

BEFORE THE TIMARU DISTRICT COUNCIL

UNDER the Resource Management Act 1991

IN THE MATTER of the Proposed Timaru District
Plan – Hearing E: Infrastructure & Subdivision;
Cultural Values

STATEMENT OF EVIDENCE OF RACHAEL ELIZABETH PULL

ON BEHALF OF TE RŪNANGA O NGĀI TAHU

(Submitter 185)

22 January 2025

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INTRODUCTION

1. My name is Rachael Elizabeth Pull.
2. I hold the qualifications of a Bachelor of Environmental Management (majoring in policy and planning) and a Postgraduate Diploma in Resource Studies from Lincoln University. I have been a full member of the New Zealand Planning Institute since 2015. I have completed the Making Good Decisions course.
3. I am employed by Te Rūnanga o Ngāi Tahu (**Te Rūnanga**¹) as a Senior Environmental Advisor - Planning in Te Ao Tūroa team. I have been in this position since October 2022, supporting Papatipu Rūnanga with plan variations in Queenstown and the combined Te Tai o Poutini Plan.
4. I have over 15 years' experience in planning in New Zealand. I have worked for Whanganui, Far North and Thames-Coromandel District Councils as a planner, undertaking plan changes, bylaw and strategy development, resource consent drafting and processing, as well as monitoring and enforcement work.
5. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions.
6. My evidence primarily addresses the submissions of Te Rūnanga o Ngāi Tahu (submitter 185), who as a representative of Ngāi Tahu Whānui in this process seek to express the views of Te Rūnanga o Arowhenua who are

¹ Te Rūnanga o Ngāi Tahu utilise the general 'ng' dialect as Te Rūnanga represent all Ngāi Tahu rūnanga and the use of the 'k' dialect is limited to the southern rūnanga only.

mana whenua of the Timaru District and are referred to in my evidence as **Ngāi Tahu**² for readability purposes. I contributed to the primary submission and further submissions on the Plan.

7. When referring to provisions within the proposed Timaru District Plan (**the Plan**) relating to Te Rūnanga o Arowhenua I have used the term of **Kāti Huirapa** for readability purposes.
8. My planning evidence is to be read in conjunction with the cultural evidence of Mr John Henry. I have also filed evidence for Ngāi Tahu in relation to the Timaru District Plan hearings on Introduction/General Provisions and Strategic Direction (dated 19 April 2024) and Natural Environment (dated 22 October 2024).
9. The key documents I have referred to in drafting this brief of evidence are:
 - (a) The Resource Management Act 1991 (**RMA**);
 - (b) Te Rūnanga o Ngāi Tahu Act 1996 (**TRoNT Act**);
 - (c) Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**);
 - (d) Iwi Management Plan of Kāti Huirapa 1992 (**IMP**);
 - (e) National Planning Standards 2019 (**NPS**);
 - (f) Canterbury Regional Policy Statement 2013 (**CRPS**);
 - (g) Proposed Timaru District Plan Section 42A report: Energy and Infrastructure, Stormwater and Transport, Andrew Willis circulated 11 December 2024; and
 - (h) Proposed Timaru District Plan Section 42A report Subdivision and Development Areas, Nick Boyes circulated 11 December 2024; and

² For consistency, this evidence will be written with the 'Ng' dialect, except when referring to a direct plan provision, where the local 'K' dialect will be used. E.g.: Ngāi Tahu/Kāi Tahu

- (i) Proposed Timaru District Plan Section 42A report: Cultural Values - Sites and Areas of Significance to Māori and Māori Purpose Zone, Liz White circulated 11 December 2024; and
- (j) Proposed Timaru District Plan Section 42A report: Cultural Values - Historic Heritage and Notable Trees, Andrew Maclellan circulated 11 December 2024.

SCOPE OF EVIDENCE

10. My evidence:

- (a) Outlines the key themes raised in the submission and further submissions by Ngāi Tahu, including the RMA framework, relationship between mana whenua and the Crown and rangatiratanga.
- (b) Acknowledges Ngāi Tahu general support for the Plan and the process as a whole;
- (c) Provides clarification of submission points for the hearing topics; and
- (d) Addresses the recommendations in the section 42a reports where they deviate from the Ngāi Tahu submission.

SUMMARY

- 11. In relation to the Plan, Ngāi Tahu made a submission and further submissions in general support of the notified version except where specific changes were requested. The submission generally sought to retain the notified version of the provisions but provided some further refinement of identified provisions in order to achieve better integration of cultural values across the Plan.
- 12. The specific focus of the submission and further submission is to support Timaru District Council (**the Council**) in recognising and providing for Ngāi Tahu values relating to te taiao (the natural environment). As kaitiaki, Ngāi Tahu have the responsibility to ensure that the Ngāi Tahu takiwā is left to the future generations in a better state than it currently is.

13. Overall, I generally agree with proposed direction set out in the section 42a reports prepared for this hearing and the direction within. I have however, made comment on identified provisions where the Hearings Panel (**Panel**) may wish to consider other factors.
14. A full summary of the Ngāi Tahu submissions that are in relation to this hearing and the references to the section 42a reports are contained in **Appendix One** of this evidence. A full list of recommended changes can be found in **Appendix Three**.
15. I also attach in **Appendix Two** of this evidence a joint statement between Te Rūnanga and the Office of the Māori Trustee (Submitter 240). The two parties had submissions with opposing viewpoints. Outside the hearing process they have chosen to create a joint statement indicating where there is agreement and how they wish the Panel to interpret both submissions together.

RELEVANT STATUTORY DIRECTION

The Resource Management Act 1991 (RMA)

16. The evidence I filed in relation to the hearing one sets out the relevant statutory direction in the RMA and settlement legislation that underpins the relief sought by Ngāi Tahu³.
17. Particularly for this hearing, section 6(f) is relevant given Sites and Areas of Significance to Māori (**SASM**) sits within the definition of Historic Heritage in the RMA and 6(e) requires recognition and protection of the historic and contemporary relationship between Kāti Huirapa and the natural and spiritual world.
18. As noted in my previous evidence, this recognition and protection needs to apply across the Plan and not just to the SASM and Māori Purpose Zone (**MPZ**) chapters, as other provisions could erode this recognition and remove the protection that allows this relationship to flourish.

³

Paragraphs 15-38 Statement of Planning Evidence for Hearing One: Introduction and General Provisions and Strategic Direction prepared by Rachael Pull, dated 19 April 2024.

Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act)

19. In addition to what was provided in hearing one regarding the TRoNT Act, it is noted that the Waitangi Tribunal report on the legal personality (which became Te Rūnanga o Ngāi Tahu or TRoNT), clarified that TRoNT is the repository of the collective, but that rangatiratanga ultimately lies with the rūnanga:

“Ngai Tahu affirm that tino rangatiratanga resides ultimately in the papatipu rūnanga which comprise the runanganui.”⁴

20. Pursuant to section 10 of the TRoNT Act, the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 was made. The Schedule to that Order identifies that the only Papatipu Rūnanga who represent the Tāngata Whenua interests of Ngāi Tahu within the Timaru district is Te Rūnanga o Arowhenua.

21. This is again noted in the apology by the Crown in the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**) which states:

“The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.”⁵

22. As such, my evidence is written based on the understanding that rangatiratanga within the Timaru district is held by Te Rūnanga o Arowhenua.

⁴ Section 2.5 THE NGAI TAHU CLAIM: SUPPLEMENTARY REPORT ON NGAI TAHU LEGAL PERSONALITY WAI 27 Waitangi Tribunal 6 September 1991.

⁵ Section 6, subclause 7 Ngāi Tahu Claims Settlement Act 1998 (NTCSA).

Canterbury Regional Policy Statement (CRPS)

23. The RMA requires Environment Canterbury (**ECan**) to provide broad direction and framework for RMA issues within the region in its CRPS. It cannot contain rules. The Plan must give effect to the CRPS.

24. The operative CRPS (the proposed CRPS is due to be notified in 2026) provides direction for both the regional council and the district councils on matters relating to this hearing. The CRPS also states that the Council will:

“4.15 Include provisions for the relationship between Ngāi Tahu, their culture and traditions, and their ancestral lands, water, sites, wāhi tapu and other taonga within district plans”⁶.

25. As part of the process of drafting the s42a report for cultural values, the reporting officer has sought and referred to expert evidence from Mr John Henry and AEC Limited on behalf of Te Rūnanga o Arowhenua. I support this approach and encourage it to continue.

26. The CRPS also directs the Council to include methods within the Plan for the protection of Ngāi Tahu ancestral lands, water, sites, wāhi tapu and other taonga (section 4.16). This direction allows flexibility to the Council and manawhenua to tailor how this will occur.

27. The chapters and the objectives and policies within the CRPS are meant to be read together. Chapter 2- Issues of Resource Management Significance to Ngāi Tahu states in its introduction that the chapter is not read in isolation from the other CRPS chapters. Some of the issues identified in chapter 2 that are relevant to this hearing include:

- (a) Land-use and infrastructure (including policy and planning provisions for papakāinga zoning and housing); and
- (b) Historic heritage (including access and recognition of sites of cultural significance)

⁶ Page 41 Canterbury Regional Policy Statement. July 2021.

GENERAL COMMENTS

28. I note the Ngāi Tahu submission and further submission provide an overall high level of support for the Plan as notified. I note that the section 42a reports for this hearing largely aligns with the submission of Ngāi Tahu. The high degree of support likely reflects the continuing Council relationship with Kāti Huirapa when preparing the recommendations.
29. I have combined my evidence for the s42a reports to prevent repetition of parts of my evidence, along with headings for when the evidence is topic specific.
30. I am willing to meet with the reporting officers regarding this evidence if required for further clarification before the hearing or as part of caucusing after the hearing.

Missing Submission: Drinking water standards – DWP-R5

Submission no. 185.54

31. The submission seeks that rule DWP-R5 (which makes industrial activities and rural industry a non-complying activity within the Drinking Water Protection overlay) have a more permissive framework when applied to the Māori Purpose Zone (**MPZ**).
32. As stated in my evidence for Hearing A (paragraph 66), this overlay as notified restricts the purpose of the MPZ to enable Māori Land. Recognising that the protection of a healthy water supply is important, I recommend a restricted discretionary status for these activities within the overlay with matters of discretion similar to rule DWP-R2 so that any potential effects on the healthy water supply can be considered and the activity prevented if the effects are unacceptable, but also provide a pathway for the enablement of Māori Land.

33. This will be consistent with Part 2 matters (human health and cultural wellbeing) by recognising that Māori land is different from general land title⁷ and be consistent with the CRPS which seeks to enable Māori land⁸.

Cross referencing throughout the Plan

Submission no. 185.7

34. This submission applies across the Plan and seeks to insert cross references to other parts of the plan in order to guide Plan users. It is particularly relevant where there are district wide rules that will not show on the E-Map selection of relevant plan sections.
35. I agree with the s42a report that cross referencing in general is not an essential part of a District Plan and is not required by the National Planning Standards for manawhenua content. The National Planning Standards Mandatory Direction 5, states:
- “Tangata whenua/manawhenua content must be integrated throughout the policy statement or plan where the local authority determines it appropriate”*⁹.
36. One way to achieve manawhenua integration throughout the Plan is via cross referencing. Cross references do not have legal weight and are a type of advice note. They are designed to inform the Plan user, especially when they are a lay person and prevents repetition of rules in multiple chapters.
37. Within the Plan, a cross reference is recommended in the s42a report for the Historic Heritage chapter informing Plan users of the SASM chapter and where provisions of both chapters need to be considered where relevant. It is also required by the National Planning Standards regarding Infrastructure (District Wide Matters Standard, Mandatory Directions 6 & 7). Therefore, it is a format style consistent with this Plan.

