

**IN THE MATTER OF**

Resource Management Act 1991

**AND**

**IN THE MATTER OF**

**Kāpiti Coast District Council Proposed  
Plan Change 3**

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**COUNCIL OFFICERS' RESPONSE TO FURTHER INFORMATION REQUESTED IN  
MINUTE 3**

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**Introduction**

1. This response has been prepared by Kāpiti Coast District Council (Council) to provide the information requested at paragraphs [3] and [4] of the Hearing Panel's Minute 3 in relation to Proposed Plan Change 3 - Kārewarewa Urupā (Plan Change 3 (**PC3**)). It has been prepared with the assistance of Simpson Grierson, as counsel for the Council.
2. The Council's Right of Reply will be provided on 10 July 2026, in accordance with the direction set out at paragraph [7] of Minute 3.

**Questions and Answers**

(a) *Is the plan change site listed as a site on the New Zealand Archaeological Association ArchSite?*

3. Parts of Kārewarewa Urupā (the plan change site) correspond with recorded archaeological sites listed on the New Zealand Archaeological Association's ArchSite database. However, Kārewarewa Urupā is not recorded as a single site in its entirety on ArchSite.
4. Figure 1 below shows the relationship between the Kārewarewa Urupā site boundary (depicted in red) and the ArchSite polygons (depicted in green). The green polygons have been derived from ArchSite's publicly accessible mapping tool, which displays the approximate location and spatial extent of archaeological sites that are recorded on ArchSite, based on polygon data associated with individual site records.
5. ArchSite states the information provided "is intended to be indicative only" and "does not provide information in sufficient detail to be used to accurately assess the location of a site". The polygons therefore reflect the recorded extent of individual archaeological site records, rather than a comprehensive or surveyed boundary of the wider Kārewarewa Urupā area. This is why the extent of Kārewarewa Urupā in



Wāhanga classification under the District Plan. Section 42(1) of the HNZPTA provides that no person may modify or destroy an archaeological site without an authority, regardless of whether the site is recorded or formally classified.

9. It is my understanding that applications for authorities are made under section 44 of the HNZPTA, and Heritage New Zealand Pouhere Taonga determines those applications under section 48, having regard to the matters set out in section 49. The HNZPTA does not appear to distinguish between different types or classifications of archaeological sites for the purpose of determining the applicable procedural pathway.
  10. Accordingly, it is my understanding that there is no difference in procedure for Wāhanga Tahī and Wāhanga Rua in terms of obtaining an archaeological authority. The distinction between those areas arises from the Kapiti Coast District Plan and does not affect the statutory framework or process under the HNZPTA.
- (d) Please provide a copy of the Waikanae Land Company archaeological authority application and decision to decline by Heritage New Zealand Pouhere Taonga that was then subject to an appeal to the Environment Court.
11. Please refer to **Attachment A** that includes the following documents:
    - A. Application for archaeological authority, 7 July 2021
    - B. Archaeological Assessment of Effects, 30 June 2021
    - C. HNZPT internal assessment, 14 September 2021
    - D. Māori Heritage Council paper and resolution, 23 September 2021
    - E. RM210152, Archaeological Authority Decision – Barrett Drive, Waikanae
- (e) Please provide a copy of the Reserve Management Plan relevant to the reserve open space area of Waimanu Lagoons.
12. Please refer to **Attachment B**.
- (f) We seek to further understand the development of the site over time, including the decades predevelopment through to the year 2000 when works ceased, by sourcing information from resources such as Retrolens or Council records that indicate the topography and other physical features of Kārewarewa.
13. Please refer to **Attachment C** for aerial images from Retrolens and Council historic GIS mapping. No aerial images have been located for the period between the 1940s and 1986.
- (g) Where else in the Kāpiti district are wāhanga tahī and wāhanga rua sites located? What do they apply to, what area do they encompass and what are the underlying zones? Could you please provide 'snips' from the Council's planning maps and include on a separate map recent aerial photography of the site and surrounding sites.
14. [Schedule 9 – Sites and Areas of Significance to Māori](#) (SASM) of the Operative

District Plan identifies the scheduled sites and areas of significance to Māori in the District, including their relevant Wāhanga classification. There is one other Wāhanga Rua site and 16 other Wāhanga Tahī sites within the District.

