

ATTACHMENT G

Submission S9 - Brett Osborne: Requested Changes to PC3 Proposed Provisions and Operative District Plan Provisions

26 June 2026

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Overview

1. Panel Minute 3 requested additional evaluation and advice as follows:

*3 (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 Kārewarewa, through the lens of a s32AA evaluation?*¹

2. I set out below my understanding of the changes requested by submission S9 – Brett Osborne in terms of PC3 and operative SASM provisions, on the assumption that those changes would only apply to Wāhanga Rua at Kārewarewa Urupā. I also provide an evaluation for each requested change in terms of section 32AA of the RMA.
3. Given that the requested amendments all relate to provisions other than objectives, the key section 32 requirements that are relevant to this section 32AA evaluation are those in subsections 1(b), 1(c) and 2. I have set these out for ease of reference below.
 - (1) An evaluation report required under this Act must—
 - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - (i) identifying other reasonably practicable options for achieving the objectives; and
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
 - (2) An assessment under subsection (1)(b)(ii) must—
 - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

¹ At para. 3 (k): [minute-3-post-hearing-11-june-2026.pdf](#)

Requested changes

District Plan Maps and Schedule 9

4. The first requested change is to remove the Wāhanga Rua overlay from the District Plan maps and Schedule 9 – Sites and Areas of Significance to Māori as follows:

Mapping and Schedule 9 - Support the identification and addition of Wāhanga Tahi to the district plan. However, the addition of the Wāhanga Rua overlay to the District Plan map series (“Historical, Cultural, Infrastructure and Districtwide”) is opposed. The addition of Wāhanga rua to Schedule 9 is also opposed.

Section 32AA Evaluation

5. Scale and significance of the environmental, economic, social, and cultural effects

<p>Proposed Amendment: Remove the Wāhanga Rua overlay from the District Plan maps and Schedule 9 – Sites and Areas of Significance to Māori</p>			
Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>Environmental No environmental benefits have been identified.</p>	<p>Environmental No environmental costs have been identified.</p>	<p>The removal of the Wāhanga Rua part of the Urupā is considered to carry a high level of risk because it would remove the visibility and protection of the historically and culturally significant part of the urupā. This would increase the likelihood of further adverse cultural effects occurring, including as a result of accidental discovery due to a lack of a visible ‘trigger’ for affected property owners to be made aware of the potential for the accidental discovery of kōiwi or other cultural artefacts within their properties.</p>	<p>This option is not considered to be an effective or efficient method to achieve the objective or the purpose of the RMA, as it would leave a known culturally significant site and area of significance to Māori unprotected from inappropriate subdivision, use and development.</p> <p>The removal of the Wāhanga Rua overlay from the District Plan maps and Schedule 9 – Sites and Areas of Significance to Māori, as it applies to Kārewarewa Urupā, would diminish the planning protections currently afforded to</p>
<p>Economic Property owners within the Wāhanga Rua part of the Urupā would not need to pay the costs of having to apply for resource consent in the event that one of the relevant rules is triggered for subdivision or development. In addition to the affected private property owners, this economic benefit would</p>	<p>Economic The removal of the Wāhanga Rua part of the Urupā is likely to result in future property owners being unaware of the potential presence of kōiwi and other cultural artefacts within their properties, and therefore being unaware of their obligations under the HNZPTA. This could result in additional economic</p>		

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
include ratepayers for any resource consent required for development within legal road that may trigger the requirement for resource consent.	costs to property owners in terms of compliance with the requirements of the HNZPTA in the event of an accidental discovery, and the associated economic costs of putting on hold or not proceeding with developments that may already be under contract and underway.		the site. Consequently, the urupā may become susceptible to unreasonable or excessive volumes of land disturbance, potentially harming its cultural, historical and spiritual values and significance.
<p>Social</p> <p>No wider social benefits have been identified beyond the benefits to the directly affected residential property owners who are located within the Wāhanga Rua part of the Urupā.</p>	<p>Social</p> <p>The community and future generations would likely fail to be made aware of the historical and cultural significance of the Wāhanga Rua part of the Urupā. Community knowledge of the historic and cultural significance of this part of the urupā would likely be eroded into the</p>		<p>The Wāhanga Rua classification is appropriate for Kārewarewa urupā. The classification was specifically developed for urupā, pā and papakāinga sites where the land is modified and occupied by residents and/or businesses. Its purpose is to recognise that, while such sites may have undergone historical development and modification, they continue to possess significant cultural, historical, and spiritual values that warrant protection. The intent of the classification is therefore to</p>

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
	future.		provide an appropriate level of planning protection to prevent further degradation, damage, or loss of those values as a result of additional land disturbance or development activities.
<p>Cultural No cultural benefits have been identified.</p>	<p>Cultural The Wāhanga Rua part of the Urupā, which is a site and area of significance to Māori, would fail to be adequately protected from inappropriate subdivision, use and development. The cultural costs of this are likely to be significant, and are best identified by considering the cultural evidence base that supports the identification and inclusion of the entire urupā, the submissions by mana whenua, and as described within the Kārewarewa Urupā Waitangi Tribunal Report.</p>		

Economic growth to be provided or reduced

The removal of the Wāhanga Rua would be unlikely to result in economic growth or reduction as the overlay covers sites that have already been developed for residential activities. The affected residential properties contain relatively large residential units, and although there may be potential for the addition of a modest residential unit to some sites, the economic growth that this may result in under the scenarios where a resource consent is required versus where a resource consent is not required, is considered to be small.

Employment anticipated to be provided or reduced

The removal of the Wāhanga Rua would be unlikely to result in employment growth or reduction because the overlay covers sites that have already been developed for residential activities. A modest amount of development or redevelopment may occur into the future on residential properties located within Wāhanga Rua part of the Urupā, but the impact on employment arising from the removal of the Wāhanga Rua part of the Urupā is considered to be insignificant.

Conclusion

I do not support the removal of the Wāhanga Rua overlay. It carries a disproportionately high level of cultural and potential economic costs, has a high level of risk when compared to the notified provisions, and would not be the most efficient or effective method to achieve the relevant ODP objective that seeks to implement sections 6 (e) and (f) of the RMA.

