

This section has rules that have legal effect.

## SASM — Sites and Areas of Significance to Māori

The purpose of this chapter is to identify and protect sites and areas significant to Māori. Under the RMA, it is a matter of national importance to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. Sites and areas of significance to Māori are recognised by tangata whenua in this regard.

The role of the tangata whenua as kaitiaki over these sites is acknowledged and this chapter provides the framework for kaitiakitanga to be exercised. Kaitiakitanga includes the role of maintaining and nurturing these sites and areas and to be guided by their knowledge or mātauranga.

Sites and areas identified in the District Plan have significance for different reasons. At the same time different land use and building activities have different impacts on the mana of each site. It may be necessary to engage with tangata whenua in order to understand the impacts of proposals for subdivision, land use, and development on sites of significance to Māori.

The District Plan manages this by categorising sites to provide a level of recognition commensurate with their significance. The location of each site or area has been determined with the guidance and direction of tangata whenua. To ensure the effects of subdivision, land use, and development on the mana of each site and area is managed, the extent of each site has been mapped. The provisions of this chapter apply to the use, development and activities within this identified extent.

The categories in SCHED6 - Sites and Areas of Significance to Māori include:

Ngā Awa o te Takiwā	Water bodies and their margins.
Category 1	Pā, kāinga, urupā and other sites or areas which have a high level of certainty and significance.
Category 2	Pā, kāinga, urupā and other sites or areas that are significant, however their location may be less certain or they may not be as significant as those sites and areas listed in Category 1.
Category 3	Sites or areas of significance that are important to acknowledge, but where subdivision, land use, and development is generally appropriate.

The objectives and policies in this chapter apply to Ngā Awa o te Takiwā sites and areas of significance to Māori, however the rules from other chapters of the district plan apply to these sites as they are coastal margins and riparian margins.

While this chapter includes the core objectives, policies and rules that apply to sites and areas of significance to Māori, other chapters of the District Plan include specific rules that also apply to sites and areas of significance to Māori, including Infrastructure, Subdivision, Earthworks, Temporary Activities and Zones. As such, this chapter should be read alongside other relevant chapters of the District Plan.

### Recognition of significance of marae

There are seven marae located across the district, including two marae of Mana Whenua (Te Tatau o Te Pō and Waiwhetū Marae). The provisions that apply to these marae are contained in the Marae Zone chapter.

**Te Tatau o te Pō** was built in 1933 and is the oldest standing marae in the Hutt Valley and Wellington. The marae has a strong association to the Te Āti Awa hapū of the original Pito One Pā - Ngāti Tawhirikura and Ngāti Te Whiti along with Te Matehou/Ngāti Hamua.

**Waiwhetū Marae** opened in 1960 the marae is located at Puketapu Grove opposite Te Whiti Park and is associated with the Te Āti Awa hapū of Te Matehou/Ngāti Hamua. The wharenui is known as 'Arohanui ki te Tangata'.

The land where the marae sits was originally part of Hutt Section 19. This roughly 100-acre block was purchased for Te Matehou/Ngāti Hamua as a 'Native Reserve' by Colonel McCleverty in 1847. The hapū living at Waiwhetū Pa along with

many of their relations at Pipitea Pā in Wellington settled on Hutt Section 19. In the early 1940s the hapū was forced off the land when it was taken under the Public Works Act 1928 for housing purposes.

The other five marae of Lower Hutt (Kōraunui Marae, Te Kākano o Te Aroha Marae, Te Mangungu Marae, Wainuiomata Marae and Kōkiri Marae) are urban marae.

While these marae are significant to Māori, this significance is recognised through the Marae Zone chapter, which also provides for their ongoing use and development. As a result, they are not included as sites and areas of significance to Māori in this chapter.

## Recognition of significance of Matiū, Mākara and Mokopuna islands

The three islands of Te Whanganui a Tara - Matiū, Mākara and Mokopuna islands (the Harbour Islands) - are all significant to Mana Whenua.

The harbour islands were named by the Polynesian navigator Kupe after his nieces during his visit over 1000 years ago.

The fee simple title of the three harbour Islands; Matiu, Mokopuna and Makaro was transferred to trustees of the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Settlement Trust as part of their Claims Settlement Act of 2009. The Trust works with the appropriate central or local government authority (i.e. Wellington Regional Council, Department of Conservation, Wellington City Council, Hutt City Council and Upper Hutt City Council) in the management of the islands.

**For Matiū**, despite there being limited freshwater the largest of the three harbour islands Matiu is said to have had two historic pā: Haowhenua on the summit and Te Moana a Kura on the ridge at the northern end of the island. In the 1830s Te Āti Awa had a kāinga on the island. There are urupā on the island.

