

Before the Independent Hearing Panel
Appointed by the Timaru District Council

Under	Schedule 1 of the Resource Management Act 1991 (RMA)
In the matter of	Submissions on the Proposed Timaru District Plan
Between	Various
	Submitters
And	Timaru District Council
	Respondent

Liz White – Hearing E - s42A summary statement

Sites and Areas of Significance to Māori and Māori Purpose Zone

4 February 2025

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Introduction

- 1 My name is Liz White. I am a self-employed independent planning consultant (Liz White Planning). I prepared the s42A report on the Sites and Areas of Significance to Māori and Māori Purpose Zone provisions. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to my s42A report. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this summary is to provide the Panel and submitters with the following:
 - (a) Brief summary of key issues raised in submissions;
 - (b) Corrections I wish to make to my s42A report;
 - (c) A list of issues raised in evidence prior to the hearing, including identifying (where possible):
 - (i) issues that are resolved on the basis of the pre-circulated evidence; or
 - (ii) issues that remain outstanding pending the hearing of evidence; and
 - (d) Updates to the recommendations contained in my s42A report.

Summary of key issues

- 3 In my s42A report, I identified the following matters as the key issues raised in submissions:
 - (a) The justification for the extent of SASMs;
 - (b) Changes requested to the mapping of SASMs, including removal of SASMs, reduction in their size and amendment of specific boundaries;
 - (c) Concerns about the consultation process with property owners affected by SASMs;
 - (d) Clarity sought on the values of each SASM and the threats to those values;
 - (e) The relationship and engagement between landowners/ submitters and Rūnanga around SASMs;

- (f) Concerns about the impact of the rules in the SASM Chapter on landowners, including:
 - (i) The extent of the rules applying to earthworks; and
 - (ii) The restrictions imposed on intensively farmed stock.
 - (g) The provision/expectation for access across private land;
 - (h) The requirement to submit a form prior to commencement or earthworks;
 - (i) The extent of the MPZ; and
 - (j) The extension of MPZ provisions to all Māori landowners.
- 4 Of the above, I note that those that appear to remain outstanding, with respect to the evidence lodged, are:
- (a) The justification for the extent of SASMs;
 - (b) Changes requested to the mapping of SASMs, particularly in terms of the size of SASMs which relate to Māori Rock Art;
 - (c) Concerns about the consultation process with property owners affected by SASMs;
 - (d) Clarity sought on the values of each SASM and the threats to those values;
 - (e) The relationship and engagement between landowners/ submitters and Rūnanga around SASMs;
 - (f) Concerns about the impact of the rules (particularly future rules) in the SASM Chapter on landowners;
 - (g) The provision/expectation for access across private land; and
 - (h) The extension of MPZ provisions to all Māori landowners.
- 5 In addition to the key issues that were identified in the s42A report, I note that the following matters raised in submissions are further addressed in evidence:
- (a) Including reference to existing use rights in the provisions;
 - (b) Excluding farm quarries from the mining and quarrying rule (SASM-R5) and woodlots from the forestry-related rule (SASM-R8);

- (c) Including policy direction relating to subdivisions within SASMs;
- (d) Cross-refencing to the SASM Chapter in other chapters across the PDP;
- (e) Adding matters of control or discretion to allow consideration of Ngāi Tahu values in relation to specific activities that may be located outside SASMs;
- (f) Adding reference to rakatirataka and kaitiakitaka in SASM-O1;
- (g) The specific drafting of SASM-P5.2.d; and
- (h) The requirement to install a 45,000 litre tanks for new builds in the MPZ.

Corrections to my s42A report

- 6 In para 8.17.16 of the s42A report I recommended that SASM-R8 be amended so as not to apply to shelterbelts (but to continue to apply to woodlots and plantation forestry). The reasons for this are set out in para 8.17.12. However, as noted by Ms Thomas and Mr Anderson¹, in the s32AA analysis following the recommendation (in para 8.17.17) I referred to an exclusion for woodlots. This is an error, and para 8.17.17 should refer to shelterbelts.