Rules SASM-R3, SASM-R11, SASM-R16 and SASM-R19

6. The next suite of requested changes are described within the submission as consequential changes following the removal of the Wāhanga Rua overlay from the District Plan maps and Schedule 9 – Sites and Areas of Significance to Māori, as follows:

The consequential amendment of removing the Wāhanga rua overlay would be the removal of rules SASM-R3, SASM-R11, and the references to SASM-R11 within rule SASM-R16 and SASM-R19 which are opposed insofar as they relate to the Wāhanga Rua overlay.

7. I note these changes would not be necessary if the Panel decides to recommend granting the submitter’s request to delete the Wāhanga Rua portion of Kārewarewa Urupā from the District Plan maps and Schedule 9 – Sites and Areas of Significance to Māori. Therefore, the analysis below is provided under the scenario where the Panel considers it appropriate to retain the district plan maps and Schedule 9 as notified, but wishes to explore specific potential exclusions to these rules for Wāhanga Rua at Kārewarewa.
8. To provide context to the changes requested by submission S9 to operative rules SASM-R3 and SASM-R11, the rules are set out below.
9. Operative permitted activity rule SASM-R3 as follows:

SASM-R3	<p>The following activities in an area scheduled as waahi tapu and other places and areas of significance to Māori – Wāhanga Rua:</p> <ol style="list-style-type: none"> 1. land disturbance; 2. earthworks; 3. the <i>alteration</i> and disturbance of land associated with gardening and cultivation; 4. alterations and additions to existing buildings (excluding minor buildings); 5. fencing; 6. new buildings (excluding minor buildings); ancillary to lawfully established uses in the waahi tapu; 7. relocation of existing buildings (excluding minor buildings); 8. tree planting and removal.
Permitted Activity	<p>Standards</p> <ol style="list-style-type: none"> 1. The maximum extent of land disturbance, earthworks and the alteration and disturbance of land associated with gardening and cultivation must not exceed 10m³ per calendar year. 2. Alterations and additions to buildings must not include basements or in-ground swimming pools.

3. Fencing must be along the perimeter of the *waahi tapu* or along the *site boundary*.
4. The Accidental Discovery Protocol, set out in [HH-Table 1](#), must be followed.

10. Operative restricted discretionary Rule SASM-R11 requires that the following activities in the Wāhanga Rua overlay be considered as a restricted discretionary activity where they do not comply with the permitted activity standards:

SASM-R11	<p>The following activities in an area scheduled as <i>waahi tapu and other places and areas of significance to Māori</i> – Wāhanga Rua:</p> <ol style="list-style-type: none"> 1. <i>alterations</i> and <i>additions</i> to lawfully established <i>buildings</i> (excluding <i>minor buildings</i>) which do not comply with the <i>permitted activity</i> standards; 2. <i>land disturbance</i>, <i>earthworks</i>, and the <i>alteration</i> and disturbance of <i>land</i> associated with gardening, <i>cultivation</i>, planting and removal of <i>trees</i>, and the installation of fence posts which does not comply with the <i>permitted activity</i> standards; 3. new <i>buildings</i> (excluding <i>minor buildings</i>) which do not comply with the <i>permitted activity</i> standards; and 4. <i>roads</i> and network <i>infrastructure</i>. <p>Note: <i>land disturbance</i>, <i>earthworks</i>, and the <i>alteration</i> and disturbance of <i>land</i> associated with gardening and <i>cultivation</i> under this Rule which does not meet the <i>restricted discretionary activity</i> standard falls under SASM-R16.</p>	
<i>Restricted Discretionary Activity</i>	Standards	Matters of Discretion
	<ol style="list-style-type: none"> 1. The Accidental Discovery Protocol, set out in HH-Table 1, must be followed. 	<ol style="list-style-type: none"> 1. <i>Effects</i> on <i>historic heritage</i> values. 2. <i>Effects</i> on landscape and amenity. 3. Layout, design and location of proposed <i>building</i>. 4. <i>Effects</i> on context and surroundings including any <i>effects</i> on ‘key access and view points’ listed in the Schedule of Sites and Areas of Significance to Māori.

Section 32AA Evaluation – Operative Rules SASM-R3 and SASM-R11

11. The majority of the section 32 evaluation for these requested changes duplicates that provided above for the request to delete the Wāhanga Rua part of the urupā from the district plan maps on the basis that protection for the Wāhanga Rua part of the urupā would be effectively removed from the district plan. However, there are some notable differences arising from the retention of the Wāhanga Rua part of the urupā on the district plan maps but excluding the area from rules SASM-R3 and SASM-R11. These are identified and discussed in the following evaluation.

Section 32AA Evaluation

12. Scale and significance of the environmental, economic, social, and cultural effects

<p>Proposed Amendment:</p> <p>Remove Rules SASM-R3, SASM-R11, SASM-R16 and SASM-R19 as a consequential amendment of removing the Wāhanga rua overlay</p>			
Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>Environmental No environmental benefits have been identified.</p>	<p>Environmental No environmental costs have been identified.</p>	<p>The removal of the Wāhanga Rua part of the Urupā from the protection provided by the SASM rules is considered to carry a high level of risk because it would remove the protection of the historically and culturally significant part of the urupā. This would increase the likelihood of further adverse cultural effects occurring, including as a result of</p>	<p>This option is not considered to be an effective or efficient method to achieve the objective or the purpose of the RMA, as it would leave a known culturally significant site and area of significance to Māori unprotected from inappropriate subdivision, use and development.</p>
<p>Economic Property owners within the Wāhanga Rua part of the Urupa would not need to pay the costs of having to apply for resource consent because this part of the urupā would be specifically excluded from the relevant SASM rules. In</p>	<p>Economic The removal of the Wāhanga Rua part of the Urupā is likely to result in future property owners being unaware of the potential presence of kōiwi and other cultural artefacts within their properties, and therefore being</p>	<p>The removal of the Wāhanga Rua part of the Urupā from the protection provided by the SASM rules is considered to carry a high level of risk because it would remove the protection of the historically and culturally significant part of the urupā. This would increase the likelihood of further adverse cultural effects occurring, including as a result of</p>	<p>This option is not considered to be an effective or efficient method to achieve the objective or the purpose of the RMA, as it would leave a known culturally significant site and area of significance to Māori unprotected from inappropriate subdivision, use and development.</p>