**Mokopuna** is a small island just offshore from Matiu. It was possibly used as a refuge in times of attack and is likely to have had an urupā.

**For Mākaro**, there are at least two possible pā sites on the island, but the lack of freshwater made permanent occupation impractical. It is likely that Mākaro was used as a refuge if one of the mainland pā was threatened by an invading force.

While these islands are significant to Māori, they are not listed in schedule of sites and areas of significance to Māori as there is no need to regulate land use and development on those islands through this chapter (due to the fee simple title for the islands being transferred to the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Settlement Trust.

## Objectives

<b>SASM-O1</b>	<b>Te Mana o Ngā Wāhi (Recognition, protection and maintenance)</b>
Sites and areas of significance to Māori and their associated values are recognised, protected and maintained.	
<b>SASM-O2</b>	<b>Kaitiakitanga</b>
Tangata whenua can exercise kaitiakitanga in relation to sites and areas of significance to Māori.	
<b>SASM-O3</b>	<b>Rangatiratanga (Self Determination)</b>
Tangata whenua have self-determination over sites and areas of significance to Māori, and their associated values are recognised and upheld by enabling active participation of Mana Whenua in decision-making.	
<b>SASM-O4</b>	<b>Mana Motuhake (Historic and contemporary connections)</b>
The historic and contemporary connection Mana Whenua have with their sites and areas of significance and their associated values are recognised and provided for.	

## Policies

<b>SASM-P1</b>	<b>Identify sites and areas of significance to Māori</b>
Identify sites and areas of significance to Māori with tangata whenua and in accordance with tikanga Māori.	
<b>SASM-P2</b>	<b>Ngā Awa o te Takiwā</b>
Protect sites and areas listed as Ngā Awa o te Takiwā in SCHED6 — Sites and Areas of Significance to Māori from inappropriate subdivision, use, or development.	
<b>SASM-P3</b>	<b>Category 1 Sites and Areas of Significance to Māori</b>
Protect sites and areas listed as Category 1 in SCHED6 — Sites and Areas of Significance to Māori from inappropriate subdivision, use, or development.	
<b>SASM-P4</b>	<b>Category 2 Sites and Areas of Significance to Māori</b>
Avoid, remedy, or mitigate the adverse effects of subdivision, use, or development on sites and areas listed as Category 2 in SCHED6 — Sites and Areas of Significance to Māori.	
<b>SASM-P5</b>	<b>Category 3 Sites and Areas of Significance to Māori</b>
Acknowledge sites and areas listed as Category 3 in SCHED6 — Sites and Areas of Significance to Māori.	
<b>SASM-P6</b>	<b>Use of sites and areas for tikanga Māori</b>
Enable tangata whenua to carry out tikanga Māori (including mahinga kai) within sites and areas of significance to Māori.	
<b>SASM-P7</b>	<b>Working with tangata whenua to protect sites and areas of significance to Māori</b>
<p>Encourage landowners to:</p> <ol style="list-style-type: none"> <li>1. Engage with tangata whenua where subdivision, use, or development has the potential to adversely affect sites or areas of significance to Māori, and</li> <li>2. Work with tangata whenua to manage, maintain, preserve and protect sites and areas of significance to Māori.</li> </ol>	
<b>SASM-P8</b>	<b>Culturally incompatible activities</b>
<p>Avoid degradation of the mauri of sites and areas listed as Ngā Awa o te Takiwā in SCHED6 — Sites and Areas of Significance to Māori as a result of the following activities:</p> <ol style="list-style-type: none"> <li>1. Cemeteries and crematoria,</li> <li>2. Landfills,</li> <li>3. Wastewater treatment plants, and</li> <li>4. Earthworks and land disturbance.</li> </ol>	
<b>SASM-P9</b>	<b>Use and development that protects spiritual and cultural values</b>
<p>Provide for maintenance, repair, alterations, construction and modification within sites and areas of significance to Māori where it is demonstrated that the spiritual and cultural values of the site are protected, having regard to:</p> <ol style="list-style-type: none"> <li>1. Whether tangata whenua have been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation.</li> <li>2. Whether a cultural impact assessment has been undertaken and whether the proposal is consistent with the values identified in SCHED6 — Sites and Areas of Significance to Māori.</li> <li>3. The potential adverse effects on the values of the site or area of significance to Māori, and the relationship of tangata whenua with the site or area, including: <ol style="list-style-type: none"> <li>a. Loss of cultural values through modification of the landscape,</li> <li>b. Damage to the integrity of the site or area through disturbance of land or indigenous vegetation,</li> <li>c. Adverse effects on the mauri of water bodies, and</li> <li>d. Reduction in the extent and quality of mahinga kai.</li> </ol> </li> <li>4. Any loss of access to the site or area of significance to Māori for customary activities.</li> <li>5. Any opportunities to maintain or enhance the ability for tangata whenua to access and use the site or area of significance to Māori.</li> <li>6. Where the activity will remove indigenous vegetation, the nature of any effects on mahinga kai and other customary uses.</li> </ol>	

