



Proposed Timaru District Plan

Supplementary Statement: Sites and Areas of Significance to Māori

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Abbreviations Used in this Statement:

Abbreviation	Full Text
ADP	Accidental Discovery Protocol
AECL	Aoraki Environmental Consultancy Limited
Council	Timaru District Council
ECO Chapter	Ecosystems and indigenous Biodiversity Chapter
EW Chapter	Earthworks Chapter
GIZ	General Industrial Zone
GRUZ	General Rural Zone
GRZ	General Residential Zone
NATC Chapter	Natural Character
NFL Chapter	Natural Features and Landscapes Character
ONL	Outstanding Natural Landscape
PDP	Proposed Timaru District Plan
RLZ	Rural Lifestyle Zone
SASM	Sites and Areas of Significance to Māori
VAL	Visual Amenity Landscape

1. Introduction

- 1.1.1 My name is Liz White. I am a self-employed independent planning consultant (Liz White Planning). I prepared the s42A report for Hearing E on the Sites and Areas of Significance to Māori (SASM) and Māori Purpose Zone. I have the qualifications and experience as set out in my s42A report.
- 1.1.2 The purpose of this supplementary statement is to respond to the direction contained in Hearing Panel Minute 38 at paragraph 7, which directed me to prepare a supplementary statement addressing the following:
- Provide a summary of the key differences between the notified version and the version recommended in the s42A interim reply report, and explain why these differences are considered appropriate from a cultural perspective; and
 - The Panel understands that the amended version reflects discussions between the s42A author (Ms White) and the Council's cultural advisor (Mr Henry). Please confirm whether all amendments in the s42A interim reply report version of the SASM Chapter are supported by Mr Henry.

2. Response

2.1 Key Differences Between Notified Version & Recommendations

- 2.1.1 A summary of the key differences between the notified version and the version recommended in the s42A interim reply report are set out in Table 1 below. I have also set out (in summary) why these differences are considered appropriate. This consideration is based on the efficiency and effectiveness of the changes in achieving the proposed objectives of the PDP, taking into account costs and benefits, including (but not limited to) cultural costs and benefits, in accordance with s32.

2.2 Mr Henry's View on s42A interim reply report version of the SASM Chapter

- 2.2.1 As set out in the s42A Report (para 1.3.1), as part of preparing that report, I had several discussions with Kylie Hall and Treena Davidson who are planners at AECL. This assisted with my understanding of the cultural information in the planning context. This included discussions relating to the AECL Report¹; the AECL letter dated 30 June 2021; and Mr Henry's evidence. I have also noted specific advice provided from them, on which I relied, in the s42A Report. These discussions also included input from Ms Hall and Ms Davidson on the recommended changes to the SASM Chapter, which in turn, they discussed with Mr Henry. While Mr Henry's role is to provide cultural evidence in relation to the proposed SASMs, I understand that he was comfortable with the recommended changes, on the basis of the planning advice he received from Ms Hall and Ms Davidson.

¹ Aoraki Environmental Consultancy Ltd (2020). *Timaru District Plan Review: Report on Sites and Areas of Significance to Māori*.

- 2.2.2 In terms of the further changes to the SASM Chapter which were recommended in the Interim Reply, this same process was followed, in terms of these recommendations, and the reasons being discussed with Ms Hall and Ms Davidson. For example, as noted in the Reply², Ms Hall provided input into the recommended definition for a ‘temporary cultural event’ which is recommended in order to assist with the interpretation of SASM-R4. The further changes recommended in the Interim Reply are limited, relating to additional information about access to private land being included in the Introduction; changes to remove unnecessary duplication with the CLWRP; integration with the Infrastructure Chapter; and changes to the activity status for forestry in proximity to rock art areas. Ms Hall and Ms Davidson were comfortable with these changes and I understand that based on their advice, they were supported by Mr Henry.

² Row (k) in Appendix C.

