

**Masterton, Carterton and South
Wairarapa District Councils**

Proposed Wairarapa Combined District Plan

**Decisions of the Independent Hearings
Panel**

Decision Report 5

**Hearing Stream 5: Sites and Areas of Significance to
Māori, Historic Heritage and Notable Trees**

8 October 2025

This report contains the Panel's decisions on submissions addressed as part of **Hearing Stream 5**, namely those submissions on the following Historic and Cultural Values chapters in **Part 2** and associated schedules contained in **Part 4** of the Proposed Plan:

- **Historic Heritage**
 - i. SCHED1 – Schedule of Heritage Building and Items
 - ii. SCHED2 – Schedule of Heritage Precincts
- **Notable Trees**
 - i. SCHED3 – Schedule of Notable Trees
- **Sites and Areas Significant to Māori**
 - i. SCHED4 – Schedule of Sites and Areas of Significance to Māori

This report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: Summary table of decisions on each submitter point

Appendix 3: Amendments to the Proposed Plan – Tracked from notified version (provisions not subsequently renumbered)

Appendix 4: Amendments to the Proposed Plan provision wording – Accepted (provisions renumbered as they will appear in the Decisions Version of the Proposed Plan)

This report should be read in conjunction with the **Index Report**.

The Hearings Panel for the purposes of **Hearing Stream 5** comprised Commissioners David McMahon (Chair), Craig Bowyer, Robyn Cherry-Campbell, Brian Deller, Jo Hayes, Brian Jephson, Frazer Mailman, Alistair Plimmer and Kereana Sims.

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1 Introduction

Report outline and approach

- 1.1 This is **Decision Report 5** of twelve Decision Reports prepared by the Independent Hearings Panel appointed to hear and make decisions on submissions to the Proposed Wairarapa Combined District Plan (Proposed Plan / PDP).
- 1.2 This report contains the Panel's decisions on submissions addressed as part of Hearing Stream 5 namely those submissions on the following chapters in **Part 2** and the associated **Part 4** schedules of the Proposed Plan:
 - a. **Historic Heritage Chapter:**
 - i. *SCHED1 – Schedule of Heritage Building and Items*
 - ii. *SCHED2 – Schedule of Heritage Precincts*
 - b. **Notable Trees Chapter:**
 - i. *SCHED3 – Schedule of Notable Trees*
 - c. **Sites and Areas Significant to Māori:**
 - i. *SCHED4 – Schedule of Sites and Areas of Significance to Māori*
- 1.3 Based on the above, we have structured our discussion on these chapters as follows:
 - a. **Section 2** addresses those submissions on the **Historic Heritage Chapter** provisions and associated schedules
 - b. **Section 3** addresses those submissions on the **Notable Trees Chapter** provisions and associated schedule
 - c. **Section 4** addresses those submissions on the **Sites and Areas Significant to Māori Chapter** provisions and associated schedule
- 1.4 In each case, **Sections 2 to 4:**
 - a. Outlines the relevant higher order direction;
 - b. provide a summary of the relevant provisions;
 - c. provide a brief overview of submissions received on the topic;
 - d. sets out the uncontested amendments the Panel adopts; and
 - e. evaluate the key issues remaining in contention and set out our decisions.
- 1.5 **Section 5** provides an overall set of conclusions on matters addressed as part of Hearing Stream 5.
- 1.6 This Decision Report contains the following appendices:
 - a. **Appendix 1: Schedule of attendances** at the hearing on the relevant topics. We refer to the parties concerned and the evidence they presented throughout this Decision Report, where relevant.
 - b. **Appendix 2: Summary table of decisions on each submission point.** For each submission point and further submission point we make a decision accepting or rejecting each point.

- c. **Appendix 3: Amendments to the Proposed Plan – Tracked from notified version.** This sets out the final amendments we have determined be made to the PDP provisions relating to the relevant topics. The amendments show the specific wording of the amendments we have determined and are shown in a 'tracked change' format showing changes from the notified version of the PDP for ease of reference.

Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors have referred to specific provisions, and our analysis of these in the Decision Reports. New whole provisions are prefaced with the term 'new' and deleted provisions are shown as struck out, with no subsequential renumbering in either case. The colour coding used for the different rule status has not been changed. In this version where a list is included within a particular whole provision, and items have been added or deleted from a list the numbering does, however, run as sequential.

- d. **Appendix 4: Amendments to the Proposed Plan provision wording - Accepted.** This accepts all the changes we have determined to the provision wording from the notified version of the PDP as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have determined. **Appendix 4** does not include updates to the mapping layer, which can be found in the Decisions Version of the online map viewer.

- 1.7 The requirements in clause 10 of the First Schedule of the Act and section 32AA are relevant to our considerations of the submissions to the PDP provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:

- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of the PDP and its s32 reports;
- b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
- c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our decisions are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes decided.

- 1.8 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of the Reporting Officers, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments contained within the relevant s42A Reports, Summary Statements and/or Reply Statements. Those reports are part of the public record and are available on the webpage relating to the PDP hearings: <https://www.wairaraplan.co.nz/hearings>

- 1.9 Where our decisions differ from the recommendations of Reporting Officers, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for decided amendments, as opposed to including this in a separate table or appendix.
- 1.10 A fuller discussion of our approach in this respect is set out in the **Index Report**.

2 Provision for Historic Heritage

Higher Order Policy Framework

- 2.1 The following higher order documents are a relevant consideration to the evaluation of matters in relation to the Historic Heritage Chapter.

Section 6 (f) of RMA

- 2.2 Section 6 (f) of the RMA highlights the protection of historic heritage from inappropriate subdivision, use, and development as a matter of national importance. Our assessment of how the PDP's aim to protect Wairarapa's unique heritage, preserving its cultural identity and historical development will be a salient consideration when determining heritage matters to ensure the provisions demonstrates s6 (f) of the RMA.

National Planning Standards

- 2.3 We acknowledge the National Planning Standards direct a 'Historic Heritage' chapter to include the identification of historic heritage, provisions to protect and manage historic heritage, which the PDP provides for.

The Operative RPS

- 2.4 We note that the Wellington Regional Policy Statement includes objectives and policies (Objective 15, Policies 21,22 and 46)¹ which provides guidance for the identification and scheduling of historic heritage and the balance between heritage protection with allowing suitable development.

Strategic Direction objectives in the PDP

- 2.5 There are two key strategic objectives (HH-01 and HH-02) relevant to the Historic Heritage topic and are a key consideration to the Panel when evaluated matters in contention in this report.

Summary of the relevant notified provisions

- 2.5 The PDP notified a Historic Heritage Chapter, which included provisions for historic heritage, new definitions relating to historic heritage buildings, updated the associated schedules of Heritage Items and Heritage Precincts, corresponding Planning Maps updates and amendments to design guides:

Historic Heritage chapter

- Two Objectives (HH-O1-O2)
- Twelve Policies (HH-P1-P12)
- Eleven Rules (HH-R1-R11)

APPENDIX 3: Wairarapa Centres Design Guide, applicable to:

- Development adjacent to heritage buildings
- Development in heritage precincts

APPENDIX 4: Wairarapa Residential Design Guide, applicable to the following Heritage Precincts:

- Masters Crescent, Masterton
- Victoria Street, Masterton

¹ S32 Evaluation – Historic Heritage, Section 2.3, Page 6, dated October 2023

- Greytown, residential area of Main Street Greytown

SCHEDULE 1: Heritage Buildings and Items

- Masterton = 176 buildings or items (Hm001-Hm176)
- Carterton = 53 buildings or items (Hc001-Hc053)
- South Wairarapa = 180 buildings or items (Hs001-Hs180)

SCHEDULE 2: Heritage Precincts

- Masterton = Five Heritage Precincts
- South Wairarapa = Four Heritage Precincts

Heritage related definitions

- Heritage curtilage
- Heritage upgrade works
- Maintenance
- Repair

Overview of submissions

- 2.6 The submissions received on Historic Heritage are the subject of a s42A Report prepared by Ms Becca Adams.² As summarized in Ms Adams report, a total of 34 original submissions (138 submission points) and 12 further submissions (53 further submission points) were received on the provisions, including associated SCHED1, SCHED2, and planning maps.
- 2.7 The majority of the submissions were generally supportive of provisions as notified, with requests for new heritage listings, provisions for specific activities, or change permitted levels of activities being the key matters raised.