List of resolved and outstanding issues

- 7 A list of issues that are either resolved on the basis of pre-circulated evidence, or that remain outstanding pending the hearing of evidence, is attached at **Appendix A** in order to assist the Panel.

Updates to recommendations

- 8 I have not provided a preliminary view on all outstanding matters at this time, as I wish to hear the evidence and the Panel questions before I provide updated recommendations. I understand that I will have the opportunity to provide a formal response to the matters heard at the hearing.
- 9 However, at this stage, based on the evidence lodged, I consider the following to be appropriate:

¹ Evidence of Rachel Thomas and Greg Anderson, para 66

- (a) Updating the Accidental Discovery Protocol (Appendix 4) to address the concerns raised by Ms Baird² (noting that I am liaising with Ms Baird on the specific wording).
- (b) Amending SASM-P5, as sought by Ms McLeod³, to refer to the separate policy relating to the National Grid, that has been recommended to be included in the Energy & Infrastructure chapter (by the s42A Officer for that chapter). I consider that the same addition should be made to SASM-P7. This ensures integration with the recommendations made in relation to the Energy & Infrastructure chapter, and is consistent with similar additions I have recommended to other district-wide chapters made in Hearing D (e.g. to NFL-P3).
- (c) Adding reference to the benefits of regionally significant infrastructure to the matters of discretion. I agree with Ms McLeod⁴ that while I did not find policy support for this in EI-P2, there is other policy direction in the PDP as well as in higher order documents which does support this consideration.
- (d) Adding a note regarding public access to the Introduction to the SASM Chapter. Ms Thomas & Mr Anderson note that in a draft of the Waitaki District Plan, it is proposed to include a note stating that the provisions contained in a chapter (I assume it is the SASM Chapter although this is not stated) do not override the provisions in the Trespass Act 1980, and that there is no general right of public access across private land. They recommend that such an explanatory note is included in the SASM Chapter.⁵ While I do not think such a note is necessary, I see no harm in its inclusion. I have also considered where such a note would best fit, as it applies more broadly than just the SASM Chapter, and could therefore be included in the more general sections which set out how the Plan works. However, given the content in the SASM Chapter specific to access, I am comfortable with its inclusion in the SASM Chapter specifically.
- (e) Adding matters of control or discretion to those activities that have been identified by Ms Pull⁶. I am comfortable that Ms Pull has undertaken an assessment of rules that are the subject of this

² Evidence of Arlene Baird, paras 13.1-13.3.

³ Evidence of Ainsley McLeod, para 71.

⁴ Evidence of Ainsley McLeod, paras 72 – 80.

⁵ Evidence of Rachel Thomas and Greg Anderson, paras 22-24.

⁶ Evidence of Rachel Pull, paras 46-48

hearing, to identify those which have the potential to cause adverse effects on cultural values, whether located within an SASM or not, and where other matters of discretion do not allow for consideration of such effects. I suggest that the matter of discretion is worded along the lines of what was originally sought in the submission, as follows: *“the potential adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, and any measures to avoid, remedy or mitigate adverse effects”*.

- (f) Reinstating “possible” rather than “practicable” in SASM-P5 as sought by Ms Pull⁷, on the basis that these clauses weaken the application of the policy to activities other than infrastructure. For completeness I note that the original change was sought by Transpower, and is supported by Ms McLeod⁸. However, the recommended drafting of the policy is such that the relevant clauses ((2)(d)(i) and (ii)) do not apply to infrastructure, with clause (2)(d)(iii) applying instead – in other words, the recommended reinstatement would not apply to infrastructure.
- (g) Adding a further matter of discretion to EW-S2, as sought by Ms Pull⁹, to allow for consideration of effects on cultural values when the permitted depth for earthworks is exceeded, whether located within an SASM or not.
- (h) Amending SASM-R8 to apply to ‘commercial forestry’ rather than ‘plantation forestry’, which I now understand from Ms Pull’s evidence was what was referred to in the TRoNT submission¹⁰. This ensures that the rule aligns with the terminology used in the National Environmental Standards for Commercial Forestry, and better reflects that the potential effects on Māori Rock Art sites arises from changes to the freshwater environment which arise from planting, not harvesting. Expanding the rule to cover all commercial forestry – which includes exotic continuous-cover forestry as well as plantation forestry – better ensures the effects are appropriately managed to protect the integrity of these sites. A corresponding definition of ‘commercial forestry’ and in turn ‘exotic continuous-cover forestry’, taken from the NES-CF would also need to be added to the PDP.