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>addition to the affected private property owners, this economic benefit would include ratepayers for any resource consent required for development within legal road that would otherwise trigger the requirement for resource consent.</p>	<p>unaware of their obligations under the HNZPTA. This could result in additional economic costs to property owners in terms of compliance with the requirements of the HNZPTA in the event of an accidental discovery, and the associated economic costs of putting on hold or not proceeding with developments that may already be under contract and underway.</p>	<p>accidental discovery due to a lack of a rule trigger for affected property owners who wish to carry out subdivision, or development beyond permitted levels.</p>	
<p>Social No social benefits have been identified. Societal benefits would be better</p>	<p>Social The values of the Wāhanga Rua part of the Urupā would not be protected from</p>		

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>achieved by the notified version of PC3 because the notified provisions protect the Wāhanga Rua part of the Urupā from inappropriate subdivision, use and development therefore ensuring that cultural values are appropriately managed for future generations.</p>	<p>inappropriate subdivision, use and development. This may lead to unmanaged degradation and damage to the historic and cultural values over time, therefore placing the community in the position of being aware of the importance of the values of the site but being unable to protect it.</p>		
<p>Cultural No cultural benefits have been identified.</p>	<p>Cultural The Wāhanga Rua part of the Urupā, which is a site and area of significance to Māori, would fail to be adequately protected</p>		

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
	<p>from inappropriate subdivision, use and development. The cultural costs of this are likely to be significant, and are best identified by considering the cultural evidence base that supports the identification and inclusion of the entire urupā, the submissions by mana whenua, and as described within the Kārewarewa Urupā Waitangi Tribunal Report.</p>		
<p>Economic growth to be provided or reduced</p> <p>The creation of an exclusion from the SASM rules for the Wāhanga Rua part of the Urupā would be unlikely to result in economic growth or reduction as the overlay covers sites that have already been developed for residential activities. The affected residential properties contain relatively large residential units, and although there may be potential for the addition of a modest residential</p>			

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>unit to some sites, the economic growth that this may result in under the scenarios where a resource consent is required versus where a resource consent is not required, is considered to be small.</p>			
<p>Employment anticipated to be provided or reduced</p> <p>The removal of the Wāhanga Rua portion of the site from the SASM rules would be unlikely to result in employment growth or reduction because the overlay covers sites that have already been developed for residential activities. A modest amount of development or redevelopment may occur into the future on residential properties located within Wāhanga Rua part of the Urupā, but the impact on employment arising from the removal of the Wāhanga Rua part of the Urupā from the SASM rules is considered to be insignificant.</p>			
<p>Conclusion</p> <p>I do not support the removal of the Wāhanga Rua portion of the site from the SASM rules. It carries a disproportionately high level of potential cultural costs, has an unacceptable level of risk compared to the notified provisions, and would not be the most efficient or effective method to achieve the relevant ODP objective that seeks to implement sections 6 (e) and (f) of the RMA.</p>			

Overall commentary

13. I consider the permitted activity standards for Rule SASM-R3 to be reasonable and appropriate when applied to the Wāhanga Rua overlay at Kārewarewa Urupā. Their purpose is to limit the extent of land disturbance and earthworks within the developed area of the site, including those associated with gardening, cultivation, and additions or alterations to existing buildings. The operative provisions provide an appropriate balance by recognising the need for ongoing use and maintenance of the land while ensuring that activities do not result in unnecessary adverse effects on the cultural, historical, spiritual, and heritage values of the urupā. I consider the exclusion of basements and in-ground swimming pools is appropriate given their potential to involve more extensive excavation and ground disturbance.
14. I consider these requirements to be reasonable and appropriate for activities within the Wāhanga Rua overlay at Kārewarewa Urupā that do not comply with the permitted activity standards. In particular, the rule requires compliance with the restricted discretionary activity standard relating to the Accidental Discovery Protocol set out in HH-Table 1 of the Historical Heritage Chapter of the Plan. This requirement provides an important safeguard in the event that previously unidentified archaeological material, kōiwi, or other items of cultural significance are discovered during earthworks or land disturbance activities.
15. Requiring a resource consent as a restricted discretionary activity allows for the Council to assess the proposed activity against the matters of discretion listed above, and the resource consent process enables the Council to assess the actual and potential adverse effects of the proposed activity and, where appropriate, impose conditions of consent to avoid, remedy, or mitigate those effects. This provides an important mechanism for ensuring that the cultural, historical, spiritual, and heritage values of Kārewarewa Urupā are appropriately protected. Direct consultation with mana whenua would be part of the resource consent process in all instances.

Section 32AA Evaluation – Operative Rules SASM-R16 and SASM-R19

16. Operative non-complying activity Rule SASM-R16 is as follows:

SASM-R16	<i>Partial demolition, demolition or destruction of waahi tapu and other places and areas of significance to Māori. For the avoidance of doubt land disturbance, earthworks, and the alteration and disturbance of land associated with gardening, cultivation, planting and removal of trees, and the installation of fence posts which do not comply with the restricted discretionary activity standards under SASM-R10, SASM-R11, SASM-R12, SASM-R13 and SASM-R14 is deemed destruction under this Rule.</i>
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Non-Complying Activity

As the request above to exclude the Wāhanga Rua overlay at Kārewarewa Urupā would mean that SASM-R16 would not be triggered, the same assessment under section 32AA applies and is not duplicated here.

Overall commentary

17. I consider Rule SASM-R16 appropriate for application to the Wāhanga Rua overlay at Kārewarewa Urupā in relation to land disturbance, earthworks, and the alteration and disturbance of land where such activities that do not comply with the restricted discretionary activity standards under SASM-R11. Activities that exceed those standards have a greater potential to adversely affect the cultural, historical, spiritual, and heritage values of the urupā and therefore warrant a higher level of assessment and scrutiny.

18. Operative non-complying activity Rule SASM-R19 is as follows:

SASM-R19	<p><i>The following activities in an area scheduled as <u>waahi tapu and other places and areas of significance to Māori – Wāhanga Rua and Wāhanga Wha:</u></i></p> <p>1. <i><u>intensive farming.</u></i></p>
<u>Non-Complying Activity</u>	

19. Rule SASM-R19 does not reference Rule SASM-R11. However, it applies to intensive farming² activities within the Wāhanga Rua overlay as a non-complying activity. In my view, SASM-R19 is a district-wide rule that operates independently of the underlying zoning provisions. The affected properties are zoned for residential activities and are already developed and occupied for residential purposes. Accordingly, there is little realistic prospect of intensive farming activities establishing within the overlay area.

