82. Where I have recommended amending provisions as a result of considering the submissions and further submissions, these are contained as tracked changes in Appendix B. Text that is recommended to be amended is shown as **red text**, with deletions being ~~struck through~~, and additional text underlined.

Section 32AA evaluation report

83. A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in the section 32AA evaluation reports needs to be at a level of detail that corresponds to the scale and significance of the changes recommended. To streamline this report, where a change has been recommended.

3. Overview and General Submissions

84. A strong theme running through submissions from mana whenua is the call for greater rangatiratanga and iwi-led cultural authority over SASM provisions. This theme is most clearly articulated by Te Uri o Hau [S367] and Te Roroa [S141] but is also reflected in submissions from individuals such as Mina Henare [S4], James Barrett [S70], D Leighton [S206], and Amanda Harris [S122]. The submissions raise concerns that the chapter, as notified, relies on an archaeological and colonial framing that does not adequately reflect iwi-developed tikanga-based knowledge systems.
85. Federated Farmers [136.41] seek there be consistent terminology throughout the chapter, and Federated Farmers [S136.42] seeks amendment to the Overview to clarify that new sites are added through the Schedule 1 process. [FS93.23] Royal forest and Bird Society submitted supporting [136.41] requested that there be consistent terminology throughout chapter.
86. Heritage New Zealand Pouhere Taonga [S270.38] requests a note be added to the Overview reminding applicants of their obligations under the Heritage New Zealand Pouhere Taonga Act 2014 specifically that it is unlawful to destroy, damage, or modify an archaeological site without an archaeological authority from HNZPT, regardless of whether the activity is permitted under the District Plan or a resource consent has been granted. Channel Terminal Services Ltd [FS41.15] opposed this addition, submitting that such statutory requirements apply independently of the PDP and that inclusion would unnecessarily duplicate existing legislative obligations.

Analysis

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87. Te Roroa [S141.6] and Te Uri o Hau [S367.2] both raise important matters about the relationship between the RMA’s archaeological framing and the tikanga-based knowledge systems of iwi. Under section 6(e) of the RMA, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga is to be recognised and provided for as a matter of national importance. Section 7(a) requires particular regard to kaitiakitanga. Section 8 requires the principles of Te Tiriti o Waitangi to be taken into account. It would be useful for the language to reflect this in the chapter.
88. To respond to this, I have suggested some amendments to the overview that are more have less of a colonial archaeological framing, the amendments are included for consideration.
89. The SASM chapter, as notified, uses the definition of “Archaeological Site” from the Heritage New Zealand Pouhere Taonga Act 2014, and the definitions of “Iwi Authority” and “Mana Whenua” from the RMA. Te Roroa [S141.6] and Te Uri o Hau [S367.2] both submit that the existing definitions do not adequately capture tikanga-based understandings of wāhi tapu and sites of significance.
90. I note that the NRC PRP) includes a detailed definition of “Places of significance to tāngata whenua” at D.1.5 (page 237) and a definition of “Wāhi tapu” as a sacred site with a note explaining that these are defined locally by the hapū and iwi who are kaitiaki for the use wāhi tapu. These regional definitions have been developed in a Northland context and provide a useful reference for interpreting what is meant by sites of significance to Māori in this district.
91. I consider the note proposed by HNZPT is helpful and appropriate. While the Heritage New Zealand Pouhere Taonga Act 2014 obligations exist independently of the PDP, a reminder note in the Overview assists landowners and developers who may not be aware of their parallel obligations. The PDP already includes such a note in the notified version of the Overview. I recommend this be retained and clarified. The concern from Channel Terminal Services that it duplicates legislation is noted but does not outweigh the public benefit of awareness-raising within the plan document.
92. Federated Farmers [S136.42] seeks an amendment to clarify that any new sites and areas of significance to Māori identified will be added to the PDP through a plan change process under Schedule 1 of the RMA. HNZPT [FS54.6] opposed in part, noting the importance of retaining the statement that such sites need to be determined and assessed by Māori. Manulife [FS72.9] supported S136.42. The current Overview text states: “Any such sites and areas need to be assessed and determined with the guidance and direction of Māori.” Federated Farmers seeks to add reference to the Schedule 1 process. These matters are not in conflict, the Schedule 1 process is the mechanism by which sites are formally added to the plan, and Māori-led

assessment is the process by which they are identified and evaluated. I recommend amending the Overview to include both elements clearly, accepting both [S136.42] and the in-part concern of [FS54.6].

93. I further note that KDC could usefully continue to refine and further develop the non-statutory process for receiving and assessing nominations for new SASM sites, similar to the Auckland Council Māori Cultural Heritage Programme, to support iwi in identifying and documenting sites pending formal plan change processes. This is not a regulatory recommendation but a suggested non-regulatory method to support the chapter's objectives. It is noted that there was a process in place, but it appears to be not currently active.
94. Regarding *Resource Consent Notification Regulations 2003*, Te Uri o Hau [S367.77] seeks the addition of recognition of the Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003 under the general provisions of the plan, specifically under tangata whenua participation in RMA processes. The submission states that the distribution of resource consent applications to the Te Uri o Hau governance entity under section 64 of the Settlement Act is not being met, and that this constitutes a breach of the Settlement Act.
95. I recognise the importance of the resource consent notification obligations arising from the Te Uri o Hau Settlement Act. However, I consider that S367.77 does not relate to the SASM chapter provisions. The distribution of resource consent application summaries to iwi trustees is a procedural obligation on KDC as consent authority, arising directly from the Settlement Act. It does not require a district plan provision to give it effect to it. Rather, it operates as a statutory obligation independently of the plan. I consider that it would be useful reminder or informative message for the Overview section of the SASM chapter, I recommend including text to provide awareness of the obligations.
96. I also note, for the Panel's information, that the 20-year administrative obligation under section 64 of the Te Uri o Hau Claims Settlement Act 2002 to forward summaries of resource consent applications to the Te Uri o Hau governance entity expired approximately May 2023. The substantive statutory acknowledgement provisions (ss.58 - 65 of the Act), which require consent authorities and the Environment Court to have regard to the acknowledgements, are permanent.
97. Recommendation:
98. I think it could be useful to include a note in the Overview that states it is good practice to send a copy of resource consent applications for sites within proximity to scheduled sites and areas of significance to Māori for awareness to Te Uri o Hau [367.26].

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99. I recommend amending the Overview with some new wording that assists with reflecting a less western style of wording and is more of a style that reflects with greater certainty the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. My wording suggestions are a starting point, and I would appreciate feedback or suggested wording from submitters to satisfy this intention, it is my understanding that the wording is best guided by iwi/hapu. Thereby accepting in part submissions from Te Uri o Hau [367.21, 367.22, 367.24, FS110], and accepting in part submission by Te Roroa Whatu Ora Trust & Te Roroa Manawhenua Trust [S141.6].
100. I accept Amanda Harris [S122.]
101. I recommend retaining the note about Heritage New Zealand Pouhere Taonga Act 2014 obligations [accepting S270.38, noting FS41.15 opposition but not accepting it];
102. I recommend that a clear statement be included in the Overview that new sites and areas of significance to Māori can be added to the PDP through the Schedule 1 plan change process, with the guidance and direction of Māori. [accepting S136.42 and in-part FS54.6].
103. I **accept in part** the request for terminology[FS93.23] Royal forest and Bird Society.
104. Proposed new wording for the Overview

Sites and Areas of Significance to Māori – Ngā Wāhi Nui ki te Māori

Tikanga foundation - Te Ao Māori (Māori worldview)

Te Ao Māori is the Māori worldview in which people, land, water, the sky, and all living things are interconnected through whakapapa. Whakapapa describes the relationships between all elements of the natural and cultural environment, and underpins the associations of tangata whenua with places, including sites, waterways, and maunga, and the names and histories of those places.

He Taonga Tuku Iho -Taonga Passed Down - The purpose of this chapter is to identify and protect sites and areas of significance to Māori. The District Plan lists scheduled sites and areas of significance to Māori in SCHEDULE 3.

The scheduled significant sites and areas include ancestral lands, water, sites, wāhi tapu and other taonga. Their protection is not merely a matter of heritage management, it is a matter of recognising the living spiritual, cultural and whakapapa relationship between tangata whenua and their tūrangawaewae. However, Schedule 3 is not comprehensive. Many places of deep wāhi

tapu significance to mana whenua are not yet scheduled. Their absence from Schedule 3 does not diminish their tapu or their cultural significance to the people who hold kaitiakitanga over them.

The addition of new sites to Schedule 3 must be led by tangata whenua and must follow the Schedule 1 plan change process. Heritage protection orders under the Heritage New Zealand Pouhere Taonga Act 2014 are available as an interim protective mechanism for sites with established cultural significance.

The provisions of this chapter apply to the sites and areas listed in SCHEDULE 3. The chapter enables land use and development only to the extent consistent with maintaining the cultural, spiritual and historical values and the living relationships of tangata whenua with their tūrangawaewae.

The scheduled sites and areas include all Statutory Acknowledgement Areas, Nohoanga Sites and Cultural Redress Areas recognised in settlement legislation giving effect to the Deeds of Settlement between the Crown and Te Uri o Hau and Te Roroa respectively. These settlements represent a formal Crown acknowledgement of the cultural, spiritual, historical and traditional associations of Te Uri o Hau and Te Roroa with their ancestral landscapes, associations that have existed since long before 1840 and that continue today through the living practice of kaitiakitanga.

Unscheduled Sites - They Are Still Tapu - The fact that a site is not listed in Schedule 3 does not mean it is not wāhi tapu, or that it carries no spiritual or cultural significance. Tangata whenua may hold knowledge of sites whose locations and nature are not publicly recorded. Where an unscheduled site is encountered in the context of any activity, the accidental discovery conditions in SASM-R3 and SASM-R4 provide a district plan-level backstop. KDC encourages early engagement with tangata whenua kaitiaki before any ground-disturbing activity near areas known or suspected to hold cultural significance.

Under the Heritage New Zealand Pouhere Taonga Act 2014, it is unlawful to destroy, damage or modify an archaeological site (regardless of whether the site is scheduled in this plan) without obtaining an archaeological authority from Heritage New Zealand Pouhere Taonga.