15. The Wāhanga Rua classification applies to WTS0206 – Kaiwarehou, which is identified in Schedule 9 as a Pā. The site is associated with land at 68 Tieko Street and 75 Makora Road, Paraparaumu, as shown in Figure 2 below. The underlying zone for the majority of the area is Rural Lifestyle Zone, with the northern section located within the River Corridor Flood Hazard area, which is not zoned but is managed via the provisions within the NH-Flood Chapter of the District Plan.



*Figure 2: WTS0206 - Kaiwarehou Pā (Wāhanga Rua) with underlying zoning.*

16. The Wāhanga Tahī classification applies to the 16 sites identified in Schedule 9 as urupā, or urupā and parekura sites. These sites are sensitive to land disturbance due to their cultural values and the potential for kōiwi or other cultural material to be present. The sites, their type, and their associated addresses (as identified from Council records) are set out below:

District Plan ID	Site name	Type	Address and Legal Description	Zoning
W1	Takamore Cemetery	Urupā	Puriri Road, Waikanae NGARARA WEST A24C BLK V KAITAWA SD -U R UPA-	General Residential Zone
WTS0034	Makuratawhiti / Wi Te Manewha	Urupā	110, 112 and 116 Mill Road, Ōtaki; 37 Raukawa Street, Ōtaki	General Residential Zone

			MAKURATAWHITI 1B NO 1, MAKURATAWHITI 1G, LOT 1 DP 21862 C/T 927/33, LOT 1 DP 40103	
WTS0089A	Pukehou 4B1 Urupā	Urupā	State Highway 1 South, Ōtaki PUKEHOU 4B1 BLK IX WAITOHU SD - CEMETERY RESERVE-	Rural Production Zone.
WTS0125B	Tararua Urupā	Urupā	State Highway 1 South, Ōtaki Legal Desc PUKEHOU 5L2A1 5L2A2 5L3B1 5L3B2 SO 43731 9 PUKEHOU NO.5L NO.7A BLK PT PUKEHOU 5L2 A BLKS SECS 4-5 SO 437319 PT LOT 2 DP 7971	General Rural Zone
WTS0127C	Taumānuka 3A Urupā	Urupā	29 Health Camp Road and Rangiuru Road, Ōtaki SECS 22 BLK VIII WAITOHU SD, SECTION 5 23 PART SECTION 18 BLK VIII WA ITOHU SD -GAZ 84-4468-	General Residential Zone and Natural Open Space Zone
WTS0182A	Waitawa Urupā	Urupā	156 Forest Lakes Road, 196 Takapu Road and 46 Atkins Road, Ōtaki Lot 1 DP 347726, LOT 2 DP 615700 LOT 2 PT LOT 1 DP 9233 L OT 2 PT LOT 1 DP 17475, PT DP 6184 LOT 2 DP 6430 PT LOT 1 DP 923 3 LOT 1 DP 13922 PUKEHOU 4H6 4H7 PT WAIO RONGOMAI 7A TO 7F BLK	General Rural Zone
WTS0183A	Pukehou Urupā 4C6	Urupā	Old Coach Road North, Ōtaki PUKEHOU 4C6 BLK IX WAITOHU SD - CEMETERY ATI KAPU RES-, LOT 3 DP 484705 - LOCAL PURPOSE RESERVE	General Rural Zone
WTS0193	Arapawaiti Cemetery Reserve	Urupā	Manly Street, Paraparaumu Beach LOT 3 DP 334165	Open Space Zone
WTS0214A	Maketū Urupā	Urupā	Kauri Road, Waikanae Lot 54 DP 14131 SEC 1 2 6-17 SO 407250	General Residential Zone
WTS0316A	Ruakohatū Urupā	Urupā	4 Pehi Kupa Street, Waikanae SEC 41 TOWN OF PARATA - CEMETERY	High Density Residential Zone