20. Given the residential zoning and existing pattern of development, retaining or deleting Rule SASM-R19 is unlikely to have any practical effect on landowners. There is therefore little material difference between retaining the rule and excluding it from the Wāhanga Rua overlay. On that basis, I consider the deletion of Rule SASM-R19, insofar as it applies to the Wāhanga Rua overlay at Kārewarewa Urupā, to be unnecessary.

² Intensive farming means the commercial raising and keeping of pigs, *poultry*, dairy and beef cattle, and other animals in feed lots, barns or similar enclosures or *buildings* for more than 6 months in any calendar year and being sustained on supplementary feed while so confined.

Overall commentary

21. Overall, any amendments to the above-mentioned rules that would make them more permissive insofar as they relate to the Wāhanga Rua overlay at Kārewarewa Urupā would undermine the intent of the proposed plan change, which is to recognise and protect the historical, spiritual, cultural and heritage values of the urupā. Such amendments would be likely to increase the potential for activities that adversely affect those values and would be inconsistent with the purpose of the proposed protections.

Allow the Accidental Discovery Protocol to manage otherwise permitted residential development under the MDRS

22. The submission requests the following approach within the Wāhanga Rua overlay area:

The requirement for the application of the accidental discovery protocol (“ADP”) under HH-Table 1 addresses the potential for adverse effects associated with any otherwise permitted residential development and better balances the objective of the plan change with the desire to assess potential adverse effects via land disturbance.

23. The following evaluation is provided on my earlier assumption stated above that the Panel is exploring potential exclusions to the relevant operative SASM rules regarding the Wāhanga Rua classification at Kārewarewa Urupā.

24. Scale and significance of the environmental, economic, social, and cultural effects

<p>Proposed Amendment:</p> <p>Allow the Accidental Discovery Protocol (ADP) to manage otherwise permitted residential development under the MDRS</p>			
Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>Environmental No environmental benefits have been identified.</p>	<p>Environmental No environmental costs have been identified.</p>	<p>There is uncertainty as to the precise location and extent of kōiwi and other taonga within the Wāhanga Rua, given that the area has already been subject to historical residential development.</p>	<p>This option is not considered to be an efficient or effective method to achieve the objective of the plan change or the purpose of the RMA, as it provides a reactive response to disturbance after it has occurred, rather than preventing inappropriate subdivision, use, or development from occurring in the first instance.</p> <p>In areas where the likelihood of accidental discovery occurring is high, a condition of consent is generally imposed that requires mana whenua be invited to attend and oversee earthworks.</p>
<p>Economic Removes consent costs and timeframes for otherwise permitted MDRS residential development, enabling more efficient delivery of housing density enabled by the district plan provisions that have incorporated the MDRS.</p>	<p>Economic Potential for costs to arise later and unpredictably if kōiwi or taonga are accidentally disturbed during construction — including work stoppage, cultural monitoring costs, and possible delay to a project already under contract.</p>	<p>This uncertainty is managed reactively -the ADP only engages once disturbance has already occurred. Given the uncertainty as to exact locations, this creates a higher residual risk that kōiwi or other taonga are disturbed before any protective response is</p>	
<p>Social No social benefits have</p>	<p>Social Permitted activity status</p>	<p>protective response is</p>	

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
been identified.	removes the visible regulatory trigger that currently prompts awareness. Reliance shifts to the ADP being known, accessible, and followed at the time of earthworks. Risk that awareness of the site's significance is not reinforced over time, eroding community and intergenerational knowledge.	triggered, and that the cultural harm associated with such disturbance — which may not be fully reversible — occurs notwithstanding the ADP.	This would not be possible under the permitted activity ADP requested by the submitter, therefore further reducing the effectiveness and efficiency of this option.
Cultural No cultural benefits have been identified.	Cultural ADP is a reactive tool - it manages the response after kōiwi or taonga are uncovered rather than requiring assessment of cultural effects before disturbance occurs. Properly designed and resourced, an ADP can still provide for appropriate iwi involvement,		

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
	Karakia, and protocols on discovery, but does not provide the same prospective protection against inappropriate subdivision, use, or development as a consent requirement.		
<p>Economic growth and employment</p> <p>There is likely to be a marginal positive contribution to economic growth and employment by removing consent costs and timeframes for residential development on sites already developed within the Wāhanga Rua, and by aligning more closely with the MDRS objective of enabling housing supply and density. However, because the affected sites are already developed in established residential use, and any additional development is likely to be modest in scale (for example, an additional minor residential unit), the degree of this benefit is considered small. However, another potential outcome is that this small potential economic growth would be offset by the costs and delays in having to seek and obtain authorisations under the HNZPTA in the event of accidental discovery.</p>			
<p>Conclusion</p> <p>Overall, I do not support the reliance on ADP in place of SASM rules within the Wāhanga Rua overlay at Kārewarewa Urupā. Such an approach would be reactive rather than preventative, relying on the discovery of cultural or archaeological material after disturbance has occurred. In my view, this carries a high level of risk and potential cultural costs, and would not appropriately achieve the relevant ODP objective or effectively implement sections 6(e) and 6(f) of the RMA.</p>			

Overall commentary

25. I consider the reliance on the application of Accidental Discovery Protocol under HH-Table 1 in the Historical Heritage chapter of the Plan to be insufficient to address the potential for adverse effects associated with otherwise permitted residential development under the MDRS.
26. This is particularly so given the evidence indicates that Kārewarewa Urupā is a known archaeological site where kōiwi have previously been uncovered. In these circumstances, the discovery of archaeological material or human remains cannot reasonably be regarded as accidental or unforeseen. Accordingly, reliance on an Accidental Discovery Protocol alone carries a high level of risk and does not provide an adequate level of protection for the known cultural, historical, spiritual, and archaeological values of the site.
27. I do not consider the requested deletion of relevant operative SASM rules, and their replacement with otherwise permitted residential development under the MDRS, to be appropriate. Such an approach has the potential to enable unmanaged and increased levels of development, land disturbance, and earthworks that may adversely affect the values associated with the site. Furthermore, I do not agree that reliance on the Accidental Discovery Protocol alone would efficiently or effectively address the potential for adverse effects associated with otherwise permitted residential development within the urupā.
28. Additionally, I note that district-wide permitted activity Rule EW-R2 includes a standard that requires Accidental Discovery Protocol HH-Table 1 is complied with for any accidental discovery of a wāhi tapu or other cultural site. This applies to all permitted activity earthworks, but it works in combination with the site-specific SASM rules that apply to known sites and areas of significance to Māori.
29. I do not consider that this amendment would achieve a better balance of the objectives of the proposed plan change. Rather, I consider that relying on ADP and applying the MDRS provisions in this context would undermine the purpose of the plan change by reducing the level of protection intended to safeguard the cultural, historical, spiritual, and heritage values of Kārewarewa Urupā.

