

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION ON  
THE PROPOSED TIMARU DISTRICT PLAN**

*Clause 8 First Schedule, Resource Management Act 1991*

**TO:** Planning Manager  
Timaru District Council  
PO Box 552  
2 King George Place  
TIMARU 7910  
By Email: pdp@timdc.govt.nz

**Name of Further Submitters:**

1. This is a joint further submission by:
  - (a) Bruce and Rosa Westgarth;
  - (b) Evan and Clare Chapman;
  - (c) Graeme Blackler;
  - (d) Graham and Sharon Peck;
  - (e) James Fraser;
  - (f) John Acland;
  - (g) Mark and Amanda Robins;
  - (h) Mark and Jenny Chamberlain;
  - (i) Richard Giles;
  - (j) Robert Peacock;
  - (k) Tom and Gerald Hargreaves;
  - (l) James Hart;
  - (m) James Reese Hart; and
  - (n) Jonathan Goslin.

**(Further Submitters)**

2. The Further Submitters own, and/or operate farming businesses on, properties at the locations noted to in **Annexure A** to this submission (**Properties**).
3. The address for service of the Further Submitters is:

C/- Gresson Dorman & Co  
PO Box 244  
TIMARU 7940

Contact: Nicola Hornsey & Lucy Clough  
Email: nicola@gressons.co.nz  
lucy@gressons.co.nz

**Submission that this further submission relates to is:**

4. This is a further submission in support or opposition to the primary submissions set out in **Annexure B** on the Proposed Timaru District Plan (**Proposed Plan**), which was publicly notified on 22 September 2022.

**Status of Further Submitters:**

5. The Properties are either subject to, or located in close proximity to, the Sites and Areas of Significance to Māori overlay in the Proposed Plan. The Further Submitters are therefore persons that have an interest in the provisions of the Proposed Plan that this further submission relates to that is greater than the interest of the general public.

**Parts of the primary submissions supported and/or opposed by the submitters:**

6. The parts of the primary submissions on the Proposed Plan that the Further Submitters supports or opposes are set out in **Annexure B** to this further submission, together with the reasons for the further submission and decisions sought by the Further Submitters.

**Wish to be heard:**

7. The Further Submitters wish to be heard in support of this submission.

8. The Further Submitters would be prepared to consider presenting a joint case with others making similar submissions at the hearing.

Handwritten signatures in blue ink. The first signature is 'Nicola Hornsey' and the second is 'Lucy Clough'.

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**Bruce and Rosa Westgarth, Evan and Clare Chapman, Graeme Blackler, Graham and Sharon Peck, James Fraser, John Acland, Mark and Amanda Robins, Mark and Jenny Chamberlain, Richard Giles, Robert Peacock, Tom and Gerald Hargreaves, James Hart, James Reese Hart, and Jonathan Goslin;**

By their Solicitors and authorised Agents

Gresson Dorman & Co: Nicola Hornsey & Lucy Clough

Date: 4 August 2023

**ANNEXURE A: NAMES OF FURTHER SUBMITTERS AND ADDRESSES OF THEIR PROPERTIES**

Bruce and Rosa Westgarth	Rock Farm, 1252 Pleasant Point-Cave Highway.
Evan and Clare Chapman	Rockburn Farming Co, 19 Limestone Road, Kakahu RD 21, Geraldine 7991.
Graeme Blackler	188 Newton Road, Hazelburn.
Graham and Sharon Peck	Peck Farms – Glen Hays, 352 Sterndale Valley Road, RD 12 Pleasant Point. Peck Farms – Clifton, 373 Henrikson Road, RD 12, Pleasant Point.
James Fraser	228 Raincliff Road, Opihi.
John Acland	Mt Peel Holdings Limited and Waikari Hills 1989 Limited, Rangitata Gorge, Peel Forest. 775 Rangitata Gorge Road.
Mark and Amanda Robins	Raincliff Road, Opihi.
Mark and Jenny Chamberlain	85 Balfour Road, Hazelburn 7982.
Richard Giles	Glenelg, 29 Moa Pass Road, RD 12 Pleasant Point.
Robert Peacock	Orari Gorge Station, 991-1023 Tripp Settlement Road.
Tom and Gerald Hargreaves	Kakahu Farm, 1422 Winchester Hanging Rock Road, Kakahu.
James Hart	318 Matthew Road, Waitohi, Temuka 7985.
James Reese Hart	25 Breen Road, RD 5, Timaru 7975.
Jonathan Goslin	55 McMaster Road, RD 12, Pleasant Point 7982.