Recommended amendments that the Panel adopts

- 2.8 As set out above, most submissions received were supportive of the notified provisions, but there were several submissions seeking amendments to the provisions or schedules.³
- 2.9 As a result of the submissions, a range of changes were recommended by the s42A Officer that were not contested at the hearing and we therefore accept and adopt the following changes and associated s32AA evaluation, as follows:
- Amend **Policy HH-P7** to add a clause to provide for network utility buildings or structures where there is functional and operational need to establish at the location.⁴
 - Amend **Policy HH-P8** to replace term 'significant public benefit' with 'no reasonable alternative to retain heritage item in the location' in relation to relocation of heritage buildings/items⁵
 - Insert a **new policy** to discourage demolition of non-scheduled buildings/items in heritage precincts unless demonstrated that multiple matters are achieved.⁶

²Officer's Section 42A Report – Historic Heritage, prepared by Becca Adams, paras 108-111, 153-155, 230-232, 267-269, 292-295 and 337-339, 11 November 2024

³Officer's Section 42A Report – Historic Heritage, prepared by Becca Adams, Section 2, 11 November 2024

⁴Including reasons set out in paras 99-102 and s32AA Evaluation paras 108-11 Officer's Section 42A Report – Historic Heritage dated 11 November 2024

⁵Including reasons set out in paras 103 and s32AA Evaluation paras 108-11 Officer's Section 42A Report – Historic Heritage dated 11 November 2024

⁶Including reasons set out in paras 81-95 and s32AA Evaluation paras 108-111 Officer's Section 42A Report – Historic Heritage dated 11 November 2024

- d. Amend **Rule HH-R3** to provide for additional matters of discretion to align with Policy HH-P4.⁷
- e. Amend **Rule HH-R11** to change the activity status from Discretionary to Restricted Discretionary and matters of discretion included to align with Policy HH-P7 as matters of discretion.⁸
- f. Insert a **new rule** for 'New customer connections to a heritage building or item listed in SCHED1 Heritage Buildings and Items' as a permitted activity, subject to standards.⁹
- g. Insert **12 new buildings/items** to SCHED1¹⁰¹¹
- h. Delete **six buildings/items** from SCHED1¹²
- i. Amend location and legal description and/or HNZPT reference and category of **three listings** to SCHED1¹³
- j. Amend **33 listings** names to specify building/item to SCHED1.¹⁴

Decisions on key issues remaining in contention

- 2.10 The key issues raised by submissions prior to the hearing are summarised as follows and remained in contention at the hearing:

Key Issue 1: Amendments to SCHED1 – Heritage Buildings and Items
Key Issue 2: The identification and mapping of Heritage Curtilage
Key Issue 3: 'Non/Contributing Buildings' within Heritage Precincts
Key Issue 4: Amendments to policies and rules

- 2.11 At the hearing, we heard from the following submitters:

- a. Ryan and Nadine Smock and Russell Hooper (S27/FS26)
- b. Heritage New Zealand Poutere Taonga (S249/FS55)
 - Dean Raymond (Planning Evidence)
 - Eleanor Cooper (Heritage Evidence)
- c. Tom Anderson on behalf of Chorus, Connexa, Spark and Forth South (S189)
- d. Andrew Croskery for Masterton Trust Land's Trust (S40)

⁷ Including reasons set out in paras 137-141 and s32AA Evaluation paras 153-155 Officer's Section 42A Report – Historic Heritage dated 11 November 2024

⁸ Including reasons set out in paras 149-152 and s32AA Evaluation paras 153-155 Officer's Section 42A Report – Historic Heritage dated 11 November 2024

⁹ Including reasons set out in paras 322-332 and s32AA Evaluation paras 337-339 Officer's Section 42A Report – Historic Heritage dated 11 November 2024

¹⁰ Including reasons set out in paras 183-223 and s32AA Evaluation paras 230-232 Officer's Section 42A Report – Historic Heritage dated 11 November 2024 and

¹¹ Including reasons set out in paras 23-28 Officer's Summary Statement – Historic Heritage dated 9 December 2025

¹² Including reasons set out in paras 163-182 and s32AA Evaluation paras 2330-232 Officer's Section 42A Report – Historic Heritage dated 11 November 2024

¹³ Including reasons set out in paras 214-220 and s32AA Evaluation paras 230-232 Officer's Section 42A Report – Historic Heritage dated 11 November 2024

¹⁴ Including reasons set out in paras 228-229 and s32AA Evaluation paras 230-232 Officer's Section 42A Report – Historic Heritage dated 11 November 2024

Key Issue 1: Amendments to SCHED1 Heritage Buildings and Items

- 2.12 The submissions received sought both additional items to be listed as well as those opposing the proposed notified listings.
- 2.13 Two submitters¹⁵ sought additional listings, and six¹⁶ submitters sought deletions from the notified schedule list.
- 2.14 We set out our evaluation of the following below:
- ***Submissions seeking additional notified listings***
 - ***Submissions opposing listings and seeking deletion***

Submissions seeking additional notified listings

- 2.15 The following properties below were nominated by submitters to be included in SCHED 1:
- i. **'Cottage' - 26 Kempton Street, Greytown**
 - ii. **'Tate House' - 5 Kuratawhiti Street, Greytown**
 - iii. **'Gardener's Cottage' - 34 Kuratawhiti Street, Greytown**
 - iv. **'Gas flue/chimney' - 139 Kuratawhiti Street, Greytown**
 - v. **'Cottage' - Piwakawaka Gardens, 118 Mole Street, Greytown**
 - vi. **'Gas flue/chimney' - 50 Wood Street, Greytown - Yes - opposed by FS14.001**
 - vii. **'Cottage' - 30 Main Street, Greytown**
 - viii. **'Shy Cottage' - 39 Main Street, Greytown**
 - ix. **'Stone fencing and double iron gate' - St Luke's Anglican Church, 135 Main Street, Greytown**
 - x. **'Plunket Building' - 10 McMaster Street, Greytown**
 - xi. **'Redwood Country House' (53 Udy Street, Greytown - opposed by (FS107.001) – REJECT, agree with FS**
 - xii. **'Barrett's Cottage' (210 West Street, Greytown - opposed by property owner FS24.00**
 - xiii. **'Waihenga' - 154a Jellicoe St, Martinborough**
 - xiv. **Remutaka Railway Tunnel**
 - xv. **Water Drop Shaft**
- 2.16 Of the 15 properties nominated above, eight were recommended to be included in SCHED 1 by the s42A Officer prior to the hearing and are listed in **blue** in the list above¹⁷.
- 2.17 Three additional properties, set out above in **red**, were also sought to be added to the SCHED1 through submissions. However, these were recommended to be rejected by Ms Adams in her s42A Report, on the basis that Council's heritage expert assessment from Mr Kernohan determined that they lack significant overall heritage values.¹⁸
- 2.18 Based on the pre-circulated evidence prior to the hearing, Ms. Adams recommended a further three properties, listed in **purple** above, to be added to SCHED1 in her summary statement.¹⁹ Her recommendation to list these three additional properties was based on

¹⁵ S135 and S249

¹⁶ S7, S11, S27, S40, S154, S163

¹⁷ S42A Report on Historic Heritage, prepared by Becca Adams, paras 183-223, dated 11 November 2024

¹⁸ S42A Report on Historic Heritage, prepared by Becca Adams, paras 183-223, dated 11 November 2024

¹⁹ Summary Statement, Historic Heritage, prepared by Becca Adams, undated, Paras 23-26

the evidence lodged by Heritage NZ.²⁰

- 2.19 As a result of submissions and further evidence supplied by submitters, a total of 12 additional properties were recommended to SCHED 1, which are those listed above in **blue** and **purple**. The recommendation to include these additional properties was not contested at the hearing and therefore the Panel accepts that these properties meet the criteria to be listed as Historic Heritage properties in SCHED 1 and therefore better provides for Objectives HH-O1 and HH-O2 and policy HH-P1.

Submissions opposing listings and seeking deletion

- 2.20 A total of seven²¹ submissions opposed the notified listing and sought the properties be deleted from SCHED 1. There were also further submissions in opposition to submissions that sought properties be listed. However, there were also submissions that supported the removal of properties that were listed in the respective operative plans but were not listed in the notified SCHED 1.
- 2.21 The seven properties that were listed in the notified SCHED 1 but were opposed and sought deletion are set out below in **Table 1**:

Table 1: Properties sought to be deleted by submission and the s42A Recommendation

No:	Property notified in SCHED 1 seeking deletion by submission	S42A Recommendation
1	Hs 167 Former St Andrews Church, 75 Main Street, Greytown	Accept and delete
2	Hm071 Tironui, 35 Essex Street, Masterton	Accept and delete
3	Hm128 Bank of New South Wales building, 185 Queen Street, Masterton	Accept and delete
4	Hs 171 Bay Villa, 15 Udy Street, Greytown	Accept and delete
5	Hs 067 Former St Johns Anglican Church, 52 Bell Street, Featherston	Accept and delete
6	Hs161 Oddfellows Hall, 11 Hastwell Street, Greytown	Reject and retain
7	Hs160 (former Greytown Hospital, 193 East Street Greytown)	Reject and retain

- 2.22 Ms. Adams set out her rationale for the above recommendations for the above properties within her s42 Report, relying on the heritage assessment and advice from Council's heritage expert, Mr Kernohan.
- 2.23 The recommendations of Ms. Adams for properties 1-6 listed in Table 1 were not contested at the hearing and therefore the Panel accepts and adopts the rationale and associated s32AA evaluation, as set out in the s42A Report in respect to these properties.²²
- 2.24 However, property 7 listed in **Table 1** above, being the former Greytown Hospital, remained in contention at the hearing, with the submitters/property owners retaining the request for the property to be deleted. The Panel notes that no further submission opposing the initial submission to delete the property, only the original submitters lodging a further submission in support of their original submission.