⁷ Māori Land has a number of key barriers to use as documented here: [Coffin-A-2016.-Barriers-to-the-Development-of-Maori-Freehold-Land.-Prepared-for-the-Maori-land-sub-group.-Provided-to-CSG-at-workshop-25-4-5-April-2016.-Document-3751561.pdf](#)

⁸ Policy 5.3.4 Papakāinga housing and marae (Entire region) and associated methods. Canterbury Regional Policy Statement.

⁹ The National Planning Standards (2020) Foundation Standard, Mandatory Direction 5.

38. I recommend a clear statement in the introduction of each chapter reminding Plan users to consider other chapters for at least for the district wide matters (including overlays) for the following reasons:

- Not all Plan users are Planners;
- The ‘How the Plan Works’ section does not clearly state that all rules must be considered (it only specifies zones and overlays, which does not recognise district wide rules);
- When a property is selected on E-Maps, it states and links to specific zones and overlays with the heading ‘the following information applies to this property’. This gives the impression that the general district wide provisions are not relevant to the site;
- It is a clear, simple way to signal manawhenua provisions are integrated throughout the Plan (as per the National Direction); and
- A cross reference can be useful when considering potential effects or other relevant objectives for discretionary or non-complying activities (particularly downstream effects).

Ngāi Tahu Matters of Control and Discretion

Submission no. 185.8, 195.89

39. This submission applies across the Plan and all topics discussed at this hearing, therefore is discussed at the start of this evidence and not only the cultural values s42a report where the submission was addressed. For clarity, Ngāi Tahu values in this context means the values as described in the Mana Whenua chapter of the Plan.

40. The reason behind this submission is the National Planning Standards Mandatory Direction 5, states:

“Tangata whenua/manawhenua content must be integrated throughout the policy statement or plan where the local authority determines it appropriate”¹⁰.

¹⁰ The National Planning Standards (2020) Foundation Standard, Mandatory Direction 5.

41. Based on this mandatory direction, there is scope to consider Kāti Huirapa content where appropriate. This would include matters of control or discretion.
42. Controlled and Restricted Discretionary Activities (**CA** and **RDA**) limit what can be addressed by a condition or what a consent is declined for (in the case of RDA). This provides certainty to the applicant as there are clear matters to address. But when the matters of control or discretion are vague or open to interpretation (such as reference to amenity values/any other relevant matters), it is unclear if Ngāi Tahu values are able to be considered or should be and can create either unexpected adverse effects or costs for the landowner. Times where Ngāi Tahu values should be considered (and are not covered by an existing provision such as SASM) can include when the activity crosses multiple lots (such as a new cycleway), result in permanent changes to the landscape (stopbank) or have the potential for downstream/secondary effects on Ngāi Tahu values (i.e loss of biodiversity corridor impacting mahika kai).
43. The goal of this submission has been to ensure that there are no surprises and clear expectations for landowners. There is a socialised concern that Ngāi Tahu values can stop landowners using their land. By providing this clarity, the uncertainty is removed and there is clear upfront direction on what to do should there be a Ngāi Tahu value to consider. This enables current and future landowners and businesses to make informed decisions.
44. I support the s42a report direction in paragraphs 7.1.8-7.1.10 that having a matter of control or discretion for all activities to consider Ngāi Tahu values would dilute the impact of the provision and create unnecessary work and costs for the applicant, rūnanga and Council.
45. **Appendix Five** summarises the information Timaru District Council provided to the Ministry for the Environment regarding consent processing in the 2022/23 year using the operative Timaru District Plan provisions. Only 5% of consents (13) were referred to rūnanga for comment in that year. Both rūnanga and Council are unlikely to want every consent to be referred for comment and it would not achieve better outcomes. The intent of identifying those consents that should be referred to rūnanga is to provide clarity and

improved efficiency to applicants and Council, not to inflate the referral rate unnecessarily.

46. As per the request in paragraph 7.1.9 of the s42a report, I have attached in **Appendix Four** a table that considers theoretical resource consents and if a matter of control or discretion for Ngāi Tahu values is needed if the activity was not in an overlay. It identified four rules where I consider it appropriate to consider Ngāi Tahu values. I have not gone through all potential rules in the Plan due to time constraints but focused on the topics that are the subject of this hearing. I am willing to work with Council to review other parts of the Plan if this approach is helpful. These particular rules all have the potential to cause adverse effects due to the scale and expected duration of the activity.

- EI-R22 Construction, maintenance, repair and upgrading of underground water supply etc not meeting performance standard (RDA)
- EI-R26 New three water infrastructure (RDA)
- EI-40 New Landfills (RDA)
- SW-R6 Road upgrades (RDA)

47. The inclusion of Ngāi Tahu values as a matter of discretion for these rules will provide more certainty to Plan users as to the requirements, more robust planning decisions and better implementation of RMA provisions in relation to Council working with Rūnanga. It would not always require a manawhenua report but could include the Council directing the applicant to contact the rūnanga entity (in the case of Timaru, this is AEC Limited) or the Council forwarding an application for comment.

48. Alternatively, the Council could consider a method where they will work on an internal process with the rūnanga to clarify when they will seek expert advice on cultural values. A similar method was proposed in the s42a report for the Te Tai o Poutini Plan.

INFRASTRUCTURE S42a REPORT

Submission no. 185.1

Further Submissions on Forest & Bird 156.51 and Timaru District Council 42.34

49. Ngāi Tahu submitted in general support of the Plan provisions that were notified and further submitted in opposition to submissions that sought to enable more infrastructure activities in the overlays than what was notified.
50. The s42a report has recommended changes that have enabled more infrastructure activities, but at the potential cost of considering SASM values and the ability to use land in the Māori Purpose Zone. The introduction of the Energy, Infrastructure and Transport (EIT) chapters state that provisions of the chapter take precedence over provisions in any Zone Chapter of Part 3 – Area Specific Matters. Additionally, the recommendations also reduced the protection of the values of the overlays by enabling more infrastructure activities. These are discussed below.

EIT provisions overriding the Māori Purpose Zone

51. The s42a recommendation:

El Chapter: *The objectives and policies in this chapter take precedence over the objectives and policies in any Zone Chapter of Part 3 – Area Specific Matters. ... The application of the rules in relation to other chapters is set out in the Rules section.*

Transport Chapter: *Rules TRAN-R1 to TRAN-R11 in this chapter take precedence over rules in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters.*

52. ‘Any Zone Chapter of Part 3’ in the context of this statement I believe includes the Māori Purpose Zone based on the layout of the notified Plan as Part 3 includes the Māori Purpose Zone. However, under the National Planning Standards, the Māori Purpose Zone is a ‘Special Purpose Zone’ which has different requirements in the National Planning Standards in relation to the Energy, Infrastructure and Transport (EIT) chapters compared to other zoning chapters.

53. The National Planning Standards state that the zone chapters must include cross references to the EIT chapters. And that the EIT chapters must include cross references to EIT provisions in a special purpose zone chapter¹¹. I interpret this specific carve out in the standards to mean that the special nature of the special purpose zone requires a specific assessment to determine if the EIT provisions are suitable for the purpose of the zone and that general EIT provisions should not override the special purpose zone provisions unless specifically stated and considered.
54. The reasoning in the s42a report for this approach is that there is a potential tension between the EIT provisions and the zone provisions (paragraph 6.18.15). I disagree that there is a tension as the section 32 report notes the effectiveness of having all the EIT provisions in a single chapter and creating an enabling framework outside the overlays but does not indicate a dominance of the EIT provisions over other parts of the Plan or any tension. This is further identified in Part 1 of the Plan in the General Approach chapter which notes that all chapters are read together unless specifically stated:

'For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise in the Plan, consent is required under each of those rules. Certain rules in the Energy and Infrastructure Chapter and Temporary Activity Chapter take precedence over the rules in the Zones Chapter. How the rules in one chapter shall be interpenetrated with other chapters are explained in the Note under Rules section of the chapter. Activities that are not listed in District Wide chapters are generally permitted in that chapter, unless otherwise stated in the rule Note. However, other chapters may require consent for the activity.'

55. This paragraph indicates that some EIT rules may take precedence, however which rules override others were considered with the notified version and no tension identified at that time requiring a blanket override.

¹¹ National Planning Standards (updated 2022) District-wide Matters Standard. Mandatory Direction clauses 5-7.

56. As comparison to other second-generation plans, the s42a report recommendations for the Te Tai o Poutini Plan (West Coast) require all plan provisions to be read together. Alternatively, Selwyn District Plan (partially operative second-generation plan) have identified specific times where the EIT provisions take precedence, but this does not apply to Special Purpose Zones or overlays.

57. The submission for the Māori Purpose Zone (Submission 185.87) notes:

“The Māori Purpose Zone is a critical part of the Plan to enable rakatirataka for Kāti Huirapa on their land. The zone envisages many activities becoming permitted and managed in a way that reflects the unique identities and values of the sites and enables mana whenua to make decisions about the form and nature of development that takes place on such land within a cultural framework.”

58. The Māori Purpose Zone is impacted by existing infrastructure which restricts usage within the zone. Therefore, how the EIT rules interact with the Māori Purpose Zone is important given that the infrastructure is unlikely to relocate, but upgrades and maintenance could create further restrictions on manawhenua decision making, use and development. I recommend that the Māori Purpose Zone continues to be read together with the EIT provisions when relevant. This is because it allows for site specific consideration of values of the zone, which is not well considered in the provisions of the EIT chapters which prioritise the efficient use of infrastructure. This approach is also consistent with Objectives EI-O2 and TRAN-O2 of the EIT chapters which state to have regard to the relevant objectives for the underlying zone and the character of the underlying zone, despite the overview stating precedence.

59. However, if the Panel decides to have a carve out within the EIT chapter, I recommend that to be consistent with the National Planning Standards and the Canterbury Regional Policy Statement (**CRPS**) that the Māori Purpose Zone provisions should still be read alongside the EIT provisions with mana whenua involved in any required assessment (as experts on the purpose and values of the MPZ).

60. The CRPS identifies in Objective 5.2.1 Location, Design and Function of Development that development will be compatible with regionally significant infrastructure and will facilitate the establishment of papakāinga and marae. Being in the same objective, both considerations have the same weight. The Māori Purpose Zone is described by the National Planning Standards as being for a ‘...range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities’. The purpose and provisions of the MPZ can be considered alongside EIT provisions.
61. Therefore, I recommend that the EIT chapter overviews are retained as notified in regard to the Māori Purpose Zone.