WTS0318	Taewapirau	Pā & urupā	1 Ara Hereke, Waikanae LOT 502 DP 513188	Ngārara Development Area
WTS0386A	MacKay's Crossing Urupā	Urupā	State Highway 1, Paekākāriki PT LOT 2 DP 10816	Rural Production Zone
WTS0418A	South Paekākāriki Parekura	Urupā & parekura	State Highway 1, Paekākāriki	Rural Production Zone
WTS0577AA	Paekākāriki Urupā	Urupā	Ames Street and State Highway 1, Paekākāriki SEC 1 SO 20671 - SCENIC RESERVE, SEC 10 BLK III PAEK SD - SO 20586	Natural Open Space Zone
WTS0578C	Wainui Urupā	Urupā	Queen Elizabeth Park, Paekākāriki SEC 103 PT WAINUI B2 BLK II PAEK SD MAORI BURIAL GROUND- GAZ 85/36	Open Space Zone
WTS0587	Whareroa 2C Urupā	Urupā	State Highway 1, Paekākāriki PT WHAREROA 2C BLK II PAEKAKARIKI SD CT 169/67	Rural Production Zone

17. Planning map extracts for each Wāhanga Tahi and Wāhanga Rua site are included in **Attachment D**. These show the mapped SASM overlay and the underlying zone(s) for each site, together with recent aerial imagery showing current land use and the relationship of each scheduled site to its surrounding environment.
18. The Schedule 9 overlay identifies the spatial extent of each scheduled site. The address information provided above is for reference purposes only to assist with locating each site and understanding their surrounding property context. It should not be interpreted as defining the legal or cultural extent of the sites, which is determined by the SASM overlay.
- (h) Could you please provide us with similar maps for Wāhanga Toru and Wāhanga Rima, noting that Wāhanga Toru also applies to urupā. Please explain the 'Waahi Tapu Areas' covered by Wāhanga Rima.*
19. Planning map extracts for the Wāhanga Toru and Wāhanga Rima sites are included in **Attachment E**. These show the mapped SASM overlay and underlying zone for each site, together with a recent aerial imagery showing current land use and the surrounding environment for each site.
20. Wāhanga Toru is a broad classification that applies to a range of site types including urupā, pā, kāinga, mahinga kai, awa and other culturally significant places. While some Wāhanga Toru sites contain an urupā component, the classification reflects the overall character, condition and sensitivity of the site as a whole rather than the presence of a single feature.
21. The Wāhanga Rima classification was introduced through Proposed Kāpiti Coast District Plan 2012 (PDP) process. The classification was specifically developed in

response to submissions relating to the Takamore Wāhi Tapu Area (W4), as shown in Figure 3 below.



*Figure 3: Takamore Wāhi Tapu Area (W4), showing Takamore Urupā on the eastern side (see inserted blue circle). For navigation and context, Kārewarewa Urupā can be seen to the west of the wider W4 area.*

22. Through the PDP submissions process, Heritage New Zealand Pouhere Taonga sought that the extent of the Takamore Wāhi Tapu Area be extended. This was opposed by Waikanae Christian Holiday Park in its further submission.
23. The Hearings Panel Report (Refer to **Attachment F**) on Chapter 10 (Historic Heritage) records that, following discussions between Heritage New Zealand Pouhere Taonga, Takamore Trust and Waikanae Christian Holiday Park, agreement was reached on a revised 'Group C'<sup>1</sup> rule framework for the wider Takamore Wāhi Tapu Area. The Panel accepted the agreed outcome, finding that it appropriately addressed the relief sought by all the parties, and recognised and provided for the cultural values associated with the wider wāhi tapu area, while also enabling an appropriate degree of flexibility for Waikanae Christian Holiday Park to develop its land, subject to consultation with Takamore Trust.
24. The Panel therefore recommended a two-tiered approach whereby Takamore Urupā was classified Wāhanga Tahī and the wider Takamore Wāhi Tapu Area was classified Wāhanga Rima. The Panel considered this to be the most appropriate

<sup>1</sup> When publicly notified in 2012, the SASMs within the PDP were classified using groups, for example Group A, Group B etc. Through the PDP process the descriptions of these classifications were changed to the current *Wāhanga* terminology.

approach for recognising the existing level of modification and ongoing activities within the wider wāhi tapu area, while retaining controls on land disturbance, new buildings and subdivision.