²⁰ Summary Statement, Historic Heritage, prepared by Becca Adams, Section 1.1

²¹ S7.001, S11.001, S27.001/FS26.001, S40.001, S157.002, S163.001, (FS63.001), S251.009)

²² S42A Report on Historic Heritage, prepared by Becca Adams, para 230-232, dated 11 November 2024

- 2.25 As a result of the pre-circulated evidence from the submitters planning expert, Ms Adams returned to the property in her Summary Statement.²³ Ms Adams acknowledged and agreed with the submitters planning expert that the building may not hold national significance and that she would confirm her final position on this matter through her Reply Statement and seek further comment from both Mr Kernohan and SWDC officers.
- 2.26 The historical merits of this property were discussed at length at the hearing by all parties.
- 2.27 As a result, the Hearing Panel asked the submitters planning expert, Mr Hooper and Ms Adams, to prepare either a separate or joint s32 evaluation report on the listing of the building.
- 2.28 Mr Hooper and Ms Adams provided their respective s32 reports to the Panel after the hearing. As a result of the further analysis, Ms Adams amended her final recommendation to accept the submitters request to delete the property from SCHED1, citing that the removal of the property "*...is the most appropriate approach to recognise the work undertaken by the submitter to restore the building, and arguably some heritage value, without placing financial burden on landowners. The building as marginal heritage value and given the high-standard of the building at present, there is unlikely to be any further alteration or complete loss (through demolition) of the building.*"²⁴
- 2.29 The Panel wishes to acknowledge the difficult decision that Councils are required to make, particularly in the absence of clear national direction on how to carry out the assessments, and at what point the scales are tipped between protecting heritage whilst recognising and providing appropriate development of properties in private ownership.
- 2.30 However, the Panel considers that based on the further fulsome assessment from both the Council and the submitters expert, that the merits of both sides of the scale have been appropriately balanced, and therefore we accept and adopt the final recommendation to delete this property from SCHED1.

Key Issue 2: The identification and mapping of Heritage Curtilage

- 2.31 Heritage New Zealand's submission²⁵ sought that the planning maps in relation to heritage curtilage be amended to show heritage curtilage for each historic building and structure to assist the plan users on where the curtilage provisions apply.
- 2.32 Ms Adams s42A Report addresses this matter, acknowledging that the PDP defines heritage curtilage as the land surrounding a listed heritage building or item that is essential for preserving and interpreting its significance. While the definition allows for broad interpretation, each heritage building or item must be assessed individually based on its unique values and surroundings and therefore Ms Adams did not recommend any further changes and recommended this submission be rejected.
- 2.33 At the hearing, the Panel sought further consideration to amending the application of 'heritage curtilage' to improve clarity and certainty and given that Heritage NZ continued to seek that the curtilage for each listing in SCHED1 be mapped, we also directed that conferencing between Heritage NZ and the Council be undertaken.

²³ Summary statement – Historic Heritage, prepared by Becca Adams, undated, Section 1.1

²⁴ Further s32A evaluation – listing of Former Greytown Hospital, prepared by Becca Adams, undated.

²⁵ S249.002 and S249.070

- 2.34 The Panel appreciates that the mapping of heritage curtilage in the urban context is reasonably straightforward and note that it has been applied to either the building envelope or the entire site. Conversely, defining curtilage in the rural context is more difficult and may include the existing features that are integral to the interpretation of the building, such as driveways, lawns, trees, garden beds and accessory buildings.
- 2.35 As a result, it was confirmed by both parties that whilst the mapping of 'curtilage' is not necessarily applied in a consistent manner, it is not possible to remap all heritage properties within the time constraints of this process and there may also be a matter of natural justice and fairness if mapped areas were amended without giving property owners an opportunity to respond. However, through the joint conferencing process, Heritage NZ and the Council agreed that the definition of 'heritage curtilage' be amended as shown in red text below to provide greater certainty to the plan user as follows:

"Means the land (including land covered by water) surrounding a listed heritage building or item that is essential for retaining and interpreting its significance. It can apply to either land integral to the heritage item, or a precinct that includes buildings, relics, areas, and their settings. Note: for the purpose of this definition, curtilage shall apply to the whole site unless defined otherwise."

- 2.21 The Panel accepts and adopts Ms. Adams recommendation and subsequent s32AA evaluation in respect to this matter and considers it appropriately delivers the outcome sought by Heritage NZ submission.

Key Issue 3: 'Non/Contributing Buildings' within Heritage Precincts

- 2.36 Heritage NZ²⁶ sought that contributing and non-contributing buildings be differentiated within a Heritage Precinct and that the rule and policy framework be amended to recognise that there may be other buildings within a heritage precinct that are non-scheduled but may still contribute to the overall heritage precinct. Heritage NZ also sought that description of the characteristics and values of each precinct should be added.
- 2.37 Ms Adams stated that the work required to list non-contributing buildings in a heritage precinct is beyond the Council's brief. She also considered the relevant rule framework, being Rule HH-R10 (demolition or removal of buildings and structures within a heritage precinct) and the corresponding Discretionary activity status is appropriate.
- 2.38 However, in light of Heritage NZ submission, Ms Adams recommended that a new policy be inserted to address the concerns of their submission as follows in red, the Panel inserted the additional blue wording that improves the syntax without changing the meaning:

HH-PX: Demolition of non-scheduled buildings and items within a heritage precinct

Provide for demolition of non-scheduled heritage buildings and items within a heritage precinct with regard to be had to the following matters:

- 1. Effects on historic heritage values;**
- 2. Provides continuity and coherence with the heritage values and streetscape qualities within the scheduled heritage precinct;**
- 3. Feasibility of adaptive re-use;**
- 4. Cost of maintenance or repair;**
- 5. Building safety; and**
- 6. That any replacement building aligns with the matters listed is HH-PZ.**

²⁶S249.029 and S249.037

- 2.39 Whilst Heritage NZ agreed with the above new policy, further discussions were held between Heritage NZ and the s42A Reporting Officer after the hearing in relation to the activity status for Rules HH-R10 in respect of this matter.
- 2.40 As a result, Ms Adams recommended that the activity status of these rules could be reduced from Discretionary to Restricted Discretionary. The Panel agrees with Ms Adams assessment that the recommended matters of discretion provide for a suitable balance of the need to protect the value and character of the Heritage Precincts and the cost to landowners for obtaining resource consent. Ms Adams also agreed that there was merit in amending SCHED2 to include a description of the characteristics and values of each precinct.
- 2.41 Therefore, the Panel accepts and adopts the further amendments to Rule HH-R10 and the descriptions added to SCHED2 and the corresponding s32AA Evaluation contained in the Reply Statement as follows²⁷:

HH-R10 	Demolition or removal of <i>buildings or structures</i> within a heritage precinct listed in SCHED2 Heritage Precincts
All zones	1. Activity status: Restricted Discretionary <u>Matters of discretion:</u> 1. <u>Effects on historic heritage values;</u> 2. <u>Provides continuity and coherence with the heritage values and streetscape qualities within the scheduled heritage precinct;</u> 3. <u>Cost of maintenance or repair;</u> 4. <u>Building safety;</u> 5. <u>That any replacement building aligns with the matters listed in HH-P7; and</u> 6. <u>That any visual effects of vacant lot(s) are minimised or mitigated.</u>

Key Issue 4: Amendments to policies and rules

Policies

- 2.42 There were five submissions²⁸ and two further submissions received in relation to the Historic Heritage Policies. The majority of submitters supported the policies, and those that did not sought amendments.
- 2.43 As a result of the submissions, Ms Adams recommended amendments to the following policies, which were not contested at the hearing and therefore the Panel accepts and adopts these changes and corresponding s32AA Evaluations²⁹:
- *HH-P3 Appropriate activities*
 - i. Added an additional clause to enable servicing of buildings and items with network utilities.
 - *HH-P7: Buildings and structures in scheduled heritage precincts*
 - a. Amend to add an additional clause for servicing buildings and items with utilities where they are not attached to the primary feature or front facade
 - *HH-P8: Relocation of heritage buildings and Items*
 - b. Amend to include additional clause that there is no reasonable alternatives to

²⁷ Reply Statement – Historic Heritage, prepared by Becca Adams, para 35-37

²⁸ KiwiRail (S79), Greytown Heritage Trust (S135) Cobblestones Trust (FS45), Chorus NZ etc. (S189), Heritage NZ (S249/FS75), Māori Trustee (S212).