SASM and EIT provisions

62. The s42a recommendation has amended several EIT policies that impact the protection of SASM. While I support introducing a new policy (separate to policy EI-P2) that enables the National Grid and gives effect to the National Policy Statement., I consider all these policies reduce the protection and consideration of SASM.
63. These policy changes mean that SASM values are assessed against the technical/financial constraints of the activity may outweigh the irreplaceable values of the SASM.
64. Furthermore, the matters of discretion for the Energy and Infrastructure RDA rules do not clearly provide scope for addressing the SASM values that these policies have redefined. This is explored further in paragraph 39 of this evidence.
65. I support enabling national and regional infrastructure such as roading and the national grid. Policy 7¹² of the National Policy Statement for Electricity Transmission states that the transmission system should avoid effects on areas of high amenity. Amenity in the RMA context includes cultural attributes. The National Environmental Standards for Electricity Transmission

¹² National Policy Statement for Electricity Transmission [nps-electricity-transmission-mar08.pdf](#)

Activities¹³ has matters of control or discretion including historic heritage (which includes SASM) and ecological effects (which includes values such as taonga species and mahika kai). I seek a similar approach in the District Plan.

66. I support the clarity recommended in Policy EI-P2 to detail the effects management hierarchy but seek that for SASM that the adverse effects considered in (a)-(c) of the hierarchy are avoided where 'possible' instead of 'practicable'. This is because SASM values are irreplaceable in many instances as they are a form of heritage and addressing those values should not be limited by feasibility if the infrastructure must be located in that area. The potential effects on the SASM values should be considered according to their cultural value.
67. In regard to the new policy for the national grid (formally part of Policy EI-P2) I seek that subclause 3(5) is deleted to remove the policy dominance over SASM policies. As stated above, the national direction for the national grid avoids affecting SASM values and my opinion is that in case of policy conflict all relevant policies should be read together.
68. Changes have also been made to Transport Policy TRAN-P4 to change consideration of overlays from 'protected' to 'avoided, remedied or mitigated'. Most of the overlays relate to matters of national importance and therefore 'protected' is a reasonable wording.
69. Therefore, I recommend to the Panel that policies relating to the SASM within the EIT chapters are modified to better reflect the level of protection identified at notification. I also recommend as discussed in paragraph 39, that where relevant, consideration of Ngā Tahu values is added as a matter of discretion to this chapter. Furthermore, subsequent changes to the SASM policies¹⁴ as a result of the EIT s42a recommendations are removed.

¹³ [Resource Management \(National Environmental Standards for Electricity Transmission Activities\) Regulations 2009 \(SR 2009/397\) \(as at 20 May 2014\) 29 Controlled activities – New Zealand Legislation](#)

¹⁴ Policies SASM-P5 and SASM-P7

SUBDIVISION S42a REPORT

Throughout the Plan

Submission no. 185.3, 185.1

70. I support the recommendations in the s42a report except where I have commented below.

Objective SUB-O1

Submission no. 185.58

71. This submission sought minor amendments to the objective to provide clarity and consistency with other parts of the Plan. It sought inclusion of the associational characteristics of the site and the removal of 'significant' from the protection of cultural values.
72. Neither inclusion was accepted by the s42a report (paragraph 7.2.38), although accepted in the appendix of the s42a recommendations.
73. The purpose of considering the associational values was to recognise the non-physical values identified in the overlays, particularly the Outstanding Natural Landscapes, SASM and Historic Heritage. As noted in Schedule 8 of the Plan, there are high associational values within the Timaru landscape. Subdivision of land when not considering associational values can lead to destruction or fragmentation of those values.
74. It could be argued that the references within the objective on amenity, natural and cultural values potentially cover associational values, however including associational values as something new subdivisions will respond positively to is different to 'maintaining, enhancing or protecting' the existing references. It means that new subdivisions will consider associational features in their design and construction and not just reference the existing identified values. Associational features have been recommended for inclusion in the related Policy (SUB-P4) and therefore inclusion in the objective will provide a consistent assessment policy framework for subdivision.
75. The purpose for submitting to remove 'significant' from the protection of cultural and natural values is to ensure that cultural values can be protected

without needing a formal assessment on the 'significance' or creating a risk for Council if this assessment is not undertaken correctly. It also prevents cumulative loss of values due to multiple subdivisions impacting the values collectively over time.

76. The significance of the cultural values is not important for the objective. As a matter of national importance, historic heritage and cultural values (through SASM or ONL) is already recognised as significant. The way this objective is written, a measurement of the values is not necessary, as the objective is not focused on the effects hierarchy, but instead how subdivision will be designed. The associated policy and rules do not specify 'significant', meaning that the inclusion of this criteria does not improve effectiveness of the Plan.
77. Therefore, the remedy sought is the same as the submission and seeks the insertion of 'associational values' and removal of 'significant' from cultural values.

Policies SUB-P2, P4, P6

Submission no. 185.59, 185.60, 185.61

78. Policy SUB-P2 was retained as per the submission. The s42a report has accepted the inclusion of 'associational' to Policy SUB-P4 in respect to subdivision design (paragraph 7.3.42). I support this and for clarity note that the same argument could apply to the submission to include it in Objective SUB-O1 which is also about subdivision design.
79. The s42a report has also recommended accepting the submission to amend Policy SUB-P6 in relation to recognising subdivision for infrastructure the Kāti Huirapa values onsite or downstream. I support this as it will prevent fragmentation and provide a pathway to consider downstream effects, such as the loss of access/connection with a site or as part of a wider access trail.

Rules SUB-R1, SUB-R2, SUB-R3*Submission no. 185.62*

80. I support the recommendations in the s42a report in relation to these rules. The retention of these matters of discretion is consistent with the policy framework for this chapter as well recognition of the Iwi Management Plan (page 7) that seeks to maintain access to mahika kai. The reference to esplanades, public access and sensitive environments (which includes SASM) provides the opportunity to consider how effects will be managed where relevant to the application.

Standards SUB-S2, SUB-S4, SUB-S8*Submission no. 185.63, 185.64*

81. I support the recommendations in the s42a report in relation to these standards to include the effects on Kāti Huirapa values. This is consistent with studies¹⁵ and cultural evidence on the importance of water and discharge to Ngāi Tahu. The inclusion of this matter of discretion will ensure more robust planning decisions and better environmental outcomes as well as clarity to Plan users on the expectations.

HISTORIC HERITAGE S42a REPORT***Throughout the Plan****Submission no. 198.97, 185.8, 185.7, 185.3, 185.1*

82. I support the recommendations in the s42a report except where I have commented below.

Historic Heritage*Submission no. 185.88, 185.89*

83. The s42a report has recommended the following wording to the introduction of the Historic and Cultural Values Chapter:

The District Plan also recognises and manages Sites of Significance to Māori within the SASM – Sites and Areas of Significance to Māori chapter.

¹⁵ Landcare Research 2010 – A Study of Ngāi Tahu values and issues regarding waste.

These are historic heritage sites which have high historic, social and cultural values and are listed in SCHED-6 Schedule of Sites and Areas of Significance to Kāti Huirapa. Where a historic heritage value is listed in multiple schedules then the provisions of all chapters must be considered.

84. I support the intention but seek a slight amendment to clarify for plan users on which heritage provisions apply. This is because although all SASM are historic heritage, the protection of that heritage differs in the cultural context. The euro-centric approach to heritage is a type of preservation/minimal interaction, while the Ngāi Tahu approach places higher value on continuity of use, relationship with the site and adaption in accordance with mātauranga māori and tikanga. This is partly why SASM has a different management framework to other types of historic heritage.
85. I recommend that the statement on SASM is amended to state that only the objectives of the historic heritage chapter apply to SASM. This is because all the policies are designed to recognise and protect eurocentric heritage items which are in a different schedule. However, the consideration of the historic heritage objectives will ensure a consistent application of protection is applied to both eurocentric and Ngāi Tahu heritage, but the policies of each chapter can provide the different approaches to protection.

CULTURAL VALUES S42a REPORT

Throughout the Plan

Submission no. 198.97, 185.8, 185.7, 185.3, 185.1

86. I support the recommendations in the s42a report except where I have commented below.
87. Ngāi Tahu further submitted to note that not all Rock Art sites were identified in the Plan. This was confirmed by the evidence of John Henry on behalf of Council. I note that the reporting officer reached out to rūnanga on the best ways to address the issue. I support this approach to addressing the issue.
88. Outside the Plan, Council still has an obligation to recognise and protect these sites under the RMA as a matter of national importance and disclose any

historic information on the site known to the Council as part of a Land Information Memorandum. The property owners also have obligations to not modify or destroy them under the RMA and Heritage New Zealand Pouhere Taonga Act 2014.

89. Separate to this hearing, Council can also consider methods outside this process such as additional information on their website and links to external resources. This could prevent unintentional damage to the sites and potential unexpected surprises to the landowners as well as enhance the community pride in these priceless assets.

Sites and Areas of Significance information

Submission no. 185.36, 185.37

90. I support the comments in the s42a report that recognition of SASM is to be undertaken by the appropriate experts (for Timaru this is Kāti Huirapa) and not subject to the agreement of landowners (paragraph 8.2.24). This is consistent with how other RMA plans manage heritage. I also support the comments about improving the RMA relationship between Council and manawhenua separate to this process.
91. Ngāi Tahu also submitted to include the Statutory Acknowledgements in a Schedule as set out in the NTCSA. This was requested for recognition purposes and to inform the Plan users. I note that the reporting officer has worked with AEC Limited to address this submission. I support this approach.

Sites and Areas of Significance chapter

Submission no. 185.90, 185.91

92. I agree with the statement in the s42a report at paragraph 8.3.3 that a cross reference/acknowledgement of the Historic Heritage chapter and relevant provisions is not legally necessary. However, the s42a report for Historic Heritage does cross reference the SASM chapter as it provides clarity to the Plan user. Providing information to the Plan user to also consider the Historic Heritage provisions where relevant may not be a legal requirement, however in terms of usability of the Plan will result in better outcomes. Therefore, I recommend that there is a reference to the Historic Heritage chapter.

Sites and Areas of Significance Objectives SASM-O1, SASM-O2, SASM-O3

Submission no. 185.92, 185.93, 185.94

93. The s42a report has not made any recommendations as a result of the Ngāi Tahu submissions on the SASM objectives.
94. The submission for Objective SASM-O1 sought retention, but also requested provision of rakatirataka and kaitiakitaka. The s42a report accepted the submission as no direct changes were requested in the decision sought box of the table, although changes were sought in the reasons why box (paragraph 8.4.3).
95. The inclusion of rakatirataka and kaitiakitaka would create more clarity in the provision hierarchy as rakatirataka is identified in Policy SASM-P1 and kaitiakitaka is a matter to have particular regard to (s7 RMA) and isn't recognised elsewhere in this chapter. Therefore, inclusion in the objective will guide the related policy as well as give better effect to Part 2 matters.
96. I support the recommended changes to Objective SASM-O2 in the s42a report in regard to access. The submission also sought the inclusion of 'cultural landscapes' due to the references in the National Planning Standards (stating cultural landscapes if addressed are in the SASM chapter) and the CRPS which makes multiple references to cultural landscapes:

*"Objective: 13.2.2 Historic cultural and historic heritage landscapes
Recognition that cultural and heritage values are often expressed in a landscape setting and to make provision for the protection of such landscapes from inappropriate subdivision, use and development."*
97. I agree that the SASM schedule has been used to identify and protect the cultural landscape. The Mana Whenua chapter also references the cultural landscape in regard to SASM which provides that clarity sought by the submission.
98. Objective SASM-O3 was submitted on to provide more clarity by using the term 'cultural landscape' and by stating inappropriate development includes 'modification, demolition or destruction'. I agree with not including 'cultural landscape' for the same reasons as for SASM-O2. I also agree with the s42a

report that it could be argued that these provisions are subsets of the existing wording. However, the wording for this objective and the Historic Heritage equivalent objective almost restates section 6 of the RMA and does not provide any local context or direction, which is not best practice for Plan drafting.