4. Definitions and Drafting Clarity

Terminology consistency

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105. Federated Farmers [S136.41] and Northland Regional Council [S332] have both identified inconsistent terminology across the SASM chapter. Rules variously refer to "within scheduled sites", "within scheduled sites and areas", and "within sites and areas of significance to Māori listed in SCHED3", while the Overview states that provisions apply only to sites and areas listed in SCHED3. A further inconsistency arises in SASM-R2, R3, R4, and R5, which use the sub-categories "wāhi tapu or māhinga kai site or area" as thresholds within rules, without those categories being explicitly identified in Schedule 3 itself.
 106. The following submission points are addressed in this section:
 107. Federated Farmers [S136.41] seeks consistent use of terminology throughout the chapter.
 108. NRC [S332.42] seeks amendment of SASM-R2.1.a to replace "wāhi tapu or māhinga kai site or area" with "Schedule 3 site".
 109. NRC [S332.43] seeks amendment of SASM-R3 to refer to "Schedule 3 sites".
 110. NRC [S332.44] seeks amendment of SASM-R4.1.a to replace "wāhi tapu or māhinga kai site" with "Schedule 3 site".
 111. NRC [S332.45] seeks amendment of SASM-R5.1.a to replace "wāhi tapu or māhinga kai site" with "Schedule 3 site".
 112. I accept the substance of these submissions. The inconsistency is real and creates a practical application gap: where a rule restricts an activity within a "wāhi tapu or māhinga kai site", but Schedule 3 does not identify which listed sites fall into those categories, plan users cannot reliably determine whether a rule applies to their site. However, I do not accept the NRC's proposed solution of collapsing all references to "Schedule 3 site" without qualification. The differentiation between wāhi tapu, māhinga kai, statutory acknowledgement areas, nohoanga sites, and cultural redress areas is purposeful different rules apply different thresholds depending on site type and flattening that distinction would reduce the protective differentiation the rules are intended to achieve.
 113. I recommend where a rule applies to all Schedule 3 sites regardless of type, the phrase "a site or area listed in Schedule 3" should be used consistently. Where a rule applies only to wāhi tapu or māhinga kai sites specifically, those terms should be retained.
 114. I recommend Federated Farmers [S136.41] and NRC [S332.42–S332.45] be accepted in part on this basis.
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Definitions

115. The following submission points on definitions are addressed in this section:
116. Heritage New Zealand Pouhere Taonga [S270.10] supports retaining the definition of "Sites and Areas of Significance to Māori" as notified.
117. Heritage New Zealand Pouhere Taonga [S270.11] supports retaining the definition of "Sites of Interest to Māori" as notified.
118. Te Uri o Hau [S367.2] seeks addition of a separate definition for "sites of significance to Māori" and/or "wāhi tapu", with reference to the Proposed Regional Plan for Northland wording.
119. Te Roroa [S141.6] seeks replacement of the definitions of "Wāhi tapu", "Tangata Whenua", and "Cultural Values" with definitions developed in partnership with Te Roroa to reflect Te Roroa tikanga, oral traditions, and Trust Deed mandates.
120. Te Uri o Hau [S367.2] and Te Roroa [S141.6] both raise the substantive concern that the existing definitions do not adequately capture tikanga-based understandings of wāhi tapu and sites of significance. I accept the substance of this concern. The current definitions draw on RMA and Heritage New Zealand Pouhere Taonga Act 2014 frameworks that are grounded in a heritage and archaeological paradigm rather than in the living tikanga relationships that mana whenua hold with their sites. Te Roroa's Iwi Environmental Policy records that wāhi tapu and areas of customary value can only be defined by Te Roroa. The Te Uri o Hau EMP similarly records that only Te Uri o Hau can determine what is wāhi tapu within their rohe.
121. Rather than amending the existing "Sites and Areas of Significance to Māori" definition, I recommend adding a new supporting term 'places of significance to tāngata whenua' drawn from Policy D.1.5 of the NRC Proposed Regional Plan for Northland. This links to my amendments to SASM-02, and SASM-P7 and this definition provides a detailed attributes-based framework for understanding what constitutes a place of significance to tangata whenua, and site of significance, is already operative in a Northland context, and provides a useful reference for decision-makers assessing sites and activities under the SASM chapter. The recommended definition is set out in full below.
122. I also recommend adding a definition of "Wāhi tapu" consistent with the Proposed Regional Plan for Northland: *"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."* This partially accepts

both S141.6 and S367.2. Critically, it preserves the role of hapū and iwi as the authoritative voices in defining the specific extent and attributes of each wāhi tapu, rather than imposing a centralised definition that overrides tikanga authority.

123. I acknowledge that this interim definition does not fully satisfy Te Roroa or Te Uri o Hau, both of whom seek definitions grounded in their own tikanga rather than a regional plan framework. The full development of tikanga-based definitions is a matter appropriately pursued collaboratively. I invite both Te Roroa and Te Uri o Hau to present their preferred definitions for wordings at the hearing,
124. Regarding the definition of "Tangata Whenua" sought by Te Roroa [S141.6]: I recommend adopting a definition consistent with both the RMA and the NRC Proposed Regional Plan for Northland: *"Tangata whenua means, in relation to a particular area, the iwi or hapū that holds mana whenua over that area."* This is relational and place-specific, which is consistent with the nature of tāngata whenua authority that Te Roroa identifies as absent from the current definition. I accept [S141.6] in part on this basis and invite Te Roroa and other iwi and hapū to indicate at the hearing whether this wording is acceptable or whether they prefer alternative wording.
125. Regarding the definition of "Cultural Values" sought by Te Roroa [S141.6]: I do not recommend prescribing a definition of "Cultural Values" through this report. Cultural values encompassing concepts such as whakapapa, mana, kaitiakitanga, wairua, mauri and tikanga are not static and their meaning in any particular context is properly determined by the relevant iwi and hapū. A plan-level definition risks constraining that living determination.
126. Regarding Tikanga. The glossary of the PDP currently contains 'Customary values and practices that have developed over time.', this does not seem to be specifically Māori. I have found two relevant sources that together provide a well-grounded definition for Tikanga. From the Te Roroa Claims Settlement Act 2008 (s10), tikanga Māori is defined as "Māori customary values and practices" this is also the definition used in the RMA s2.
127. From the Te Roroa Iwi Environmental Policy (2019), while tikanga is not separately defined, the document uses it consistently to mean the living body of Te Roroa customs, values and obligations that govern relationships with the natural world, including kaitiakitanga, the management of wāhi tapu, and the transmission of mātauranga to future generations.
128. It is recommended that Tikanga be amended to read as *"Tikanga - means Māori customary values and practices"* (Te Roroa Claims Settlement Act 2008, s10; RMA s2).

129. It is acknowledged that the full development of a tikanga definition for plan purposes should be undertaken in partnership with Te Roroa and Te Uri o Hau, as the statutory definition alone may not capture the living relational dimension that both iwi have sought.

130. Recommendations

131. I recommend:

- [S136.4] and [S332.42–S332.45] be accepted in part terminology be made consistent throughout the chapter where possible;
- [S270.10] and [S270.11] be accepted the notified definitions of "Sites and Areas of Significance to Māori" and "Sites of Interest to Māori" be retained;
- [S367.2] and [S141.6] be accepted in part a new definition of "Place of significance to tāngata whenua" (Policy D.1.5) and a definition of "Wāhi tapu" be added to the PDP; a definition of "Tāngata Whenua" be added consistent with the RMA and NRC PRP;

132. It is recommended that Tikanga be amended to read as "Tikanga - means Māori customary values and practices"

133. *NRP Policy D.1.5. 'Place of significance to tāngata whenua'.*

134. ***Place of significance to tāngata whenua (Policy D.1.5)***

For the purposes of this Plan, a place of significance to tāngata whenua:

1) is in the coastal marine area, or in a water body, where the values which may be impacted are related

to any of the following:

a) soil conservation, or

b) quality and quantity of water, or

c) aquatic ecosystems and indigenous biodiversity, and

2) is:

a) a Historic Heritage resource, or

b) ancestral land, water, site, wāhi tapu, or other taonga, and

3) is either:

a) a Site or Area of Significance to Tāngata Whenua, which is a single resource or set of resources

identified, described and contained in a mapped location, or
b) a landscape of significance to tāngata whenua, which is a collection of related
resources identified
and described within a mapped area, with the relationship between those component
resources
identified, and

4) has one or more of the following attributes:

a) historic associations, which include but are not limited to:

i. stories of initial migration, arrival and settlement, or

ii. patterns of occupation, including permanent, temporary or seasonal
occupation, or

iii. the sites of conflicts and the subsequent peace-making and rebuilding of iwi
or hapū, or

iv. kinship and alliances built between areas and iwi or hapū, often in terms of
significant events, or

v. alliances to defend against external threats, or

vi. recognition of notable tupuna, and sites associated with them, or

b) traditional associations, which include but are not limited to:

i. resource use, including trading and trading routes between groups (for
instance – with minerals such as matā/obsidian), or

ii. traditional travel and communication linkages, both on land and sea, or

iii. areas of mana moana for fisheries and other rights, or

iv. use of landmarks for navigation and location of fisheries grounds, or

v. implementation of traditional management measures, such as rāhui or
tohatoha (distribution), or

c) cultural associations, which include but are not limited to:

i. the web of whanaungatanga⁴¹ connecting across locations and generations,
or

ii. the implementation of concepts such as kaitiakitanga and manākitanga, with
specific details

for each whanau, hapū and iwi, or

d) spiritual associations which pervade all environmental and social realities, and include
but are not

limited to:

i. the role of the atua Ranginui and Papatūānuku, and their offspring such as
Tangaroa and Tāne, or

-
- ii. the recognition of places with connection to the wairua of those with us and those who have passed away, or*
- iii. the need to maintain the mauri of all living things and their environment, and must:*
- a) be based on traditions and tikanga, and*
- b) be endorsed for evidential purposes by the relevant tāngata whenua community, and*
- c) record the values of the place for which protection is required, and*
- d) record the relationship between the individual sites or resources (landscapes only), and*
- e) record the tāngata whenua groups determining and endorsing the assessment, and*
- f) geographically define the areas where values can be adversely affected.*

5. Objectives — SASM-O1 and SASM-O2

135. The chapter contains two objectives:

136. *SASM-O1 Identify and protect sites and areas of significance to Māori*

Sites and areas of significance to Māori are identified for their cultural significance and cultural values.

SASM-O2 Relationship to scheduled sites of significance to tangata whenua

The relationship of tangata whenua with sites and areas of significance to Māori is recognised and protected.

137. Together the two objectives track the s6(e) obligation identification first, then protection. Submitters including Te Uri o Hau have noted they are relatively compliance-focused and do not adequately reflect a partnership or kaitiakitanga framing. As is stated above, submissions raise concerns that the chapter, as notified, relies on an archaeological and colonial framing that does not adequately reflect iwi-developed tikanga-based knowledge systems. Te Uri o Hau [S367.21, S367.22] support SASM-O2 in general but seek an amendment to provide a mechanism for recognising and protecting additional sites of cultural, historical, ecological, or landscape significance through district plan processes, and also seek a note in SASM-O2 enabling interim heritage protection orders or other statutory mechanisms pending plan change completion. [FS104.21] supports [S367.21], I accept in part.

