

**BEFORE INDEPENDANT HEARING COMMISSIONERS
APPOINTED BY THE TIMARU DISTRICT COUNCIL**

UNDER: the Resource Management Act 1991
IN THE MATTER OF: Submissions and further submissions
in relation to the Timaru Proposed
District Plan

**STATEMENT OF EVIDENCE OF JOHN BENJAMIN EVANS
ON BEHALF OF WESTGARTH, CHAPMAN, BLACKLER ET AL
(SUBMITTER NO. 200)**

HEARING STREAM E2: CULTURAL VALUES

Dated: 23 January 2025

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INTRODUCTION

1. My full name is John Benjamin Evans.
2. I have a Bachelor of Engineering degree and I am a 5th generation farmer at Evans Crossing.
3. I have been asked by the Limestone Group (*Westgarth, Chapman, Blackler et al.* – submitter 200) to provide evidence on their behalf in support of their primary submission and further submission on the Proposed Timaru District Plan (**PDP**).
4. I provide this evidence based on my experience in our farming operation, recent resource consent application processes I have been involved in, and the implications of the PDP rules being enacted as presented as they relate to the concerns raised by the Limestone Group.
5. I set out my evidence in three main sections:
 - (a) Background information on farm and rock art sites;
 - (b) Key elements of Limestone Group's Submission; and
 - (c) The Officers Report.

BACKGROUND

6. Our farming operation has worked extensively with interested parties given the presence of Rock Art sites on our property, our consent to farm and more recently, a publicly notified regional council issued consent to afforest.
7. Our property, first settled by my Great-Great Grandfather Benjamin Evans in 1874, has grown over the subsequent four generations to approximately 1200 hectares. Within it, as identified in the PDP, we have the following overlayed on our property:
 - (a) Visual Amenity Landscape;
 - (b) Significant Natural Areas;
 - (c) Outstanding Natural Features;

- (d) Outstanding Natural Landscapes;
- (e) Wahi Tapu, SASM-8;
- (f) Wai-Tapu, SASM-10.

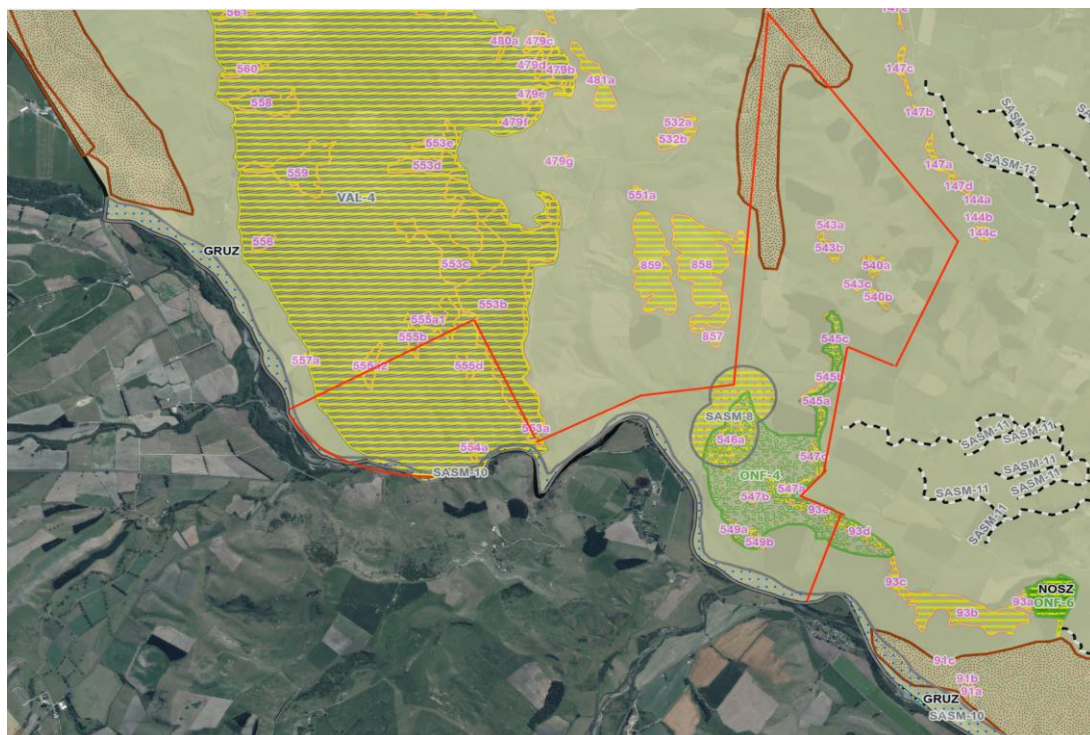


Figure 1 – A snip of my property from the PDP e-maps, showing the overlays detailed above in [7].