25. Wāhanga Rima therefore reflects a planning response developed through the PDP process to address the particular circumstances of the Takamore Wāhi Tapu Area. Schedule 9 describes the desired level of protection for Wāhanga Rima sites as moderate. The framework allows a level of development to occur while retaining controls on land disturbance and discouraging subdivision that could divide related cultural features.
26. In my view, Wāhanga Rua would not have been an appropriate classification for the wider Takamore Wāhi Tapu area, as that classification was specifically intended to apply to urupā, pā, and papakāinga sites. As the area in question was a wāhi tapu area rather than an urupā, pā, or papakāinga, the Panel considered it necessary to create a separate classification.
27. Subsequently, the Wāhanga Rima classification was also applied to another wāhi tapu site (WTS0318A: Taewapirau waahi tupuna) which is partially within the Ngārara Development Area in Ara Hereke, Waikanae. The location and extent of WTS0318A: Taewapirau waahi tupuna is shown in Figure 4 below. The remaining portion of the wāhi tapu site is Wāhanga Tahī.



**Figure 4:** WTS0318A – Taewapirau waahi tupuna (Wāhanga Rima) (Source: Council GIS Maps)

(i) How have the provisions operated since the Plan became operative? In particular, what consent applications have been made, and what process was followed to determine them?

28. Since the Plan became operative in 2021, the [SASM provisions](#) have operated as a District Plan overlay applying to scheduled sites and areas identified in Schedule 9. The overlay applies across all underlying zones unless otherwise specified, and triggers additional assessment and consent requirements where relevant activities are proposed.
29. Where an application relates to land subject to a Schedule 9 SASM overlay, the Council considers the relevant Wāhanga classification and corresponding SASM rule framework, together with the underlying zone provisions and any other relevant District-wide provisions, and relevant National Environmental Standard (NES) requirements. In practice, this involves an integrated assessment, with the SASM provisions primarily addressing effects on sites and areas of significance to Māori, while the underlying zone provisions address broader land use and environmental effects.
30. Based on a search of Council's resource consents records, the following resource consent applications have been lodged since the Plan became operative. The applications are tabled below:

Consent reference	Schedule 9 site	Wāhanga	Activity	Activity status / outcome
RM200115	W4 Takamore Wāhi Tapu Area	Rima	Earthworks within a wāhi tapu site that did not meet permitted activity standards	Restricted discretionary, granted 7 April 2022
RM220125	W4 Takamore Wāhi Tapu Area	Rima	Certificate of compliance under the NESTF for upgrade of an existing Spark mobile phone facility	Certificate of compliance issued 14 September 2022
RM210268	WTS0056 Mūtikitiko	Toru	Retrospective vegetation removal, relocation of two existing buildings and construction of a new building	Restricted discretionary, granted 31 March 2022
RM240166A	WTS0127C Taumānuka 3A Urupā	Tahi	Change to consent condition for alterations to a historically listed building	Discretionary, granted 18 November 2025
RM260009	WTS0178 Waiorongomai Lake and Stream	Toru	Earthworks within a wāhi tapu site, ecological site, outstanding natural landscape and area of high natural character	Discretionary, granted 5 March 2026
RM240073	WTS0182A Waitawa Urupā	Tahi	Two-lot subdivision with amalgamation	Non-complying, granted 14 November 2024
RM240002	WTS0193 Arapawaiti Cemetery	Tahi	Removal of notable tree T118	Restricted discretionary, granted 26

	Reserve			January 2024
RM120014	WTS0318A Taewapirau wāhi tupuna	Rima	Establishment, operation and maintenance of a telecommunications facility	Discretionary, granted 7 December 2021
RM220009	WTS0318A Taewapirau wāhi tupuna	Rima	Construction of a dwelling with height in relation to boundary and side yard setback infringements	Restricted discretionary, granted 25 March 2022
RM220303	WTS0318A Taewapirau wāhi tupuna	Rima	Sales office and signage not otherwise provided for within the Ngārara Development Area	Discretionary, granted 16 December 2022
RM220104A	WTS0318A Taewapirau wāhi tupuna	Rima	Earthworks and change to conditions of an existing land use consent	Discretionary, granted 17 September 2025