SASM-R3 – Changes regarding minor buildings and new buildings permitted under the MDRS

30. To provide context to the changes requested by submission S9 to operative rule SASM-R3, the rule is as follows:

SASM-R3

The following activities in an area scheduled as *waahi tapu and other places and areas of significance to Māori* – Wāhanga Rua:

1. *land disturbance*;

	<ol style="list-style-type: none"> 2. earthworks; 3. the <i>alteration</i> and disturbance of land associated with gardening and cultivation; 4. alterations and additions to existing buildings (excluding minor buildings); 5. fencing; 6. new buildings (excluding minor buildings); ancillary to lawfully established uses in the waahi tapu; 7. relocation of existing buildings (excluding minor buildings); 8. tree planting and removal.
<p>Permitted Activity</p>	<p>Standards</p> <ol style="list-style-type: none"> 1. The maximum extent of land disturbance, earthworks and the alteration and disturbance of land associated with gardening and cultivation must not exceed 10m³ per calendar year. 2. Alterations and additions to buildings must not include basements or in-ground swimming pools. 3. Fencing must be along the perimeter of the waahi tapu or along the site boundary. 4. The Accidental Discovery Protocol, set out in HH-Table 1, must be followed.

31. As a preliminary matter, the submission queries whether references to ‘minor buildings’ within rule SASM-R3 means that minor buildings are excluded or included from the need to comply with the requirements of SASM-R3. I confirm that the district plan contains a specific definition for minor buildings³, and that there are specific

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MINOR BUILDINGS

means the following *structures, buildings* or parts of *buildings*:

1. a fence or wall of 2 metres or less in *height* above *original ground level*, and tennis court fences of any *height* above *ground level*, where the fence is not used for advertising or for any purpose other than a fence or a wall;
2. retaining walls of 1.5m or less in *height* above *original ground level*;
3. a fence for the containment of stock;
4. residential chimneys and television aerials associated with a *residential building*, not exceeding 1.5 metres above the permitted *height* rule and *height in relation to boundary* envelope rule for the *zone* in which the *building* is located;
5. small-scale detached *structures* (including temporary *structures*) not exceeding 2.4 metres in *height* (above *original ground level*) and not exceeding 8m² in *gross floor area* where they are located at least 1 metre from any adjoining *site boundary*;
6. underground water tanks, and any above-ground water tank that is less than 30,000 litres in volume that is set back at least 1 metre from any side and rear *boundary* and complies with the permitted *height, height in relation to boundary* envelope and front and coastal *yard* standards for *buildings* for the *zone* in which it is located;
7. patios and decks (including their handrails) with a finished floor level not exceeding 1 metre in *height* above *ground level* and at least 1 metre from any adjoining *site boundary*;
8. any mobile machinery, vehicle, trailer, tent, caravan or boat, whether fixed or movable unless it is used for *residential activities, business activities* or storage purposes;

exclusions for minor buildings throughout the district plan across multiple chapters. Therefore, the exclusions within SASM-R3 for minor buildings means they are not managed by the rule as long as the defined term for minor buildings is met.

32. The submission requests that underground water tanks be added as an exclusion to the rule, however I note that underground water tanks are already excluded on the condition that they meet the following requirements set out within the definition for minor buildings:

6. underground water tanks, and any above-ground water tank that is less than 30,000 litres in volume that is set back at least 1 metre from any side and rear boundary and complies with the permitted height, height in relation to boundary envelope and front and coastal yard standards for buildings for the zone in which it is located

33. On this basis, I do not consider any technical need for additional clarification within rule SASM-R3 regarding water tanks. Nor do I provide a section 32AA evaluation for this requested change to rule SASM-R3 because the rule would have the same effect with or without the change.

34. The submission makes the following statement and request(s):

Additions and alterations at 4. should include “minor buildings”. New residential buildings permitted under the MDRS provisions should be included within SASM-R3 and any potential effects through earthworks/disturbance of the ground addressed via the ADP requirements.

35. It is my reading that this part of the submission is requesting two separate amendments as follows:

- (a) That clause 4 of rule SASM-R3 be amended so that additions and alterations include minor buildings; and
- (b) New residential buildings permitted under the MDRS provisions (presumably under the General Residential Zone provisions) should be included within SASM-R3 and any potential effects of these be managed through earthworks/disturbance of ground via the Accidental Discovery Protocol requirements.

36. Regarding point (a), minor buildings, additions and alterations are all subject to their

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- 9. any scaffolding or falsework erected temporarily for maintenance and construction purposes;
 - 10. any road, driveway, footpath, boardwalk or other paved surface;
 - 11. domestic swimming pools not exceeding 1.2 metres above *original ground level*;
 - 12. fire hose drying towers not exceeding 15 metres in *height* (above *original ground level*) on New Zealand Fire Service property;
 - 13. *network utilities*; and
 - 14. *amateur radio configurations*.

own definitions. I have confirmed that minor buildings are not managed under rule SASM-R3. Accordingly, any change to clause 4 to include reference to minor buildings would be at odds with the intent of the rule to exclude minor buildings. On this basis I have not provided a section 32AA evaluation for this requested change.

37. Moving to point (b) above, I am unable to identify any amendments that would grant the first part of the request to include buildings permitted under the MDRS provisions. I note that the general building provisions including those that incorporate the MDRS are contained within the General Residential Zone chapter. The structure of the District Plan does not duplicate zone provisions into the District-wide provisions for the management of any district-wide matters, including for Sites and Areas of Significance to Māori. On this basis it is unclear what amendments are being requested, and I therefore do not provide a section 32AA evaluation for this.