⁷ Evidence of Rachel Pull, paras 101-106

⁸ Evidence of Ainsley McLeod, para 70.

⁹ Evidence of Rachel Pull, paras 108-109.

¹⁰ Evidence of Rachel Pull, paras 112-117..

- (i) Reduction in size required for potable water storage in MPZ-S4,¹¹ on the basis that 30,000 litres is sufficient to ensure a reliable water supply¹², and requiring a large supply would frustrate the rebuilding of homes on land in this zone, given the current circumstances in this area.

Liz White
4 February 2025

¹¹ Evidence of Elizabeth Stevenson, paras 13, 24, 28, 121-123 & 130.

¹² Appendix M of the Evidence of Elizabeth Stevenson.

APPENDIX A

Status of issues raised in evidence – Sites and Areas of Significance to Māori and Māori Purpose Zone – Hearing E

Notes:

- 1 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing E. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing E.*
- 2 *Status: An asterisk (*) against the status denotes where I have made an assumption based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 3 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing E. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*
- 4 *Orange shading identifies matters still outstanding. Light orange shading identifies matters partially resolved only.*

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Policy direction in terms of the use of other engagement methods such as FEP and landowner/occupier awareness of the relevant cultural values.	SASM-P2, SASM-P5, SASM-P8	Resolved	Rangitata Dairies [44] - Statement of Justin O'Brien, paras 5-8.
Enabling the repair of irrigation and house water pipelines and cables and reinstatement of existing farm infrastructure following a flood event.	SASM-R1	Resolved	Rangitata Dairies [44] - Statement of Justin O'Brien, para 9.
Opposed to regulating intensively farmed stock with the wai taoka overlay	SASM-R6	Resolved	Rangitata Dairies [44] - Statement of Justin O'Brien, para 10.
Rules relating to temporary recreational (jet boating) events	SASM-R4	Resolved	Jet Boating [48] – Evidence of Malcolm Smith, paras 10-21.
Application of the defined term for 'site' being used in SASM chapter.	Whole chapter	Resolved	Heritage NZ [114.30] – Evidence of Arlene Baird, paras 8.1-8.2

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
The HNZPT ADP is more appropriate and should be adopted, or amendments made to address the identified potentially problematic issues with Appendix 4.	APP4	Resolved* - based on recommended change above	Heritage NZ [114.48] – Evidence of Arlene Baird, paras 13.1-13.3
The inclusion of a cross-reference to Policy EI-PX in Policy SASM-P5	SASM-P5 & SASM-P8	Resolved* - based on recommended change above	Transpower [119.67] – Evidence of Ainsley McLeod, para 71
Inclusion of a further Matter of Discretion in the relevant SASM rules to provide for consideration of the benefits of regionally significant infrastructure	Matters of discretion	Resolved* - based on recommended change above	Transpower [119.69] – Evidence of Ainsley McLeod, paras 72 - 80
Exclusion of Clandeboyne site from SASM-R1	SASM-R1	Resolved	Fonterra [165.79] – Evidence of Susannah Tait, para 7.1
General support for SASM provisions	SASM chapter	Resolved	Dir. General Conservation [166.28] – Evidence of Elizabeth Williams, page 11
Extent of SASM overlays in relation to landholding Intensively farmed stock rule	Mapping of SASMs SASM-R6	Resolved	Fenlea Farms [171.27, 171.28, 171.31] – Legal submissions, paras 3-6
Policy direction relating to recognising impact of access on existing rural activities	SASM-P4	Resolved	Fenlea Farms [171.29] & Rooney, A J [177.11] – Legal submissions, para 7
Include recognition of existing rural use of sites in policy direction	SASM-P8	Partially Resolved – based on recommendations to rules in s42A report	Fenlea Farms [171.30] & Rooney, A J [177.12] – Legal submissions, paras 8-12