²⁹ S42A Report – Historic Heritage, prepared by Becca Adams, paras 108-111

retain the heritage

c. *Delete clause ii.*

• *HH-P9: Demolition of heritage buildings and Items*

i. *Replace the word 'discourage' with 'avoid'*

- 2.44 Ms. Adams also recommended the insertion of a new policy, which we address under **Key Issue 3** above and therefore do not make further evaluation of this policy.

Rules

- 2.45 A total of five submissions³⁰ were received in relation to the notified rules. Three submitters³¹ were in support and two submitters³² sought amendments.
- 2.46 Greytown Heritage Trust sought amendments to multiple rules, in particular that they sought the activity status of Rules HH-R2, R3, and R4 be changed to 'Restricted Discretionary'. These rules, as notified, were either permitted or controlled activities, with the exception of R3 which was permitted or restricted discretionary where the permitted standard was not met.
- 2.47 Ms Adams addressed these submissions, and the changes sought to the activity status in her s42A Report and "*consider[ed] that these rules do not reduce heritage buildings to simply the facade but protect the heritage elements of the buildings whilst allowing for appropriate and/or necessary alterations and upgrade works for the continued use and enjoyment of these buildings and items.*" and therefore, she considered the notified activity status for these rules was appropriate. Furthermore, she noted that the submitters had not provided alternative wording for the matters of discretion and recommended the submitters may wish to elaborate on at the hearings.³³
- 2.48 The Panel notes that no further evidence was presented at the hearing from Greytown Heritage Trust and therefore, based on Ms Adams' assessment, we accept and adopt her position that no further changes are required to the activity status of Rules HH-R2, R3, and R4 and subsequently reject this submission.

Rule HH-R3: Additions, alterations, and partial demolition of a heritage building or item listed in SCHED1 Heritage Buildings and Items

- 2.49 Notwithstanding the above, and with respect to Rule HH-R3, Powerco Limited sought an amendment unrelated to the request from Greytown Heritage Trust, seeking an additional qualifier to a permitted activity. This would provide for the property owner of a Heritage building to provide for a customer line connection as a permitted activity. Heritage NZ was opposed to this submission.
- 2.50 Ms Adams addressed this matter in her s42A Report. She noted that a new power customer connection to a heritage building or item listed in SCHED1 Heritage Buildings and Items would be provided for as a restricted discretionary status for **visible works** and that is an appropriate activity status as it allows for the assessment of adverse effects on the façade of the heritage building. Where such connection is provided either in the interior or not visible from the exterior of the scheduled building or item, it is permitted and therefore Powerco's amendment is not necessary.

³⁰ KiwiRail (S79), Greytown Heritage Trust (S135), Heritage NZ, (S249/FS75), Māori Trustee (S212), and Cobblestones Trust (FS45).

³¹ KiwiRail Holdings Limited (S79.048 and .049), Māori Trustee (S212.165-212.175), Heritage NZ (S249.028, and 249.030-249.036)

³² Greytown Heritage Trust (S135), Heritage NZ (S249.029)

³³ S42A Report – Historic Heritage, prepared by Becca Adams, paras 128-132

- 2.51 However, Ms Adams did consider that including an additional matter of discretion as sought by Heritage NZ's further submission to their original submission supporting this rule would provide for greater clarity and guidance for such activities that Powerco's submission outlined.
- 2.52 This matter was not contested at the hearing and therefore we accept and adopt Ms Adams amendments to Rule HH-R3 and the associated s32AA Evaluation and therefore accept Heritage NZ further submission and accept in part Powerco's submission.
Rule HH-R11: New or relocated buildings or structures (excluding street furniture) within a heritage precinct listed in SCHED2 Heritage Precincts
- 2.53 Heritage NZ³⁴ supported HH-R11 in part but sought that the activity status be amended from Discretionary to Restricted Discretionary. Cobblestones Trust³⁵ supported this submission.
- 2.54 Ms Adams agreed with Heritage NZ's relief sought, which proposed that a new matter of discretion be added to align with the matters listed in Policy HH-P7. Ms Adams concluded that "*by adopting this policy as a matter of discretion and a Restricted Discretionary activity status, it offers a more effective and efficient consenting pathway.*"³⁶ The Panel agrees and accepts and adopts the recommended change to add HH-P7 as a matter of discretion to Rule HH-R11 and the associated s32AA Evaluation and subsequently accepts the submission and further submission accordingly.

New Rule sought for 'New customer connections to a heritage building or item listed in SCHED1 Heritage Buildings and Items'
- 2.55 One submitter³⁷ sought a new permitted rule be included to ensure that new customer connections for utility services to heritage buildings are permitted provided it was not attached to the primary feature or front façade of the heritage building or structure. Where it did not meet this standard, the activity status would be controlled. Heritage NZ supported the rule in principle but sought that the default activity status be amended to restricted discretionary.³⁸ However, Ms Adams noted that Heritage NZ did not provide for any matters of discretion
- 2.56 As a result, Ms Adams assessed the new provision as put forward by the submitter and accepted the wording in part but provided a slightly amended version of a new rule, citing the amended wording she recommends better aligns with the reasoning for the submitters relief and more clearly defines the requirements for new connections and that existing connections are covered under Rule HH-R1, being maintenance and repair. The Panel notes that this rule subsequently addresses Powerco's submission to ensure that new customer connections are permitted.
- 2.57 On this basis, and that the submitter accepted³⁹ the amended wording of the new rule, we accept and adopt this insertion of the new rule and the associated s32AA evaluation contained in the s42A Report.

³⁴ S249.038

³⁵FS45.027³⁵ S42A Report – Historic Heritage, prepared by Becca Adams, paras 128-132

³⁵ S249.038

³⁵FS45.027

³⁶ S42A Report – Historic Heritage, prepared by Becca Adams, para 152

³⁷ Chorus New Zealand Limited (Chorus) Connexa Limited (Connexa) Aotearoa Tower Group trading as (Forty South) One New Zealand Group Limited (One NZ) and Spark New Zealand Trading Limited (Spark) (\$189.040)

³⁸ S42A Report – Historic Heritage, prepared by Becca Adams, para 324

³⁹ Statement of Evidence from Tom Anderson on behalf of CHORUS NEW ZEALAND LIMITED, CONNEXA LIMITED, FORTYSOUTH GROUP LP, ONE NEW ZEALAND GROUP LIMITED AND SPARK NEW ZEALAND TRADING LIMITED, dated 25 November 2024

3 Provision for Notable Trees

Higher Order Policy Framework

Sections 6, 7 and 76 and of the RMA

- 3.1 Sections 6(f) of the RMA provides for the protection of significant indigenous vegetation and significant habitats of indigenous fauna, Section 7(c, f and g) provides for, the maintenance and enhancement of amenity values, quality of the environment and any finite characteristics of natural and physical resources. While sections 76(4A)-(4D) clarify the protection of trees in urban areas.

National Policy Statement for Indigenous Biodiversity 2023

- 3.2 The objective of the NPS-IB is to ensure no overall loss of indigenous biodiversity across New Zealand from its commencement date. The Panel acknowledges that Notable and Street Trees may support this goal, especially if they are indigenous, however, the NPS-IB's objectives will mainly occur through other related provisions, like those addressing Significant Natural Areas.

National Planning Standards

- 3.3 We acknowledge the National Planning Standards require the identification of individual trees or groups of trees and provisions to manage these to be provided under the District Wide Matters 'Notable Trees Chapter', which the PDP provides for.

The Operative RPS and NRP

- 3.4 As set out above, the Wellington Regional Policy Statement includes objectives and policies (Objective 15, Policies 21,22 and 46)⁴⁰ which provides guidance for the identification and scheduling of historic heritage and the balance between heritage protection with allowing suitable development.
- 3.5 Objective O27 of the NRP also sets out that significant historic heritage and its values are protected from inappropriate modification, use and development.

Strategic Direction objectives in the PDP

- 3.6 The following objectives are considered relevant to the Notable Trees topic and are consideration to the Panel in this report (CCR-01,HC-01, HC-02, NE-01, NE-06 and TW-04).