31. Following a standard resource consent process under the Resource Management Act 1991 (RMA), Council first checks whether the land is affected by a Schedule 9 SASM overlay. If it is, the reporting planner identifies the relevant scheduled site, Wāhanga classification and applicable SASM rule.
32. Where the activity does not meet the permitted or controlled activity standards, or is otherwise listed as requiring consent under the SASM chapter, the application is processed in accordance with the relevant activity status. The assessment then considers the SASM provisions, the underlying zone provisions, any other relevant District Plan provisions, any applicable NESs, and the effects of the activity.
33. Consistent with SASM-P1, relevant iwi authorities are consulted on resource consent applications affecting Schedule 9 sites and areas. Any iwi feedback received is considered through the processing of the application and may be addressed through further information, amendments to the application, or consent conditions where appropriate. This consultation process also helps inform the affected persons assessment and AEE.
34. Council then determines whether there are any affected persons, whether limited or public notification is required, and then ultimately makes the substantive decision on the application under the RMA. Where consent is granted, conditions may be imposed to manage effects on the scheduled site or area, including effects associated with land disturbance, earthworks, buildings, subdivision, historic heritage values, the requirement for mana whenua supervision of earthworks (where deemed necessary), and accidental discovery matters.
35. A relevant example is RM200115, which related to earthworks within W4 Takamore Wāhi Tapu Area at Te Moana Road, Waikanae. The site was located entirely within the W4 Takamore Waahi Tapu Area, identified as a Wāhanga Rima site. The application involved earthworks that did not meet the permitted activity standards for the waahi tapu overlay, and was processed as a restricted discretionary activity. Consent was granted on 7 April 2022.

36. The process followed for RM200115 was:
- Council identified that the site was affected by the W4 Takamore Waahi Tapu Area overlay.
  - The relevant District Plan provisions were assessed, including the SASM / waahi tapu rule and the underlying zone provisions.
  - The application was provided to Ātiawa ki Whakarongotai for comment.
  - Ātiawa ki Whakarongotai raised initial concerns. Those concerns were resolved through further consultation between the applicant and Ātiawa.
  - Council assessed the application on a non-notified basis after the applicant had engaged and resolved the concerns raised with Ātiawa. There were no affected persons and the adverse effects were considered to be less than minor.
  - Council granted consent, subject to conditions.
37. The conditions included requirements for the works to be carried out in accordance with the approved plans, notice of proposed land disturbance to be provided to Heritage New Zealand Pouhere Taonga at least 10 working days before works commenced, compliance with earthworks and sediment control requirements, and advice notes relating to accidental discovery protocols and archaeological matters.
38. A copy of the Planner's report and decision is included in **Attachment G**.
39. This example illustrates how the provisions have operated and are applied in practice. In that case, the mapped Schedule 9 overlay was identified, the relevant Wāhanga classification and activity status were applied, iwi feedback was considered, the applicant and iwi engaged in discussions to resolve concerns, and effects were managed through the assessment and conditions of consent.
- (j) When preparing the section 32 evaluation, did the Council undertake an assessment of other options such as a change in zoning, or other Wāhanga classifications? If not please explain why that was the case.
40. The Council undertook an options assessment as part of its section 32 evaluation; however, as the SASM provisions are a district-wide matter that apply regardless of the underlying zoning, this did not extend to consideration of rezoning the land. Additionally, as the Wāhanga classifications are determined using the classification guidance contained within the SASM chapter (which has already been through a section 32 evaluation), and in partnership with mana whenua, the section 32 evaluation also did not include whether an alternative Wāhanga classification would be more appropriate.
41. That work commenced under Plan Change 2 (**PC2**), as the precursor to PC3 was prepared. PC2 was prepared as an intensification planning instrument (**IPi**) under section 80E of the RMA. Under that framework, the Council's task was to incorporate the Medium Density Residential Standards (**MDRS**) and give effect to the National Policy Statement on Urban Development 2020 (**NPS-UD**), while identifying and providing for qualifying matters as "related provisions" that are consequential on

those requirements.