99. The advantage of the additional wording is clarity to Plan users as the specific outcomes sought and to Enforcement Officers when determining the scale of any offending. It also provides more clarity as to what inappropriate use and development is for consideration as part of a resource consent assessment. However, this can also be provided outside the Plan process as part of Council guidance resources. Therefore, I have not sought further changes as part of this evidence.

Sites and Areas of Significance policies SASM-P4, SASM-P5

Submission no. 185.95, 185.96

100. I support the recommendations in the s42a report in relation to Policy SASM-P4.
101. I understand the direction taken by the s42a report in regard to Policies SASM-P5 and SASM-P8 to detail the situations where avoidance of effects will not achieve the objectives and discretion is needed. The term 'avoid' on its own means that the majority of the rules would need to be non-complying, which is not the intention of the SASM overlay.
102. In the notified Policy SASM-P8, engagement with Kāti Huirapa was required to understand the values. This assessment was then balanced against the proposed activity. As well as removing the need to have an expert assessment of the SASM values, Policy SASM-P5 reduces the protection of the SASM values as shown in the table below:

Table 1: Comparison of the notified and recommended SASM-P8 policy that manages Ngāi Tahu values

Value	Recommended: Policy SASM-P5	Notified: Policy SASM-P8
accidental discovery protocol protection	Require adherence to	Prepared and adopted
whakapapa, history and cultural tradition	Avoid unless: there is a functional, operational need or its not practicable; and	Avoid unless: Due to functional, operational need it is not possible; and
protection of mauri and intangible values		
protection of site integrity	Residual effects mitigated as far as practicable; or	Residual effects mitigated as far as possible; and
taoka species and mahika kai resources	Infrastructure effects managed by EI-P2 Policy.	historic loss is remediated.

103. As shown above, 'possible' has been replaced with 'practicable' which is a lesser level of protection as proven in the High Court case *Tauranga Environmental Protection Society Inc v Tauranga City Council (2021)* where it was suggested at if an alternative was technical feasible it was 'possible' whatever the costs, and that this was different from 'practicable' which considered the costs being too high in a site specific assessment¹⁶.

104. As detailed in paragraph 66, providing an assessment framework for SASM values when considering activities related to national or regionally significant infrastructure is reasonable as the benefits to communities is high. However, the framework proposed for SASM-P5 applies to any activity and those activities do not have to show that there are no alternative locations. This gives it a more permissive framework than significant infrastructure, but without the level of public benefit.

¹⁶ Page 38 Findings from the Courts. Planning Quarterly Issue 222 October 2021.

105. An example would be an intensive dairy farming activity where it has an operational need for large buildings and deep foundations. There is no obligation to consider alternative sites, or the offsetting identified in the EIT chapter. As an activity that has less benefits to the community than RSI and more alternative locations, the SASM values (which do not exist anywhere else) should be prioritised.
106. Therefore, I seek amendments to SASM-P5 to keep the effects management hierarchy proposed by the s42a report, but also to retain more of the level of protection of SASM values that was in the notified version of these policies.

Sites and Areas of Significance rules SASM-R1, SASM-R2, SASM-R3

Submission no. 185.090, 185.98, 185.99, 185.100

107. The s42a report has made a number of Clause 16(2) amendments to the SASM rules. I note the Ngāi Tahu submissions for this chapter and rules within it seek clarity and ease of use, which also gives scope to the changes proposed.

Rule SASM-R1

108. I support the intention of the s42a report in relation to consistency of measurement in regard to Rule SASM-R1. However, in the case of SASM, the cultural evidence provided by Mr Henry states in paragraph 44 that the volume of the earthworks is of concern – not just the extent.

“I know that in areas where paddocks are ploughed, any archaeological sites may have been discovered or sadly destroyed. My concern is with earthworks activities that go deeper than historical farming practices such as ploughing, or deeper than traditional methods of constructing new roads.”

109. Reviewing where else this adverse effect can be addressed within the Plan; I note that standard EW-S2 sets a limit of 1.5m depth for earthworks for all zones. A breach of this depth is a restricted discretionary activity. An inclusion of Ngāi Tahu values as a matter of discretion will allow for any effects on SASM as a result of depth to be considered while maintaining consistency of measurement through the Plan as sought by the s42a report. It will also allow for manawhenua values to be integrated throughout the Plan.

Rule SASM-R3

110. This rule is proposed to be deleted from the SASM chapter as the s42a report believes it is adequately covered by the ECO Chapter rule. I support manawhenua values (including taonga species) being integrated throughout the Plan.

Sites and Areas of Significance rules SASM-R4, SASM-R5, SASM-R6, SASM-R7, SASM-R8

Submission no. 185.101, 185.102, 185.103, 185.104, 185.105

111. I support the recommendations in the s42a report in relation to Rules SASM-R4-R7. I have no further comments to make on this these submission points.
112. Rule SASM-R8 relates to plantation forestry and the Ngāi Tahu submission sought to expand it to all types of forestry. This is because forestry is an activity that has the potential to impact SASM sites, particularly Rock Art sites. As detailed in the background document¹⁷ to the section 32 report, it is noted that forestry can damage rock art due to the potential change in groundwater.
113. The rule currently reads as applying to plantation forestry only which is a definition from the National Environmental Standards for Commercial Forestry. The key feature of this definition is that the forestry is planted for a commercial harvesting purpose. If the forestry isn't planned to be harvested, then this rule does not apply.
114. There is a growing industry in forestry planted for carbon credits. This means that it will not be harvested, and the older the vegetation, the more carbon it absorbs. And the more groundwater it consumes, which could impact nearby Māori Rock Art to the same or greater extent as Plantation Forestry which is eventually harvested.
115. I agree with the s42a report that the background information that led to this rule used the term 'planation forestry'. That advice was dated June 2021, and

¹⁷ AEC Limited (June 2021) Feedback on the options report on the sites and areas of significance to Māori

the definition used in the Plan came into force November 2023 when the National Environmental Standard was given effect.

116. Given the potential continued uptake of carbon forestry in the future, the inclusion of carbon forestry into this rule encourages it to be located in a manner that does not impact Māori Rock Art. As this is a new activity being added to the rule it needs to be clear that it does not impact activities of a smaller scale. The Climate Change Response Act 2002 has the following definition of forest land that can be used to clarify this:

forest land—

(a) means an area of land of at least 1 hectare that has, or is likely to have, tree crown cover from forest species of more than 30% in each hectare; and

(b) includes an area of land that temporarily does not meet the requirements specified in paragraph (a) because of human intervention or natural causes but that is likely to revert to land that meets the requirements specified in paragraph (a); but

(c) does not include—

(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 metres; or

(ii) an area of land where the forest species have, or are likely to have, a tree crown cover of an average width of less than 30 metres, unless the area is contiguous with land that meets the requirements specified in paragraph (a) or (b).

117. Therefore, I recommend the inclusion of 'Forest land' to the rule and the definition added to the interpretation section of the Plan.

Māori Purpose Zone

Submission no. 185.87

118. I support the recommendations in the s42a cultural values report in relation to the Māori Purpose Zone. I note the high retention of the notified provisions which are consistent with the CRPS (particularly Policy 5.3.4).

119. As noted in paragraph 51 of this evidence, there are some changes proposed in the infrastructure s42a report that will impact the Māori Purpose Zone as a Special Purpose Zone. I retain that position for the purpose of this submission which supports the notified version.

120. Appendix Two of this evidence contains a copy of the Joint Statement between the Office of the Māori Trustee and TRoNT. This is a result of the submissions of the Māori Trustee and the further submissions by TRoNT against those submissions. I support this statement which recommends to the Panel that the Introduction, Objectives MPZ-O1 and MPZ-O2 and policy MPZ-P6 are amended to state that the zone enables Māori Land.

CONCLUDING COMMENTS

121. The Ngāi Tahu submissions on the proposed Timaru District Plan generally support the notified plan and seek minor amendments to provide for the values and future of Papatipu Rūnanga. The evidence of Mr John Henry provides the cultural context behind the submission direction. My evidence here and for other hearing topics provides drafting and supporting reasons to enable the Hearings Panel to make provision for the principles of Te Tiriti as set out in the NTCSA. A list of the remedies sought are consolidated in **Appendix Three** of this evidence.

122. For clarity, I have noted the submissions and further submissions relevant to my evidence under each topic and detailed in **Appendix One** of this evidence.



Rachael Pull

22 January 2025

APPENDIX ONE: Summary of Te Rūnanga o Ngāi Tahu submissions

Infrastructure

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
185.1, 185.3	Throughout the Plan	Support	Kāi Tahu generally supports the intent of the proposed plan.	Accept	Paragraph 49
185.54	DWP-R5	Amend	The purpose of a Māori Purpose Zone is to enable the development of iwi land. However this overlay restricts our ability to use our land as we want. This is against the Mana Whenua Chapter and is not consistent with rakatirataka.	Missing	Paragraph 31
185.65	SW-S2 Stormwater neutrality devices or systems	Support	This rule supports Kāti Huirapa values as documented in the Background Report.	Accept	Support

Subdivision

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
185.1, 185.3	Throughout the Plan	Support	Kāi Tahu generally supports the intent of the proposed plan.	Accept	Support
185.57	General	General	Considers it is not clear in the SUB - Subdivision chapter that the status and matters of discretion will change in the SASM overlay. A cross reference is sought in the SUB chapter to clearly reference this rule.	Accept in Part	Support
185.58	SUB-O1 General subdivision design	Support	This objective seeks to protect values of importance to Kāti Huirapa. We submit that minor changes improve the clarification to consider these values identified elsewhere in the plan.	Accept in Part	Paragraph 71

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
185.59	SUB-P2 Subdivision of land within sensitive environments	Support	This policy seeks to protect Kāti Huirapa values. We submit that this policy is retained	Accept	Paragraph 78
185.60	SUB-P4 Quality of the environment and amenity	Amend	This policy seeks to protect Kāti Huirapa values. We submit that this policy has a minor change to include the associational values as well as the physical values of the landscape and sense of place.	Accept	Support
185.61	SUB-P6 Infrastructure	Amend	The discharge of untreated stormwater or wastewater to water is cultural inappropriate. We submit this needs to be a consideration for new infrastructure in relation to subdivisions.	Accept in Part	Paragraph 79
185.62	SUB-R1 SUB-R2 SUB-R3	Support	Kāi Tahu support that sensitive environments such as SASM are a matter of control.	Accept in Part	Paragraph 80
185.63	SUB-S2 SUB-S4	Amend	The discharge of untreated stormwater or wastewater to water is culturally inappropriate. We submit this needs to be a consideration for new infrastructure in relation to subdivisions.	Accept	Paragraph 81
185.64	SUB-S8	Amend	Kāi Tahu support access to natural watercourses, except where access will impact the cultural value of an area. Therefore a matter of discretion for taking the esplanade should be the impact on Kāti Huirapa values as outlined in SCHED12 and SUB-P7.	Accept	Support