Summary of the relevant notified provisions

- 3.7 The submissions we address in this section of our report relate to the following provisions in the Notable Trees chapter, associated schedule, related definitions and individual and groups of trees identified by the Planning Maps, as notified:

Notable Trees chapter

7. Two Objectives (TREE-O1-O2)
8. Nine Policies (TREE-P1-P9)
9. Seven Rules (TREE-R1-R7)

⁴⁰ S32 Evaluation – Historic Heritage, Section 2.3, Page 6, dated October 2023

SCHEDULE 3: Notable Trees

- a. *24 trees in Masterton District* = T_m01-T_m24
- b. *3 trees in Carterton District* = T_c01-T_c03
- c. *South Wairarapa District*
 - 25 in Featherston = T_{SF}01-T_{SF}025
 - 73 in Greytown = T_{SG}01-T_{SG}73
 - 25 in Martinborough = T_{SM}01-T_{SM}25

Heritage related definitions

- a. Root tree protection area
- b. Qualified arborist
- c. Street tree

Overview of submissions

- 3.8 There was general support from submitters for the objectives, policies and rules, with some amendments sought.
- 3.9 The submissions received on Notable Trees were the subject of a s42A Report prepared by Mr Chris Gorman.⁴¹ Mr Gorman's report set out an assessment of the submissions received, relating to the following:
 - a. *Notable Tree chapter*: 10 original submissions (53 submission points) and 3 further submissions (6 further submission points)
 - b. *Notable Trees related definitions*: 3 original submissions (4 submission points)
 - c. *Notable Tree Schedule*: There were 7 original submissions (13 submission points) and 7 further submissions (7 further submission points)

Recommended amendments that the Panel adopts

- 3.10 Mr Gorman's s42A Report and summary statement addressed the issues raised by submitters and pre-circulated evidence.
- 3.11 The Panel accepts and adopts the following changes and the corresponding s32AA Evaluations contained in the s42A Report and summary statement, which were not contested at the hearing and therefore we do not make any further evaluation on these matters:
 - a. Additional explanatory text included in the **introduction** in relation to STEM scores⁴²
 - b. Amended **Rule TREE-R2** to refer to 'at least 1m below ground level' rather than 'no shallower than 1m below ground level'⁴³
 - c. Amend **Rule TREE-R3** to include 'telecommunications' line as a permitted activity clause (a)(iv)⁴⁴

⁴¹Officer's Section 42A Report – Notable Trees, Section 6.1, 11 November 2024

⁴² Including reasons set out in para 74 and s32AA Evaluation paras 153-156 Officer's Section 42A Report – Notable Trees dated 11 November 2025

⁴³ Including reasons set out in para 77 and s32AA Evaluation paras 153-156 Officer's Section 42A Report – Notable Trees dated 11 November 2025

⁴⁴ Including reasons set out in para 79, 100, 107, 118 and s32AA Evaluation paras 153-156 Officer's Section 42A Report – Notable Trees dated 11 November 2025
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d. Deleted **Rule TREE-R7**⁴⁵

e. **Amend SCHED 3** - Schedule of Notable Trees as follows:⁴⁶

Masterton District

- Add one additional tree (T_M25)

South Wairarapa District

- Delete two trees (T_{SM}04, T_{SM}05a)
- Amend address reference to 15 trees (T_{SM}04a, T_{SM}04b and T_{SM}05b-n)
- Add one additional tree (T_{SG}74)

3.12 There were also a number of changes sought by submitters that were not recommended for acceptance by Mr Gorman. The Panel also accepts Mr Gorman's rationale that no changes were necessary in relation to the definition sought for Street Trees⁴⁷.

3.13 We also accept Mr Gorman recommendation to reject the need to amend Objective TREE-O1, sought by submitter⁴⁸ to clarify that councils can still schedule a tree as notable even if the landowner objects. We agree with Mr Gorman's rejection of this submission that this amendment could lead to premature tree removals where it is the owner's right to veto scheduling a tree.⁴⁹

Decisions on key issues remaining in contention

3.14 Prior to the hearing, the following matters remained in contention:

a. Whether the policies and rules should refer to "Prune/Pruning" and "Trim/Trimming"

b. Content of Schedule of Notable Tree (SCHED 3)

3.15 The Officers Reply Statement⁵⁰ and subsequent addendum provided an evaluation and recommendations on these two matters, which we evaluate in the proceeding section.

3.16 With respect to the matter relating to **the policies and rules should refer to "Prune/Pruning" and "Trim/Trimming"**, a submitter⁵¹ sought changes to the terminologies contained within Policies TREE-P2, TREE-P3, TREE-P6, TREE-P7 and Rules TREE-R1, TREE-R3 and TREE-R5 relating to "trim/trimming".

3.17 Mr Gorman's s42A Report accepted the submitters⁵² recommended change of terminology from "trim/trimming" to "prune/pruning".⁵³

11 November 2025

⁴⁵ Including reasons set out in para 110, 132, 145-146 and s32AA Evaluation paras 153-156 Officer's Section 42A Report – Notable Trees dated 11 November 2025

⁴⁶ Including reasons set out in para 157-181, Officer's Section 42A Report – Notable Trees, 11 November 2024 and s32AA Evaluation paras 182-185

⁴⁷ S122.004

⁴⁸ S43.003

⁴⁹ Para 46, Officer's Section 42A Report – Notable Trees, Section 6.1, 11 November 2024

⁵⁰ Officer's Reply Statement – Notable Trees, and Addendum, prepared by Chris Gorman, undated.

⁵¹ S43

⁵² S43

⁵³ para 79, page 15 Officer's Section 42A Report – Notable Trees, 11 November 2024

- 3.18 However, in evidence submitted prior to the hearing from both Chorus, Connexa, FortySouth, One NZ and Spark⁵⁴ (**the telecommunication companies**) and Transpower⁵⁵ opposed the replacement of the term from "trim/trimming" to "prune/pruning"⁵⁶.
- 3.19 Mr Gorman returned to this matter in his Summary Statement⁵⁷ and considered that there was merit in both "trimming" and "pruning" could be included where appropriate, and he accordingly made recommended changes to this effect.
- 3.20 At the hearing, all parties were satisfied that both "trim/trimming" and "prune/pruning" could be used within the Notable Trees Chapter provisions.
- 3.21 However, the Panel sought further clarification on this matter between the submitter and the s42A Officer to ensure that the use of the word "trim" and "trimming" should be used throughout the chapter and not just when these terms were used in associated legislation⁵⁸.
- 3.22 On the basis that Mr Gorman and the submitter⁵⁹ corresponded after the hearing and agreed that using both terms was accepted under the relevant legislative, the Panel accepted and adopts the changes to the Policies TREE-P2, TREE-P3, TREE-P6, TREE-P7 and Rules TREE-R1, TREE-R3 and TREE-R5, which refer to both pruning and trimming.⁶⁰
- 3.23 With respect to listing of notable trees within **SCHED3 – Schedule of Notable Trees**, a total of 7 original submissions and 7 further submissions were received on the Notable Tree Schedule. Submissions either sought deletions, additions or changes to the schedule with only one submitter supporting the schedule as notified.
- 3.24 A total of five trees were requested to be deleted from the schedule and six submissions sought additional trees be added to the schedule, the majority of these requests were addressed in the s42A Report and were not contested at the hearing, and we adopted those recommended changes as set above in para 3.15 (e).
- 3.25 However, one matter remained in contention with the submitter⁶¹ seeking that several trees on a former nursery at 65 Te Ore Ore Road, Masterton be added to the schedule. However, in Mr Gorman's s42A Report, he noted that no STEM evaluation had been carried out for these trees and therefore did not make any recommendation to include these in SCHED 3.
- 3.26 At the hearing, a STEM assessment of the three trees at 65 Te Ore Ore Road, Masterton was provided by Mr Richie Hill, Paper Street Tree Company, on behalf of the Council. The assessment concluded that three trees (an Oak, Coastal Redwood and Deodara cedar 'Aurea') would meet the Notable Tree threshold, scoring 153, 153, and 147 respectively, and therefore could be listed on the Notable Tree Schedule in the Proposed District Plan.⁶²

⁵⁴§189

⁵⁵§218

⁵⁶ Paras 9-16, page 6, Statement of Evidence of Tom Anderson on behalf of the telecommunication companies, dated 24 November 2024

⁵⁷Para 6-16, Summary Statement, prepared by Chris Gorman, dated 9 December 2024

⁵⁸ Electricity (Hazards from Trees) Regulations 2003 or the Telecommunications Act 2001 and the Government Rooding Powers Act 1989

⁵⁹ Jeremy Partridge (submitter S43.001, .002, .003, .004, .006, .007)

⁶⁰ Officer's Reply Statement – Notable Trees, and Addendum, prepared by Chris Gorman, undated

⁶¹ Jennifer McKenzie (submitter S39.001)

⁶² Officer's Reply Statement – Addendum, Notable Trees, prepared by Chris Gorman, undated

- 3.27 The Panel understands that Council's protocol when preparing the Proposed District Plan, that trees would only be included in the Notable Trees Schedule if they met both the STEM score threshold AND if property owners agreed and supported the listing. Mr Gorman stated that tree assessments for the three trees at 65 Te Ore Ore Road were subsequently provided to the property owner, who did not support the inclusion of these three trees in the Notable Trees Schedule.
- 3.28 On the basis of the owners' position, and for consistent treatment of property owners on notable trees, Mr Gorman therefore recommended that the three trees at 65 Te Ore Ore Road, Masterton are not added to the Notable Tree Schedule.
- 3.29 Whilst the Panel acknowledges that the trees the submitter sought to be listed meet the criteria in terms of STEM score value, the Panel agrees with Mr Gorman recommendation to follow Council's protocol in a consistent manner and only listed trees where owners supported is provided.
- 3.30 The Panel therefore accepts and adopts Mr Gorman's recommendation to reject the submitters request to list the Oak, Coastal Redwood and Deodara cedar at 65 Te Ore Ore Road, Masterton in **SCHED 3**.