42. Kārewarewa Urupā was identified as a qualifying matter through that process, supported by Waitangi Tribunal findings and iwi engagement, as a matter of national importance under sections 6(e) and 6(f) of the RMA requiring recognition and protection. The Council's focus was therefore on determining the most appropriate mechanism to give effect to that qualifying matter within the IPI framework, rather than revisiting underlying zoning or conducting a broader reassessment of the District Plan.
43. The approach adopted was to include the site in Schedule 9 as a SASM overlay, thereby triggering the existing District Plan provisions for sites and areas of significance to Māori. This was considered the most efficient and effective method of giving effect to the qualifying matter within the constraints of the IPI process, rather than revisiting underlying zoning or undertaking a broader reassessment of the District Plan framework.
44. In my view, rezoning the underlying land was not considered appropriate in this context. The SASM provisions are district-wide provisions that apply in addition to, or regardless of the underlying zoning. They are intended to manage activities that may adversely affect identified cultural, historical, spiritual, archaeological and heritage values, while leaving the underlying zone framework in place. This is consistent with the way other district-wide provisions addressing section 6 RMA matters operate, such as provisions for outstanding natural features and landscapes, and significant indigenous vegetation and habitats. The SASM overlay approach is therefore consistent with how the District Plan addresses other matters of national importance.
45. For the avoidance of doubt, Council does not rezone privately owned land to an open space zone in the absence of the agreement of the landowner. Privately owned open space land such as golf courses and bowling greens are often zoned Open Space Zone (Private Recreation Precinct) to reflect their open space contribution to the community while remaining in private ownership. Apart from these exceptions, there is no Open Space zoned land held in private ownership.
46. Regarding the classification for Kārewarewa Urupā, applying the Wāhanga Tahī and Wāhanga Rua classifications were considered the most appropriate planning response, reflecting the two distinct parts of the site and their differing levels of sensitivity to development and land disturbance. Wāhanga Tahī was applied to the more sensitive and less modified areas of the urupā, while Wāhanga Rua recognised those parts of the site that had already been developed and modified, but which nevertheless continued to warrant protection from inappropriate subdivision, use and development.
47. The overlay approach also recognises that parts of Kārewarewa Urupā are already developed with residential dwellings and are in private ownership. The identification of the SASM may affect development that would otherwise be enabled by the underlying residential zoning, but the extent of that effect depends on the activity

proposed and its potential effects on the values of the scheduled site.

48. The application of Wāhanga Tahī to WTSx1 and Wāhanga Rua to WTSx2 reflects the characteristics of different parts of the site and their differing levels of sensitivity to development and land disturbance. As the applicable Wāhanga classification is determined by applying the classification guidance in the SASM chapter to the characteristics of the site (a framework that has already been through a section 32 evaluation and plan review process), this was not the outcome of a separate options assessment but the application of an established classification framework.
49. Wāhanga Tahī applies to the more sensitive and less modified parts of the urupā, while Wāhanga Rua applies to areas that have been developed or modified but continue to warrant protection.
50. Wāhanga Tahī applies to WTSx1 because that part of the site is primarily an urupā that is largely unoccupied and undeveloped, with a high risk that land disturbance will encounter kōiwi. This is precisely the character of site for which Wāhanga Tahī was designed, and Schedule 9 confirms that the desired level of protection for Wāhanga Tahī sites is high, with rules intended to reflect the high sensitivity of those sites to land disturbance.
51. Wāhanga Rua applies to WTSx2 because that part of the site, while still forming part of Kārewarewa Urupā and retaining significant cultural values, has been developed and modified and is currently occupied by residential dwellings. This is consistent with the description of Wāhanga Rua sites in Schedule 9, which refers to urupā, pā and papakāinga sites where land is modified and currently occupied by residents or businesses.
52. While Wāhanga Toru applies to some scheduled sites that include urupā elements, those sites are generally broader sites of mixed or varied character. For example, Schedule 9 records some Wāhanga Toru sites as pā including urupā, pā with kōiwi/burial sites, or pā and urupā. In those cases, the urupā is one element within a wider site whose overall character is not solely or primarily an urupā.
53. That is not the case for Kārewarewa Urupā, which is identified and scheduled as an urupā. It is not a broader pā, kāinga, or mixed cultural landscape within which an urupā is only one component. The relevant distinction between WTSx1 and WTSx2 is therefore not a difference in site type, but a difference in the level of modification, occupation, and sensitivity across different parts of the same urupā. For that reason, Wāhanga Toru has not been applied.
54. The Wāhanga Tahī and Wāhanga Rua classifications more accurately reflect the cultural character of the site and the differing levels of sensitivity within it. Wāhanga Tahī WTSx1 has been applied to the more sensitive and less modified part of the urupā, while Wāhanga Rua WTSx2 has been applied to the modified part that is currently occupied by residential development.
55. Wāhanga Rima was also not considered to be an appropriate classification for Kārewarewa Urupā. As discussed in response to question (h), Wāhanga Rima was

introduced through the PDP process in response to the particular circumstances of the Takamore Wāhi Tapu Area and was subsequently applied to WTS0318A – Taewapirau wāhi tupuna.