Historic Heritage

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
185.1, 185.3	Throughout the Plan	Support	Kāi Tahu generally supports the intent of the proposed plan.	Accept	Support
185.7	Cross referencing	Amend	The cross referencing throughout the plan is minimal and confusing. For example, outside the SASM chapter there is little reference to cultural values or the need to consider the SASM chapter when assessing activities under the zones or District Wide chapter matters - i.e Earthworks and Temporary Activities.	Reject	Paragraph 34
185.8	Controlled and Restricted Discretionary rules within zones and overlays	Oppose	Kāi Tahu values are not limited to the SASM chapter. Kāi Tahu values not only included the physical but also the meta-physical and associations, and practices. As currently structured many rules within the zone and overlay chapters would not enable the effects on Kāi Tahu values to be considered as a matter of control or discretion. This could have unintended consequences to Kāi Tahu and their relationship with their land, traditions, wai etc.	Reject	Paragraph 39
185.88	Introduction	Amend	As notified the overview gives plan users the impression that the only things of historic heritage value as buildings or colonial history. Yet the definition of historic heritage (in the e- plan and RMA) is not limited to these things only. The changes sort are to clarify for the plan user that all the schedules contribute to the historic heritage of Timaru, and that where a site is located in multiple schedules (i.e. Schedules 3 and 6) that the provisions of all chapters must be considered.	Accept in Part	Paragraph 83

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
185.89	HH-R2 HH-R3 HH-R4 HH-R5 HH-R12 HH-R13 HH-R14	Amend	The extend of any impact on Kāti Huirapa values (especially those identified in the SASM schedule) should be a matter of discretion for all the activities requiring consent in this overlay.	Reject	Paragraph 39

Cultural Values

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
185.1, 185.3	Throughout the Plan	Support	Kāi Tahu generally supports the intent of the proposed plan.	Accept in Part	Support
185.7	Cross referencing	Amend	The cross referencing throughout the plan is minimal and confusing. For example, outside the SASM chapter there is little reference to cultural values or the need to consider the SASM chapter when assessing activities under the zones or District Wide chapter matters - i.e Earthworks and Temporary Activities.	Accept in Part	Paragraph 34

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
185.8	Controlled and Restricted Discretionary rules within zones and overlays	Oppose	Kāi Tahu values are not limited to the SASM chapter. Kāi Tahu values not only included the physical but also the meta-physical and associations, and practices. As currently structured many rules within the zone and overlay chapters would not enable the effects on Kāi Tahu values to be considered as a matter of control or discretion. This could have unintended consequences to Kāi Tahu and their relationship with their land, traditions, wai etc.	Reject	Paragraph 39
185.36	Statutory Acknowledgements	Amend	Section 220 of the Ngāi Tahu Claims Settlement Act 1998 requires that Council attach information recording all statutory acknowledgements affecting statutory areas covered wholly or partly by such policy statements or plans, either by way of reference to this Part or by setting out the statutory acknowledgements in full. We request that the Statutory Acknowledgements are attached in full to the Plan as a Schedule.	Reject	Paragraph 90
185.37	Schedule of Sites and Areas of Significance to Kāti Huirapa	Support	We 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.	Accept in Part	Paragraph 90
185.87	MPZ - Chapter	Support	The Māori Purpose Zone is a critical part of the Plan to enable rakatirataka for Kāti Huirapa on their land. The Zone envisages many activities becoming permitted and managed in a way that reflects the unique identities and	Accept	Paragraph 118

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
			values of the sites and enables mana whenua to make decisions about the form and nature of development that takes place on such land within a cultural framework. The zone itself is generally supported.		
185.90	Sites and Areas of Significance to Māori Chapter	Support	It is important to Kāti Huirapa that our sites of significance are protected. They are important for not only our historical connection to the whenua, moana and wai but also our contemporary and ongoing connections and relationship.	Accept in Part	Paragraph 92
185.91	SASM - Introduction	Support	We support the introduction be request clarification as to the SASM status as Historic Heritage.	Reject	Paragraph 92
185.92	SASM- O1	Support	We support this objective however recommended changes to provide for rakatirataka and kaitiakitaka.	Accept	Paragraph 93
185.93	SASM- O2	Support	We support this objective, but recommend a slight increase in scope so that it can be considered when addressing potential cultural effects identified under other parts of the Plan (i.e. Outstanding Natural Landscapes).	Reject	Paragraph 93
185.94	SASM- O3	Support	We support this objective, but recommend a slight increase in scope so that it can be considered when addressing potential effects on Kāti Huirapa values identified under other parts of the Plan (i.e. Outstanding Natural Landscapes).	Reject	Paragraph 93
185.95	SASM- P4	Support	We support this policy but recommend changes to clarify the purpose and goal of enhancing access for specific cultural reasons and tikaka.	Accept in Part	Paragraph 100

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
185.96	SASM- P5	Support	We support this objective, but recommend a slight increase in scope so that it can be considered when addressing potential cultural effects identified under other parts of the Plan (i.e. Outstanding Natural Landscapes) and clarifying that the protection of values includes the restriction of some activities.	Reject	Paragraph 101
185.97	SASM - Matters of discretion for all rules	Support	Cultural effects can only be determined by Kāti Huirapa so we submit that any CIA needs to be endorsed by Kāti Huirapa to ensure that all the effects are considered.	Reject	Support
185.98	SASM- R1	Support	We support this rule but submit that clarification on the amount of earthworks permitted is made to include depth in the calculation and have it limited to a site.	Accept in Part	Paragraph 107
185.99	SASM- R2	Support	We support the intent of this rule but submit that clarification is required to ensure that the rule protects the values identified.	Accept in Part	Paragraph 107
185.100	SASM- R3	Support	We support this rule but submit that it should also apply to the Wāhi Tūpuna overlay.	Accept in Part	Paragraph 107
185.101	SASM- R4	Support	It is not clear that all the activities in the Temporary Activities chapter are not permitted in the SASM overlay. A cross reference is required in the TEMP chapter to clearly reference this rule.	Accept in Part	Paragraph 111
185.102	SASM- R5	Support	We support this rule however submit that it requires clarification as to the amount and that it is better suited to the earthworks chapter.	Accept in Part	Paragraph 111
185.103	SASM- R6	Support	We generally support the intent of this rule but submit that it could be clarified.	Accept in Part	Paragraph 111

Sub No.	Specific provision / matter	Position	Reason for submission	S42A position	Position at hearing
185.104	SASM- R7	Support	It is not clear in the subdivision chapter that the status and matters of discretion will change in the SASM overlay. A cross reference is required in the SUB chapter to clearly reference this rule.	Accept in Part	Paragraph 111
185.105	SASM- R8	Support	We support this rule and seek its expansion to include all forestry in order to protect these clearly identified sites.	Reject	Paragraph 111

APPENDIX TWO: Joint Statement with the Office of the Māori Trustee

Before the Hearings Panel

For the Proposed Timaru District Plan

Under the Resource Management Act 1991

In the matter of the Proposed Timaru District Plan – Submissions S240 (the Māori Trustee) and Further Submissions FS185 (Ngāi Tahu)

Joint Statement of Position and Recommendations to the Hearing Panel

Reasons for submissions/Points of agreement

- Māori land and Māori freehold landowners face specific challenges that limit the use and development of their whenua. This includes challenges such as;
 - The land not being economically viable in its own right: most less than 50 ha, often marginal land classes, regularly legally or physically landlocked with large tracks under-developed and/or unoccupied with minimal improvements;
 - accordingly, the land is more often than not forced into passive leasing to neighboring owners;
 - the income generated by the land is often being insufficient to meet costs;
 - having on average over 100 individual owners per parcel can complicate decision making, even when trustees have been appointed to administer the land on behalf of the owners;
 - access to third party capital is highly constrained; and
 - owners of Māori freehold land have been disproportionately impacted by climate change impacts.

The District Plan is one method to help address these challenges by enabling Māori Land use and development.

- The Ngāi Tahu Claims Settlement Act 1998 (NTCSA) includes the Crown recognition of Ngāi Tahu as *‘the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui’*. The District Plan is one method used for Councils on behalf of the Crown to recognise this.
- The recommendations presented to the Hearing Panel in this statement seek to achieve both of the above outcomes.

Background for statement

1. During the hearings for the Te Tai o Poutini Plan (combined District Plan), the Māori Trustee and Poutini Ngāi Tahu¹⁸ met and came to a joint position on Māori Land issues where both parties submitted on the same provisions. This was presented to

¹⁸ Poutini Ngāi Tahu in this context is made up of Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu.

the Hearings Panel as a Joint Statement to help the Panel, reporting officers and the decision-making process by clarifying outstanding issues.

2. Similar issues have been raised in the Timaru District Plan submission process and therefore this statement has been prepared to assist the reporting officers and Hearings Panel with these submissions by outlining areas of agreement and disagreement that remain as at 12 December 2024.
3. **Appendix A** provides the agreed recommended amendments to the Timaru District Plan by the Māori Trustee and Ngāi Tahu to enable the use and development of Māori Land and recognise Ngāi Tahu rangatiratanga.
4. We are familiar with the Environment Court Code of Practise 2023 as it relates to expert witnesses and conferencing, having read the relevant parts within the last twelve months, have complied with it in all aspects of participating in this conference and preparing this statement.
5. All references to the Timaru District Plan are the notified version except where stated otherwise.

Conclusion

6. We agree to the above statements and the recommendations in Appendix A and believe that it addresses the outcomes sought by the Māori Trustee and Ngāi Tahu on those submission points.