138. Heritage New Zealand Pouhere Taonga [S270.39, S270.40] have submitted in support of SASM-O1 and SASM-O2, noting that HNZPT supports the identification, recognition, and

protection of sites of significance to Māori, including ancestral lands, waterways, wāhi tapu, and other taonga. These sites are integral to the identity and wellbeing of tangata whenua and must be considered under sections 6, 7, and 8 of the RMA.

139. Northpower Limited and Northpower Fibre Limited [S283.143] seek addition of an objective to the SASM chapter providing for the operation, maintenance, repair, and upgrading of infrastructure within SASM sites. This is discussed further below. Channel Terminal Services Ltd [FS41.30] supports in part S283.143, but notes that objectives should remain focused on high-level outcomes for SASM sites, with the balance with existing infrastructure more appropriately addressed through policies and rules rather than objectives. Transpower [FS100.68] similarly notes that infrastructure such as the National Grid should be appropriately provided for.

Analysis – SASM-O1 and SASM-O2

140. The request by Te Uri o Hau [S367.21] to add a mechanism for recognising additional sites, and a note regarding interim heritage protection orders through the objectives is addressed through my recommendation in the Overview/general section above. The Schedule 1 process is the current RMA process for updating District Plan provisions and maps.
141. I think it could be meaningful to amend SASM-O1 and SASM-O2 to be more grounded in a kaitiakitanga context [367.21]. Generally, I think that the objectives are quite straight forward and clear. These objectives appropriately set out the high-level outcomes sought for the SASM chapter. I consider a way to satisfy a part of this request in submission point [367.21], could be to amend SASM-O2 to be titled 'Relationship to sites and areas of significance to tangata whenua', instead of 'Relationship to scheduled sites' as then it will be more consistent with both the NRP policy D.1.5, the intent of the chapter which is recognition of sites of significance, not just scheduled sites and the relationship with tangata whenua who are kaitiaki. It is noted that the Northland Regional Plan Tangata Whenua policies include a note about known sites that are significant to tangata whenua are to be given weight in decision making regarding resource consent assessments. It is recommended to include the corresponding definition and footnotes from the Northland Regional Plan policy D.1.5 .1.5 Places of significance to tāngata whenua are included in the District Plan to assist with assurance that there is some mechanisms available for sites of significance even when they are not yet included in the District Plan schedule 3. J.R Barrett on behalf of the Tangiteroria Marae [FS102.6] supports an improved stronger and more flexible mechanism for site recognition. I accept this further submission point.
142. The request by Northpower [S283.143] for an infrastructure objective within the SASM chapter is accepted in part for consideration. Noting that the SASM chapter's objectives are focused on the

protection and recognition of culturally significant sites, whilst infrastructure matters are addressed within the Infrastructure chapter of the PDP, consideration of Regionally significant infrastructure is of importance. HNZPT expressed concern about including infrastructure provisions in the chapter [FS54.18] and Northpower have been in discussions about potential wording regarding infrastructure to be included in the chapter, no resolution has been reached, details are provided below for consideration.

143. Recommendation

144. I recommend retaining SASM-O1 and SASM-O2 with amended wording. I accept [S270.39 and S270.40]. I accept in part [S367.21 and S367.22] and the supporting [FS104.22] (noting that the mechanism for adding new sites is addressed in the Overview). I accept in part [S283.143 and FS100.68] insofar as it relates to adding infrastructure objectives to the SASM chapter. I accept [FS54.18].

Objectives

SASM-O1 Identify and protect sites and areas of significance to Māori

Sites and areas of significance to Māori are identified for their cultural significance and cultural values.

SASM-O2 Relationship to *sites and areas of significance to Tangata Whenua and Māori*

The relationship of tangata whenua with sites and areas of significance to Māori is recognised and protected.

6. SASM Policies P1 to P7

6.1 Introduction to the policies

145. There are seven policies in the chapter to implement the two objectives. Taken together the policies move from process (P1) to enablement (P2-P3) to protection (P4-P6) to assessment (P7). Te Uri o Hau, Te Roroa and others identify gaps, particularly around the strength of the kaitiakitanga language in P2(3), the absence of a proximity trigger for adjacent land activities, and the need for the identification process in P1 to be more clearly mana whenua-led. 20 original submissions, and 13 further submissions were received on the policies.

146. SASM-P1: Identification and Protection of Scheduled Sites

147. SASM-P1 Identification and protection of sites and areas of significance to Māori

Identify and schedule sites and areas of significance to Māori in consultation and collaboration with Tangata Whenua/Mana Whenua.

148. Heritage New Zealand Pouhere Taonga [S270.41] supports SASM-P1 as notified.
149. Te Uri o Hau [S367.23] supports in part SASM-P1 and seeks amendment to delete “consultation and” from SASM-P1, retaining only “collaboration”. Te Uri o Hau submits that collaboration would be more efficient to achieve the stated objective with the greatest benefit and at the least cost, and that consultation implies a lower level of engagement than collaboration.
150. Analysis – SASM-P1
151. In the context of identifying and scheduling SASM sites, “collaboration” is a more appropriate and accurate term than “consultation and collaboration”. Consultation is traditionally a process where a decision-maker seeks input but retains control. Collaboration implies working together, joint problem-solving, and shared understanding, a partnership-based approach more aligned with Te Tiriti obligations and Māori expectations for involvement in cultural heritage matters.
152. Including both terms (“consultation and collaboration”) creates ambiguity. Does the policy intend a basic consultation process, or a deeper collaborative partnership? Removing “consultation” and using only “collaboration” provides clarity of intent. Collaboration is a higher standard that inherently subsumes consultation, making the inclusion of “consultation” both redundant and potentially misleading.
153. Under Part 2 of the RMA, councils must recognise the relationship of Māori with their ancestral lands, water, wāhi tapu, and taonga (s6(e)); have particular regard to kaitiakitanga (s7(a)); and take into account the principles of Te Tiriti o Waitangi (s8). A collaborative approach aligns naturally with these statutory duties. The amendment supports active participation by mana whenua, reflects partnership rather than one-directional engagement, and recognises kaitiakitanga as a living practice.
154. Recommendation: I recommend amending SASM-P1 to delete "consultation and", retaining only "collaboration with Tangata Whenua/Mana Whenua". This accepts [S367.23] and accepts the supporting further [FS104.23]. I accept [S270.41] in part, the substance of HNZPT's support is preserved through the amended wording, which strengthens rather than weakens the identification process.
155. SASM-P1 (Recommended amended wording)

Identify and schedule sites and areas of significance to Māori in consultation and collaboration with Tangata Whenua/Mana Whenua.

SASM-P2

156. SASM-P2 Kaitiakitanga

Mana whenua are enabled to exercise kaitiakitanga in relation to sites and areas of significance by:

1. *Acknowledging the iwi authorities identified for each scheduled site;*
2. *Providing for mana whenua to carry out cultural practices on the scheduled sites in accordance with tikanga Māori; and*
3. *Promoting active participation by mana whenua in resource management processes relating to scheduled sites.*

157. HNZPT [S270.42] supports SASM-P2 as notified, noting support for the empowerment of Mana Whenua to exercise kaitiakitanga and the active participation of Mana Whenua in resource management processes relating to scheduled sites.

158. Te Uri o Hau [S367.24] supports in part SASM-P2 and seeks amendment to SASM-P2(3) to replace “Promoting” with “Providing for” active participation by mana whenua. Te Uri o Hau submits that “promoting” is ambiguous and does not ensure participation occurs, risking mana whenua being treated as consultees rather than partners.

Analysis – SASM-P2

159. The term “promoting” in SASM-P2(3) is aspirational and does not create a clear directive obligation. In RMA policy language, “promoting” implies encouraging something to occur but does not require it. This creates uncertainty for both applicants and mana whenua about whether the plan expects active involvement or merely that the council or applicant encourage it.

160. “Providing for” is well-established wording in district plan policy frameworks. It directs that the District Plan and its implementation must create actual opportunities or mechanisms that allow mana whenua to participate. This aligns with ss6(e), 7(a), and 8 of the RMA. It signals that practical pathways must exist, that participation is expected and not optional, and that decision-makers must consider whether participation has genuinely been enabled.

161. Kaitiakitanga is an active, ongoing responsibility. The purpose of SASM-P2 is to enable mana whenua to exercise kaitiakitanga. Using “promoting” weakens this intent; “providing for” ensures that mana whenua have genuine opportunities to be involved in decisions affecting their cultural heritage sites.

162. Recommendation

163. I recommend amending SASM-P2(3) to replace "Promoting" with "Providing for". This accepts and supports Te Uri o Hau submission [S367.24] and the supporting further [104.24] from Fonterra. I accept [S270.42] in part, HNZPT's support for mana whenua participation is preserved and supported through the amended wording.