8. I did not submit personally on the SASM chapter owing to a general lack of awareness at the time of the Timaru District Council's (TDC's) planning endeavours concerning the overlays applied to our land, however I am contributing my efforts in support of the Limestone Group.

LIMESTONE GROUP'S SUBMISSIONS

9. I detail the following key points from the Limestone Group's submission and provide evidence in support of their concerns in the following sections.

Methodology of SASM Identification

10. We had no engagement between Council, Te Rūnanga o Arowhenua (Rūnanga) or Aoraki Environmental Consultancy Limited (AECL) concerning the development of the SASM provisions and specifically the mapped overlays. We were not approached for ground-truthing (i.e. through on-site

observations and/or assessment) or asked of our specific knowledge of sites of interest, for example any past accidental discoveries or any other engagement in the drafting of policies and rules.

A lack of knowledge or regard to landowners such as ourselves, including our predecessors, efforts to preserve and protect known sites of significance to mana whenua.

11. Over generations, and 150 years, the Evans family has had a great interest in the local area and what makes it unique not just from a farming perspective but also its natural and cultural history.
12. In the 1920's, my great-grandfather Benjamin Evans, alongside friend Hugh McCully were expeditioners and avid amateur archaeologists, traversing limestone cliffs, rivers and the plains, documenting artifact, midden and rock art sites. Hugh McCully, archaeologist and inventor, was interested in the region's rock art from 1897 and a foundation member of the South Canterbury Historical Society in 1941. The Canterbury Historical Society made strenuous efforts to get the rock art sites identified, mapped, fenced and protected.
13. McCully's rock art tracings are in Hocken Library. Benjamin's sons Wynne, Alistar and Lindsay were also similarly interested, and more recently, Gary Evans, Alistar's son. Gary has been working with Hugh's granddaughter, Rosanna McCully, on documenting these discoveries in Rosanna's publications. Gary recently deposited in the South Canterbury Museum an archaeologically important collection of early photographic slides of rock art in the region.
14. The following photograph in the Timaru Herald circa. 1970's, shows some of the work Gary's father, Alistar, has undertaken in recording the rock art in the region.



- Mr Evans is proud of his rock drawings traced on cloth. He made the tracings by projecting photographs of the drawings on to the cloth at life size.
15. At the time of these discoveries, land use change, souveniring and vandalism was occurring, and without doubt, there would be less known about these sites had it not been for their work in the early half of last century, and over the decades proceeding including into the future; their work assists Rūnanga in the understanding of their cultural past.
 16. Artifacts collected are now within museums within the South Island or returned to Rūnanga, alongside numerous books, illustrations and records. Wynne's son Peter, my father, and I continue with the custodianship of the rock art sites on our land, with stock excluded, weeds actively controlled in the vicinity (also within the now identified SNAs) and natural indigenous vegetation and biodiversity remaining untouched, and is in fact regenerating.
 17. All of this work has occurred in the absence of District and Regional Plan controls.
 18. Of note, while these areas are recognised as being significant to some mana whenua, they are of course equally of interest to ourselves having taken great pride over generations having protected the Rock Art sites including the surrounding environment.

We welcome increasing our knowledge and understanding of the values within SASMs through actively engaging and working collaboratively with Rūnanga outside statutory planning and consenting processes.

19. As landowners we see our role in the community as important to protect and look after the property we are custodians of. Key to this is community collaboration and working with others. We are part of the local catchment group. And as mentioned above, we have reached out to Rūnanga with invitations to visit the rock art sites on our farm.
20. Unfortunately, our engagement with Rūnanga and the rock art sites has only been through statutory planning and consenting processes which fail to deliver meaningful results for all parties.
21. The SASM chapter reinforces these planning processes that have previously failed. They are developed predominantly through a desktop exercise, with no community collaboration and without working with landowners. We, as landowners, work to protect these sites and increase our knowledge about their importance, and do not expect to be unfairly punished through complex and impractical rules.
22. It is of significant importance that if Rūnanga are actually interested in these sites being protected into the future, then engagement and collaboration is important given SASM provisions are irrelevant to current and ongoing land use that has been lawfully established and is protected through existing use rights.

Our farming activities already trigger several consenting requirements which consider effects on Rock Art Sites and Areas of Significance to Māori.

23. The triggers include sections 13, 14 and 15 RMA under the Canterbury Regional Land and Water Plan, the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 and Resource (National Environmental Standards for Freshwater) Regulations 2020 and the changes made to Schedule 7 of the Canterbury Land and Water Regional Plan (LWRP) under Plan Change 7, requiring that Farm Environment Plans include methods for protecting Tuhituhi neherā (Rock Art sites) from the impacts of irrigation, the risk of damage from livestock and other farming activities.