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Accepts recommendations on submissions points	SASM-R1, SASM-R2, SASM-R3, SASM-R6	Resolved	Alliance Group [173.6, 173.45-49, 173.151] – Letter of Doyle Richardson
Accepts recommendations on submissions points	SASM-O2, Policies, SASM-R2	Resolved	OWL [181.58-60] – Evidence of Julia Crossman, para 3.3(b)
The extent of SASM mapping and the impact on property values	Mapping of SASMs	Outstanding	Federated Farmers [182] - Evidence of Rachel Thomas and Greg Anderson, paras 7-12
The reliance on the RMA to provide for existing use rights rather than clarifying this requirement within the PDP. Include new policy recognising grazing and farming activities that have not increased their scale of intensity of effects.	SASM-O1, explanatory note, SASM-O3, SASM-P6, New Policy	Outstanding	Federated Farmers [182.79-81, 182.83, 182.89] - Evidence of Rachel Thomas and Greg Anderson, paras 13-16, 25-26, 37-38 & 42-44
Lack of a statement within the PDP to clarify that access to a SASM requires landowner consent	SASM-O2, explanatory note, SASM-R4	Partially Resolved* - based on recommended change above	Federated Farmers [182.82, 182.95] - Evidence of Rachel Thomas and Greg Anderson, paras 17-24 & 51-52
Add reference to consultation with landowners into the policy direction relating to identification of SASMs	SASM-P1	Outstanding	Federated Farmers [182.84] - Evidence of Rachel Thomas and Greg Anderson, paras 29-31
Accepts recommendations on submissions points	SASM-P2, SASM-P3, SASM-P4, SASM-P5, SASM-P7, SASM-P8, SASM-R1, SASM-R2, SASM-R3, SASM-R6	Resolved	Federated Farmers [182.85-88, 182.90-94] - Evidence of Rachel Thomas and Greg Anderson, paras 32-36, 39-41, 45-50 & 57-60
Exclude farm quarries from SASM-R5	SASM-R5	Outstanding	Federated Farmers [182.96-97] - Evidence of Rachel Thomas and Greg Anderson, paras 53-56

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Approach to managing subdivisions within SASMs	SASM-R7 (or new policy)	Outstanding	Federated Farmers [182.98] - Evidence of Rachel Thomas and Greg Anderson, paras 61-63
Remove application of rule to woodlots, or change activity status for these to discretionary	SASM-R8	Outstanding	Federated Farmers [182.99] - Evidence of Rachel Thomas and Greg Anderson, paras 64-67
'Papakāika' definition should be extended to refer to buildings associated with any activity on Māori land	'Papakāika' definition	Outstanding	Te Tumu Paeroa [240.3] - Joint Statement of The Māori Trustee and Ngāi Tahu, Appendix A
Add references to Māori landowners	SASM-O2, SASM-P3	Resolved – on the basis that the submission points are to be withdrawn	Te Tumu Paeroa [240.6-7] - Joint Statement of The Māori Trustee and Ngāi Tahu, Appendix A
Add reference to 'enabling Māori land' in the introduction to the MPZ Chapter, MPZ-O1, MPS-O2 and MPZ-P1	Introduction to MPZ, MPZ-O1, MPZ-O2, MPZ-P6	Outstanding	Te Tumu Paeroa [240.9] - Joint Statement of The Māori Trustee and Ngāi Tahu, Appendix A
Add statement in Introduction of each chapter reminding plan users to consider other chapters	Plan-wide, Introduction to SASM Chapter	Outstanding	TRoNT [185.7, 185.90-91] – Evidence of Rachel Pull, paras 34-38 & 92
Add a matter of control or discretion to allow consideration of Ngāi Tahu values	EI-R22, EI-R26, EI-40, SW-R6	Partially Resolved* - based on recommended change above	TRoNT [185.8, 185.89] – Evidence of Rachel Pull, paras 39-48
Accepts recommendations on submissions points	Various, including SASM-O2, SASM-O3, SASM-P4, SASM-R7	Resolved	TRoNT [185.1, 185.3, 185.7, 185.8, 185.36-37, 185.87, 185.97, 185.93-95, 185.99-104,] – Evidence of Rachel Pull, paras 86-91 & 96-100, 107 & 110-111 & 118
Add reference to rakatirataka and kaitiakitaka	SASM-O1	Outstanding	TRoNT [185.92] – Evidence of Rachel Pull, paras 93-95