164. SASM-P2(3) (Recommended amended wording)

SASM-P2 Kaitiakitanga

Mana whenua are enabled to exercise kaitiakitanga in relation to sites and areas of significance by:

- 1. Acknowledging the iwi authorities identified for each scheduled site;*
- 2. Providing for mana whenua to carry out cultural practices on the scheduled sites in accordance with tikanga Māori; and*
- 3. ~~Promoting~~ Providing for active participation by mana whenua in resource management processes relating to scheduled sites.*

SASM-P3

165. SASM-P3 Activities enabled on scheduled sites

Enable the following activities to occur on scheduled sites and areas of significance to Māori where the associated cultural, spiritual and historical values and relationships will be protected:

- 1. Land disturbance;*
- 2. Animal grazing, pasture management and pest management;*
- 3. Cultivation and small-scale earthworks;*
- 4. Maintenance, repair, alteration, demolition, or removal of existing buildings and structures;*
- 5. Maintenance, operation, and repair of existing infrastructure;*
- 6. Cultural practices carried out in accordance with tikanga Māori.*

-
166. Heritage New Zealand Pouhere Taonga [S270.43] supports SASM-P3, noting that activities should only be permitted on scheduled sites where associated cultural, spiritual, and historical Māori values are protected.
167. Northpower Limited and Northpower Fibre Limited [S283.144] seek amendment to SASM-P3(5) to add “upgrading” to the list of permitted infrastructure activities: “Maintenance, operation, upgrading and repair of existing infrastructure.”
168. Federated Farmers [S136.43] supports in part and seeks addition of a new clause 7 for “New activities with a functional need or operational need with no practicable alternative location.” They also question the use of the term “protect” as setting a very high bar and note ambiguity in the use of “buildings”, “structures” and “infrastructure”. Royal Forest and Bird Protection Society [FS93.23] opposed Federated Farmers [S136.43], and Manulife [FS72.10] supported [S136.43].
169. Further submissions: Transpower [FS100.70] noted that policies for the National Grid in the Infrastructure chapter should explicitly prevail over overlay chapters. Channel Terminal Services Ltd [FS41.31] supported Northpower’s amendment to SASM-P3(5) in part. HNZPT [FS54.7, FS54.19] opposed Federated Farmers and expressed concern about the enabling of earthworks as a permitted activity for network infrastructure in SASM sites.
170. Analysis – SASM-P3
171. The request by Northpower [S283.144] to add “upgrading” to clause 5 of SASM-P3 has merit in that infrastructure technology and footprints evolve over time and some upgrading activities are minor in nature. However, I note the concern from HNZPT [FS54.19] that enabling earthworks for network infrastructure as permitted activity on SASM sites could have unintended consequences for unrecorded archaeology and cultural values. The Heritage New Zealand Pouhere Taonga Act 2014 provides separate protections for archaeological sites, and those protections apply regardless of district plan permissions.
172. I consider that “upgrading” of existing infrastructure can be included in clause 5 where it is limited to the existing alignment or footprint (as enabled by SASM-R1) and does not involve significant new earthworks. An appropriate qualifier would be to add “upgrading within the existing footprint” to clause 5. This responds in part to Northpower’s request while addressing HNZPT’s concern.
173. The request by Federated Farmers [S136.43] to add new activities with functional/operational need is addressed in SASM-P4, which already provides for functional or operational need. I do not recommend adding this as an explicit clause to SASM-P3, as it would effectively allow any new activity with a functional need to be permitted on SASM sites, this is more appropriately

assessed through the SASM-P4 framework requiring avoidance unless there is functional or operational need.

174. The concern about the term “protect” setting a high bar is noted; however, this is appropriate given the significance of the sites. The existing clause already includes a range of activities that are enabled – the “protect” qualifier ensures that those activities are assessed for their effects on cultural values, which is appropriate.
175. Recommendation
176. I accept in part [S270.43]
177. I recommend rejected Federated Farmers [S136.43] and reject Manulife [FS72.10]
178. In regard to [FS54.7] and [FS54.19] I accept these points and acknowledge HNZPT concern.
179. I recommend amending SASM-P3(5) to read "Maintenance, operation, upgrading within the existing footprint, and repair of existing infrastructure.

SASM-P3

Activities enabled on scheduled sites

Enable the following activities to occur on scheduled sites and areas of significance to Māori where the associated cultural, spiritual and historical values and relationships will be protected:

- 1. Land disturbance;*
- 2. Animal grazing, pasture management and pest management;*
- 3. Cultivation and small-scale earthworks;*
- 4. Maintenance, repair, alteration, demolition, or removal of existing buildings and structures;*
- 5. Maintenance, operation, upgrading within the existing footprint, and repair of existing infrastructure;*
- 6. Cultural practices carried out in accordance with tikanga Māori.*

180. SASM-P4 Managing effects on scheduled sites

Ensure development does not compromise the cultural, spiritual and historical values and relationships associated with the scheduled sites and areas of significance to Māori by:

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1. *Avoiding locating activities within the scheduled sites unless there is a functional or operational need and no practicable alternative location;*
 2. *Avoiding any damage or disturbance to wāhi tapu sites except for works associated with the protection of such sites or for interments in such sites;*
 3. *Avoiding significant adverse effects on the scheduled site or area's cultural, spiritual and historical values; and*
 4. *For all other effects, avoid significant adverse effects and where they cannot be avoided, minimise the effects.*

SASM P4

181. Heritage New Zealand Pouhere Taonga [S270.44] supports SASM-P4, noting that development on SASM sites should only occur where cultural, spiritual, and historical Māori values will not be compromised.
182. Transpower New Zealand Limited [S292.58] supports SASM-P4 as notified, subject to the Infrastructure chapter INF-P10 and its precedence clause being retained. Transpower notes that the chapter applies to new National Grid assets, and that the precedence clause ensures the National Grid is appropriately recognised.
183. Federated Farmers [S136.44] supports in part and seeks amendment to SASM-P4.1 to add the qualifier “or the effects of the activity are no more than minor”.
184. Te Uri o Hau [S367.25] supports in part SASM-P4 and seeks amendment to SASM-P4.1 to extend the geographic scope to activities “within or immediately adjacent” to scheduled sites, for consistency with the Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003.
185. Further submissions: HNZPT [FS54.8] opposes S136.44, noting uncertainty about who would define “no more than minor”. Atlas Quarries Limited [FS107.18] supports in part Te Uri o Hau [S367.25], noting that extending the geographic scope of SASM-P4.1 to activities “immediately adjacent” to scheduled sites is appropriate to ensure adequate protection of cultural values.
186. Analysis – SASM-P4
187. The request by Federated Farmers [S136.44] to add “or the effects of the activity are no more than minor” to SASM-P4.1 is not recommended. SASM-P3 already enables low-impact activities (including animal grazing, pest management, and small-scale cultivation) on SASM sites where cultural values will be protected. SASM-P4 is intended to set the avoidance

framework for activities that go beyond those enabled activities, and avoids significant adverse effects, it is considered adding a broad “no more than minor effects” qualifier creates uncertainty about what is permitted and who makes that assessment, the concern raised by HNZPT [FS54.8] is well-founded. I accept HNZPT’s further submission.

188. The request by Te Uri o Hau [S367.25] to extend SASM-P4.1 to activities “within or immediately adjacent” to scheduled sites has merit. The Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003 require notification of consent applications for activities “within, adjacent to, or that directly affect” statutory areas. Extending SASM-P4.1 to activities within ‘or immediately adjacent’ to scheduled sites would align with this notification obligation and ensure that activities on the margins of SASM sites are also assessed for their effects on cultural values. I recommend accepting this amendment.

189. Recommendation

190. I recommend amending SASM-P4.1 to read "Avoiding locating activities within or immediately adjacent to the scheduled sites unless there is a functional or operational need and no practicable alternative location." This accepts in part [S367.25], and the supporting further [107.18 Atlas Quarries], [FS104.25 Fonterra]. I do not accept [S136.44] (adding "no more than minor" qualifier), accepting HNZPT [FS54.8]. I accept in part HNZPT [S270.44] to retain as notified, and accepting Transpower [S292.58].

191. *SASM-P4.1 (Recommended amended wording)*

192. *Avoiding locating activities within, or immediately adjacent to the scheduled sites unless there is a functional or operational need and no practicable alternative location...*

SASM-P4 Managing effects on scheduled sites

Ensure development does not compromise the cultural, spiritual and historical values and relationships associated with the scheduled sites and areas of significance to Māori by:

- 1. Avoiding locating activities within or immediately adjacent to the scheduled sites unless there is a functional or operational need and no practicable alternative location;*
- 2. Avoiding any damage or disturbance to wāhi tapu sites except for works associated with the protection of such sites or for interments in such sites;*
- 3. Avoiding significant adverse effects on the scheduled site or area's cultural, spiritual and historical values; and*

-
4. *For all other effects, avoid significant adverse effects and where they cannot be avoided, minimise the effects.*

SASM-P5

193. SASM-P5 Destruction or demolition of a site or area of significance to Māori

Avoid the destruction or demolition of a site or area of significance to Māori unless:

1. *It is necessary to prevent serious threat to people, property or infrastructure; or*
2. *It is required to enable mana whenua to provide for their cultural, spiritual, historical or economic well-being; or*
3. *It is required for a significant public benefit that could not be located in an alternative location, and the significant public benefit outweighs retaining the scheduled site or area, in whole or in part.*

194. Heritage New Zealand Pouhere Taonga [S270.45] supports SASM-P5 as notified, noting that destruction or demolition should be avoided wherever possible and only occur when there is a serious threat to people or property, or when there is no alternative.

195. Northpower Limited and Northpower Fibre Limited [S283.145] support SASM-P5 as notified, noting support for the provision that destruction or demolition of a site may be permitted if necessary to prevent serious threat to infrastructure.

196. Te Uri o Hau [S367] – no specific submission point on SASM-P5 is identified in the submission set beyond general support for the chapter direction.

197. Transpower New Zealand Ltd [FS100.71] is supporting on [S283.145], noting that Transpower seeks stand-alone policies for the National Grid in the Infrastructure chapter with explicit recognition that those policies prevail over overlay chapters.

198. Analysis – SASM-P5

199. The three exceptions in SASM-P5 are appropriate and well-targeted. The inclusion of “serious threat to infrastructure” in clause 1 is supported by both Northpower and is consistent with the intent of the policy, in emergency situations involving critical infrastructure, the ability to act to prevent serious harm should not be prevented by the SASM chapter. I accept the submissions from [S270.45] and [S283.145] and recommend retaining SASM-P5 as notified.

200. Recommendation

201. I recommend retaining SASM-P5 as notified.

202. SASM-P6 Activities within a scheduled site
203. *Avoid the following activities within a site or area of significance to Māori:*
1. *Mining and quarrying, except farm quarries;*
 2. *New earthworks within a wāhi tapu or māhinga kai site;*
 3. *Landfills and waste disposal facilities, hazardous facilities and offensive industries;*
 4. *Intensive indoor primary production; and*
 5. *New cemeteries and crematoria.*
204. Ravensdown Limited [S229.18] supports SASM-P6 as notified, noting that locating hazardous facilities within a scheduled site is inappropriate. Ravensdown Limited [S229.19] seeks a minor amendment to SASM-R7 (this appears to be a typo and should refer to SASM-P6) to clarify the reference to “significant hazardous facilities” in the context of its wider submission seeking deletion of that definition from the PDP. It is noted that the definition for significant hazardous facilities will be addressed in the natural hazards chapter reporting.
205. Federated Farmers [S136.45] supports in part SASM-P6 and seeks amendment to exclude offal pits and on-farm domestic landfills from the avoidance requirement, noting these are permitted activities under the Proposed Regional Plan for Northland rules C.6.3.3 and C.6.7.2. They support the exclusion of farm quarries in clause 1.
206. HNZPT [S270.46] seeks amendment to SASM-P6 clause 1 to remove the farm quarry exception, submitting that farm quarries have the same potential adverse effects as any other quarrying on SASM sites.
207. HNZPT [FS54.9] opposes the Federated Farmers amendment (S136.45), submitting that offal pits and domestic landfills can destroy undiscovered archaeology and avoidance on SASM sites is appropriate.
208. Analysis SASM-P6
209. I consider that the farm quarry exception in SASM-P6(1) should be removed, consistent with the position of HNZPT [S270.46]. Farm quarries have the same potential to disturb unrecorded archaeological and cultural values as commercial quarrying operations. The exception for farm

quarries creates an anomaly that undermines the protective intent of SASM-P6 and is inconsistent with section 6(f) of the RMA (protection of historic heritage).