38. I discuss and evaluate above the requested reliance upon the Accidental Discovery Protocol under the heading 'Allow the Accidental Discovery Protocol to manage otherwise permitted residential development under the MDRS'. I do not replicate that discussion here.

Section 32AA evaluation

39. The changes requested by this part of the submission are either unclear regarding what is being requested, or are unnecessary/ inappropriate from a technical perspective. Accordingly, I have not carried out a section 32AA evaluation for these requested changes.

Opposition to operative Rule SASM-R9

40. Operative Rule SASM-R9 is the catch-all restricted discretionary rule that captures any activity affecting a waahi tapu and other places and areas of significance to Māori which does not comply with one or more of the permitted or controlled activity standards, unless otherwise specified.

41. The submission opposes Rule SASM-R9 on grounds it is not necessary given the specific directions within SASM-R3 and SASM-R11. No further explanation is provided, and although the rule is opposed, no specific changes are requested. I have proceeded on the assumption that the submitter seeks an exclusion to SASM-R9 for Wāhanga Rua at Kārewarewa.

Section 32AA evaluation

42. An exclusion for Wāhanga Rua at Kārewarewa would be a consequential change as part of the Wāhanga Rua at Kārewarewa exclusion to Rule SASM-R3 that the Panel has requested be evaluated, the section 32AA evaluation would follow the same line of reasoning as that contained above for the requested changes to SASM-R3.

43. Therefore, please refer to the section 32AA evaluation above under the headings

‘Rules SASM-R3, SASM-R11, SASM-R16 and SASM-R19’; and ‘Allow the Accidental Discovery Protocol to manage otherwise permitted residential development under the MDRS’.

Operative Rule SASM-R11

44. Submission S9 opposes operative Rule SASM-R11 in part on the basis that:

The matters of discretion should be limited to the effects on historic heritage with the matters of discretion 2, 3 and 4 deleted as they are not relevant. The note and activity escalation to SASM-R16 for land disturbance associated with gardening should be deleted.

45. Operative restricted discretionary Rule SASM-R11 is as follows:

SASM-R11	<p>The following activities in an area scheduled as <i>waahi tapu and other places and areas of significance to Māori</i> – Wāhanga Rua:</p> <ol style="list-style-type: none"> 1. <i>alterations</i> and <i>additions</i> to lawfully established <i>buildings</i> (excluding <i>minor buildings</i>) which do not comply with the <i>permitted activity</i> standards; 2. <i>land disturbance</i>, <i>earthworks</i>, and the <i>alteration</i> and disturbance of <i>land</i> associated with gardening, <i>cultivation</i>, planting and removal of <i>trees</i>, and the installation of fence posts which does not comply with the <i>permitted activity</i> standards; 3. new <i>buildings</i> (excluding <i>minor buildings</i>) which do not comply with the <i>permitted activity</i> standards; and 4. <i>roads</i> and network <i>infrastructure</i>. <p>Note: <i>land disturbance</i>, <i>earthworks</i>, and the <i>alteration</i> and disturbance of <i>land</i> associated with gardening and <i>cultivation</i> under this Rule which does not meet the <i>restricted discretionary activity</i> standard falls under SASM-R16.</p>	
<i>Restricted Discretionary Activity</i>	<p>Standards</p> <ol style="list-style-type: none"> 1. The Accidental Discovery Protocol, set out in HH-Table 1, must be followed. 	<p>Matters of Discretion</p> <ol style="list-style-type: none"> 1. <i>Effects</i> on <i>historic heritage</i> values. 2. <i>Effects</i> on landscape and amenity. 3. Layout, design and location of proposed <i>building</i>. 4. <i>Effects</i> on context and surroundings including any <i>effects</i> on ‘key access and view points’ listed in the <i>Schedule of Sites and Areas of Significance to Māori</i>.

46. The submission seeks the deletion of matters of discretion 2, 3, and 4, which are as follows:

2. *Effects* on landscape and amenity.
3. Layout, design and location of proposed *building*.

4. Effects on context and surroundings including any effects on 'key access and view points' listed in the Schedule of Sites and Areas of Significance to Māori.

47. An evaluation of these requested changes is provided below.

48. Scale and significance of the environmental, economic, social, and cultural effects

<p>Proposed Amendment:</p> <p>Delete Matters of Discretion 2, 3, and 4 under operative Rule SASM-R11 in relation to the Wāhanga Rua overlay at Kārewarewa Urupā</p>			
Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>Environmental</p> <p>No environmental benefits have been identified.</p>	<p>Environmental</p> <p>No environmental costs have been identified.</p>	<p>There is uncertainty as to the precise location of kōiwi and other taonga within the Wāhanga Rua, notwithstanding that the area has been subject to historical residential development. This uncertainty is most relevant to Matters of Discretion 3 and 4 (layout, design and location of proposed building, and context and surroundings including any effects on 'key access and viewpoints), because the location of a building directly determines where new ground disturbance</p>	<p>This option confines the assessment to historic heritage values alone. Depending on how narrowly 'historic heritage values' is interpreted and applied in practice, this may not capture siting/layout choices that minimise disturbance risk, or non-heritage cultural values recorded in Schedule 9 (such as viewpoints). At the very least, this option would reduce the guidance to applicants and the resource consent planner of the potential matters that require consideration</p>
<p>Economic</p> <p>Deletion of Matters of Discretion 2, 3 and 4 would reduce the scope of assessment required for restricted discretionary consent applications under Rule SASM-R11, which may reduce the cost and time associated with preparing and processing applications</p>	<p>Economic</p> <p>The principal economic cost would arise indirectly - if deletion of Matter 3 (layout, design and location) results in buildings being sited without regard to minimising disturbance risk, and kōiwi or taonga are subsequently encountered, this could</p>		

