

FURTHER SUBMISSION ON THE PROPOSED TIMARU DISTRICT PLAN

15 March 2024

To: Timaru District Council,
P O Box 522,
Timaru
Attention: Proposed District Plan Submission
Submission lodged by email – pdp@timdc.govt.nz

Name of person making further submission:

Te Rūnanga o Ngāi Tahu (**Te Rūnanga**).

These are further submissions in support or opposition to submissions on:

The proposed Timaru District Plan.

1. Te Rūnanga **could not** gain an advantage in trade competition through this submission.
2. Te Rūnanga **wishes** to be heard in support of its submission.
3. If others make a similar submission, Te Rūnanga **will** consider presenting a joint case with them at a hearing.

We are a representing a person who has an interest in the proposal that is greater than the general public has.

- 1.1 This response is made on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**).
- 1.2 Te Rūnanga is the statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the TRONT Act.
- 1.3 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Te Rūnanga is responsible for managing, advocating and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.
- 1.4 Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses.

1.5 Te Rūnanga respectfully requests that the Panel accord this response with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 80,000 registered iwi members, in a takiwā comprising the majority of Te Waipounamu.

We support or oppose the submission points set out in Schedule One.

The reasons for our support or opposition are also set out in Schedule One.

These further submissions are additional to those further submissions made in August 2023.

We seek that the submissions supported in Schedule 1 be allowed.

We seek that the submissions opposed in Schedule 1 be disallowed.

Additionally, we wish to stress that there are missing Rock Art Sites from the notified proposed Timaru District Plan. We acknowledge that due to the time and resource pressure you are under, it is highly unlikely that you can re-notify the Plan to include these sites. We also note that not including these sites creates a potential risk to Council and landowners who may then accidentally cause damage to these sites which are legally protected under the Heritage New Zealand Pouhere Taonga Act 2014 as well as the Resource Management Act 1991. Therefore we have further submitted on several submissions where you may have scope to consider the issue directly or provide for them to be included in a future plan change or on an individual basis through the resource consent process as an advice note.

Signature of person (s) making further submission



Fiona McQuade
General Manager – Strategy and
Environment,
Te Rūnanga o Ngāi Tahu

Date: 15 March 2024

Address for service:

Rachael Pull
Senior Environmental Advisor
Te Rūnanga o Ngāi Tahu
Email: TTW@ngaitahu.iwi.nz
Phone: 021 725 873

NOTE: We note that a copy of this further submission must be served on the original submitter within 5 working days after making the further submission to the local authority in accordance with Schedule 1, Clause 8A (2) of the Resource Management Act 1991.

Name of person making further submission: Te Rūnanga o Ngāi Tahu (Te Rūnanga)						
Original submission of:	Original submission Number:	The particular parts of the original submission I/we support /oppose are:	My/our position on the original submission is:	The reasons for my/our support/ opposition to the original submission are:	Allow or disallow	Give precise details
Timaru District Council	42.73	An area of the MPZ has inadvertently been left off the map in the Waipopo Area. The extent of the MPZ was intended to correlate to the former Māori Reserves (Native Reserve for Māori occupation or use). The map should be updated to include the correct extent of the former reserves.	Support	Support this submission as it improves clarity and the ability to achieve the statutory direction of the Plan.	Allow in full	Note this was incorrectly identified as disallow in the first lot of further submissions.
EJAPS Ltd	4.5	Considers that there is one set of rock drawings on property at Winchester Hanging Rock Road that has been fenced off for over 30 years and is protected. The submitters are unaware of any other rock drawings on their property, yet the mapping seems to suggest there are more. Amend the Planning Maps to more accurately depict the location of rock drawings in SASM9.	Support in part	Support the submission in regard to accurately mapping the rock art sites in the area and acknowledge the protection undertaken by the owner to date. There are several Rock Art sites not identified on the maps that may or may not be within the ownership of EJAPS Ltd. The inclusion of all Rock Art sites will improve the clarity of landowner's and Council legal obligations.	Allow in part	That the planning maps are amended to accurately depict all Rock Art sites.

EJAPS Ltd	4.3	Amend SASM7 to provide more accurate information on the areas of significance	Support in part	Support the submission in regard to accurately mapping the rock art sites in the area and acknowledge the protection undertaken by the owner to date. There are several Rock Art sites not identified on the maps that may or may not be within the ownership of EJAPS Ltd. The inclusion of all Rock Art sites will improve the clarity of landowner's and Council legal obligations.	Allow in part	That the planning maps are amended to accurately depict all Rock Art sites.
Lisa Zwarts	17.1	Amend the Wāhi Tapu Overlay relating to 807 Opihi Road, area be zoned SASM9 to reduce SASM9 to fit within the surveyed boundaries of the QEII covenant that is already in place to protect and define exactly where the rock art is situated on the property.	Support in part	Support the submission in regard to accurately mapping the rock art sites in the area and acknowledge the protection undertaken by the owner to date. There are several Rock Art sites not identified on the maps. The inclusion of all Rock Art sites will improve the clarity of landowner's and Council legal obligations.	Allow in part	That the planning maps are amended to accurately depict all Rock Art sites.