210. The Federated Farmers request to exclude offal pits and on-farm domestic landfills is not recommended. While these activities may be permitted under regional plan rules, that does not mean they are appropriate on sites of cultural significance to Māori. The SASM chapter is specifically targeted at protecting cultural values, and activities with the potential to desecrate or destroy unrecorded archaeological or cultural heritage are appropriately subject to avoidance on SASM sites. I accept HNZPT's further submission [FS54.9].
211. Recommendation
212. I recommend amending SASM-P6(1) to remove the farm quarry exception: "Mining and quarrying." This accepts S270.46. I do not accept S136.45 insofar as it seeks to exclude offal pits and on-farm domestic landfills, accepting FS54.9. I accept in part S229.18.
213. SASM-P6(1) (Recommended amended wording)
214. Avoid the following activities within a site or area of significance to Māori:
1. *Mining and quarrying, ~~except farm quarries~~;*
 2. *New earthworks within a wāhi tapu or māhinga kai site;*
 3. *Landfills and waste disposal facilities, hazardous facilities and offensive industries;*
 4. *Intensive indoor primary production; and*
 5. *New cemeteries and crematoria.*

SASM-P7

215. SASM-P7 Considerations of effects on scheduled sites or areas of significance to Māori
216. *When considering an activity within a scheduled site or area of significance to Māori, have regard to the following matters:*
1. *The effects on the particular cultural, spiritual and historical values and the relationships to tangata whenua that are associated with the site or area and how these can be protected, maintained or enhanced.*
 2. *Tangata whenua's role and responsibilities as kaitiaki and mana whenua;*

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3. *The outcome of any consultation with tangata whenua and, if any cultural advice is received, the proposal's consistency with the recommendations identified;*
 4. *Opportunities for tangata whenua's relationship with the site to be maintained or strengthened on an ongoing basis, including any practical mechanisms for mana whenua to access and use the site.*

217. Heritage New Zealand Pouhere Taonga [S270.47] seeks amendment of the opening clause of SASM-P7 from “within a scheduled site” to “within or near to a scheduled site”, so that effects to cultural values of sites from activities in the proximity are also considered.
218. Federated Farmers [S136.46] supports in part SASM-P7 and seeks amendment to clause 4 to add a qualifier that practical mechanisms for mana whenua access “where the landowner offers to facilitate such access and use.” Federated Farmers submits that as written, clause 4 could be used to coerce landowners to give access to or across their land, creating health and safety concerns and imposing costs.
219. Te Uri o Hau [S367.26] supports in part SASM-P7 and seeks amendment to SASM-P7(3) to strengthen the wording so that cultural advice “must be given regard” in resource consenting processes, rather than the current less directive framing.
220. Further submissions: Atlas Quarries Limited [FS107.19] supports in part Te Uri o Hau [S367.26], noting that meaningful consideration of cultural advice from mana whenua in resource consenting is consistent with good resource management practice and supports workable outcomes for all parties.
221. [S206.10] D. Leighton (mandatory CIA) - Leighton seeks mandatory cultural impact assessments for all high-impact discretionary or non-complying activities near culturally significant sites..
222. Analysis - SASM-P7
223. [S206.10] D. Leighton (mandatory CIA) , The existing SASM-P7 framework already requires consideration of cultural effects and consultation with tangata whenua as part of consent assessment, and SASM-P7(3) requires the outcome of that consultation and any cultural advice received to be given regard. I do not recommend a blanket mandatory CIA requirement, the appropriate weight to be given to cultural assessments is addressed through the RMA's consent assessment framework. I accept this submission in part to the extent it draws attention to Treaty alignment objectives.

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224. The request by HNZPT [S270.47] to extend SASM-P7 to activities “within or near to” a scheduled site is generally consistent with my recommendation for SASM-P4.1, however, to maintain consistency across the chapter I suggest the wording be “within, or immediately adjacent to” a scheduled site. I recommend accepting this amendment in part, as it ensures effects on cultural values from activities in proximity are captured in the consideration framework but to retain consistency with P4 and P5 I recommend the wording be ‘within, or immediately adjacent to’, thereby accepting in part.
225. The Federated Farmers amendment to clause 4 is not recommended [S136.46]. SASM-P7(4) as notified encourages opportunities for tangata whenua’s relationship with their sites to be maintained, including practical mechanisms for access. This is a consideration in consent assessment, not a mandatory requirement on landowners. The policy does not compel landowners to provide access it requires decision-makers to consider whether opportunities for mana whenua access and use exist. The qualifier sought by Federated Farmers would effectively nullify the clause, as it would allow any landowner who does not “offer” access to avoid this consideration entirely.
226. The Te Uri o Hau request [S367.26] to strengthen clause 3 so that cultural advice must be “given regard” is substantively already achieved through the RMA framework. Under sections 104 and 104A of the RMA, cultural effects and tangata whenua values must be genuinely considered by consent authorities. I consider that the current wording of SASM-P7(3) which requires consideration of the outcome of consultation and consistency with recommendations could be strengthen if the clarifying the wording to make explicit that cultural advice is to be ‘have regard to’ this may satisfy this request for Te Uri o Hau, therefore accepting in part [S367.26] and the corresponding further submissions [104.26] Fonterra, and Atlas. Quarries [107.19].
227. Recommendation
228. I recommend a slight change to the title of this policy to include the word ‘tangata whenua, to assist with consistent terminology and application across the plan PF Olsen [S73.10]. I also recommend amending the opening clause of SASM-P7 to read “When considering an activity within, *or immediately adjacent to* scheduled site or area of significance to Māori accepting in part [S270.47]. I recommend retaining SASM-P7(4) as notified (not accepting S136.46). I recommend amending SASM-P7(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” (partially accepting S367.26). In making this recommendation, I note that the PDP must give effect to the Regional Policy Statement for Northland and must not be inconsistent with the relevant regional plan provisions.
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229. *SASM-P7 Considerations ~~of effects~~ on scheduled sites or areas of significance to Māori and tangata whenua*

When considering an activity *within or immediately adjacent to* a scheduled site or area of significance to Māori *and tangata whenua*, have regard to the following matters:

1. *The effects on the particular cultural, spiritual and historical values and the relationships to tangata whenua that are associated with the site or area and how these can be protected, maintained or enhanced.*
2. *Tangata whenua's role and responsibilities as kaitiaki and mana whenua;*
3. *The outcome of any consultation with tangata whenua and, if any cultural advice is received, have regard to the proposal's consistency with the recommendations identified.*
4. *Opportunities for tangata whenua's relationship with the site to be maintained or strengthened on an ongoing basis, including any practical mechanisms for mana whenua to access and use the site.*

7. Rules

7.1 SASM-R1 to SASM-R11

230. There are eleven rules in the notified version of the chapter, the rules implement the objectives and policies. Eleven submissions and two further submissions were received regarding the rules.

231. The SASM chapter contains 11 notified rules applying across all zones, with immediate legal effect. Rules SASM R1 to SASM R5 establish a permitted/restricted discretionary framework for routine activities within scheduled sites, covering maintenance of existing buildings and structures, animal grazing and pest management, land disturbance and cultivation, earthworks, and new buildings or structures, with the key threshold being whether the activity occurs within a wāhi tapu or mahinga kai site, which triggers restricted discretionary status. SASM R6 sits as a standalone restricted discretionary for indigenous vegetation clearance within scheduled sites. Rules SASM R7 to SASM R11 are all non-complying, reflecting the outright avoidance positions in SASM-P5 and SASM P6 covering landfills and hazardous facilities, destruction or demolition of a scheduled site, quarrying and mining, intensive indoor primary production, and new cemeteries and crematoria. The chapter does not contain any rule addressing activities on land adjacent to or abutting a scheduled site, which is the gap that the recommended new rule SASM-R12 is designed to fill in response to the setback submissions.

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232. Te Roroa Whatu Ora Trust & Te Roroa Manawhenua Trust [S141.9] – seeks to amend rules SASM R2.1(a), SASM R4.1(a), and SASM R5.1(a). to include a minimum 100m buffer zone around any identified wāhi tapu, with all activities within the buffer zone requiring consent from Te Roroa. Manulife [FS72.16] opposes in part, acknowledging Te Roroa kaitiaki status but expressing concern about additional administration.
233. Te Uri o Hau [S367.82] also seeks a setback greater than 10m from wāhi tapu on adjacent or abutting land. Wāhi tapu is in Rules SASM R2.1(a), SASM R4.1(a), and SASM R5.1(a).
234. D Leighton [S206.10] seeks mandatory cultural impact assessments for all high-impact discretionary or non-complying activities near culturally significant sites being rules SASM-R7 to R11).
235. Northpower [S283.143] seeks amendment of all existing rules to allow suitable provision for new infrastructure with operational/functional need and for ongoing maintenance, repair, and upgrading.

Analysis

236. SASM R1
237. SASM-R1: Maintenance, alteration, demolition, or removal of existing buildings and structures within scheduled sites. No submissions were made specifically on SASM-R1. I recommend retaining SASMR1 as notified.
238. SASM R2
239. [S332.42] NRC submitted that the SASM-R2.1.a should reference 'Schedule 3 site' not wāhi tapu/mahinga kai. As the way the provisions are worded it would not work to remove specific references to Wāhi tapu or mahinga kai, so I reject submission point [S332.42].
240. The following submissions regarding Wāhi tapu, impact SASM R2.1(a), SASM R4.1(a) and SASM R5.1(a) so I have assessed altogether.
241. Te Roroa's[141.9] request for a 100m buffer zone around wāhi tapu is an important protective measure that recognises the spiritual and cultural values of these sites can be affected by activities immediately adjacent to their boundaries. Some district plans in New Zealand include setback or buffer provisions around wāhi tapu.
242. Further submissions: Fonterra [FS104.81], Manulife [72.16] supports Te Uri o Hau [S367.82], noting that setback requirements from wāhi tapu on adjacent or abutting land would provide

appropriate protection for culturally significant sites from the effects of nearby activities. I accept these in part.