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>(for example, by reducing the need for landscape, urban design, or cultural landscape input limited to these three matters). This is likely a modest benefit, given consent is still required and the ADP and historic heritage assessment remain in place. In addition, ‘key access and viewpoints’ under matter of discretion 4 form part of the historic heritage values, and this would fall under matter of discretion 1 anyway. Therefore, it is unlikely the deletion of matter of discretion 4 would result in a reduction in the matters that would need to be addressed as part of a resource consent.</p>	<p>generate downstream costs (work stoppage, cultural monitoring, redesign, delay) that may exceed the upfront assessment costs avoided.</p>	<p>(foundations, services) will occur, and whether any identified access and viewpoints would be affected.</p> <p>Retaining Matters of Discretion 3 and 4 allows the consent authority, where appropriate, to require or encourage siting that avoids known or likely sensitive areas of a site — a precautionary, low-cost measure relative to the potential cultural harm avoided.</p> <p>Deleting Matters of Discretion 3 and 4 would remove this control, potentially resulting in adverse effects on the SASM that would be contrary to the objective and Part II of the RMA. The ADP would continue to apply, but as a reactive mechanism following disturbance, rather than as a means of avoiding disturbance in the first place through early</p>	<p>that may adversely affect SASMs as part of the resource consent process.</p> <p>This option may result in lower compliance costs and faster, more predictable consenting for applicants, consistent with enabling development at the Wāhanga Rua. However, this is not certain because the term ‘historic heritage values’ under Matter of Discretion 1 is a broad term, which likely captures Matters of Discretion 3 and 4 anyway, only in a less visible and helpful way.</p> <p>In terms of policy intent, at surface level this option may align with the policy intent that established residential sites should not face the same level of scrutiny as undeveloped parts of the urupā. However, this may not be reflected in practice due to the</p>

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>Social No social benefits have been identified.</p>	<p>Social A potential cost is a reduced opportunity for the community (via the consent process) to have matters such as visual character and viewpoints considered as part of decisions affecting the site, which may, over time, reduce the visibility of the cultural significance of the area in routine planning decisions.</p>	<p>consultation with mana whenua and better siting.</p>	<p>broad and all-encompassing matters that may fall under Matter of Discretion 1.</p>
<p>Cultural No cultural benefits have been identified.</p>	<p>Cultural This is the area of greatest sensitivity. Matter of Discretion 3 (layout, design and location) and Matter of Discretion 4 (context and surroundings, including Schedule 9 view points) both have a clear and</p>		

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
	<p>direct connection to the protective purpose of the SASM chapter and the identified cultural values for each SASM. Matter of Discretion 2 (landscape and amenity) has a less direct, but still relevant, connection where it captures the visual or character-based significance of the site beyond standard residential amenity.</p>		
<p>Economic growth and employment</p> <p>Any effect on economic growth or employment from this rule change is likely to be small. The Wāhanga Rua area is already developed for residential use, and SASM-R11 only applies to development exceeding the SASM-R3 permitted standards. Narrowing the matters of discretion may marginally improve consenting efficiency for the subset of proposals that trigger SASM-R11, but this is not guaranteed and is unlikely to materially change the scale or pace of development given the area is already largely built out.</p>			
<p>Conclusion</p> <p>In my view, this option is not considered to be an efficient or effective method to appropriately achieve the relevant ODP objective</p>			

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>or effectively implement sections 6(e) and 6(f) of the RMA. At a high level these requested changes would reduce the matters of discretion that would be considered as part of the resource consent process, but in practice the matters of discretion requested be deleted would fall under matter of discretion 1, only in a less visible and potentially more contentious way.</p>			

Operative District-wide Subdivision Rule – SUB-DW-R15

49. Submission S9 opposed operative district-wide subdivision Rule SUB-DW-R15 on the basis that subdivision that creates additional lots should be amended from a discretionary activity to a restricted discretionary activity. The submission contends that the potential effects can be specifically identified and addressed through the matters of discretion – namely:

- a. the location of the building platform;
- b. the requirement of the Accidental Discovery Protocol; and
- c. the effects on historic heritage.

50. Operative Rule SUB-DW-R15 is as follows:

SUB-DW-R15	Any activity listed as a <i>controlled</i> or <i>restricted discretionary activity</i> in this section which does not comply with one or more of the associated standards, unless otherwise specified
<i>Discretionary Activity</i>	

51. I note that subdivision of any land or site containing a SASM is a restricted discretionary activity under district-side subdivision Rule SUB-DW-R10 as follows:

SUB-DW-R10	<i>Subdivision</i> of any <i>land</i> or <i>site</i> containing a <i>scheduled historic building or structure</i> , a <i>scheduled historic site</i> , a <i>notable tree</i> , or a <i>scheduled historic area, waahi tapu and other places and areas significant to Māori</i> except as provided for in Rules <i>SASM-R14</i> and <i>SASM-R20</i> .	Amended 01 Sep 23 PC2
<i>Restricted Discretionary Activity</i>	<p>Standards</p> <ol style="list-style-type: none"> 1. The <i>historic heritage</i> feature must be contained within one <i>allotment</i> or where the feature is contained within more than one <i>allotment</i> the number of <i>allotments</i> containing the feature will not be increased. 	<p>Matters of Discretion</p> <ol style="list-style-type: none"> 1. Imposition of <i>financial contributions</i> in accordance with the <i>Financial Contributions</i> chapter. 2. Degree of compliance with <i>Council's Land Development Minimum Requirements</i> (or <i>structure plan</i> or guideline). 3. <i>Effects</i> on <i>historic heritage</i> values. 4. Layout of the <i>subdivision</i>. 5. <i>Effect</i> on context and surroundings. 6. <i>Effects</i> on landscape and <i>amenity values</i>. 7. <i>Effects</i> on context and surroundings including any <i>effects</i> on 'key access

		and view points' listed in the Schedule of <i>Historic Heritage</i> Schedule 7.
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52. The submission appears to be concerned that where the standard under Rule SUB-DW-R10 cannot be met, this should be considered as a restricted discretionary activity rather than a full discretionary activity.
53. I have proceeded on the assumption that this request relates to the Kārewarewa Urupā Wāhanga Rua only. In my opinion, this would require the drafting of a specific additional rule, with consequential changes to operative Rules SUB-DW-R10 and SUB-DW-R15 to remove duplication between these rules and the new site-specific rule.
54. The operative district-wide subdivision Rule SUB-DW-R10 applies to the subdivision of land where the number of allotments containing the site of significance is not increased and requires resource consent as a Restricted Discretionary Activity. In contrast, Rule SUB-DW-R15 applies where the subdivision would increase the number of allotments containing the site of significance and requires resource consent as a Discretionary Activity. This distinction recognises that subdivision resulting in additional allotments has a greater potential to increase development opportunities and associated adverse effects on the values of the site.