**ANNEXURE B – FURTHER SUBMISSIONS BY WESTGARTH, CHAPMAN, BLACKLER ET AL. (ORIGINAL SUBMITTER NUMBER 200)**

Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
James Hart	58	Support all submission points.	Support.	Aligns with the submission of the group	Allow.	Allow the submission.
EJAPS Ltd Jonathan Goslin	4	Support all submission points.	Support.	Aligns with the submission of the group	Allow.	Allow the submission.
James Reese Hart	149	Support all submission points.	Support.	Aligns with the submission of the group	Allow.	Allow the submission.
Tom Hargreaves	29	Support all submission points.	Support.	Aligns with the submission of the group	Allow.	Allow the submission.
Te Rūnanga o Ngāi Tahu	185.91	Support the introduction but request clarification as to the SASM status as Historic Heritage.  Amend SASM chapter Introduction to acknowledge the Historic Heritage status of SASM.	Oppose.	It is not clear on the face of the submission what wording changes are being sought by the Submitter. It is therefore not possible to ascertain the implications of the decision sought.	Disallow.	Reject the submission.
	185.92	Support this objective however recommended changes to provide for rakatirataka and kaitiakitaka. [NB: no specific changes requested in the relief sought).	Oppose.	It is not clear on the face of the submission what wording changes are being sought by the Submitter. It is therefore not possible to ascertain the implications of the decision sought.	Disallow.	Reject the submission.
	185.93	Support this objective, but recommend an increase in scope so that the objective can be considered when addressing potential cultural effects identified under other parts of the Plan (i.e., Outstanding Natural Landscapes)  Amend SASM-O2 Access and use as follows: Kāti Huirapa are able to access, maintain and use resources and areas of cultural value within identified Sites and Areas of Significance <u>and cultural landscapes</u> to Kāti Huirapa.	Oppose.	It is difficult to ascertain the implications for increasing the scope of the objective to include cultural landscapes in the SASM chapter, as acknowledged in the Primary Submission. Cultural landscapes are addressed in the ONL chapter, and it is unclear whether the decision sought is even necessary.	Disallow.	Reject the submission.

Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
	185.94	<p>Support this objective, but recommend an increase in scope so that the objective can be considered when addressing potential effects on Kāti Huirapa values identified under other parts of the Plan (i.e., Outstanding Natural Landscapes).</p> <p>Amend SASM-O3 Protection of Sites and Areas of Significance as follows: The values of identified areas and sites of significance to Kāti Huirapa <u>and cultural landscapes</u> are recognised and protected from inappropriate subdivision, use and development <u>including inappropriate modification, demolition or destruction.</u></p>	Oppose.	It is difficult to ascertain the implications for increasing the scope of the objective to include cultural landscapes in the SASM chapter, as acknowledged in the Primary Submission. Cultural landscapes are addressed in the ONL chapter, and it is unclear whether the decision sought is even necessary.	Disallow.	Reject the submission.
	185.95	<p>Support this policy but recommend changes to clarify the purpose and goal of enhancing access for specific cultural reasons and tikaka.</p> <p>Amend SASM-P4 Cultural access as follows: Maintain <u>or enhance</u> existing access and <del>encourage landowners and applicants to explore opportunities and methods to enhance access</del>, for Kāti Huirapa to the identified sites and areas listed in SCHED6 - Schedule of Sites and Areas of Significance to Kāti Huirapa <u>for mahika kai, karakia, monitoring, cultural activities and ahi kā roa.</u></p>	Oppose.	The further submitters do not question the importance for maintaining existing access for the stated cultural purposes. However, for the reasons set out in the Primary submission of the Further Submitters, access to private land is not always appropriate (e.g., to ensure health and safety statutory requirements are met). It is the further submitters view that the facilitation of access must be in consultation with the landowner.	Disallow.	Reject the submission.

Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
	185.96	<p>Support this objective, however seeks an amendment which will increase the policy's scope so that it can be considered when addressing potential cultural effects identified under other parts of the Plan and clarifying that the protection of values includes the restriction of some activities.</p> <p>Amend SASM-P5 Protection of values of Sites and Areas of Significance to Kāti Huirapa as follows:  Protect the identified values of the <u>landscape and</u> sites and areas listed in SCHED6 - Schedule of Sites and Areas of Significance to Kāti Huirapa <u>and other sensitive environments</u> through:</p> <ol style="list-style-type: none"> <li>1. retention of connections to whakapapa, history, and cultural tradition; and</li> <li>2. protection of mauri and intangible values; and</li> <li>3. maintenance or enhancement of access by whānau for customary use and cultural purposes; and</li> <li>4. protection of site integrity; and</li> <li>5. ensuring sustainability of ecosystems supporting taoka species and mahika kai resources.</li> <li><u>6. requiring activities on or adjoining sites and areas of significance to Māori to minimise adverse effects on the cultural, spiritual and/or heritage values, interests and associations of importance.</u></li> </ol>	Oppose.	It is difficult to ascertain the implications for increasing the scope of the policy to include cultural landscapes and 'other sensitive environments' in the SASM chapter, as acknowledged in the Primary Submission. Cultural landscapes and other sensitive environments are addressed elsewhere in the Proposed Plan, and it is unclear whether the decision sought is even necessary. The justification for the request for expanding the policy to include requirements in relation to activities on sites that adjoin SASMs is unclear.	Disallow.	Reject the submission.
	185.99	<p>Supports the intent of this rule but submit that clarification is required to ensure that the rule protects the values identified.</p> <p>Amend SASM-R2 to provide clarity to plan users.</p>	Oppose.	It is not clear on the face of the submission what wording changes are being sought by the Submitter. It is therefore not possible to ascertain the implications of the decision sought.	Disallow.	Reject the submission.

Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
	185.100	Support this rule but submit that it should also apply to the Wāhi Tūpuna overlay.  Amend SASM-R3 as follows: SASM-R3 Indigenous vegetation clearance Wāhi taoka, wāhi tapu, wai taoka, <u>Wāhi Tūpuna</u> and wai tapu overlay [...]	Oppose.	The justification for the extension of the scope of this rule to include Wāhi Tūpuna and its implications for land owners is unclear.	Disallow.	Reject the submission.
	185.103	Supports the intent of this rule but consider it could be clarified.  Amend SASM-R6 Intensively farmed stock to clarify the rule.	Oppose.	It is not clear on the face of the submission what wording changes are being sought by the Submitter. It is therefore not possible to ascertain the implications of the decision sought.	Disallow.	Reject the submission.
	185.105	Support this rule and seek its expansion to include all forestry in order to protect these clearly identified sites.  Amend SASM-R8 Shelterbelts or woodlots or plantation forestry to include all forestry activities	Oppose.	The justification for the extension of the scope of this rule and its implications for land owners is unclear.	Disallow.	Reject the submission.
	185.37	Support this section, however, request minor changes to improve clarity and consistency with the information provided by AECL. Minor changes include (but are not limited to) Several of the descriptions do not match the location, Waitarakao has the wrong category and there are many macron errors.  Amend SCHED6 - Schedule of Sites and Areas of Significance to Kāti Huirapa so that Council work with AECL to amend the Schedule 6 to better reflect the advice given and used as evidence for this Plan review.	Oppose.	It is not clear on the face of the submission what wording changes are being sought by the Submitter. It is therefore not possible to ascertain the implications of the decision sought, including which SCHED-6 sites and areas are requested to be changed.	Disallow.	Reject the submission.



Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
Te Tumu Paeroa, Office of the Māori Trustee	240.6	<p>Submitter generally supports the objectives in the 'Sites and Areas of significance to Māori' chapter. Also supports Kāti Huirapa ability to access, maintain and use areas and resources of cultural value. However, as sites of significance to Māori are currently mapped on the Plan over entire property records of titles, including private land, an 'in agreement with affected landowners' qualifier is needed. The Submitter also considers that the Proposed Plan needs to clearly identify the extent of sites of significance to Māori as they currently appear to be across entire property records of title.</p> <p>Amend SASM-O2 as follows:</p> <p>SASM-O2 Access and use</p> <p>Kāti Huirapa are able to, <u>in agreement with affected landowners</u>, access, maintain and use resources and areas of cultural value within identified Sites and Areas of Significance to Kāti Huirapa.</p>	Support.	The reasons for the original submission align with the further submitter's view that access to SASMs must be in agreement with affected landowners.	Allow.	Accept the submission.
Heritage New Zealand Pouhere Taonga	114.30	<p>Considers the word 'site' within the wording of the SASM chapter provides an inaccurate definition of the word 'site' in relation to sites and areas of significance to Māori. A SASM site does not necessarily align with the limits of a title or legally defined allotment. This misinterpretation could be avoided by removing the automatic link to the National Standards definition when referring to sites and areas of significance to Māori.</p> <p>Delete the automatic link from the word 'site' within this chapter.</p>	Oppose.	This request would just lead to ambiguity, and is not in accordance with the principle of legal certainty that plan provisions must meet under the Resource Management Act.	Disallow.	Reject the submission.
Z Energy	116.10	<p>The policy and rules framework should be appropriately tied into the values of the site or area that has been recognised. It should, for example, be very clear what values are to be maintained, enhanced or protected, so that a reasonable and informed decision can be made as to not only the extent to which consultation is considered necessary, but also to what extent the outcome of any consultation is necessary and appropriate. [Refer to original submission for full reason]</p> <p>Amend the policy and rule framework so that it is appropriately tied into the values of the site or area that has been recognised.</p>	Support.	The decision sought by the Original Submitter aligns with the further submitters original submissions. It is considered that the decision sought is necessary to provide legal certainty.	Allow.	Accept the submission.

Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
Federated Farmers	182.79	<p>Supports the identification and protection of wāhi tapu, wāhi tapu and sites and areas of significance to Māori. Landowners should have more say in matters such as these as they are not someone with greater rights than those of the general public when it comes to their land. Council needs to provide sufficient information to landowners on the location and extent of sites or areas of Significance to Māori on their property so t they are aware of any restrictions that apply, and any obligations that they may have. [Refer to original submission for full reason]</p> <p>1. Amend the SASM - Sites and Areas of Significance to Māori chapter to: a) recognise the role that landowners of private property have to play in the identification and protection of sites and areas of significance to Māori; AND b) state that the Council will play a major role in facilitating an enduring relationship and promoting effective engagement between tangata whenua, landowners and the Council in the identification and protection of sites and areas of significance to Māori. AND 2. Any consequential amendments required as a result of the relief sought.</p>	Support.	The decision sought by the original submitter aligns with those decisions sought by the further submitter in its original submissions.	Allow.	Accept the submission.
	182.80	<p>Supports the need for protection of Sites and Areas of Significance to Māori that have been identified with precision. Supportive of measures agreed upon by the landowners for Kāti Huirapa having access to significant sites for cultural purposes, within reason. However, there are concerns that the objectives and policies do not provide for existing activities to continue. There needs to be recognition and provision for existing activities such as grazing and other farming activities to continue as long as the scale and intensity of effects do not/have not increased following the commencement date of the plan. [Refer to original submission for full reason]</p> <p>1. Add a new policy to the SASM-Site and Areas of Significance to Māori chapter as follows:  <u>SASM-PX</u> <u>Provide recognition for grazing and farming activities that have not increased in their scale or intensity of effects from commencement date of the plan.</u> OR 2. With wording to similar effect; AND 3. Any consequential amendments required as a result of the relief sought.</p>	Support.	The decision sought by the original submitter aligns with those decisions sought by the further submitter in its original submissions.	Allow.	Accept the submission.

Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
	182.83	<p>Considers that SASM should not affect the existing use rights of landowners and their operations on the farm. Climate Change is an issue that is going to affect the district in various of ways. Māori have made it clear that they need environments to become resilient to protect their cultural and historical values. To recognise the issue of climate change will give landowners an option to better mitigate the effects of this under the proposed plan.</p> <p>1. Amend SASM-O3 Protection of Sites and Areas of Significance as follows:</p> <p>The values of identified areas and sites of significance to Kāti Huirapa are recognised and protected from inappropriate subdivision, use and development <u>unless it fits within the existing rights of the landowner, or as a mitigation to the effects of climate change.</u></p> <p>AND</p> <p>2. Any consequential amendments required as a result of the relief sought.</p>	Support.	The decision sought by the original submitter aligns with those decisions sought by the further submitter in its original submissions.	Allow.	Accept the submission.
	182.88	<p>Supports this policy as it stands but seeks amendments. Landowners need to be included in conversations and decisions regarding the SASM on their lands. These sites need to be protected however it needs to be a conversation between the local tangata whenua and landowners, not council. As intergenerational landowners it adds more importance to the legacy they leave when land is passed down.</p> <p>[Refer to original submission for full reason]</p> <p>1. Amend SASM-P5 Protection of values of Sites and Areas of Significance to Kāti Huirapa as follows: [...]</p> <p>3. Maintenance of enhancement of access by whanau for customary use and cultural purpose, <u>if on private land in agreement with the landowner.</u> [...]</p> <p>AND</p> <p>2. Any consequential amendments required as a result of the relief sought.</p>	Support.	The decision sought by the original submitter aligns with those decisions sought by the further submitter in its original submissions.	Allow.	Accept the submission.
	182.89	<p>Seeks that rules are linked to SASM-SCHED6 to provide certainty and focus limited resources. Protection of these sites for cultural values needs to be not funded by the private landowners, adequate funds need made available to ensure that these sites that are pinpoint identified can be protected. Submitter asks the council to recognise that farms still need to be able to operate economically around these SASM's.</p>	Support.	The decision sought by the original submitter aligns with those decisions sought by the further submitter in its original submissions.	Allow.	Accept the submission.

Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
		<p>[Refer to original submission for full reason]</p> <p>1. Amend SASM - P6 Protecting cultural values in wāhi tūpuna areas as follows:</p> <p>Recognise the significance to Kāti Huirapa of the wāhi tupuna areas listed in SCHED6 - Sites and Areas of Significance to Kāti Huirapa and protect the identified values of these areas by avoiding significant adverse effects of activities in, or in close proximity to, wāhi tupuna areas on the connections of Kāti Huirapa to these areas and the ability of the areas to support taoka species and mahika kai., <u>unless there is already a pre-existing use of the land which has minimal or no effect on the site. Existing use is always taken into consideration when protecting the sites.</u></p> <p>AND</p> <p>2. Any consequential amendments required as a result of the relief sought.</p>				
Dairy Holdings Limited	89.9	<p>Understands the intent of this rule within Wāhi Taoka and Wai Taoka Overlay but considers that ancillary rural earthworks should be able to be undertaken as a permitted activity.</p> <p>Activities that require resource consent under the proposed rule include shallow ripping of wet areas to break up pans to enable water to dissipate into the topsoil layer, contouring to enable water flow (to avoid ponding), backfilling to eliminate 'low spots', installing culverts to enable flow and eliminate ponding, filtering buffer areas to discharge points. These are Every-day-type maintenance farming activities that are required to maintain and improve the Submitter's properties.</p> <p>Amend SASM-R1 Earthworks not including quarrying and mining as follows: [...]</p> <p>2. Wāhi Taoka and Wai Taoka Overlay Permitted Where: PER-1</p> <p>The earthworks are for <u>ancillary rural earthworks or are for the purpose of maintenance, repair, or replacement, of any of the following:</u></p> <ol style="list-style-type: none"> <li>1. existing fencing; or</li> <li>2. existing tracks or roads; or</li> <li>3. existing reticulated stock water systems including troughs; or</li> <li>4. existing natural hazard mitigation works; and</li> </ol> <p>[...]</p>	Support.	The decision sought by the original submitter provides useful clarity in terms of the intended scope of the rule.	Allow.	Accept the submission.

Name of original submitter	Relevant original submission point number	The particular parts of the original submission supported /opposed	Position on the original submission	Reasons for support/opposition to the original submission	Decision sought	Details of the decision sought in relation to the original submission point
Pye Group Ltd, Dialan Dairy Ltd, Grantlea Dairy Ltd, South Park Farm Ltd, South Stream Dairy Ltd	35.1	<p>Considers SASM-R1 too specific and does not allow for remedial work on irrigation or domestic water pipes and cables. Obtaining consent for these activities will impose additional cost and time, when often such activities need to happen with urgency. Most of the land in SASM23 is farmland that has previously been disturbed; and the Accidental Discovery Protocol adds to time and cost, especially when no one responds to the submission of the forms.</p> <p>[Refer to original submission for full reasons].</p> <p>Amend SASM-R1 Earthworks not including quarrying and mining as follows:  1 [...] 2 Wāhi Taoka and Wai Taoka Overlay</p> <p>Activity status: Permitted  Where:  PER-1</p> <p>The earthworks are for the purpose of maintenance, repair or replacement of <u>any existing infrastructure or development</u>-of the following:  1. <del>existing fencing; or</del>  2. <del>existing tracks or roads; or</del>  3. <del>existing reticulated stock water systems including troughs; or</del>  4. <del>existing natural hazard mitigation works; and</del></p> <p><u>PER-X</u>  <u>The earthworks will only disturb previously disturbed soils (i.e. top 30cm of cultivated farm land);</u>  <u>and</u>  [...]</p> <p><u>PER-4</u>  The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, <u>at least 2 weeks prior to the commencement of any earthworks or is included in the property's Farm Environment Plan.</u></p>	Support.	The decision sought by the original submitter provides useful clarity as to the types of activities that should fall within the permitted activity rule SASM-R1.	Allow.	Accept the submission.