7. The effects on sites or areas where there is the potential for kōiwi or artefacts to be found, including:
  - a. Consideration of the need manage potential adverse effects through an accidental discovery protocol, and
  - b. Whether any particular requirements as part of an accidental discovery protocol, such as the presence of a cultural monitor, have been identified as an outcome of consultation with tangata whenua.
8. Whether there are alternative methods, locations or designs that would avoid remedy or mitigate adverse effects on spiritual or cultural values associated with the site or area.
9. Whether the proposal provides an opportunity to recognise tangata whenua culture, history and identity including the potential to:
  - a. Affirm the connection between tangata whenua and the site or area, or
  - b. Enhance the cultural values of the site or area.

## Rules

### Note:

Resource consent may be required under rules in this chapter as well as other chapters. Unless specifically stated, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

SASM-R1	Undertaking tikanga Māori within a Site or Area of Significance to Māori
SASM Category 1	1. <b>Activity status:</b> Permitted
SASM Category 2	
SASM Category 3	
SASM-R2	Land disturbance within a Site or Area of Significance to Māori
SASM Category 3	1. <b>Activity status:</b> Permitted
SASM Category 2	2. <b>Activity status:</b> Permitted  Where: a. Compliance is achieved with SASM-S1: Accidental discovery protocol.
SASM Category 1	3. <b>Activity status:</b> Permitted  Where: a. The land disturbance is for: <ol style="list-style-type: none"> <li>i. Burials within an existing urupā,</li> <li>ii. Gardening, where land disturbance does not exceed 10m<sup>3</sup> in any 12-month period,</li> <li>iii. Riparian planting,</li> <li>iv. Indigenous vegetation planting,</li> <li>v. The maintenance or repair of existing tracks and fences provided the area, extent and volume of land disturbed is limited to that which is necessary to maintain an existing track and fence along its existing alignment, and</li> <li>vi. Demolition or removal of an existing building or structure, where the land disturbance does not exceed 50m<sup>2</sup> in any 12-month period, and a maximum cut height or fill depth greater than 0.5m (measured vertically), and</li> </ol> b. Compliance is achieved with SASM-S1: Accidental discovery protocol.
SASM Category 1	4. <b>Activity status:</b> Restricted discretionary  Where: a. Compliance is not achieved with SASM-R2.1, SASM-R2.2, or SASM-R2.3.  <b>Matters of discretion are restricted to:</b> 1. The matters in SASM-P3, SASM-P7, and SASM-P9.
SASM Category 2	
SASM Category 3	
SASM-R3	Maintenance and repair of a building or structure within a Site or Area of Significance to Māori

<b>SASM Category 1</b>	1. <b>Activity status:</b> Permitted
<b>SASM Category 2</b>	
<b>SASM Category 3</b>	

<b>SASM-R4</b>	<b>Additions, alterations or new buildings or structures within a Site or Area of Significance to Māori</b>
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<b>SASM Category 3</b>	1. <b>Activity status:</b> Permitted
<b>SASM Category 1</b> <b>SASM Category 2</b>	2. <b>Activity status:</b> Permitted  Where: a. The additions and alterations are for an existing residential activity, b. The new building or structure is less than 200m <sup>2</sup> , and c. The addition or alteration to a building or structure are within an industrial/commercial zone and are less than 200m <sup>2</sup> .
<b>SASM Category 1</b> <b>SASM Category 2</b>	3. <b>Activity status:</b> Restricted discretionary  Where: a. Compliance is not achieved with SASM-R4.1 or SASM-R4.2.  <b>Matters of discretion are restricted to:</b> 1. The matters in SASM-P3, SASM-P4, SASM-P7, and SASM-P9.

<b>SASM-R5</b>	<b>Demolition or removal of buildings and structures within a Category 1, 2 or 3 site or area of significance to Māori</b>
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<b>SASM Category 1</b> <b>SASM Category 2</b> <b>SASM Category 3</b>	1. <b>Activity status:</b> Permitted
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## Standards

<b>SASM-S1</b>	<b>Accidental discovery protocol</b>
Where kōiwi or other artefacts are unearthed during works, those undertaking the works must: 1. Immediately cease works, 2. Inform the relevant iwi authority, 3. In the case of kōiwi, inform the New Zealand Police, and 4. Inform Heritage New Zealand Pouhere Taonga, apply for an appropriate archaeological authority, and once granted commence works in compliance with the archaeological authority. <b>There are no matters of discretion if the standard is breached.</b>	