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Amend to retain more of the level of protection of SASM values that was in the notified version of these policies	SASM-P5, SASM-P8	Partially Resolved* - based on recommended change above	TRoNT [185.96] – Evidence of Rachel Pull, paras 101-106
Add matter of discretion to EW-S2 to allow consideration of Ngāi Tahu values for when depth of earthworks is exceeded	SASM-R1	Resolved* - based on recommended change above	TRoNT [185.98] – Evidence of Rachel Pull, paras 108-109
Ensure that rules relating to plantation forestry in proximity to rock art sites applies to forestry that is not intended to be harvested (e.g. planted for carbon credits)	SASM-R8	Resolved* - based on recommended change above	TRoNT [185.105] – Evidence of Rachel Pull, paras 112-117
Amend the SASM chapter to provide a linkage to EI-O2 and EI-P2 to ensure regionally significant infrastructure can locate in SASMs where there is a functional or operational need to be in that location	SASM-P5	Resolved	KiwiRail [187.53] – Statement of Michelle Grinlinton-Hancock, page 9
The requirement to install a 45,000 litre tank for new builds in the MPZ should be reduced to 30,000 litres.	MPZ-S4	Resolved* - based on recommended change above	Te Kotare [115] & Waipopo Huts [189] – Evidence of Elizabeth Steveson, paras 24 & 28, 121-123, 129, 130
Accepts recommendations on submissions points	Zoning of Waipopo & Te Kotare land MPZ provisions not otherwise addressed	Resolved	Te Kotare [115] & Waipopo Huts [189] – Evidence of Elizabeth Steveson, paras 114-119, 124-125, 128, 131
Size of rock art SASMs	Mapping of SASM-8 & SASM-9	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of John Evans, paras 23-37 & 39
Accepts recommendations on submissions points	SASM-R1	Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of John Evans, para 40

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
General regulation within SASMs – some relief provided through s42A recommendations, but still over-regulates effects on SASMs, when taking into account other existing protections / consent triggers	SASM rules	Partially Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of John Evans, paras 41-42
Accepts recommendations relating to changes to rules	SASM rules	Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Gerald Hargreaves, paras 9-10
Remain concerned about the extent of the SASM overlay on property and the process that TDC followed, including lack of landowner involvement in mapping	SASM mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Gerald Hargreaves, paras 10-17
Re-start SASM process	Whole chapter and mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of James Hart, paras 17
If SASM process not re-started, reduce rock art SASMs to a 10m setback from rock art site, detail the values of individual SASM sites and threats to those values in the PDP and make other changes set out in legal submissions	Whole chapter and mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of James Hart, paras 18, 36-42
Some relief provided through s42A recommendations, but seeks a reduction in rock art SASMs to a 10m setback from rock art site, with a larger 50m buffer for some activities such as irrigation, large-scale earthworks and specific land disturbance activities	Whole chapter and mapping	Partially Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Mark Chamberlain, paras 7-8, 29
Remain concerned about the process that TDC followed, including lack of landowner involvement in mapping	SASM mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Mark Chamberlain, paras 23, 31

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
Accepts recommendations on submissions points relating to temporary events in SASM-9	SASM-R4	Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Mark Chamberlain, para 32
Some relief provided through s42A recommendations, but remain concerned about the extent of the SASM overlay on property and its inconsistency with other existing regulations protecting rock art sites. Considers that a 10m setback from rock art site is sufficient.	Whole chapter and mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of James Fraser, paras 10, 26-41