55. Scale and significance of the environmental, economic, social, and cultural effects

<p>Proposed Amendment:</p> <p>Drafting a specific additional rule for subdivision that creates additional lots in the Wāhanga Rua overlay at Kārewarewa Urupā - to be considered as a restricted discretionary activity, with consequential changes to operative Rules SUB-DW-R10 and SUB-DW-R15</p>			
Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>Environmental No environmental benefits have been identified.</p>	<p>Environmental No environmental costs have been identified.</p>	<p>There is some uncertainty as to how many allotments within the Wāhanga Rua overlay could realistically be subject to further subdivision, and therefore how often this scenario would actually arise in practice. There is less uncertainty than in the district-wide version of this proposal regarding the nature of the cultural sensitivities involved, given the extensive evidence</p>	<p>This option could be effective if the matters of discretion are specifically tailored to Kārewarewa and reflect the available cultural evidence. This would provide a more targeted approach than a generic district-wide rule. However, its effectiveness would depend on how well the rule is drafted, and this is unknown in the absence of engagement with mana whenua</p>
<p>Economic Applicants proposing subdivision that would otherwise default to full Discretionary status gain greater certainty as to the matters that will be assessed, likely reducing the Assessment of</p>	<p>Economic A one-off plan-drafting cost to council in preparing the new rule, standard, and matters of discretion, and the ongoing cost of administering an additional rule in the SUB-DW chapter (a modest addition to plan complexity).</p>		

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
Environmental Effects (AEE) scope.	<p>In addition, the proposed change would result in administrative and implementation costs for the Council, including the time and resources required to prepare and incorporate consequential amendments to operative Rules SUB-DW-R10 and SUB-DW-R15. The Schedule 1 RMA process is costly and takes considerable resourcing. There is also the potential that the plan change would be subject to appeals to the Environment Court, therefore increasing economic costs to the community.</p>	<p>base already developed specifically for this site.</p> <p>There is a risk that important effects may be overlooked if the matters of discretion are too narrow, which could result in delays or additional costs later on. When drafting plan provisions, Council does so in discussions with mana whenua to ensure cultural and spiritual matters are appropriately addressed. This process was followed in the preparation of operative rule SUB-DW-R10. Therefore, this option to change the activity status from discretionary to restricted discretionary carries the risk that assumptions are being made that the requested RD status and matters of discretion put forward by the submission</p>	<p>and scenario testing any potential new rule.</p> <p>This option would be more efficient for applicants at Kārewarewa because it would provide greater certainty on the extent of matters that would be considered, and this may reduce economic costs of preparing the resource consent application. However, as consent would also be required under the zoning subdivision provisions (and likely landuse consent for enabling works associated with proposed subdivision), when these consents are bundled and considered as a whole the economic benefits are considered to be minor.</p>
<p>Social More predictable, efficient processing may reduce delay-related costs to</p>	<p>Social As with any narrowing of discretion, there is a risk that the matters of discretion,</p>	<p>Therefore, this option to change the activity status from discretionary to restricted discretionary carries the risk that assumptions are being made that the requested RD status and matters of discretion put forward by the submission</p>	<p>There would be some cost to</p>

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>communities or families awaiting subdivision outcomes on affected land, without affecting certainty for any other type of subdivision non-compliance.</p>	<p>however carefully drafted, may not capture an effect that a fully discretionary assessment would have allowed the community (including mana whenua) to raise – concentrated at this one site rather than spread district-wide.</p>	<p>are adequate to cover the range of actual and potential adverse effects on the cultural and spiritual values of the site.</p> <p>Narrow matters of discretion increase the risk of under-protection because they may not provide any greater protection than the current approach, while limiting what Council can consider when assessing an application.</p>	<p>drafting a site-specific rule, and Council would need to justify why Kārewarewa is treated differently from other sites subject to the same subdivision rules.</p>
<p>Cultural A potential cultural benefit to a site-specific approach is that the matters of discretion can directly reference the Kārewarewa cultural evidence base (the Waitangi Tribunal report, Schedule 9 listing, and mana whenua evidence already before Council), rather than using generic district-wide language.</p>	<p>Cultural The cultural outcome will depend on whether the matters of discretion expressly address the fragmentation concern that is the specific reason SUB-DW-R10 would be breached, rather than being confined to historic heritage values alone.</p> <p>The cultural risk is that any gap in protection from imprecise drafting would be</p>		

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>This could, if well drafted, provide a more precise and locally grounded assessment framework than a district-wide rule. poor trade-off given the significance already established for this site.</p>	<p>concentrated at the one site with the strongest and most specific evidence base, which may be seen as a poor trade-off given the significance already established for this site.</p>		
<p>Economic growth and employment</p> <p>Any effect on economic growth or employment would be small and confined to the Wāhanga Rua overlay at Kārewarewa Urupā, given the site is already developed in residential use and the number of properties potentially affected is limited. The efficiency benefit to those specific property owners is real but narrow in scale compared with the district-wide version of this proposal, and also when noting that there will be other rules triggered for proposed subdivision that would need to be bundled and considered as a whole.</p>			
<p>Conclusion</p> <p>I do not consider it necessary to introduce a specific additional rule to enable the creation of additional lots within the Wāhanga Rua portion of Kārewarewa Urupā as a restricted discretionary activity. In my view, the escalation of the activity status from restricted discretionary to discretionary activity appropriately reflects the greater level of uncertainty regarding the actual and potential effects that may arise from an increase in the number of allotments, and the unknown actual and potential cultural and spiritual effects that further legal and physical separation of the SASM may have. Furthermore, I do not consider that the full range of potential effects can be adequately identified in advance and addressed through a prescribed set of matters of discretion. Retaining discretionary activity status therefore provides the Council with the necessary flexibility to assess and respond to the</p>			

Benefits	Costs	Risk of Acting / Not Acting	Efficiency and effectiveness in achieving the objectives
<p>specific circumstances and effects of each proposal.</p> <p>Furthermore, I do not support any consequential amendments to Rule SUB-DW-R10 and Rule SUB-DW-R15, as they would not be efficient and effective ways of protecting the values of the urupā.</p>			