4. Provision for Sites and Areas of Significance to Māori

- 4.1 An initial point that the Panel wishes to reiterate is the Council's acknowledgement that there may be other sites known only to Rangitāne o Wairarapa and Ngāti Kahungunu ki Wairarapa that were not identified in the notified Proposed District Plan.⁶³
- 4.2 There are also relevant and associated issues with the Māori Purpose Zone that have been addressed in **Decision Report 4**, and therefore this report should be read in conjunction together.
- 4.3 The operative plan included scheduled sites within the Masterton and Carterton Districts, however there were no scheduled sites listed within the South Wairarapa District.
- 4.4 The notified Proposed Plan also introduced an additional of 99 new sites and areas of significance to Māori in the South Wairarapa District, and re-mapping of 44 sites and areas of significance to Māori in the Masterton and Carterton to show an area (polygon) rather than a site (point).

Higher Order Policy Framework

Section 6 and 7 of the RMA

- 4.5 The Sites and Areas of Significance to Māori chapter is required to acknowledge and support the relationship Māori have with their ancestral lands, waters, sites, wāhi tapu, and taonga. It also protects these sites as part of New Zealand's historic heritage (Section 6(f)) from inappropriate subdivision, use, or development, and upholds the protection of customary rights (Section 6(g)).
- 4.6 The provisions are also required to reflect the principles of kaitiakitanga (Section 7(a)) and the ethic of stewardship (Section 7(aa)), recognising Māori roles and responsibilities in caring for and protecting these important sites.

National Planning Standards

- 4.7 The PDP introduced a new chapter in relation to Sites and Significance to Māori, which provided for a suite of objectives and policies for sites and areas of significance to Māori and a rule framework to align with the requirements of the National Planning Standards.

The Operative RPS

- 4.8 There are several relevant RPS provisions related to sites and areas of significance to Māori, (Objectives 15 and 28, Policies 21, 22, and 46) and maintaining the cultural relationship of Māori with their ancestral lands, waters, and taonga (Policy 49). These are relevant considerations in our evaluation on key matters in this report.

Natural Resources Plan

- 4.9 The relevant objectives and policies in the Natural Resources Plan have been identified which recognise and protect Māori cultural relationships with their ancestral lands, waters, taonga, and sites of significance, support the exercise of kaitiakitanga and active mana whenua participation in resource management, sustain and enhance the mauri of natural resources, and ensure that significant mana whenua and historic heritage values are protected, restored, and managed through appropriate planning, decision-making, and cultural impact assessments.

⁶³S42A Report for SASM, prepared by para 7, Hamish Wesney, dated 11 November 2024

Iwi Management Plans

- 4.10 The Panel acknowledges that there are currently no iwi management plans relevant to the Wairarapa.

Strategic Direction objectives in the PDP

- 4.11 There are six key strategic objectives (HH-01, HH-02, TW-01-04) relevant to the Sites and Areas of Significance to Māori, particularly the four Strategic Objectives in relation to Tangata Whenua and are a key consideration to the Panel when evaluated matters in contention in this report.

Summary of the relevant notified provisions

- 4.12 The submissions we address in this section of our report relate to the following provisions in the Sites and Areas of Significance to Māori (**SASM**) Chapter, associated scheduled sites and areas identified in Schedule 4 and identified on the Planning Maps, as notified:

SASM chapter

- i. Three Objectives (SASM 01-03)
- ii. Nine Policies (SASM P1-P19)
- iii. Eight Rules (SASM R1-R8)

SCHEDULE 4: Schedule of Sites

- i. Masterton District – 43 Sites/Areas (TWm1-TWm43)
- ii. Carterton District – 1 site/Area (TWc1)
- iii. South Wairarapa District – 99 Sites/Areas (TWs1-TWs99)

- 4.13 The introduction of the SASM Chapter provides a description of what a SASM is but this term is not included as a definition in the notified plan, nor were any additional definitions included in relation to this chapter.

Overview of submissions

- 4.14 A total of 23 original submissions (115 submission points) and 11 further submissions (96 further submission points) were received on the Sites and Areas of Significance to Māori Chapter.
- 4.15 The majority of the submissions were supportive of the notified chapter. Those that opposed the chapter generally opposed the approach of the Sites and Areas of Significance to Māori overlay applying to private land.
- 4.16 Where amendments were sought, they were to support specific outcomes or provide for specific activities.

Recommended amendments that the Panel adopts

- 4.17 On the basis of the Panel's careful review of both the s42A Report and Hearing Summary Statements, and that these matters were not contested at the hearing, we adopt the Reporting Officer's recommendations for amendment and their accompanying reasoning and s32AA evaluations as follows:⁶⁴

⁶⁴ Summary Statement for SASM, prepared by Hamish Wasney and Morgan Fallowfield, para 24, page 4, dated 9 December 2024

- a. Inclusion of the following new **definitions**:⁶⁵
 - i. **Wāhi tapu**
 - ii. **Site and area of significance to Māori**
 - iii. **Archaeological sites.**
- b. Further explanation added to the introduction text to provide context in relation to the whether a SASM site is shown by an area (polygon) or a site (point).⁶⁶
- c. Amendments to policies **SASM-P5, SASM-P6, and SASM-P7** to be more enabling policies and to insert a tohutō (macron) in mātauranga Māori.⁶⁷
- d. Amend **SASM-R2** to clarify that it is an existing RMA legal instrument and insert new clause in relation to land disturbance for the maintenance or repair of existing network utilities⁶⁸
- e. Amend **SASM-R5** to remove clause b.⁶⁹
- f. Amend **SASM-R7** to refer to the RMA⁷⁰
- g. Delete Matakītaki a Kupe from Schedule 2 Heritage Precincts and retain in Schedule 4 Sites and Areas of Significance to Māori.⁷¹

Decisions on key issues remaining in contention

- 4.18 As set out above, we have taken an 'exceptions' approach to the decision report and only provide evaluation on those submissions and matters that remained in contention or where the Panel sought direction or clarification on at the hearing as follows:
- *Key Issue 1: Additional Changes to Policies*
 - *Key Issue 2: Summary of the engagement process and the risk of acting or not acting due to insufficient information for those Sites and Areas to Māori not identified in the Proposed District Plan*
 - *Key Issue 3: Terminology in reference to 'Rangitane o Wairarapa' and 'Ngati*
 - *Kahungunu ki Wairarapa' or 'tangata whenua' in the Proposed District Plan.*
 - *Key Issue 4: Clarification of 'existing RMA legal instrument' in SASM-R7*
 - *Key Issue 5: Mapping Amendments*
- 4.19 We address each of these key issues below in turn.

⁶⁵ For the reasons set out in paras 99-104 and associated s32AA evaluation at para 130-133, Officer's Section 42A Report – SASM, dated 11 November 2024

⁶⁶ For the reasons set out in paras 98, and associated s32AA evaluation at para 130-133, Officer's Section 42A Report – SASM, dated 11 November 2024

⁶⁷ For the reasons set out in paras 161, 166-173, and associated s32AA evaluation at para 130-133, Officer's Section 42A Report – SASM, dated 11 November 2024

⁶⁸ For the reasons set out in paras 220, and associated s32AA evaluation at para 226-231, Officer's Section 42A Report – SASM, dated 11 November 2024

⁶⁹ For the reasons set out in paras 217, and associated s32AA evaluation at para 226-231, Officer's Section 42A Report – SASM, dated 11 November 2024

⁷⁰ For the reasons set out in paras 25 – 29, Officers Reply Statement – SASM, dated 28 February 2025

⁷¹ For the reasons set out in para 248, Officer's Section 42A Report – SASM, dated 11 November 2024

Key Issue 1: Additional Changes to Policies

4.20 The following policies remained in contention after the hearing:

- i. Sub-issue 1: Policy SASM-P4*
- ii. Sub-issue 2: Policy SASM-P6*
- iii. Sub-issue 3: Policy SASM-P7*

Sub-issue 1: Policy SASM-P4

4.21 Initially Transpower's submission sought changes to Policy SASM-P4 seeking that the policy should provide for the upgrading of the existing network utilities, which the rejected at the s42A stage.⁷²

4.22 However, on the basis of the pre-circulated evidence by Transpower, the Reporting Officers accepted the changes to Policy SASM- P4.⁷³

4.23 These changes were subsequently deemed unnecessary due to the recommended bespoke policy in the Network Utility chapter (NU-PX) on the National Grid. This change was a recommendation that resulted from the National Grid JWS⁷⁴ for the Network Utility chapter as a consequential amendment and we therefore document this for the fulness of transparency and recommend that this Report be read in conjunction with **Report 7**.

Sub-issue 2: Policy SASM P6

4.24 Transpower's submission sought changes to Policy SASM P6, in relation to avoiding significant effects and sought the deletion of clause c. iii. be deleted which sought that where more than minor residual adverse effects cannot be avoided, minimised or remedied, the activity itself should be avoided.