243. Te Uri o Hau [S367.82] also seeks a setback greater than 10m from wāhi tapu. Wāhi tapu is included in rules SASM R2.1(a), SASM R4.1(a), and SASM R5.1(a). This position is supported by the Te Roroa Environmental Policy Document (Ngā Ture Mo Te Taiao o Te Roroa, reviewed 2019/ratified 2021), which records mana whenua concern about the effects of activities near wāhi tapu on their spiritual and cultural values.
244. However, a blanket 100m buffer zone as a mapped layer from requiring consent for any activities within the 100m buffer zone from Te Roroa raises significant workability concerns and maybe difficult for compliance monitoring. A 100m buffer zone could potentially capture a very large area of private land around each wāhi tapu site and would require a consent from Te Roroa for any activity within that area, this would be difficult to regulate and monitor effectively. I support the intent to protect Wāhi tapu but am not sure how a 100m buffer zone would word in practice.
245. I consider that the existing framework which requires consent for activities within SASM sites, and which through my recommended amendment to SASM-P4.1 now also requires consideration of activities 'within or immediately adjacent' provides appropriate protection without a formal 100m buffer [141.9]. I recommend against the 100m buffer zone as a mapped regulatory provision but recommend that the Overview acknowledge the importance of considering effects on wāhi tapu from adjacent activities, and I recommend consideration of a potential new rule - '**Setback From Wāhi Tapu**'.
246. 'Setback From Wāhi Tapu' is a new rule recommended in partial response to Te Uri o Hau [S367.82] and Te Roroa [S141.9]. It is distinct from the 100m buffer zone analysis above, rather than a mapped buffer of 100m, I recommend a new restricted discretionary rule for:
- a. Any part of a building or structure erected on land within 10 metres of a scheduled wāhi tapu; and
 - b. with assessment matters directed at cultural effects, consultation outcomes, and design mitigation and iwi and hapu management plans.

I do not recommend an outright setback prohibition.

247. Recommendation for a new rule – 'SASM-Rx Setback From Wāhi Tapu'. Noted that final rule numbering to be confirmed.

SASM-Rx: Buildings and structures within 10 metres of a scheduled wāhi tapu

x.1 Activity status: Restricted Discretionary

Where:

1. The building or structure is to be erected on land adjacent to or abutting a site listed in Schedule 3 that is identified as a wāhi tapu; and
2. Any part of the building or structure located within 10 metres a site listed in Schedule 3 that is identified as a wāhi tapu.

x.2 Matters over which discretion is restricted:

1. The effects of the building or structure on the cultural, spiritual, and historical values of the scheduled wāhi tapu., including its visual prominence and proximity;
2. The outcome of consultation with the relevant mana whenua kaitiaki identified in Schedule 3 for the site, and the consistency of the proposal with any recommendations received.
3. The extent to which the design, materials, scale, and orientation of the building or structure minimise adverse effects on the cultural values of the scheduled site; and
4. The provisions of any relevant iwi and hapū management plan.

248. SASM-R3: Land disturbance (excluding earthworks) and cultivation within scheduled sites

249. SASM-R3 permits land disturbance (excluding earthworks) and cultivation within scheduled sites for five specific purposes: fence post installation, repair and maintenance of existing farm infrastructure along its existing alignment, structures for mahinga kai or customary harvesting, burials at urūpā, and Heritage New Zealand authorised archaeological investigations. Anything outside those five purposes drops to restricted discretionary, with discretion restricted to the location and scale of the activity and effects on cultural, spiritual and historical values.

250. PF Olsen Ltd [S73.10] seeks amendment to SASM-R3.1.a.ii to include “commercial forestry infrastructure” alongside “farm infrastructure”: “Repair and maintenance of existing farm and commercial forestry infrastructure, including tracks and drains...”

251. Manulife Forest Management NZ Ltd [S158.1] seeks the same amendment to include “commercial forestry infrastructure” in SASM-R3.1.a.ii.

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252. Northland Regional Council [S332.43] seeks to retain SASM-R3 and add an accidental discovery condition to the permitted activity.
253. Further submissions: PF Olsen [FS89.8] supports S158.1 in full, noting that it expressly includes commercial forestry and aligns terminology with the National Environmental Standards for Commercial Forestry (NES-CF).
254. Analysis - SASM-R3
255. PF Olsen Ltd [S73.10] and Manulife Forest Management NZ Ltd [S158.1] both raise a valid equity concern. The current SASM-R3 permitted activity for repair and maintenance of existing farm infrastructure does not expressly include commercial forestry infrastructure such as tracks and drains. Forestry operators undertaking maintenance of existing infrastructure on or adjacent to SASM sites which are also covered by the NES for Commercial Forestry are often very similar to the impact of farming operations.
256. The NES-CF recognises commercial forestry infrastructure and its inclusion in SASM-R3 alongside farm infrastructure is appropriate and consistent with the equitable treatment of primary production sectors. The amendment is limited to repair and maintenance of existing infrastructure along its existing alignment, which is a low-impact activity.
257. Heritage New Zealand Pouhere Taonga [FS54.3] opposes this amendment, citing risk of damage to recorded and undiscovered archaeology. I do not accept this opposition. 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. The accidental discovery condition recommended for SASM-R3 provides a further safeguard: if any object or place of cultural or archaeological significance is encountered, work must cease immediately and HNZPT and the tangata whenua kaitiaki must be notified. I am satisfied the amendment and discovery condition together address the archaeological risk concern. [FS54.3] is rejected.
258. The NRC request [S332.43] for an accidental discovery condition has been recommended to be included as a note in the overview regarding accidental discovery to ensure that if archaeological or cultural material is uncovered during permitted activities, work must stop and the relevant parties (HNZPT and mana whenua) must be notified. This aligns with the obligations under the Heritage New Zealand Pouhere Taonga Act 2014 and responds to the spirit of HNZPT [S270.38].
259. Recommendation
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260. I recommend amending SASM-R3.1.a.ii to include "commercial forestry infrastructure" alongside "farm infrastructure", accepting [S73.10], [S158.1], and [FS89.8]. I recommend adding an accidental discovery condition note within the chapter overview accepting in part [S332.43]. The note will alert that should require work to cease, HNZPT and relevant mana whenua to be notified, and no works to resume until directed. I feel this is a more practical method of incorporating this request, as a third party permitted activity type standard would add a layer of regulatory complexity that may not be feasible to regulate.
261. SASM-R3.1.a.ii (Recommended amended wording)
262. *ii. Repair and maintenance of existing farm and commercial forestry infrastructure, including tracks and drains, provided the area and volume of land disturbed is limited to what is necessary to maintain the existing infrastructure along its existing alignment;*
263. Recommended accidental discovery note to be included in the chapter Overview.
264. *Accidental discovery: If any archaeological material, human remains, or artefacts are discovered during the course of the activity, work in the vicinity of the discovery must immediately cease. Heritage New Zealand Pouhere Taonga and the relevant iwi authority/manua whenua identified in Schedule 3 for the site must be notified. Work must not resume in the affected area until Heritage New Zealand Pouhere Taonga has provided written approval and the relevant mana whenua have been consulted.*
265. SASM – R4
266. SASM-R4: Earthworks within scheduled sites
267. Northland Regional Council [S332.44] seeks amendment to SASM-R4.1.a to refer to "Schedule 3 site" rather than "wāhi tapu or māhinga kai site" and seeks addition of an accidental discovery condition. As has been stated previously the wording of the chapter provisions require the terminology of Wāhi tapu and mahinga kai site to operate as written, and I consider it not practical in this instance to refer to only schedule 3 sites.
268. There I do not recommend any change to SASM-R4, I recommended the discovery protocol is including as an advice note, accepting in part [S332.44].
269. SASM-R5
270. SASM-R5: New buildings or structures within SASM sites
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271. Northland Regional Council [S332.45] seeks amendment to SASM-R5.1.a to refer to “Schedule 3 site” rather than “wāhi tapu or māhinga kai site”.
272. I have addressed this above and do not recommend only using the term Schedule 3 site, therefore reject [S332.45].
273. SASM-R6
274. SASM-R6: Indigenous vegetation clearance within scheduled sites
275. Northland Regional Council [S332.46] seeks amendment to SASM-R6 to include permitted activity status exceptions consistent with SASM-R3. NRC have stated ‘SASM-R6 should have permitted activity status exceptions consistent with SASM-R3. For example, maintenance of existing structures, removal of hazardous trees, and the exercise of mahinga kai/cultural practices).

Analysis

276. The NRC’s submission is reasonable. SASM-R6 as notified does not provide for low-impact activities such as hazardous tree removal or the exercise of cultural practices, which are already enabled under SASM-P3. Providing for these activities as permitted activities in SASM-R6 would improve workability and align with SASM-P3’s enabling framework.
277. Recommendation: I recommend amending SASM-R6 to add permitted activities as follows:

SASM-R6 Indigenous vegetation clearance within scheduled sites or areas

All zones

1. Activity status: Restricted Discretionary
2. Matters over which discretion is restricted:

The effects on amenity and landscape, including visual effects on the site or area of significance;

The extent of effects on cultural and historical values;

Extent, timing and nature of any replanting; and

Erosion and sedimentation risks.

2.1 Permitted Activities:

(a) removal of hazardous trees posing immediate safety risks; or

(b) vegetation clearance associated with the exercise of tikanga Māori and cultural practices; or

(c) maintenance of existing structures within the scheduled site.

3. Activity status when compliance not achieved: Restricted Discretionary

278. SASM-R7 to R11: Remaining Rules. No submissions specifically on SASM-R7, R8, R9, R10, or R11 were received. I recommend retaining these rules as notified. I note that Ravensdown [S229.19] seeks a minor amendment to SASM-R7 to clarify the reference to “significant hazardous facilities” this is a cross-reference issue linked to Ravensdown’s wider submission seeking deletion of the definition of “significant hazardous facilities” from the PDP, which is addressed in the Hazardous Substances chapter s42A and Natural Hazards s42A reporting. I accept in part.

7.2 Regionally Significant Infrastructure

279. Regionally Significant Infrastructure [S283.143] Northpower seeks infrastructure enabling direction in the SASM chapter (including objectives/policies to provide for operation, maintenance, repair and upgrading of infrastructure). [S283.144] Northpower seeks amendment to SASM P3(5) to include “upgrading” of existing infrastructure (not just maintenance/operation/repair).

280. [S283.145] supports SASM P5 allowing destruction/demolition where necessary to prevent serious threat to infrastructure.