24. Our Consent to Farm granted by Environment Canterbury (**ECan**) in 2022 (with Regional Authority) required a site visit by ECan including Pou matai ko (Cultural Land Management Advisor) in 2020. The rock art sites were assessed previously in 2014 by the Māori Rock Art Trust at the instigation of the Trust as part of their establishment of the Te Ana Māori Rock Art Centre in Timaru. We have valued the collaboration and relationship with the Māori Rock Art Trust through our interactions. The farming activity occurring within the now identified SASM includes irrigation, and what is defined in SASM R6 (as notified) as “Intensively farmed stock”. This area is predominately used for the finishing of lambs.
25. Following the site visit in 2020, the Trust’s recommendations were;
- (a) Fence 1m to 1.5 m setback from the Tuhituhi neherā.
 - (b) Monitor irrigation and possible spray drift from paddocks below the Tuhituhi neherā and setback a minimum 50 m radius from the rock art.
 - (c) Avoid spreading fertiliser during periods of north-west wind.
26. The line item cost “Tangata Whenua advice” passed on to us by ECan to be issued a Consent to Farm was \$1269+GST.
27. In 2023, our Farm Environment Plan was independently audited on behalf of ECan as required by the conditions of our Consent to Farm, including our management of the rock art sites and cultural values of our property. We were awarded an A grade.
28. More recently, in 2023, our application to ECan for consent to afforest select areas of class 6 and 7 land on our property required a significant level of engagement in the consideration of cultural effects of that activity, including on the Rock Art sites. Through public notification, a submission was received from Aukaha Consultancy on behalf of Te Rūnanga o Waihao, recommending;
- (a) Rock Art sites are included as a management area in the Farm Environment Plan for the property, and appropriate management strategies and outcomes are developed following advice from the Ngāi Tahu Māori Rock Art Trust.
 - (b) Stock exclusion from the Rock Art sites.

- (c) Management of irrigation to avoid adverse effects i.e. buffer zones, management of spray drift in relation to wind conditions.
29. No submission was made on the application by Te Rūnanga o Arowhenua or AECL.
30. The concerns raised on behalf of Te Rūnanga o Waihao were already addressed within the afforestation consent application and our Consent to Farm/FEP, and just prior to the scheduled hearing, their submission position was revised from 'oppose' to 'neutral', and the consent was granted by the Independent Commissioner outside of a hearing.
31. The line item cost "Tangata Whenua advice" passed on to us by ECan to be issued a consent to afforest was \$4474+GST. Additional ECan and legal costs of approximately \$3000 were incurred in preparation for a Hearing, which did not occur following the late change of position of Te Rūnanga o Waihao.
32. The PDP SASM 300m setback is 36 times more conservative (in terms of land area) than that recommended by the Māori Rock Art Trust, which was a 50m setback to manage irrigation effects. The recommendations set out in the Te Rūnanga o Waihao's submission concerning our forestry consent mirrored much of the advice from the Māori Rock Art Trust.
33. These assessments and controls occurred outside of any Territorial Authority (i.e. TDC) rule or other plan provision, and specifically nowhere near the 300m radius as proposed by TDC's SASM provisions (as notified) to control possible adverse effects. No controls were recommended to adjust our farming activities in respect of sacred values within the 300m radius of rock art sites.
34. All farms with 20 or more hectares require Freshwater Farm Plans, legislated under the Resource Management (Freshwater Farm Plans) Regulations 2023 and RMA Part 9(A), and this will be implemented over coming years. These Plans will consider and reflect tangata whenua values, which clearly includes the values of sites/areas of cultural importance and mitigations required for their protection that are addressed within the SASM Chapter provisions.

There is inconsistency in the information and detail recorded in relation to the specific sites/areas and the cultural heritage values that are to be protected.

35. The extents of the SASM boundaries were generated through applying a broad-brush radius of typically 300m from a rock art site, an area of 28 hectares. Land being included within the SASM boundaries, versus not, has very significant implications, and therefore warrants sufficient justification.
36. The radius methodology, somewhat justified by the reports included as appendices in the s42A report for this hearing is not substantive through association with radial setbacks and quantitative assessment, and is therefore is broad brush desktop based. Given for example, the following environmental/geographical factors are not considered for each specific site; predominant wind, terrain, elevation, existing biodiversity, local hydrogeology (water table depth, rainfall). Of course, each rock art site will have different values and factors, and therefore different controls to manage effects of activities near them. Through assignment of a broad brush radius defining an area, the onus is put on individual farmers to prove the effects are managed, when in most cases, there will be no effect to manage, given the areas are ill defined. Farmers/landowners will bear the cost of this determination.
37. The decay of the visibility of rock art sites is occurring naturally of course. Through farming, and modern fire control mechanisms, the prevalence of fires has reduced on our property over past centuries. Fires are a known threat to rock art sites and the alternatives to the use of fires as a traditional hunting method, are replaced with more sustainable methods of providing for nutritional requirements.