Signatures and dates

Name: Dr. Charlotte Severne

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Position: Māori Trustee

Group Head – Strategy & Environment

Te Tumu Paeroa | Office of the Māori Trustee
Te Rūnanga o Ngāi Tahu

Date:

APPENDIX A: The Māori Trustee (S240) and Ngāi Tahu Further Submissions (S185) with agreed recommendations to the Hearing Panel

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
240.1	General	<p>Submitter is generally comfortable with the objectives, policies, rules and standards to manage land use activities and subdivision across the Timaru district in the Proposed Plan. However, the submitter considers amendments are required to recognise all Māori landowners, reduce ambiguity and provide clear direction to those implementing plan</p> <p>As detailed in specific provisions</p>	<p>Note:</p> <p>The Timaru District Plan has obligations to enable Māori Land but note that this obligation is separate from Mana Whenua obligations.</p>
240.2	Definitions	<p>1. Add a new definition of Ancestral Lands.</p> <p>OR</p> <p>2. Amend the Proposed District Plan to use a singular term for 'ancestral lands' and 'Māori land'.</p>	<p>Amend:</p> <p>Submission point in relation to Ancestral Land is withdrawn and instead both submitters support the definition of Māori Land in the Timaru Plan used in the Māori Purpose Zone and wish to see its application in other chapters (such as the Ecosystems and Biodiversity Chapter).</p>

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
240.3	Definitions	<p>Amend the definition of Papakāika as follows:</p> <p>Means any building associated with any activity undertaken in the traditional rohe of mana whenua <u>or on Māori land subject to the District Plan</u>, to sustain themselves <u>mana whenua or Māori landowners</u>, and may include (but is not limited to) residential, social, cultural, economic, conservation and recreation activities including:</p> <ul style="list-style-type: none"> a. whare (household unit); b. home businesses; c. marae complexes; d. manuhiri noho; e. whare taoka; f. urupā; g. pouwhenua h. mahika kai; i. community facilities; 	<p>Amend:</p> <p>Means any building associated with any activity undertaken in the traditional rohe of mana whenua <u>or on Māori land</u>, to sustain themselves and may include (but is not limited to) residential, social, cultural, economic, conservation and recreation activities including:</p> <ul style="list-style-type: none"> a. whare (household unit); b. home businesses; c. marae complexes; d. manuhiri noho; e. whare taoka; f. urupā; g. pouwhenua h. mahika kai; i. community facilities; j. kōhanga reo (preschool);

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
		<p>j. kōhanga reo (preschool);</p> <p>k. kura kaupapa (education activity and facilities);</p> <p>l. whare hauora (health care facilities);</p> <p>m. Māori cultural activities, including art and wānanga,</p> <p>n. Hākinakina (recreation activities and facilities, excluding commercial recreation and motorised sports), and</p> <p>o. ahūwhenua (primary production).</p>	<p>k. kura kaupapa (education activity and facilities);</p> <p>l. whare hauora (health care facilities);</p> <p>m. Māori cultural activities, including art and wānanga,</p> <p>n. Hākinakina (recreation activities and facilities, excluding commercial recreation and motorised sports), and</p> <p>o. ahūwhenua (primary production).</p>
240.4	Objectives	<p>Amend SD-O5 as follows:</p> <p>SD-O5 Mana Whenua</p> <p>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:</p> <p>i. mahika kai resources and habitats of indigenous species are sustained and opportunities for their enhancement or restoration are encouraged;</p>	<p>Amend:</p> <p>No amendment made to SD-O5 but change SD-O9 instead to read:</p> <p>A range of primary productive activities are enabled in the rural environment to enable the ongoing use of land for primary production for present and future generations, while:</p> <p>...</p> <p>Vii. <u>Enabling Māori land for use and development</u></p>

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
		<p>ii. the health of water body and wetland environments is protected from adverse effects of land use and development;</p> <p>iii. the values of identified sites and areas of significance to Kāti Huirapa are recognised and protected;</p> <p>iv. Kāti Huirapa <u>and Māori landowners retains</u>, and where appropriate <u>is are</u> able to enhance access to their sites and areas of significance; ...</p>	
240.5	Objectives	<p>Amend UFD-O1 as follows:</p> <p>UFD-O1 Settlement Patterns A consolidated and integrated settlement pattern that: [...]</p> <p>vi. avoids areas with important natural, cultural and character values;</p> <p>vii. minimises the loss of versatile soils;</p> <p>viii. enables papakāika, to occur on ancestral lands <u>and Māori land</u>; [...]</p>	Submission retained and further submission in opposition withdrawn.
240.6	Objectives	Amend SASM-O2 as follows:	That the Māori Trustee/ Te Tumu Paeroa submission will be withdrawn.

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
		<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>	
240.7	Policies	<p>Amend SASM-P3 as follows:</p> <p>SASM-P3 Use of sites and areas for cultural practices</p> <p>Enable Kāti Huirapa <u>and Māori landowners</u> to undertake customary harvest and other cultural practices in identified sites and areas listed in SCHED6 - Schedule of Sites and Areas of Significance to Kāti Huirapa, in accordance with tikaka</p>	That the Māori Trustee/ Te Tumu Paeroa submission will be withdrawn.
240.8	Rules	No specific relief sought.	Submission retained.
240.9	Introduction	<p>Amend the Introduction of the Māori Purpose Zone as follows:</p> <p>The purpose of the Māori Purpose Zone is to provide for the social, cultural, environmental and economic wellbeing of mana whenua, <u>and Māori landowners</u> and ensure a thriving</p>	<p>Amend the Introduction of the Māori Purpose Zone as follows:</p> <p>The purpose of the Māori Purpose Zone is to provide for the social, cultural, environmental and economic wellbeing of mana whenua, <u>enable Māori land</u> and ensure a thriving and self-</p>

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
		<p>and self-sustaining Māori community. The zone recognises and provides for the relationship of Māori with the land.</p> <p>The Māori Purpose Zone is applied to areas of land originally granted as Native Reserve for Māori occupation or use. One of the main aspirations of the Māori Purpose Zone is to create an enabling planning regime to not only encourage the development and use of the existing Māori land, but to create a place for mana whenua <u>and Māori landowners</u> to return to. Māori should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone. ...</p>	<p>sustaining Māori community. The zone recognises and provides for the relationship of Māori with the land.</p> <p>The Māori Purpose Zone is applied to areas of land originally granted as Native Reserve for Māori occupation or use. One of the main aspirations of the Māori Purpose Zone is to create an enabling planning regime to not only encourage the development and use of the existing Māori land, but to create a place for mana whenua to return to. Māori should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone. ...</p>
240.10	Objectives	<p>Amend MPZ-O1 as follows:</p> <p>MPZ-O1 Enabling use and development of Māori land</p> <p>The occupation of ancestral land by mana whenua <u>and Māori landowners</u> is recognised and provided for within the Māori Purpose Zone.</p>	<p>Amend MPZ-O1 as follows:</p> <p>MPZ-O1 Enabling use and development of Māori land</p> <p>The occupation of ancestral land by mana whenua <u>and the enablement of Māori land</u> is recognised and provided for within the Māori Purpose Zone.</p>
240.11	Objectives	<p>Amend MPZ-O2 as follows:</p> <p>MPZ-O2 Purpose of the Zone</p>	<p>Amend MPZ-O2 as follows:</p> <p>MPZ-O2 Purpose of the Zone</p>

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
		The Māori Purpose Zone specifically provides for mana whenua <u>and Māori landowners</u> needs and activities, including papakāika, to achieves a thriving, sustainable and self-sufficient Māori community.	The Māori Purpose Zone specifically provides for mana whenua needs and activities <u>and the enablement of Māori Land</u> , including papakāika, to achieves a thriving, sustainable and self-sufficient Māori community.
240.12	Policies	<p>Amend MPZ-P6 as follows:</p> <p>MPZ-P6 Future zone locations</p> <p>Support the future application of the Māori Purpose Zone in other locations where it will enable the use and development of land in accordance with tikaka Māori and to meet mana whenua <u>and Māori landowner's</u> needs.</p>	<p>Amend MPZ-P6 as follows:</p> <p>MPZ-P6 Future zone locations</p> <p>Support the future application of the Māori Purpose Zone in other locations where it will enable the use and development of land in accordance with tikaka Māori and to meet mana whenua needs <u>and enable Māori Land</u>.</p>

APPENDIX THREE: Remedies Sought

District Wide Chapters

- (a) Create the following definition:

Forest Land

For the purpose of rule SASM-R8, forest land means the same as the Climate Change Response Act 2002.

- (b) Include a cross reference into the Chapter introductions that state:

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole.

- (c) That the following matter of control or discretion is added to the following rules

Matter of Control/Discretion:

x. Management on effects on Ngāi Tahu values

For the following rules relating to this hearing:

- EI-R22 Construction, maintenance, repair and upgrading of underground water supply etc not meeting performance standard (RDA)
- EI-R26 New three water infrastructure (RDA)
- EI-40 New Landfills (RDA)
- SW-R6 Road upgrades (RDA)

Drinking Water Standards

- (d) Create a new rule:

DWP-Rx New Activities in the Māori Purpose Zone

DWPA - for Community Drinking Water Supply

DWPA - within 50m from a private drinking water supply

Activity status: Restricted Discretionary

Matters of control are restricted to:

1. *any impact on the safety of drinking water supplies for human consumption, and measures to avoid or mitigate these effects; and*
2. *the proximity of the land use activity to the drinking water supply, and measures taken to protect the supply point from the effects of the activity; and*

3. Risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.

Energy, Infrastructure and Transport

- (e) The Energy and Infrastructure Chapter Introduction amended as follows:
In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. The objectives and policies in this chapter take precedence over the objectives and policies in any Zone Chapter of Part 3 – Area Specific Matters except for the Special Purpose Zones. 6 In managing the effects of Regionally Significant Infrastructure and other infrastructure, the provisions in Part 2 – District Wide Matters also apply.

Note: ... Rules in Sections A - Section F of this chapter take precedence over rules in any Zone Chapter of Part 3 — Area Specific Matters - Zone Chapters and the Zone Chapter rules do not apply except for the Special Purpose Zones.

- (f) The Transport Chapter Introduction note amended as follows:
Note: Activities not listed in the rules of this chapter permitted under this chapter. Rules TRAN-R1 to TRAN-R11 in this chapter take precedence over rules in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters except for the Special Purpose Zones. Unless otherwise specified in this chapter, the provisions of the Development Area chapter, Designation Chapter and chapters in Part 2 - District-wide Matters Chapters still apply to activities provided for in the TRAN Chapter and therefore resource consent may be required by these chapters. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.
- (g) Retain Policy EI-P2 as notified in respect to the impact on the Sites and Areas of Significance to Māori overlay:
EI-P2 Managing adverse effects of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure

1. *Except as provided for by Policy EI-PX, provide for Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure where any adverse effects are appropriately managed by:*

a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins, bat protection areas and notable trees in accordance with the relevant Part 2 - District Wide provisions applying to those areas;...

3. *where due to functional needs or operational needs, RSI and other infrastructure must be located in the environments identified in EI-P2.1.a, apply the following effects management hierarchy:*

- a adverse effects are avoided where possible practicable; and*
- b. where adverse effects cannot be avoided, they are minimised where possible practicable; and*
- c. where adverse effects cannot be minimised, they are remedied where possible practicable; and*
- d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible; and*
- e. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and*
- f. if compensation is not appropriate, the activity itself must be avoided in the environments identified in EI-P2.1.a.*

(h) Amend Policy EI-PX to remove domination over the Sites and Areas of Significance to Māori overlay:

EI-PX Managing adverse effects of the National Grid

Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by: ...

2. *providing for new, or upgrades that are more than minor to, the National Grid; while ...*

c. where (a) and (b) do not apply, seeking to avoid adverse effects on the characteristics and values of the following; ...

vii. sites and areas of significance to Kāti Huirapa listed in SCHED6; ...