281. Channel Terminal Services Ltd – [FS41.30], supports infrastructure submitters in part but argues infrastructure matters should be addressed through policies and rules, not new SASM objectives. [FS41.31] - supports limited infrastructure amendments (e.g. to SASM P3) but opposes over enabling effects. Atlas Quarries Ltd [FS107.18 and FS107.19] supports effects-based consideration of infrastructure near SASM sites and functional/operational need framing. I accept in part these submission points.

282. Northpower have suggested proposed new objectives, policies and rules for Infrastructure provision within the SASM chapter.

New Objective SASM-OX

Manage the adverse effects of the development of new infrastructure within Sites and Areas of Significance to Māori.

New Objective SASM-OX

Enable the safe and efficient use, operation, maintenance, upgrading and repair of existing infrastructure within Sites and Areas of Significance to Māori.

New Policy SASM-PX

Provide for the establishment of new infrastructure within Sites and Areas of Significance to Māori, where the following apply:

- a. There is a functional need or operational need for its establishment;
- b. There is no practicable alternative; and
- c. The significant adverse effects are avoided, and any other adverse effects are avoided, remedied or mitigated on the cultural values of the Site and Area of Significance to Māori.

New Policy SASM-PX

Provide for the operation, maintenance, upgrading and repair of existing infrastructure within Sites and Areas of Significance to Māori in a manner that avoids, remedies or mitigates adverse effects on the cultural values of these sites and areas.

New Permitted Activity Rule – SASM-RX

Operation, maintenance, upgrading and repair of existing infrastructure within scheduled sites or areas

1. Activity status: Permitted

Where:

- a. The activity is undertaken by a network utility provider for the operation, maintenance, upgrading or repair of existing infrastructure.

New Restricted Discretionary Rule – SASM-RX

The development of new infrastructure within scheduled sites or areas.

1. Activity status: Restricted Discretionary
2. Matters over which discretion is restricted:

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- i. The operational or functional need of the infrastructure to be located within the schedule site or area;
 - ii. The extent of effects on cultural and historical values;
 - iii. Location, scale, design of the proposed infrastructure;
 - iv. The requirements of any applicable statutory acknowledgment area or Treaty settlement
 - v. Any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and
 - vi. Any consultation with Heritage New Zealand Pouhere Taonga and tangata whenua (where provided).

3. I support this in part subject to receiving evidence from other parties.

8. Schedule 3 — Identification and Inclusion of Sites

283. Background to the Schedule 3 identification process

284. Schedule 3 of the PDP lists 33 sites and areas of significance to Māori. This represents a reduction from the 41 entries in the Exposure Draft released in August–September 2022. The reduction reflects the evidential threshold applied at notification as sites required sufficient Form A documentation and assessment to be included but does not indicate that the omitted sites are without cultural significance.

285. The identification process underpinning Schedule 3 spans approximately six years. Initial engagement with mana whenua began in 2019 through spatial planning hui and rohe tours with Te Uri o Hau and Te Roroa. In December 2021 KDC formalised the relationship through Short Form Agreements with both iwi, engaging Grace Le Gros and Kelly Retimana on behalf of Te Uri o Hau to research and nominate sites. The SSTW (Sites Significant to the Whenua) process was launched in early 2022, with methodology, templates, a process flow chart, and a marae communications package developed in collaboration with both iwi. Between 2022 and 2023, Grace Le Gros and Kelly Retimana completed Form A assessments for 27 or more sites on behalf of Te Uri o Hau. The final draft provisions were endorsed by the KDC Working Party in August 2024, and a final SASM hui was held in February 2025.

286. Sites were assessed against four criteria derived from the Northland Regional Plan: spiritual significance; archaeological and historical significance; cultural significance; and significant traditional values including mahinga kai and navigation landmarks. Submitters were required to provide both the location of a site and the whaikōrero establishing its significance, grounded in tikanga and tradition. The process also drew on NZAA and Heritage New Zealand Pouhere

Taonga databases, though KDC acknowledged that many sites in those databases are not on Māori-controlled land and have been vulnerable to damage or destruction without mana whenua input.

287. A silent file mechanism was also established for highly tapu sites where mana whenua did not wish to disclose location information publicly. Silent files trigger a resource consent requirement through a mapped area on the planning maps, with contact details held by the relevant iwi, marae, or Statutory Partner Authority rather than by KDC.
288. The SSTW process was operational and produced substantive work. However, the resourcing and continuity has not been maintained at the organisational level.
289. Evidential sufficiency - the operative test
290. The PDP is a new proposed district plan prepared through the full Schedule 1 process under the RMA. This is the correct and appropriate process for scheduling new SASM sites. The Schedule 1 process provides the full suite of procedural protections public notification, the right to make submissions and further submissions, a hearing, and appeal rights to the Environment Court. Once scope is established, the next question for any site proposed for scheduling is whether the evidence before the Panel is sufficient to establish that the site meets the threshold for cultural significance to Māori.
291. Cultural significance may be established through evidence provided by tangata whenua, and mātauranga Māori and oral history constitute expert cultural evidence. The NRC Proposed Regional Plan Policy D.1.5 sets out the attributes of a place of significance to tāngata whenua and provides the assessment framework applied in this report to all sites proposed for scheduling.

Submissions received

292. The following submissions relate to Schedule 3 and are addressed in this section:
293. Mina Henare [S4.3] seeks formal recognition of a site at 99 Komiti Road, Tinopai as an area of significance to Māori, and initiation of consultation with mana whenua.
294. James Barrett / Tangiterōria Marae [S70.1, S70.4] seeks addition of the awa from the junction of Pukehuia Road and Girls High School Road to the Wairoa/Wairua/Mangakahia confluence to Schedule 3, and monitoring provisions for that site.
295. Te Roroa Whatu Ora Trust and Te Roroa Manawhenua Trust [S141.1] seeks that all identification and evaluation of wāhi tapu and cultural landscapes within the Te Roroa rohe be led by Te Roroa using its tikanga and mātauranga.

296. Te Roroa Whatu Ora Trust and Te Roroa Manawhenua Trust [S141.2] seeks amendment of Schedule 3 to include sites listed in the Sixth Schedule of the Te Roroa Manawhenua Trust Deed, and provision for Te Roroa to update and maintain Schedule 3 through a formal partnership protocol. I accept in part this submission point [S141.2].
297. Te Roroa Whatu Ora Trust and Te Roroa Manawhenua Trust [S141.3] seeks amendment of the SASM Overlay to reflect Te Roroa cultural landscape mapping and provision for real-time update mechanisms via co-management agreement.
298. The further submission received by Te Uri o Hau Settlement Trust [FS110] identifies by way of the further submission 17 new sites and cultural landscapes for potential scheduling, comprising 12 named sites and 5 silent file sites.
299. Federated Farmers [S136.189] supports retention of Schedule 3 as notified.
300. Analysis
301. The submissions from Te Roroa [S141.1] and Te Uri o Hau [S367.21] both reflect a well-founded concern that identification of sites of significance must be mana whenua-led, grounded in tikanga and mātauranga, rather than a process in which Council determines what is significant, I accept both these submissions in part. I agree with the substance of that position. SASM-O1 and the tikanga context paragraph that accompanies it already record that identification is an act of kaitiakitanga and that significance is a living determination held by tangata whenua. The question is how to give that position operational effect.
302. [S141.2] - Te Roroa Sixth Schedule wāhi tapu. The Sixth Schedule of the Te Roroa Manawhenua Trust Deed (executed 15 August 2006, clause 2.4.3) lists five wāhi tapu: Manuwetai, Whangaiariki, Puketapu, Maunganui Bluff, and Kaharau. These are not merely culturally significant sites they carry formal Treaty settlement protection. The Trust Deed provides that these wāhi tapu must remain within the power of the Te Roroa Manawhenua Trust and cannot be alienated, charged for security, or otherwise disposed of. This gives them a legal status above general cultural significance.
303. I have cross-referenced these five sites against Schedule 3. Four of the five are already in the notified Schedule 3 as Cultural Redress sites: Manuwetai (SASM-14/18), Whangaiariki (SASM-16/20), Puketapu (SASM-15/19), and Maunganui Bluff (SASM-13/17). [S141.2] is therefore substantially met for those four sites by the existing notified plan. The fifth Sixth Schedule site, Kaharau, is absent from the notified Schedule 3. Kaharau is identified in the Whenua Tūpuna mapping as an extremely important wāhi tapu at Waimamaku whose burial caves contain the koiwi of many Te Roroa ancestors. Its absence from Schedule 3 represents a

material gap given its Treaty settlement status, and I recommend it be acknowledged, but I am unsure how to include it in the schedule when appears to not be within the Kaipara District boundaries. I acknowledge the cultural significance of the site of Kaharau but it is not within my Kaipara council boundaries that I am able to make recommendations.

304. I accept in part [S141.3] planning maps and cultural landscape mapping. Te Roroa seeks amendment of the SASM Overlay to reflect their cultural landscape mapping and provision for real-time update mechanisms through a co-management agreement. I accept the aspiration. The SASM Overlay reflects sites identified at notification and should not be read as representing the full extent of Te Roroa's cultural landscape.
305. [S70.1 and S70.4] - Wairoa Awa (James Barrett / Tangiterōria Marae) James Barrett, on behalf of Tangiterōria Marae, seeks the addition of the awa from the junction of Pukehuia Road and Girls High School Road to the confluence of the Wairoa, Wairua, and Mangakahia awa to Schedule 3. The Wairoa River is documented in the Te Uri o Hau statutory acknowledgements as one of the principal travel and communication routes for Te Uri o Hau marae, with pā sites, urūpā and wāhi tapu recorded along its shores. The mauri of the river is recorded as a critical element of the spiritual relationship of Te Uri o Hau and Tangiterōria Marae with the awa. Applying the D.1.5 criteria, the awa exhibits historic associations including patterns of occupation and significant ancestral events (D.1.5(4)(a)), traditional associations including travel and communication linkages (D.1.5(4)(b)(ii)), cultural associations through kaitiakitanga (D.1.5(4)(c)(ii)), and spiritual associations including maintenance of the mauri of the awa (D.1.5(4)(d)(iii)). I am satisfied the evidential threshold is met. The description provided is sufficiently particular to identify the site for Schedule 3 purposes and no further submitters opposed its inclusion.
306. S70.4 seeks water quality and sediment monitoring for the awa corridor. Water quality monitoring is a function of the Northland Regional Council under the RMA and is addressed through NRC Proposed Regional Plan Policies D.1.1 and D.1.4. A district plan rule requiring such monitoring would be inconsistent with that division of functions. I accept this submission in part by recommending a cross-reference in the .
307. [S4.3] - Mina Henare (99 Komiti Road, Tinopai)The request to recognise a specific site at 99 . Komiti Road, Tinopai, has merit. It is acknowledged the site is of cultural significance as stated by the submission s4.3, but it also raises important matters about the evidential requirements for adding new sites to Schedule 3. I accept this submission in part insofar as it identifies the need for a clear process which addressed through the Overview amendment recommended to refer to the existing Schedule 1 process. I note also that the marine and coastal location of this site may engage Marine and Coastal Area (Takutai Moana) Act 2011 considerations. I will

make a recommendation on this site after hearing the evidence in support from the submitter, site extent and details would be useful in this instance.