OFFICER'S REPORT

38. I support the amendments suggested by the s42A Reporting Officer where they are supported by the Limestone Group.
39. The Reporting Officer recommends the boundary of SASM associated with rock art sites be decreased by 50m (page 37 at [8.2.25]). This is stated as being required to provide a 250m buffer from the rock art sites. As I have outlined earlier in my evidence , the 300m buffer used in mapping the boundaries of SASMs as notified is arbitrarily defined, and therefore so is 250m.

40. The Reporting Officer accepts that it is inefficient to require resource consent for earthworks within SASM but outside of SNA, provided that an Accidental Discovery Protocol (**ADP**) is applied unless an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga (**HNZPT**) (page 71 at [8.9.27]). I support that position. For a farming operation, where underground services such as water, power and drainage support animal health and environmental health, the consenting process required by the PDP (as notified) would have major consequences for ensuring animal health (i.e. repairing a waterline in a timely manner such that animals can remain hydrated or repairing a blocked drainage line or culvert otherwise resulting in surface runoff and/or flooding, installation of new troughs, more efficient irrigation system etc), if a resource consent was to be required. Given most landowners' understanding of the importance of SASM, adherence to the ADP is something that they can achieve and requires various steps to be taken that they would do anyway (and have done in the past) in the event that items of potential cultural significance were discovered when earthworks are being undertaken.
41. I acknowledge that the s42A Officers report provides some relief to the Limestone Group's submission, for example:
- (a) The removal and amendment of rules that duplicate matters addressed elsewhere in the PDP or other regulations (e.g., regional plans and statutes) (page 63, at [8.8.25]);
 - (b) To expressly provide for earthworks for the purpose of repairing or replacing existing fences, pipelines and buildings within the footprint or area of ground previously modified (page 75, at [8.9.36] – amendments to SASM-R1).
 - (c) Confirmation that the SASM rules for earthworks do not apply to cultivation (which is exempted from the PDP's definition of earthworks) (page 69, at [8.9.18]).
 - (d) Allow the use of our property to host temporary events such as horse treks, walking groups and weddings.
42. However, it continues to over regulate a problem (i.e., effects on SASM) that on the evidence presently available to the Panel does not exist.

CONCLUSION

43. The SASM chapter as notified should be greatly simplified, owing to already existing protections offered through other consent triggers in existing Regional Council Plans, Rock Art Management Areas, Farm Environment Plans, Freshwater Farm Plans, Heritage New Zealand Pouhere Taonga Act 2014 and of course individual landowner custodianship, which I have provided evidence to demonstrate. Outcomes would be achieved through collaboration outside of statutory planning and consenting processes, and the SASM provisions seek to manage effects which are already managed.
44. The s42A report's detail of the overwhelming opposition to the proposed SASM provisions, including SASM overlays, supports the most minimalist approach required to give effect to RMA Section 6(e).
45. The SASM provisions go well beyond the controls recommended by the Rock Art Trust, Te Rūnanga o Waihao, Pou matai ko representatives, in relation to consented activities on our property, specifically, farming, irrigation and afforestation. Specific protection for rock art sites concerning irrigation should not exceed that required for our Consent to Farm, i.e. 50m irrigation setback and 1.5m stock set-back. Concerning sacred values within the SASM's identified on our property outside of the rock art sites themselves, no such values have ever been identified in our communications with cultural consultants, or as being affected, for example, through accidental discovery as a result of soil disturbance.
46. The most important consideration is that landowners, through their interest and respect of mana whenua values (as I have detailed has been the case, even in the absence of any regulatory framework), have and are willing to collaboratively work with Rūnanga on discovery of, or detailing past discovery of, sites and areas of significance to Māori.
47. The TDC's process to arrive at the notified PDP SASM chapter has likely damaged landowners' interest in collaboration, willingness to disclose accidental discoveries, and support of research activities. To achieve the desired outcomes, TDC has lead the pathway that there is nothing left but to rely on statutory planning and consenting processes, and the reliance on obtaining legal access to private property in the absence of landowner

permission (which can of course be prevented in the interests of health and safety), alongside a significant enforcement effort for the notified rules to be complied with. This leads to an untidy, undesirable situation for all parties, and ultimately demonstrates the failure, and missed opportunity, of the PDP SASM chapter.

John Benjamin Evans

23 January 2025