Logan King	21.1	Provide further information as to what is specifically significant within these areas and then adjust the areas to more accurately reflect these sites.	Support in part	Support the submission in regard to accurately mapping the rock art sites in the area and acknowledge the protection undertaken by the owner to date. There are several Rock Art sites not identified on the maps. The inclusion of all Rock Art sites will improve the clarity of landowner's and Council legal obligations.	Allow in part	That the planning maps are amended to accurately depict all Rock Art sites.
Rob Gerard	40.1	Amend ASW-R4 motorised crafts on Orāri River to remove restriction between March and August	Oppose	Oppose this submission as it does not achieve sections 5 or 6 of the RMA.	Disallow in full	No changes
King, Hillegers and McMillan	43.1	Considers 2 weeks advance notice of earthworks for the submission of an Accidental Discovery Protocol is too long and impractical for contractors.	Support in part	Agree there needs to be a balance between practicality of process and the identification of effects on SASM.	Allow in part	That alternatives to this rule that achieve its purpose and can be practically implemented are presented.

Rangitata Dairies Limited Partnership	44.12 44.13	<p>This policy relates to the protection of values of SASM, and lists a range of methods from the AEC report to protect the values. Landowners and occupiers may also be able to aid in the protection of the identified values through awareness of cultural values where appropriate. This may need to be balanced against the concerns the rūnanga have around the detailed information as to the specific location of sites.</p> <p>Notwithstanding, protection of values can be constrained if the affected persons do not know what they are (not necessarily locations)</p>	Support in part	Agree that landowners and occupiers need to be aware of and understand the identified values of the SASM.	Allow in part	That the discussion on how farmers and iwi can work together to protect the sites and values of the rūnanga continues.
Rangitata Dairies Limited Partnership	44.14	<p>Amend SASM-R1.2 for Wāhi taoka and Wai taoka overlay to:</p> <ol style="list-style-type: none"> 1. Enable the repair and re-instatement of existing irrigation systems, and house water pipelines as a permitted activity on the same basis as for stockwater systems. <p>AND</p> <ol style="list-style-type: none"> 2. Enable earthworks for remedial works to reinstate on a like for like basis farmland and infrastructure following a flood event as a permitted activity. 	Support in part	There is merit in this submission, however more details about what is being proposed is necessary before we could comment on if this would achieve the purpose of the rule.	Allow in part	That additional information is provided for consideration on what is being proposed (m2), scale of upgrade etc

Federated Farmers	182.84	<p>1. Amend SASM-P1 Involvement of Kāti Huirapa in resource management decisions as follows: Work with Kāti Huirapa to identify and list Sites and Areas of Significance to Kāti Huirapa in SCHED6- Schedule of Sites and Areas of Significance to Kāti Huirapa, and recognise and provide for the with landowners in consultation with the identified sites and areas, managing the resources inside that site in relationship building. Exercise rangitirataka by Kāti Huirapa in decisions made in relation to these sites and areas. AND 2. Any consequential amendments required as a result of the relief sought</p>	Oppose	Only mana whenua can identify SASM or its cultural significance.	Disallow	Only mana whenua can identify SASM. Relationship building is not a policy outcome that Council can control between landowner and iwi.
KiwiRail Holdings Limited	187.6	<p>Amend the definition of Noise Sensitive Activity as follows: Means <u>any lawfully established:</u> <u>a. residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga;</u> <u>b. Educational activity;</u> <u>c. health care activity, including hospitals;</u> <u>d. congregation within any place of worship;</u> <u>and</u> <u>e. activity at a marae.</u> a. Residential activities; b. Visitor accommodation; c. Educational facility; d. Healthcare activities; and e. Marae (building only).</p>	Oppose	The purpose of this rule is human health. It is only meant to apply to those activities that over a long term, could create adverse effects on human health. All activities at a marae is unreasonable. How are all activities at a marae any different than all activities at the property next to the marae?	Disallow	The expansion of the rule to all activities at a marae is unreasonable and unfairly singles out marae locations.

KiwiRail Holdings Limited	187.14	<p>Amend the definition of Sensitive Activity as follows: means:</p> <ol style="list-style-type: none"> 1. Residential activities; 2. Education facilities and preschools; 3. Guest & visitor accommodation; 4. Retirement Home; 5. 4. Health care facilities which include accommodation for overnight care; 5. 6. Hospitals; 6. 7. Community facility; 7. 8. Marae (building only) and papakāinga; or 8. 9. Place of assembly worship. 	Oppose	The expansion of this definition creates an additional financial cost on papakāinga/ community housing for Māori.	Disallow	The costs of noise mitigation should be the responsibility of the noise polluter – not the recipient.
KiwiRail Holdings Limited	187.53	Amend SASM Chapter to provide for Regionally Significant Infrastructure in sensitive areas.	Oppose	The relationship of Māori with their ancestral lands, waters and taonga is a matter of national importance. Regionally significant infrastructure needs to recognise and protect the values of these areas.	Disallow	SASM are unique taonga that cannot be replaced or relocated. Once they are destroyed they cannot be replaced. This is why they are identified as matters of national importance. RSI are regionally important and do have a lifeline function, however there are alternative locations/technologies that should be prioritised over using SASM and should only be located in SASM when it can be determined that the cultural effects are avoided, remedied or mitigated as much as feasibility possible.