

In the Environment Court
At Christchurch

ENV-2026-CHC-41

I te Kōti Taiao o Aotearoa
Ki Ōtautahi

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14(1) of Schedule 1 and section 274 of the RMA

Between **FEDERATED FARMERS OF NEW ZEALAND INCORPORATED**
Appellant

And **TIMARU DISTRICT COUNCIL**
Respondent

**NOTICE BY TE RŪNANGA O NGĀI TAHU OF WISH TO BECOME A PARTY TO
PROCEEDINGS**

Dated: 26 MAY 2026

Counsel instructed:

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**NOTICE BY TE RŪNANGA O NGĀI TAHU OF WISH TO BECOME A PARTY TO
PROCEEDINGS**

To: The Registrar
Environment Court
Christchurch

Introduction

1. Te Rūnanga o Ngāi Tahu (**TRoNT**) wishes to be a party to an appeal by Federated Farmers of New Zealand Incorporated (**Appellant**) against part of the Timaru District Council's decisions on the Proposed Timaru District Plan (**TDP**) (ENV-2026-CHC-41).
2. TRoNT made a submission about the subject matter of the proceeding. TRoNT either made a submission on the relevant provisions appealed, or the appeal points concern the same subject matter and issues that are prevalent throughout its submission.
3. TRoNT also has an interest in the proceedings that is greater than the interest that the general public has. The subject matter of the proceedings directly impact Sites and Areas of Significance to Māori and/or areas subject to Statutory Acknowledgements under the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**). As set out further below, TRoNT is the representative body for the Papatipu Rūnanga that hold mana and cultural interests in relation to those Sites and Areas.

Background

4. TRoNT is the statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Runanga o Ngai Tahu Act 1996 (**TRoNT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the Ngāi Tahu Act. TRoNT comprises 18 Papatipu Rūnanga o Ngāi Tahu.
5. The Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 identifies the relevant Papatipu Rūnanga for this proceeding to be Te Rūnanga o Arowhenua. The takiwā of Te Rūnanga o Arowhenua centres on

Arowhenua and extends from the Rakaia River in the north to the Waitaki River in the south, and thence inland to Aoraki and the Main Divide, extending over Timaru District in its entirety. Te Rūnanga o Arowhenua represents Kāti Huirapa.

6. TRoNT (on behalf of Te Rūnanga o Arowhenua) is a representative of Kāti Huirapa who are mana whenua and have a unique and abiding interest in the sustainable management of te taiao (the environment) within the Timaru District.
7. Kāti Huirapa holds rakatirataka over its takiwā and are grounded by their traditional kaitiaki relationship of te taiao. For Kāti Huirapa, kaitiakitaka derives from whakapapa and ahi kā which follows extensive occupation and use patterns. Kaitiakitaka is intergenerational, and in this context, it can be briefly summarised as being an active exercise of rights and responsibilities handed down by tūpuna (ancestors) to care and look after the natural resource and the environment.
8. TRoNT are not trade competitors for the purposes of 308C or 308CA of the RMA.

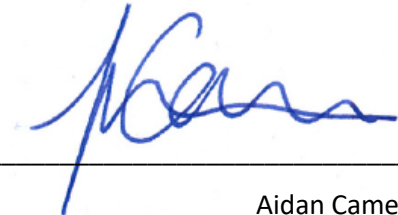
Interest in proceedings

9. The parts of the proceedings that TRoNT is interested in, its position on those appeals, and the reasons for that position are set out in **Appendix A**. In brief, TRoNT is interested in the appeal as it relates to the following particular issues:
 - (a) riparian margins;
 - (b) public access; and
 - (c) Sites and Areas of Significance to Māori (**SASM**).
10. More generally, where the relief sought is opposed, the relief:
 - (a) will not promote the sustainable management of natural and physical resources, and will not achieve the purpose of the RMA, in that it:

- (i) fails to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
 - (ii) does not safeguard the life-supporting capacity of air, water, soil, and ecosystems; and
 - (iii) fails to appropriately avoid, remedy, or mitigate adverse effects of activities on the environment;
- (b) is contrary to Part 2 of the RMA, including ss 6(e), 7 and 8;
 - (c) fails to take into account the provisions of the Iwi Management Plan of Kāti Huirapa – Rakaia to Waitaki;
 - (d) is not the most appropriate way to achieve the purpose of the RMA under section 32 of the RMA; and
 - (e) does not properly give effect to direction in relevant regional and national policy instruments.