3. where it is not practicable to avoid adverse effects on the characteristics and values of the areas listed in (2), remedy or mitigate adverse effects having regard to:

- a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain measures to avoid, remedying or mitigating adverse effects;*
- b. the extent to which significant adverse effects are avoided;*
- c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection;*
- d. for substantial upgrades, the extent to which existing adverse effects have been reduced as part of the upgrade;*
- e. the extent to which adverse effects on urban amenity have been minimised; and*

4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3);

~~5. prevailing clause 2(c) over SASM-P5, SASM-P6, SASM-P7 and SASM-8 in the event of conflict; ...~~

- (i) Amend Policy TRAN-P4 to reflect the notified version in protecting the Sites and Areas of Significance to Māori overlay values:

TRAN-P4 New land transport infrastructure

Only allow new land transport infrastructure:

1. within sensitive environments / overlays, where it can be demonstrated that:

- a. the adverse effects on identified characteristics and values of the Overlay it is within will be protected ~~are avoided, remedied or mitigated~~; and ...*

Subdivision

- (j) Amend Objective SUB-01 as follows:

SUB-O1 General subdivision design

New subdivisions will:

- 1. accord with the purpose, character and qualities of the zone; and*
- 2. respond positively to the physical and associational characteristics of the site and its context; and*

3. maintain and enhances amenity values and the quality of the environment;
4. be accessible, connected and integrated with surrounding neighbourhoods; and
5. protect ~~significant~~ natural and cultural values; and
6. respond appropriately to hazards, risks and site constraints; and
7. have infrastructure and facilities appropriate for the intended use; and
8. have minimal adverse effects on regionally significant infrastructure or intensive primary production; and
9. provide for the health, wellbeing and safety of people;
10. not intentionally prevent, hinder or limit the use or development of adjoining or adjacent land, including by way of reverse sensitivity effects.

Historic Heritage

- (k) Amend overview as follows:

The District Plan also recognises and manages Sites of Significance to Māori within the SASM – Sites and Areas of Significance to Māori chapter. These are historic heritage sites which have high historic, social and cultural values and are listed in SCHED-6 Schedule of Sites and Areas of Significance to Kāti Huirapa. ~~Where a historic heritage value is listed in multiple schedules then the provisions of all chapters must be considered.~~ The objectives of the Historic Heritage Chapter are relevant to activities in the SASM chapter.

Sites and Areas of Significance to Māori (SASM)

- (l) Include a cross reference into the SASM Chapter that notes the relevant Heritage Chapter Objectives:

The objectives in the Heritage Chapter apply in addition to the provisions of this chapter.

- (m) Amend Objective SASM-O1 as follows:

SASM-O1 Decision making

Kāti Huirapa are actively involved in decision making that affects the values of the identified Sites and Areas of Significance to Kāti Huirapa and provide for rakatirataka and kaitiakitaka.

(n) Amend SASM Policy SASM-P5 as follows:

SASM-P5 Protection of values of Sites and Areas of Significance to Kāti Huirapa

Where an activity is proposed within any wāhi taoka, wāhi tapu, wai taoka or wai tapu overlay listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, protect the identified values of the site or area, through:

- 1. requiring adherence to an accidental discovery protocol for any earthworks; and*
- 2. avoiding adverse effects on identified values which would compromise the:*

- a. retention of connections to whakapapa, history and cultural tradition; and*
- b. protection of mauri and intangible values; and*
- c. protection of site integrity; and*
- d. sustainability of ecosystems supporting taoka species and mahika kai resources;*

unless it can be demonstrated that:

- i. due to the functional needs or operational needs of the activity, it is not ~~practicable~~ possible to avoid all adverse effects; and*
- ii. any residual effects that cannot be practicably avoided are mitigated, as far as ~~practicable~~ possible, in a way that protects, maintains or enhances the overall values of the site or area; ~~or~~ and*
- ~~iii. for infrastructure, adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~*
- ~~vi. the extent to which the adverse effects are avoided by route, site and method selection; and~~*
- ~~v. where adverse effects cannot be avoided, they are remedied, mitigated or offset in accordance with expert advice.~~*

(o) Amend Rule SASM-R8 as follows:

SASM-R8 Woodlots, forest land or plantation forestry

Māori Purpose Zone

- (p) Amend the Introduction of the Māori Purpose Zone as follows:

The purpose of the Māori Purpose Zone is to provide for the social, cultural, environmental and economic wellbeing of mana whenua, enable Māori land and ensure a thriving and self-sustaining Māori community. The zone recognises and provides for the relationship of Māori with the land.

- (q) Amend MPZ-O1 as follows:

MPZ-O1 Enabling use and development of Māori land

The occupation of ancestral land by mana whenua and the enablement of Māori land is recognised and provided for within the Māori Purpose Zone.

- (r) Amend MPZ-O2 as follows:

MPZ-O2 Purpose of the Zone

The Māori Purpose Zone specifically provides for mana whenua needs and activities and the enablement of Māori Land, including papakāika, to achieves a thriving, sustainable and self-sufficient Māori community.

- (s) Amend MPZ-P6 as follows:

MPZ-P6 Future zone locations

Support the future application of the Māori Purpose Zone in other locations where it will enable the use and development of land in accordance with tikaka Māori and to meet mana whenua needs and enable Māori Land.

APPENDIX FOUR: Assessment Tables for Ngāi Tahu values

The following tables have used a fictional yet realistic scenario that would trigger each of the controlled and restricted discretionary rules of the chapters that are the subject of this hearing. The Ngāi Tahu values that are considered are taken from the Mana Whenua Chapter and are used for this assessment to determine if there could be a potential effect.

Ngāi Tahu value	How the value be relevant
Tikaka	Will this activity be consistent with traditional practices?
Kaitiakitaka	What resources are impacted by this? (Public access is reduced, loss of taonga species by clearance/increased noise, downstream impacts).
Rakatirataka	How does this fit into the RMA partnership and agreements between Crown/Council and Ngāi Tahu?
Mauri	Will the activity impact vegetation, bird corridors, erosion or contaminants in a wider system?
Mahika kai	Could the activity impact a food or resource gathering location?
Ki Uta Ki Tai	Is the activity near a SASM or within a prominent view shaft or route between SASM?
Wāhi tapu & Taoka	Is there spiritual values associated with the area or Taonga species in the area?

This is then compared to the existing matters of control or discretion as well as other relevant parts of the Plan to determine if there is the potential for significant adverse effects on Ngāi Tahu values that are not already provided for within the Plan. This analysis has been subjective

as there are several matters of discretion that are open to interpretation. If my interpretation is incorrect of the matters of control and discretion or they significantly change because of hearing evidence of other submitters, then further consideration by the Panel may be required to determine if the values have been considered. It is assumed that these activities are not within an overlay. Rules relating to a specific overlay (such as flight path) or development areas are also not considered.

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
ENERGY, INFRASTRUCTURE, TRANSPORT				
EI-R5 Access for network utilities not meeting performance standard (RDA)	Access track is sealed	Timing of works impacting Mahika kai. The location moved within the site to protect a specific value.	Location of track Impact on the character and qualities of the surrounding area	Yes Location values can be considered as well as the timing as part of the impact.
EI-R6 Above ground customer connections not meeting performance standard (RDA)	Customer connection requiring a new tower	Potential Viewshaft blockage	Location of tower Design integration within the site, existing built form or landform Landscaping and recessive colours	Yes Design and colouring can ensure viewshaft effects are considered.
EI-R7 Temporary network utilities, including generators not meeting performance standard (RDA)	Temporary Network Utility operates for 2 years	Timing of works impacting Mahika kai. Alternative access to the area (Most utilities not allowing public access)	Bulk, height, location and design Impact on the character and qualities of the surrounding area	Yes Design, location and impact matters can address these issues if relevant.
EI-R8 Substations (including switching stations) and energy	Oversized substation	Potential Viewshaft blockage	Bulk, height, location and design	Yes

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
storage batteries not enclosed within a building not meeting performance standard (RDA)		The location moved within the site to protect a specific value.	Impact on the character and qualities of the surrounding area	Design, location and impact matters can address these issues if relevant.
EI-R14 Telecommunications kiosk not meeting performance standard (RDA)	Oversized kiosk	Potential Viewshaft blockage The location moved within the site to protect a specific value.	Bulk, height, location and design Impact on the character and qualities of the surrounding area	Yes Design, location and impact matters can address these issues if relevant.
EI-R15 Telecommunications or radiocommunication activities not meeting performance standard (RDA)	Telecommunication pole breaching Height Recession Plane	Potential Viewshaft blockage The location moved within the site to protect a specific value.	Bulk, height, location and design Impact on the character and qualities of the surrounding area	Yes Design, location and impact matters can address these issues if relevant.
EI-R17 Other network utilities not meeting performance standard (RDA)	Oversized network utility	Potential Viewshaft blockage The location moved within the site to protect a specific value.	Bulk, height, location and design Impact on the character and qualities of the surrounding area	Yes Design, location and impact matters can address these issues if relevant.
EI-R20 New emergency or permanent back-up electricity generation for a utility not meeting performance standard (RDA)	Oversized back-up electricity generation for an utility	Potential Viewshaft blockage The location moved within the site to protect a specific value.	Bulk, height, location and design Impact on the character and qualities of the surrounding area	Yes Design, location and impact matters can address these issues if relevant.
EI-R21 Telecommunications lines etc (RDA)	A cabinet higher than 2m.	Accidental Discovery Protocol. Painted with colours that blend in/not obstruct view from xx point.	Bulk, height, location and design Impact on the character and qualities of the surrounding area	Yes Design, location and impact matters can address these issues if relevant.

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
EI-R22 Construction, maintenance, repair and upgrading of underground water supply etc not meeting performance standard (RDA)	New wastewater pipe over waterbody	Implementation of the recommended conditions in the CIA. Painted with colours that blend in/not obstruct view from xx point. Taonga species are preserved onsite. Storytelling of the values.	Impact on the character and qualities of the surrounding area	No The scale, location, cultural sensitivity (as it involves wastewater) and protocol in case of leaks cannot be addressed.
EI-R24 Rainwater collection systems for non-potable use not meeting performance standard (RDA)	System breaching Height Recession Plane	Potential Viewshaft blockage The location moved within the site to protect a specific value.	The matters of discretion of any infringed standard.	Yes Location and amenity usually covered by this matter.
EI-R25 Maintenance, repair and upgrading of existing above ground water systems infrastructure use not meeting performance standard (RDA)	System breaching Height Recession Plane	Accidental Discovery Protocol. Painted with colours that blend in/not obstruct view from xx point. Taonga species are preserved onsite.	Bulk, height, location and design Impact on the character and qualities of the surrounding area	Yes Design, location and impact matters can address these issues if relevant. Earthworks rules address Accidental Discovery Protocol.
EI-R26 New three water infrastructure (RDA)	Wastewater system for Industrial Activity	Implementation of the recommended conditions in the CIA. The location moved within the site to protect a specific value. Replanting and increased access.	Bulk, height, location and design Impact on the character and qualities of the surrounding area	No While most of the effects of 3 water infrastructure is a regional issue, the tikaka could be potentially impacted in terms of location or mahika kai for timing of works.