56. The issue for Kārewarewa was not how to classify a wider wāhi tapu area containing a range of land uses and activities, but how to recognise differing levels of modification and sensitivity within an urupā site.
  57. In that context, the application of Wāhanga Tahī to the less modified and more sensitive parts of the urupā, and Wāhanga Rua to those parts that have been modified and are occupied by residential development, more appropriately reflects the character and condition of the site. Those classifications are specifically directed toward urupā sites and provide a framework that differentiates between areas of higher and moderate sensitivity.
  58. The Council considers that the application of Wāhanga Tahī and Wāhanga Rua is consistent with the classification guidance in Schedule 9 and the values identified through iwi engagement and the supporting material for PC3.
  59. Accordingly, the differentiation between Wāhanga classifications reflects the application of the District Plan's existing SASM framework to the characteristics of the site, rather than a separate comparative assessment of alternative classification options beyond those already assessed when the District Plan's existing SASM framework was developed.
- (k) The Panel has not made any finding on the issue of scope or the merit of the submission points at this time; however, the following question is asked to assist us with evaluating matters raised in submissions. In the s42A report at [203], Ms Naidoo concluded that the submission points S9.4-8 from Brett Osborne were out of scope on the basis that they would apply to all Scheduled SASM. Could Ms Naidoo please reconsider those submission points in the context that any proposed further amendments to rules SASM-R3, SASM-R9, SASM-R11, SASM-R16, SASM-R19 and SUB-DW-R15 could only apply to Wāhanga Rua at Kārewarewa4, through the lens of a s32AA evaluation?
60. Please refer to **Attachment H**.
- (l) Could you please explain the rationale behind the different activity status for earthworks and structures in Wāhanga Tahī. Structures appear to have a more restrictive activity status than earthworks.
61. Within Wāhanga Tahī, the different activity statuses for earthworks and structures reflect the anticipated nature and scale of potential effects on the values of the site, rather than a simple distinction between earthworks and structures, or a policy preference for one activity type over another.
  62. Wāhanga Tahī applies to highly sensitive urupā and parekura sites, where the District Plan seeks to provide a high level of protection from activities that may adversely affect cultural, spiritual, historical, archaeological and heritage values. The SASM rule framework therefore adopts an effects-based approach that

distinguishes between activities according to their potential impact on those values.

63. For earthworks, the framework recognises that some limited land disturbance may be necessary. Rule SASM-R2 permits only very limited land disturbance and earthworks within Wāhanga Tahi, namely for perimeter fencing, subject to compliance with the Accidental Discovery Protocol. Other earthworks are managed under Rule SASM-R10 as Restricted Discretionary Activities where they remain within the scope and standards of that rule.
64. The types of earthworks anticipated under Rule SASM-R10 are relatively limited and include activities such as gardening, cultivation, tree planting and removal, network utilities, fencing, and additions or alterations to lawfully established buildings. Where earthworks do not meet the Restricted Discretionary Activity standards in Rule SASM-R10, they are captured by Rule SASM-R16 and require consent as a Non-Complying Activity.
65. Structures are generally managed more restrictively because they typically involve a greater degree of physical occupation and modification of the site. New buildings commonly require associated excavation, foundations, servicing, access and ongoing use, and therefore have the potential to result in more enduring effects on the character and integrity of the urupā than the limited earthworks anticipated by Rule SASM-R10.
66. Importantly, the distinction is not that all earthworks are considered less significant than all structures. More extensive earthworks that exceed the thresholds anticipated by Rule SASM-R10 are also subject to a more restrictive activity status under Rule SASM-R16. The rule framework therefore differentiates activities according to their likely scale, permanence and potential effects on the values of the site.
67. In practical terms, the approach provides some flexibility for limited and lower-impact activities and development while ensuring that activities and development with a greater potential to permanently alter the site, or adversely affect its cultural, spiritual, historical, archaeological and heritage values, are subject to a higher level of scrutiny through the resource consent process. This is consistent with the purpose of Wāhanga Tahi and the District Plan's broader objective of protecting sites and areas of significance to Māori from inappropriate subdivision, use and development.

**26 June 2026**