11. TRoNT agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED 26 May 2026



Aidan Cameron
Counsel for Te Rūnanga o Ngāi Tahu

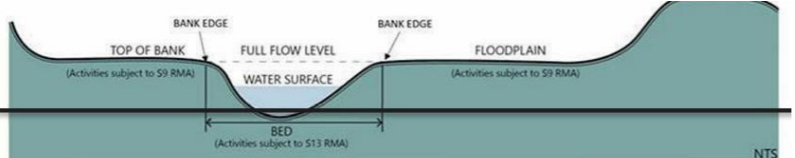
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Appendix A – Te Rūnanga o Ngāi Tahu position on Federates Farmers’ appeal

Appeal point #	Provision Appealed	Appellant Relief Sought (Shown in <u>underlined</u> and struck through)	TRoNT Position on relief and reasons
Part 1 – Interpretation			
1	Definition of Riparian Margin	<p>Federated Farmers seeks that the definition of ‘riparian margin be amended as follows:</p> <p>(a) <u>10m of the bank of that part of a river that is up to 3m wide (and is not listed in (c) below); and/or</u></p> <p>(b) <u>20m of the bank of that part of a river that is greater than 3m wide (and is not listed in (c) below); and/or</u></p> <p>(c) <u>20m 400m of the banks of the Rangitata; Ōpihi; and Ōrāri Rivers and of any wetland.</u></p> <p>50m of any wetland</p> 	<p>Oppose</p> <ul style="list-style-type: none"> The Ōrākipaoa wetland and Rakitata/ Rangitata River are subject to Statutory Acknowledgements under the Ngāi Tahu Claims Settlement Act 1998 (Schedules 49 and 55), and the proposed amendment would adversely affect recognised Ngāi Tahu interests. The amendment is inconsistent with the Kāti Huirapa Iwi Management Plan, which emphasises protection of waterbodies, wildlife corridors, and undisturbed river margins. It would undermine the recognition and protection of culturally significant landscapes, including ancient trails associated with the river. The proposal risks limiting the effective implementation of mana whenua objectives for the ongoing protection and management of wai tūpuna and associated taoka.
Part 2 – District-Wide Matters - Strategic Direction			
2	Objectives – Mana whenua-SD-O5	<p>Federated Farmers seeks that objective SD-O5 be amended as follows:</p> <p><i>The mana whenua status of Kāti Huirapa is recognised and their historic and contemporary relationship with the District’s land, water bodies and wetlands, coastal environment, and indigenous species is recognised and provided for by ensuring: ...</i></p> <p>4. <u>Kāti Huirapa retains, and where it can be undertaken safely and subject to the rights of landowners and any necessary agreements, is able to enhance access to their SASM; and ...</u></p> <p>6. <u>where it can be undertaken safely, and subject to the rights of landowners and any necessary agreements, Kāti Huirapa is able to carry out customary and cultural activities in accordance with tikaka; and ...</u></p>	<p>Oppose</p> <ul style="list-style-type: none"> There is no recognised legal or planning precedent to suggest such provisions would affect landowner property rights, including access. The amendment introduces inconsistency by applying this qualification to mana whenua provisions only, rather than across all Strategic Direction objectives (e.g. SD-O2 The Natural and Historic Environment, SD-O9 Rural Areas). Including it in isolation creates imbalance and undermines the coherence of the Strategic Direction framework.
Part 2 – District-wide matters – Historical and Cultural Values – Sites and Areas of Significance to Māori (SASM)			
3	SASM Overview	<p>Federated Farmers seeks the SASM Overview be amended by inclusion of the following text:</p> <p><i>As part of fulfilling its obligations under sections 6(e), 6(f), 7(a) and 8 of the RMA, the Council has developed this chapter (and provisions in other chapters) together with runaka for the purpose of managing activities that have potential adverse effects on the values of sites and areas that are significant to Kati Huirapa (SASM).</i></p> <p><u>SASM occur across a range of land tenures, including land in public and private ownership. The identification of SASM in this Plan recognises their cultural significance to Kāti Huirapa and does not, of itself, create a right of access to sites on private land. The protection and management of SASM is achieved through plan provisions and other mechanisms, and where SASM are located on private land, landowners have an important role in their ongoing stewardship. Any access to SASM on private land occurs with landowner agreement or is otherwise provided for through lawful mechanisms.</u></p> <p><i>Where an activity is proposed within a SASM which requires resource consent under another chapter in the District Plan ...</i></p>	<p>Oppose</p> <ul style="list-style-type: none"> The amendment introduces unnecessary clarification on private property access, which is already addressed through existing legal mechanisms. Access matters are more appropriately addressed in a Public Access chapter. The wording risks conflating cultural protection with property rights and diluting the focus of the SASM framework. Including the amendment relating to access over private land solely within mana whenua provisions risks inappropriately singling out Ngāi Tahu whānui, , where access for other opportunities (eg recreation, enhancement planting etc) is not addressed in the TDP.