4.25 As a result of the submissions, the following recommended changes were provided prior to the hearing by the s42A Officer, Mr Wesney, which sought to add the additional wording in red to clause b, shown below:

b. avoiding to the greatest extent practicable significant adverse effects on the site or area's cultural spiritual and historical values; and

4.26 This additional text was not contested at the hearing but at the hearing the Panel sought further review of whether there was scope to amend the heading of the text of Policy SASM-P6, in particular whether the use of the term 'avoid' accurately reflects the content and direction of the policy itself, which was a matter that arose at the hearing.

4.27 Whilst Transpower did not contest the amended recommended wording, at the hearing, the Panel raised a question as to what is meant by the term 'practicable' and 'greatest extent practicable', as well as distinguishing this from the term 'possible'.

4.28 This matter was clarified in the Reply Statement⁷⁵, which concluded that the definitions of 'practicable', 'greatest extent practicable' and that "'Possible' sets an extremely high bar for a policy given the recent High Court interpretation of "possible", where they concluded that if it is "technically feasible it is possible, whatever the cost".⁷⁶

⁷² Para 166-167, Officer's Section 42A Report – SASM, dated 11 November 2025

⁷³ Para 19, Summary Statement – SASM, dated 9 December 2025

⁷⁴ JWS – National Grid 'Bespoke' approach, dated 15 April 2025

⁷⁵ Reply Statement, prepared by Hamish Wesney, Solitaire Roberson and Morgan Fallowfield, Key Issues 2, undated

⁷⁶ 1 Tauranga Environmental Protection Society Inc v Tauranga City Council [2021] NZHC 1201 [27 May 2021] at [149].

- 4.29 Therefore, Mr Wesley retained his initial s42A Report recommendation that no changes to the SASM-P6 (a) wording in relation to “no practicable alternative location” be made as it relates to assessing the location of the proposed activity which is consistent and applicable to the meaning described above. Similarly, he retained his recommendation to add ‘to the greatest extent practicable’ to Policy SASM-P6 (b).
- 4.30 In response, Mr Wesley’s Reply Statement set out his further analysis of whether the term ‘avoid’ accurately reflects the content and direction of the policy itself and whether submissions provide scope to amend the policy title. Mr Wesley concluded that the word ‘Avoid’ should be replaced with ‘Manage’ to more accurately reflect the content and direction of the policy and furthermore he considered there was scope to amend the policy title, in particular in response to Transpower’s initial submission.
- 4.31 Therefore, as result of both submissions received and further clarification sought from the Panel, the following changes were recommended to Policy SASM-P6:

SASM-P6	Avoid <u>Manage</u> removal or destruction of sites and areas of significance to Māori
Ensure the adverse effects of activities on sites and areas of significance to Māori are managed by:	
a. avoiding activities within sites and areas of significance to Māori, unless there is a functional need to do so and no practicable alternative location; b. avoiding <u>to the greatest extent practicable</u> significant adverse effects on the site or area’s cultural spiritual and historical values; and c. for other adverse effects: i. where adverse effects cannot be avoided, they are minimised; ii. where adverse effects cannot be minimised, they are remedied; and iii. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, the activity itself is avoided.	

- 4.32 On the basis of the initial s32AA provided in the s42A report for the changes to clause (b) in set out in **red** text above and the further amendment to the policy heading set out in **blue** above, supported by further s32AA evaluation contained in the Reply Statement⁷⁷, the Panel agrees that there is sufficient scope from the initial submission, to accept and adopt the additional changes to Policy SASM-P6 as set out above and that both the red and blue text changes better provide for Objective SASM-O3.

Sub-issue 3: Policy SASM-P7

- 4.33 The existing wording of Policy SASM P7 states ‘**Support** landowners to manage, maintain, preserve sites and areas of significance to Māori’ [**Emphasis** added].
- 4.34 Whilst this matter was not raised by any submitters, at the hearing, the Panel sought further clarification from the s42A officers as to whether the current wording would preclude the resourcing to ‘support’ landowners.
- 4.35 In response, the Reply Statement canvassed this matter stating that the intent of the policy is to support landowners to manage, maintain, preserve sites and areas of significance to Māori and that the current wording would not preclude the resourcing to ‘support’ landowners. Furthermore, that there are a range of methods to provide resourcing, such as rates relief, signage, education, promotion and awareness etc of Sites and Areas of Significance to Māori.

⁷⁷ Reply Statement, prepared by Hamish Wesley, Solitaire Roberson and Morgan Fallowfield, Section 3, undated

- 4.36 On the basis of Council's further clarification on this matter, the Panel accepts and adopts the wording of Policy SASM- P7 is appropriate and that the notified wording should be retained.

Key Issue 2: Summary of the engagement process and the risk of acting or not acting due to insufficient information for those Sites and Areas to Māori not identified in the Proposed District Plan

- 4.37 Whilst this matter was not subject of submissions, the Panel sought further clarification and understanding of both the risks of acting or not acting due to insufficient information on identifying sites but also background, to this question, understanding what engagement had been undertaken which as a partial determinative of the level of risk, particularly of not identifying a site.
- 4.38 Firstly, the Panel is satisfied that the level of engagement, both publicly and also for targeted engagement with Rangitāne o Wairarapa and Ngāti Kahungunu ki Wairarapa and various Māori, Māori Land Trust, iwi and hapu entities has been appropriate.
- 4.39 The Panel note and accept that there was robust involvement in the process by Council's Iwi expert, Mr Te Whaiti, to establish the process for identifying the SASM.
- 4.40 Mr. Te Whaiti remit was to focus on South Wairarapa District, given that this area did not list any sites and areas of significance to Māori in the Operative Plan and therefore this area faced the highest risk to SASM from land use and subdivision, particularly in the coastal, plains, and hill country areas.
- 4.41 Whilst it is acknowledged that where SASM are not identified, there is a risk to SASM but for major projects such as wind farms, the Panel accept that assessments will be required that include consultation with iwi.
- 4.42 Additionally, Heritage New Zealand's archaeological authority process provides some further protection for pre-1900 sites, where they are not identified through the District Plan.
- 4.43 Notwithstanding the above, the Panel acknowledges that there remains a risk to unlisted sites for smaller scale development sites where they are not identified within the District Plan and therefore the Councils acknowledge the need to continue collaboration with iwi to identify and add more sites through future plan changes.
- 4.44 On this basis, the Panel accepts and adopts the SASM sites as notified and encourages the Councils to continue their collaborative work with iwi and hapu as a priority workstream.

Key Issue 3: Terminology in reference to 'Rangitane o Wairarapa' and 'Ngati Kahungunu ki Wairarapa' or 'tangata whenua' in the Proposed District Plan

- 4.45 The Māori Trustee submission requested a Strategic Direction Objective supporting the resilience of Māori landowners. Whilst this matter has been addressed within the Strategic Objectives and Māori Purpose Zone Reports, given the interrelated nature of the topic and submission request, the Panel raised concerns on this matter through **Minute 14**.⁷⁸
- 4.46 In this respect, a key issue raised was whether references to 'Rangitāne o Wairarapa' and 'Ngāti Kahungunu ki Wairarapa' should include 'hapū and whānau.'

⁷⁸ Minute 14, dated 17 December 2024

- 4.47 The Panel acknowledge that a hui occurred with the Māori Trustee⁷⁹, and subsequently the Māori Trustee provided a response on the matters raised at the hui. The response reaffirmed the Māori Trustee preference was not to include 'hapū and whānau' to 'Rangitane o Wairarapa' and 'Ngāti Kahungunu ki Wairarapa' or 'tangata whenua' in the Proposed District Plan.⁸⁰
- 4.48 As a result, the s42A Reporting Officer did not recommend that 'hapu and whanau' are added to references to 'Rangitane o Wairarapa' and 'Ngāti Kahungunu ki Wairarapa' or 'tangata whenua' within the SASM chapter. However, as a consequential change, the s42A Reporting Officer did recommend this change be added to the Strategic Direction for the Tangata Whenua Objectives.
- 4.49 The Panel wish to acknowledge that it is important to recognise that not all whānau and hapū sit within Rangitāne o Wairarapa or Ngāti Kahungūnu ki Wairarapa and that adding hapū and whānau to the Strategic Direction Objective for Tangata Whenua, would inappropriately empower hapū and whānau to be engaged directly as a rūpū.⁸¹
- 4.50 On the basis of the further discussions and agreements reached through the hui and the response provided by the s42 Officer in the Reply Statement, we accept that no further changes are required to the provisions to reference hapū and whānau in the SASM Chapter.
- 4.51 We reiterate that this report should be read in conjunction with both the decision on Strategic Direction Chapter and the Māori Purpose Zone.