308. I accept in part [S136.189] Federated Farmers (supports Schedule 3 as notified as we are recommending adding in some more sites.

8.1 Freshwater adjacent Sites and Areas of Significance to Māori

309. A number of submission points raise concerns about how the Proposed District Plan recognises and manages Sites and Areas of Significance to Māori (SASM) associated with freshwater bodies, including rivers, streams, wetlands, springs, and mahinga kai. These submissions identify that Māori cultural values connected to freshwater can be adversely affected by land use activities occurring within, adjacent to, or upstream of such sites, and that reliance on scheduled sites alone may not sufficiently address those effects [S70.1], [S70.4], [S141.1], [S367.22].

310. The matter is not whether freshwater related cultural values are relevant to the SASM chapter, but how those values are most appropriately and consistently provided for within the Plan's regulatory framework.

311. The relevance of freshwater related SASM is raised across multiple submissions from tangata whenua, individuals, the regional council, and other submitters, including:

- James Barrett [S70.1, S70.4], who seeks recognition and protection of an awa as a Site and Area of Significance to Māori, and management of sedimentation and water quality effects that are contributing to cultural and spiritual loss.
- Te Roroa Whatu Ora Trust and Te Roroa Manawhenua Trust [S141.1, S141.2, S141.3, S141.6, S141.9], who seek stronger recognition of freshwater connected wāhi tapu and cultural landscapes, tikanga based assessment, and enhanced protection for culturally sensitive sites.
- Te Uri o Hau [S367.22 - S367.26], who seek clearer provision for Māori relationships with water and stronger mechanisms to recognise additional sites and values through district plan processes. I accept these submissions in part.
- Northland Regional Council [S332.41–S332.46, S332.69], which supports SASM provisions that restrict activities compromising important spiritual or cultural values associated with heritage places, referencing alignment with the Northland Regional Policy Statement (NRPS). I accept the NRC submission in part.

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312. Taken collectively, these submissions demonstrate that freshwater related SASM is a material planning issue that warrants a clear and explicit response in the SASM chapter, rather than being addressed indirectly or left to ad hoc interpretation at consent stage.
313. It is considered that there is potential to include some freshwater-adjacent SASM provisions to complement D.1 of the Regional Plan for Northland; implement D.1 at the district plan scale. Policy D.1 provides regional-level direction for managing Māori cultural values in freshwater decision-making, primarily through regional council functions. The Kaipara SASM provisions operate at the district plan level to manage land-use effects that may affect those same values. Together, the provisions can form an integrated framework that responds to the request of submitters and ensures Māori cultural relationships with freshwater are appropriately recognised across both land-use and water-management decisions.
314. It is recommended that the submission points relating to freshwater associated Sites and Areas of Significance to Māori could be addressed through an integrated objective, policy, and restricted discretionary rule, rather than through scheduling alone or non-regulatory methods.
315. An objective is required to clearly articulate the intended outcome, namely that Sites and Areas of Significance to Māori associated with freshwater are recognised and protected, consistent with section 6(e) of the RMA. This responds directly to submissions seeking clearer and more explicit recognition of Māori cultural relationships with freshwater environments [S70.1]; [S367.22].
316. A corresponding policy would guide decision makers on the assessment of activities that may affect freshwater related SASM. In particular, the consideration of Māori relationships with water, Te Mana o te Wai, mahinga kai, and tangata whenua engagement. A corresponding rule is required to ensure that the objective and policy are given practical effect. In the absence of a rule, activities with the potential to adversely affect freshwater related SASM could proceed as permitted activities, with no requirement for those cultural effects to be identified or assessed. The recommended restricted discretionary activity status provides a proportionate consenting pathway, responding both to concerns about insufficient protection, and to concerns regarding certainty and regulatory overreach.
317. Recommendation:
318. Recommendation consideration of a new objective, policy and rule section for Freshwater related Sites and Areas of Significance to Māori:

Freshwater related Sites and Areas of Significance to Māori

Objective – SASM O3 – Freshwater related Sites and Areas of Significance to Māori

Protect and recognise Sites and Areas of Significance to Māori associated with freshwater bodies through 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.

Policy - SASM P8 - Activities affecting freshwater related Sites and Areas of Significance to Māori

Ensure that activities, and development within, adjacent to, or affecting freshwater bodies avoids, remedies, or mitigates adverse effects on Sites and Areas of Significance to Māori, having particular regard to:

- a) The relationship of tangata whenua with ancestral freshwater bodies, including spiritual, cultural, and customary associations; Te Mana o te Wai, including protection of the health and mauri of the freshwater body as a matter of priority;
- b) Mahinga kai values, including effects on water quality, quantity, flow, habitat, and access;
- c) Whether the activity may affect wāhi tapu or wāhi taonga associated with freshwater, regardless of whether those sites are publicly identified or mapped;
- d) The extent to which early and meaningful engagement with affected iwi and hapū has informed the activity, including design and location.

Rule

SASM R13 - Activities affecting freshwater related Sites and Areas of Significance to Māori

Any activity, use, or development that otherwise complies with the underlying zone rules but is within 10 metres of a freshwater body, or that may adversely affect Māori cultural values associated with a freshwater body, is a Restricted Discretionary Activity.

Discretion is restricted to:

- a) the matters set out in SASM P8 and
- b) the freshwater SASM assessment matters.

Assessment Matters

SASM FM1 - Assessment matters for freshwater related SASM

When assessing an application under SASM R1, decision makers shall have regard to:

- A. Whether the site or receiving environment is associated with any freshwater related Sites and Areas of Significance to Māori, including wāhi tapu, wāhi taonga, mahinga kai, or broader cultural landscapes.
- B. Effects on Māori relationships with freshwater:
- C. The extent to which the proposal may adversely affect the relationship of tangata whenua with ancestral freshwater bodies, including rivers, wetlands, springs, river margins, and river mouths.
- D. Te Mana o te Wai:
- E. Whether the proposal maintains or enhances the health and mauri of the freshwater body and avoids degradation of water quality, flow, or habitat that underpins cultural values. Mahinga kai:
- F. Effects on the availability, safety, accessibility, and sustainability of mahinga kai resources.
- G. Nature and scale of physical disturbance, including earthworks, vegetation clearance, riverbed disturbance, structures, or discharges, and any cumulative effects.
- H. Engagement and cultural input:
Whether engagement with affected iwi or hapū has occurred and whether cultural advice or a Cultural Impact Assessment has been provided and considered.
- I. Accidental discovery protocols:
Whether appropriate accidental discovery procedures are proposed where there is potential for previously unidentified cultural material.
- J. Consistency with higher order direction:
Including section 6(e) and section 8 of the RMA, Te Mana o te Wai under the NPS FM, the Northland Regional Policy Statement, and relevant iwi management plans.

8.2 FS110 Te Uri o Hau Settlement Trust (17 new sites)

319. Te Uri o Hau Settlement Trust filed a further submission (FS110) dated 9 March 2026 identifying 17 new sites and cultural landscapes for potential scheduling: 12 named sites and 5 silent file sites where locational information is withheld due to sensitivity, with indicative polygons provided to Council. In the event the Hearing Panel finds the further submission is in scope, I have generally assessed each named site (except for the silent files as I have not seen them) against three criteria: whether it is within the Kaipara District boundary; whether it is already in Schedule 3 or covered by an existing statutory acknowledgement; and the quality and completeness of the evidential record.
320. I consider that the following sites have the strongest evidential foundation for scheduling consideration at this hearing:
321. Marohemo / Whakapirau (Site 3): The strongest evidential record of the 12 named sites. The site encompasses a pā complex involved in battles following Te Ika a Ranganui (1825), multiple NZAA-registered pā sites, and documented evidence of koiwi desecration. Heritage New Zealand Pouhere Taonga records cross-corroborate the cultural and archaeological significance. The D.1.5 threshold is clearly met.
322. Te Ihu Pā and Raepare Pā (Site 6): Well-evidenced paired battle sites at the junction of Otamatea Arm and Raepare Inlet, with NZAA registration (Q08/94, Q08/95, Q08/493), associated midden and oven sites, and a detailed historical narrative of significance to Te Uri o Hau and Ngāti Whātua.
323. Motuwheteke / Green Hill (Site 9): A former pā and papakainga site of significance to Ngāti Rango, with oral traditions documented in the Journal of the Polynesian Society (1911). This KDC currently operates an active quarry on the site which the submission states is causing ongoing damage to the cultural landscape. It appears there is a lot of known information on this site, and it has been signalled for protection previously.
324. Pukekaroro, Pukearenga and Pukepohatu (Site 17, silent file): These sites already have a statutory acknowledgement foundation under the Te Uri o Hau Claims Settlement Act 2002. There is a silent file associated with this site 17. The existing Treaty settlement foundation makes this the most tractable of the silent file sites for scheduling consideration.
325. For the remaining named sites: Kapua Pā (Site 1), Mareretu (Site 2), Oneriri / Puketotara (Site 4), Pukenui (Site 5), Ripiro Punawai (Site 7), Kaiwhetu Pā (Sites 8 and 10), Mātangihuanui Pā (Site 11), and Mangawhai Heads to Paepae o Tū (Site 12), the evidential records provide a foundation of cultural and historical significance but the level of detail varies. Whilst cultural

importance is acknowledged, it was not always easy to figure out exactly where on the map the sites are so if that could be confirmed it would be easier to make a recommendation to the panel for these remaining sites.

326. For the remaining silent file sites, I recommend the Panel receive the confidential evidential records under appropriate directions for the protection of sensitive cultural information, and that Te Uri o Hau be given the opportunity to present evidence on these sites at the hearing. The submitter may wish to make a s42 request to Council to formally protect sensitive information during a hearing or proceeding (section 42 RMA 1991).

327. Recommendations

[FS110] be accepted in part. It would be appreciated and suggested that Te Uri o Hau to present evidence on the 12 named, in particular the site location for inclusion in the schedule needs to be clear so can be put on the GIS map, and 5 silent file sites; the confidential evidential records for silent file sites be received under appropriate Panel directions.