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
		Relocation of part of the structures or reduction in scale. Accidental Discovery Protocol. Taonga species are preserved onsite.		
EI-R28 Earthworks within the National Grid (RDA)	Large hole near the National Grid	Accidental Discovery Protocol.	Earthworks provisions in the District Wide chapter	Yes General earthworks provisions
EI-R29 Subdivision within the National Grid corridor (RDA)	Subdivision	Accidental Discovery Protocol. Retention of Ngāi Tahu values.	Subdivision provisions in the District Wide chapter	Yes General subdivision provisions
EI-R31 & R33 New utility equipment for investigating a site for suitability for renewable electricity generation use not meeting performance standard (RDA)	Mast exceeds height	Accidental Discovery Protocol. Relocation of facility within site. Design not impacting a view shaft or route between SASM. Taonga species are preserved onsite.	Impact on the character and qualities of the surrounding area Noise Site restoration	Yes Impact on character can address these issues if relevant. Earthworks rules address Accidental Discovery Protocol.
EI-R32 Installation of solar cell for small scale renewable electricity generation not meeting performance standard (RDA)	Structure exceeds height	Accidental Discovery Protocol. Relocation of facility within site. Design not impacting a view shaft or route between SASM.	The matters of discretion of any infringed standard.	Yes Impact on zone character can address these issues if relevant. Earthworks rules address Accidental Discovery Protocol.

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
EI-R36 Amateur radio configurations not meeting performance standard (RDA)	Structure exceeds height	Accidental Discovery Protocol. Relocation of facility within site. Design not impacting a view shaft or route between SASM.	Visual amenity effects, including effects on landscape and streetscape values and neighbouring properties	Yes Visual amenity can address these issues if relevant. Earthworks rules address Accidental Discovery Protocol.
EI-40 New Landfills (RDA)	New landfill	Relocation of facility within site. Replanting of indigenous species (when landfill closed). Design not impacting a view shaft or route between SASM. Monitoring reports to rūnanga on specific values.	Attraction of wildlife and fauna. Methods to avoid bird strike.	No The potential effects on Ngāi Tahu values for a new landfill need to consider cultural values.
SW-R1, R2, R3, R4, R5 Developments that result in an increase in impervious surfaces not meeting performance standard (RDA)	Sealed car park with stormwater not directed to stormwater network	Taonga species are preserved onsite. Accidental Discovery Protocol.	Compliance achieved by infiltration, trenches, swales, pongs, drywells, permeable pavements or other devices.	Yes Provides for a design that is more consistent with Ngāi Tahu values. Earthworks rules address Accidental Discovery Protocol.
SW-R6 Road upgrades (RDA)	New Road	Accidental Discovery Protocol. Timing of works impacting Mahika kai. Impact on Mauri of surrounding catchment.	Stormwater mitigation	No This activity has the potential to be significant in size and consideration

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
		Impact on nearby SASM.		of Ngāi Tahu values will lead to better outcomes.
SW-R7 Installation of metal building materials	New Industrial building with unpainted metal roof	Impact on Mauri of surrounding catchment. Potential glare impacting Taoka species.	Stormwater mitigation Off-set stormwater treatments	Yes Issues could be addressed via a regional consent process (discharge).
TRAN-R3, R4, R7, R8 Vehicle Access way not meeting performance standard (RDA)	Overwide/New vehicle crossing	Accidental Discovery Protocol.	The matters of discretion of any infringed standard.	Yes Earthworks rules address Accidental Discovery Protocol
TRAN-R5, R6 Maneuvering areas not meeting performance standard (RDA)	Not enough space for vehicles to turn around onsite.	Accidental Discovery Protocol.	The matters of discretion of any infringed standard.	Yes Earthworks rules address Accidental Discovery Protocol
TRAN-R9 Charging facility for electric vehicles not meeting performance standard (RDA)	A stand-alone charging facility	Accidental Discovery Protocol.	Safety and efficiency of land transport infrastructure.	Yes Earthworks rules address Accidental Discovery Protocol
TRAN-R10 High trip generation activities (RDA)	Large supermarket	Screening the activity from a sensitive site.	Any mitigation proposed.	Yes The broad any mitigation could include screening.
SUBDIVISION				

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
SUB-R1 Boundary Adjustment (CA) SUB-R2 New allotments solely for the purpose of network utilities (CA)	Boundary Adjustment between two sites to enable a larger building platform on one lot	Accidental Discovery Protocol. Replanting of indigenous species (especially near waterbody).	The location, size and design The compatibility with the purpose, character and qualities of the zone The response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation	Yes This is very broad and open to interpretation. Earthworks rules address Accidental Discovery Protocol
SUB-R3 Subdivision not listed in SUB-R1 and SUB-R2 (RDA)	New lot			
SUB-R4 Subdivision and the National Grid Subdivision Corridor (RDA)	New lot for the National Grid	Impact on nearby SASM (vegetation removal).	The nature and location of any vegetation to be planted in the vicinity of the National Grid	Yes Vegetation planting nearby can encourage more mahinga kai establishment.
MĀORI PURPOSE ZONE				
MPZ-R9 Artificial crop protection structure not meeting performance standard (RDA)	Structure longer than 100m parallel to a common boundary	Painted with colours that blend in/not obstruct view from xx point.	Visual impacts Shading adverse effects on adjoining sites, mitigation measures	Yes Visual impacts can address these issues if relevant.

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
MPZ-R13 Other commercial services, offices and retail activities (RDA)	Big Box Retail	Relocation of facility within site. Timing of activity impacting Mahika kai. Screening the activity from a sensitive site.	Reverse sensitivity Scale, intensity and/or character of the activity is appropriate	Yes The scale of the activity and potentially reserve sensitivity effects can consider Ngāi Tahu values.
MPZ-S1 Building and structure setbacks not meeting performance standard (RDA) MPZ-S2 Building and structure height not meeting performance standard (RDA)	Oversized building	Relocation of facility within site. Screening the activity from a sensitive site. Design not impacting a view shaft or route between SASM. Painted with colours that blend in/not obstruct view from xx point.	Dominance, shading and loss of privacy and sunlight in relation to adjoining properties amenity and character nuisance effects mitigation measures.	Yes The scale of the activity and potentially reserve sensitivity effects can consider Ngāi Tahu values.
MPZ-S3 Outdoor storage not meeting performance standard (RDA)	Storage too close to boundary	Relocation of facility within site. Tikaka implications of what is stored.	Visual impacts adequacy of fencing or landscaping mitigation measures	Yes The broad any mitigation matter could include conditions relating to what is stored.
MPZ-S4 Servicing not meeting performance standard (RDA)	Residential activity not storing minimum amount of potable water	n.a	adequate supply of potable water security of any proposed potable water supply from contamination storage volume of water for domestic and fire-fighting purposes.	Yes

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
MPZ-S5 Trees not meeting performance standard (RDA)	Trees too close to the boundary	Replanting of indigenous species. View shaft/amenity values.	height and setback of trees shading of houses & roads traffic safety tree species	Yes The species of trees and height are matters of discretion that addresses this issue.
HISTORIC HERITAGE				
HH-R2 Temporary buildings and structures within a heritage setting not meeting performance standard (RDA)	The building is within the setting for 1 month	Timing of works impacting Mahika kai.	Duration, Location Compatibility with heritage item and its setting and other elements including structures, plantings and access	Yes Duration is a matter of discretion
HH-RX Official signs attached to a Historic Heritage Item (CA)	Overlarge sign	Storytelling of the values.	Compatibility, location Relationship with other elements with the heritage setting including ancillary structures, plantings and access.	Yes Relationship with other elements is a matter of discretion that could be used to provide the storytelling.
HH-R3 New buildings, structures and signs (other than official signs) within a heritage setting (RDA)	Overlarge sign			
HH-RX Customer connections to Historic Heritage Items not meeting performance standard (RDA)	Customer connection attached to front façade of building	n.a	Compatibility of the form, scale, design and materials of the alterations, additions or new building	n.a

Controlled (CA) / Restricted Discretionary Activity (RDA) rule	Feasible Activity scenario triggering consent	Possible conditions of consent to address Ngāi Tahu values	Potential relevant Matters of Discretion that could address values	Can the conditions be considered without reference to Ngāi Tahu values?
HH-R4 Earthworks within heritage settings (RDA)	Earthworks as part of improving foundations	Accidental Discovery Protocol. Storytelling of the values.	Scale, nature, extent and timing of earthworks Mitigate adverse effects Accidental Discovery Protocol	Yes The broad any mitigation matter could include conditions relating to what is stored.
HH-R5 External strengthening of a Historic Heritage Item (RDA)	Repair of facade	n.a	Document changes to the heritage item	n.a
HH-R12 Maintenance, repair or internal alteration of buildings not meeting performance standard (RDA)	Repairing using different materials	Accidental Discovery Protocol.	compatibility of the form, scale, design and materials	Yes This is covered in the earthworks rules.
HH-R13 New buildings or structures (RDA)	New building in heritage area	Accidental Discovery Protocol. Storytelling of the values.	compatibility of the form, scale, design and materials location	Yes The earthworks rules include the protocol. Storytelling can be considered in the design and materials if needed.
HH-R14 External alterations and additions to buildings (RDA)	Adaptive re-use of building requiring changes for disability access			

In my opinion, based on the table above the Controlled and Restricted Discretionary activities that have the potential to adversely affect Ngāi Tahu values are:

- EI-R22 Construction, maintenance, repair and upgrading of underground water supply etc not meeting performance standard (RDA)
- EI-R26 New three water infrastructure (RDA)
- EI-40 New Landfills (RDA)
- SW-R6 Road upgrades (RDA)

I reached this conclusion after reviewing the potential adverse effects to Ngāi Tahu values for the feasible activities and removing effects that were able to be considered through other plan provisions and the existing matters of discretion for the rules.

The benefits of including the matter of discretion for Ngāi Tahu values for these rules are better implementation of the CRPS, effective consideration of the Strategic Direction SD-O5 and improved cultural and environmental outcomes. The costs could include a more detailed assessment than previously considered on the potential cultural impacts in an assessment of environmental effects and/or discussion with representatives of the rūnanga. However, as the consideration of Poutini Ngāi Tahu values is limited to the above rules that have the potential to cause adverse effects on Ngāi Tahu values, then the cost is minimised and reasonable, as well as being efficient compared to restoration of the values if damaged.

Many Ngāi Tahu values protect resources that once gone cannot be replaced, therefore I consider that the risk of not acting is higher than acting.

The additional matter of discretion or control is efficient as it clearly identifies and communicates to the Plan user that additional consideration of Ngāi Tahu values may be required. This means that engagement can occur early in the process and not be a surprise or delay to the activity. By discounting potential effects that are covered by other provisions of the Plan, the inclusion of Ngāi Tahu values to these rules will be effective in ensuring that significant adverse effects on Ngāi Tahu values are regarded and minimized as required by the objective and policies.

In conclusion, given the types of activities (and possible effects) that are addressed by the rules above, I consider that it remains important that Ngāi Tahu values are included as a matter of discretion.

APPENDIX FIVE: Council self-reporting to MfE

RMA partnership with Iwi 2022/23

Councils	Budget for Iwi participation in consents	Other forms of Council support in consents	Budget for Iwi participation in policy and plan making	Other forms of Council support in plan making	Other capability and capacity tools
Timaru District	\$0	Service level agreement in place with AECL to handle mana whenua participation in consent processing which is then cost recovered.	\$25,000	Service level agreement in place with AECL to handle mana whenua participation in plan making.	Service level agreement in place with AECL to handle provisions in planning and decision-making.

RMA processes with Iwi 2022/23

Councils	No. of Resource Consents	No of Fast Track application	Consents referred to Iwi for consultation	For Commissioner: Iwi Authority consultation on appointment	No. of Plan making processes
Timaru District	247	0	13 (5%)	0	Full Plan review