Key Issue 4: Clarification of 'existing RMA legal instrument' in SASM-R7

- 4.52 The submissions⁸² on this rule were in support and sought that the notified version be retained, and therefore no change to this rule was recommended in the s42A Report.
- 4.53 However, as a result of the pre-circulated evidence from the telecommunication companies prior to the hearing, Mr Wesley stated that "*From my reading of Mr Anderson's evidence, clarification is sought on what is defined as a RMA legal instrument. Mr Anderson suggests additional wording to include a permitted activity under a National Environmental Standard or an activity that is otherwise permitted under the District Plan.*"⁸³ As a result, the following amendment to add 'RMA' was recommended to Rule SASM-R7 as set out below in **red** text.

*i. a. The new building or structure is authorised by and is located within an approved area in an existing **RMA** legal instrument (such as consent notice or local authority covenant) for the site.*

- 4.54 This matter remained in contention at the hearing and the Panel sought further clarification on the wording to provide more clarity on what is meant by 'existing RMA legal instrument' and whether replacing "such as" with "limited to" would provide more certainty. The Panel also directed the reporting Officers to liaise with the planner for Telecommunications Companies on this matter.

⁷⁹ Hui held on January 30th 2025

⁸⁰ Reply Statement, SASM, para 39, dated 28 February 2025

⁸¹ Reply Statement, SASM, para 31-39, dated 28 February 2025

⁸² S249.042

⁸³ Summary Statement, SASM, prepared by Hamish Wesley and Morgan Fallowfield, para 16, dated 9 December 2024

- 4.55 As a result, both the Telecommunications Companies and Reporting Officers agreed on a further amended wording for Rule SASM-R7 as set out below.

"a. The new building or structure is authorised by and is located within an approved area in an existing RMA approval legal instrument (limited to such as consent notice, resource consent, designation or local authority covenant) for the site."

- 4.56 On the basis that both parties agree on the above amended wording, the Panel accepts the further s32AA evaluation prepared by both parties that concludes the proposed change clarifies the definition of 'existing RMA approval', improving plan usability and clarity in resource consent assessments without identified costs.
- 4.57 Overall, the Panel accepts that the amended wording is the most appropriate way to achieve the RMA's purpose compared to the notified version of the PDP.

Key Issue 5: Mapping Amendments

- 4.58 A total of nine submissions and five further submissions were received on the spatial extent of the land that the Sites and Areas of Significance to Māori overlay applies to.
- 4.59 However, on review of these submissions, Mr Te Whaiti did not identify any additional sites or areas of significance to Māori to add to the Proposed District Plan. However, there was an acknowledgement that additional sites and areas of significance to Māori may be identified in the future and could be added to the District Plan through a plan change process after further investigation.
- 4.60 There were however two matters in relation to the mapped SASM site that remained in contention at hearing, which we address in turn below.

Sub-issue 1: Additional sites to be added to Schedule 4

Sub-issue 2: Clarification on areas mapped as set out in Kawakawa 1D2 Trust Submission

Sub-issue 1: Additional sites to be added to Schedule 4

- 4.61 One submission⁸⁴, sought that an additional marae and urupa, located near the Masterton Recycling Centre be added.
- 4.62 Mr Te Whaiti considered this request, including engaging with the property owners. However, whilst Mr Te Whaiti supported the inclusion of other sites and notes that further investigation would be needed, at this time, he did not recommend to amend this listing or add additional listings to SCHED 4.
- 4.63 This matter remained in contention and the submitter further sought a name change to Te Whiti Road from the College to Pokohiwi Road and that a memorial should be erected at the marae and urupa sites.
- 4.64 In response, Mr Te Whaiti reiterated his position in the s42A Report in that this matter needs further consideration, including engaging with the property owners and that a future plan change may be appropriate to identify and map further sites and areas of significance to Māori. However, he acknowledges the significance of the places of settlement by Māori put forward by the submitter.

⁸⁴S64.003

- 4.65 The Panel acknowledges that the erection of memorials is not a matter they can make a decision upon and would need to be considered via the Council's Long Term Plan or Annual Plan process. This request has been referred to Masterton District Councils Parks and Reserves team and Po Ahurea Māori Kaitakawaenga– Iwi Partnership Manager. The roading name change sought has been referred to Masterton District Council's Roading team.
- 4.66 Based on the above evaluation, the Panel accepts and adopts the overall recommendation from the s42A officers that no further SASM should be added to Schedule 4.

Sub-issue 2: Clarification on areas mapped as set out in Kawakawa 1D2 Trust Submission

- 4.67 The submission from Kawakawa 1D2 Ahu Whenua Trust⁸⁵ sought amendment to the Sites and Areas of Significance to Māori to develop a process by which sites and areas of significance for Māori and wāhi tapu can be identified for the purpose of the RMA, without the need for public notification or be identified within the planning maps.
- 4.68 The s42A Reporting officer acknowledged the submitters concerns, that the process for the addition of Sites and Areas of Significance to Māori to be added to the Plan includes public consultation. However, it was also acknowledged that the use of 'silent files', which allow the Council to identify such sites but not publicly identify them within the District Plan, could be an approach adopted at any time if it was supported by Rangitāne o Wairarapa and Ngāti Kahungunu ki Wairarapa and the Councils. As a result of the submission, however Mr Wesley did not recommend any changes to the mapping as a result.
- 4.69 The Panel sought further clarification whether all the sites and areas of significance to Māori contained in Kawakawa 1D2 Trust submission were identified and mapped in the Proposed District Plan.
- 4.70 In response, it was confirmed by Bryce Lyall, barrister for Kawakawa 1D2 Trust that all sites referenced by Kawakawa 1D2 Trust submission were identified on the notified planning maps, with the exception of a burial mountain – Maungamate and traditional freshwater source - Punaruku.⁸⁶⁸⁷ However, Mr Te Whaiti advised that Maungamate should be identified as a site and area of significance to Māori with a point (no buffer), which the Reporting officers also recommend, as shown in **Figure 1 below**.

⁸⁵ S184.005

⁸⁶ Reply Statement, SASM, para 49, dated 28 February 2025

⁸⁷ Letter from Bryce Lyall, Barrister on behalf of Kawakawa 1D2 Ahu Whenua Trust dated 23 May 2025 responding to Minute 30 from the Hearing Panel

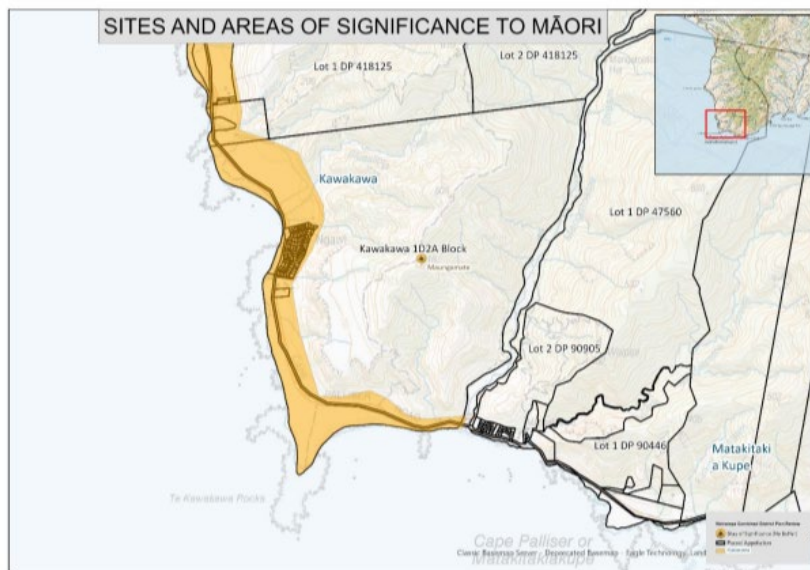


Figure 1: Amendment to Map 1 to include Maungamate as a site and area of significance to Māori (yellow point in centre of map)

Figure 1: Location of Maungamate recommended to be included on the planning maps.⁸⁸

- 4.71 Mr Te Whaiti also advised that Punaruku should be identified as a site and area of significance to Māori as a polygon based on the area identified by the Trust, as shown in **Figure 2 below**.



Figure 2: Location of Punaruku recommended to be included on the planning maps

- 4.72 The Panel therefore accepts and adopts the Reporting Officers recommendation to include Maungamate and Punaruku in the schedule and mapping of a sites and areas of significance to Māori as it provides more certainty and improved implementation for plan users.⁸⁹

⁸⁸ Reply Statement, SASM, para 50, dated 28 February 2025

⁸⁹ Reply Statement, SASM, para 50-52, dated 28 February 2025

5. Overall conclusions

- 5.1 For the reasons set out in the previous sections, we have determined a set of changes to the aforementioned chapters and provisions in the PDP.
- 5.2 Our amendments are shown in track change in the 'tracked' version of the provisions in **Appendix 3** and in 'clean' form in the 'accepted' version of the provisions in **Appendix 4**.
- 5.3 Overall, we find that these changes will ensure the PDP better achieves the statutory requirements and national policy directions, and will improve its useability.