Appeal point #	Provision Appealed	Appellant Relief Sought (Shown in <u>underlined</u> and struck through)	TRoNT Position on relief and reasons
4	SASM-O2	<p>Federated Farmers seeks objective SASM-O2 be amended as follows:</p> <p><i>Access to, and use of, resources and areas of cultural value by Kāti Huirapa, within identified SASM, for customary use and cultural purposes, is maintained and, where appropriate, enhanced, <u>without creating any expectation or requirement for access to private property other than in accordance with existing legal rights or with landowner consent.</u></i></p>	<p>Oppose</p> <ul style="list-style-type: none"> The amendment is unnecessary, as private property access is already addressed through existing legal frameworks and sits outside the scope of the RMA. There is no legal or planning precedent to suggest the objective in the Decisions Version creates any right of access to private land beyond existing lawful mechanisms. The additional wording is redundant and risks undermining the clarity and intent of the SASM framework. Including this amendment relating to access over private land solely within mana whenua provisions risks inappropriately singling out Ngāi Tahu whānui, where access for other opportunities (eg recreation, enhancement planting etc) is not addressed in the TDP.
5	SASM-P1	<p>Federated Farmers seeks that policy SASM-P1 be amended as follows:</p> <p><i>Work with Kāti Huirapa to identify and list SASM in SCHED6 - Schedule of Sites and Areas of Significance to Kāti Huirapa and recognise and provide for the exercise of rakitirataka by Kāti Huirapa in decisions made in relation to these sites and areas, <u>in a manner that supports collaboration with landowners.</u></i></p>	<p>Oppose</p> <ul style="list-style-type: none"> The amendment risks undermining the exercise of rakitirataka by Kāti Huirapa by shifting influence toward landowners in decisions on culturally significant sites. It inappropriately elevates landowner interests within a policy framework intended to recognise and provide for mana whenua values. It introduces inconsistency within the SASM framework by adding a qualification not applied to other provisions. It risks eroding the integrity of SASM identification by enabling non-mana whenua considerations to determine sites of significance to mana whenua. Consultation with landowners is already provided for through implementation processes (including through the Schedule 1 process) and does not need to be embedded in the policy. The existing provision is consistent with the RMA framework, which recognises the role of mana whenua in identifying and managing both SASMs and effects on cultural values more broadly.
Part 2 – District-wide matters – Subdivision (SUB)			
13	SUB-S2	<p>Federated Farmers seeks standard SUB-S2 be amended to remove the fifth matter of discretion as follows:</p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <i>any relevant matters of discretion for non-compliance with the stormwater standards in the Stormwater Management Chapter; and</i> <i>the extent to which stormwater runoff from the allotment may adversely affect adjoining properties; and</i> <i>any adverse effect on the need for a reticulated stormwater network; and</i> <i>the need for the stormwater network to be upgraded or extended in order for the allotments to be served;</i> <p><i>and</i></p> <ol style="list-style-type: none"> <i>the effects of the discharge on the values of Kāti Huirapa.</i> 	<p>Oppose</p> <ul style="list-style-type: none"> Removing this matter of discretion would significantly weaken the ability to assess and manage effects on Kāti Huirapa values, as a result of subdivision. It is inconsistent with the integrated management approach of the SASM framework, which requires cultural values to be considered alongside subdivision activities. It creates risk to culturally significant sites, including Māori rock art, by limiting consideration of stormwater effects on their integrity and wider cultural landscapes. The amendment prioritises infrastructure and servicing matters over recognised mana whenua values and Te Tiriti obligations. It reduces the ability to consider cumulative and downstream effects on wai tūpuna, waipuna, and mahika kai. The existing provision is necessary to give effect to sections 6(e), 7(a), and 8 of the RMA and should be retained.

Appeal point #	Provision Appealed	Appellant Relief Sought (Shown in <u>underlined</u> and struck through)	TRoNT Position on relief and reasons
14	SUB-S4	<p>Federated Farmers seeks standard SUB-S4 be amended to remove the third matter of discretion as follows:</p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> 1. <i>the need for a wastewater disposal system; and</i> 2. <i>the suitability of an alternative wastewater disposal system; and</i> 3. <i>the effects of the discharge on the values of Kāti Huirapa.</i> 	<p>Oppose</p> <ul style="list-style-type: none"> • Removing this matter of discretion would materially reduce the ability to assess and manage effects on Kāti Huirapa values, as a result of subdivision. • Those effects are not simply managed by controlling the effects of a discharge, but go to the appropriateness of subdivision that relies upon non-reticulated wastewater, including on Kāti Huirapa values. • It is inconsistent with the integrated management approach of the SASM framework, which requires cultural values to be considered alongside subdivision activities. • It creates risk to culturally significant sites, including Māori rock art, by limiting consideration of wastewater effects on their integrity and mauri. • The amendment prioritises servicing and infrastructure considerations over recognised mana whenua values and Te Tiriti obligations. • It reduces the ability to consider cumulative and downstream effects on wai tūpuna, mahika kai, and related environments. • The existing provision is necessary to give effect to sections 6(e), 7(a), and 8 of the RMA and should be retained.
Part 2 – District-wide matters – Natural Environment Values – Public Access			
15	Public Access Overview	<p>Federated Farmers seeks the overview be amended to include the following statement:</p> <p><u><i>For the avoidance of doubt, nothing in this chapter creates a right of access to private land. Any access to sites or areas on private land is to occur with the agreement of the landowner, except where access is provided for through a legal mechanism.</i></u></p>	<p>Neutral</p> <ul style="list-style-type: none"> • The proposed wording addresses access to private property, which is a non-RMA matter already governed by existing legal mechanisms. • If clarification on access is considered necessary, it is more appropriately located within a district-wide Public Access chapter to ensure consistent application across all provisions.