TABLE 1

Rule	Notified PDP Rule	S42A Recommendation	Summary of Key Differences	Appropriateness
SASM-R1 Earthworks (not including quarrying and mining)	Wāhi Tūpuna (SASM-R1.1) - Permitted up to 750m ² or for maintenance of listed items within existing footprint / modified ground + ADP form lodged	<p>Wāhi Tūpuna (in GRUZ and RLZ only and outside an ONL/VAL) (SASM-R1.1) - Permitted up to 2000m² or for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies</p> <p><i>In other zones, rely on Earthworks Chapter rules, but with additional SASM matters of discretion and additional note in NFL rules.</i></p>	<ul style="list-style-type: none"> - For Wāhi Tūpuna in urban areas, there would be no 'additional' rule in the SASM Chapter for earthworks. - For Wāhi Tūpuna also in an ONL/VAL, there would be no 'additional' rule in the SASM Chapter for earthworks. - For Wāhi Tūpuna in GRUZ and RLZ, the permitted volume would increase (from 750m² to 2000m²). - Additional matters of discretion relating to SASM would be added to relevant EW and NFL Chapter rules to ensure consideration of effects on cultural effects for applications made under those rules. - Earthworks for the repair or replacement (in addition to maintenance) of existing listed assets would be permitted, and listed items extended to also include existing fences, pipelines and buildings. - An ADP would apply, but there would no longer be a 	<ul style="list-style-type: none"> - Takes into account AECL Report that the ability to manage the effects of earthworks (including through modification of the landscape or landforms and the impact this has on connections to whakapapa, history and cultural traditions; changes to land drainage and values associated with waterways; and the disturbance caused by earthworks to site integrity) needs to be balanced against the reasonable expectation of people to be able to undertake the activities provided for in the underlying zone.³ - Better aligns controls on earthworks with activities anticipated in the underlying zoning.⁴ - Earthworks in ONLs/VALs beyond the maintenance and repair of existing items are discretionary, already allowing for consideration of effects on cultural values (with a Note to highlight this also recommended to be added to NFL rule).⁵ - For urban zones, zone-based limits are either lower (250m²) or equivalent to recommended 2000m² limit – so removing separate SASM rule is more efficient (without altering actual control, and therefore still being effective).⁶ - Requirement to fill out ADP form is inefficient and does not achieve anything over and above requirement to comply with protocol.⁷

³ Section 42A Report, para 8.9.16; AECL Report page 43.

⁴ Section 42A Report, para 8.9.17.

⁵ Section 42A Report, para 8.9.20.

⁶ Section 42A Report, para 8.9.19.

⁷ Section 42A Report, para 8.10.7.

Rule	Notified PDP Rule	S42A Recommendation	Summary of Key Differences	Appropriateness
			requirement to submit a form confirming adherence to it.	
	Wāhi Taoka / Wai Taoka (SASM-R1.2) – Permitted for maintenance and replacement (of same nature, character and scale) of listed items within existing footprint / modified ground + ADP form lodged	Wāhi Taoka / Wai Taoka (in GRUZ and RLZ only and outside the bed of a river or a riparian margin) (SASM-R1.1) Permitted up to 2000m² or for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies <i>In other zones, rely on Earthworks Chapter rules, but with additional SASM matters of discretion</i>	<ul style="list-style-type: none"> - For Wāhi Taoka / Wai Taoka in urban areas, there would be no 'additional' rule in the SASM Chapter for earthworks. - Within a riparian margin, there would be no 'additional' rule in the SASM Chapter for earthworks, with that of the NATC Chapter applying. - Additional matters of discretion relating to SASM would be added to NATC Chapter earthworks rules to ensure consideration of effects on cultural effects for applications made under those rules. - There would be a permitted volume of earthworks provided for – up to 2000m² - without a resource consent pathway being triggered. - Earthworks for the maintenance, repair or replacement of existing listed assets would be extended to also include existing pipelines and buildings. 	<ul style="list-style-type: none"> - Takes into account AECL Report that the ability to manage the effects of earthworks (including through modification of the landscape or landforms and the impact this has on connections to whakapapa, history and cultural traditions; changes to land drainage and values associated with waterways; and the disturbance caused by earthworks to site integrity) needs to be balanced against the reasonable expectation of people to be able to undertake the activities provided for in the underlying zone.⁸ - Better aligns controls on earthworks with activities anticipated in the underlying zoning and ensures they are not overly restrictive.⁹ - Removes overlap, duplication and potential conflict with earthworks controls already applying in defined riparian areas. Effectiveness of approach is retained via matters of discretion relating to SASM values being added to NATC rule.¹⁰ - Requirement to fill out ADP form is inefficient and does not achieve anything over and above requirement to comply with protocol.¹¹

⁸ Section 42A Report, para 8.9.16; AECL Report page 43.

⁹ Section 42A Report, para 8.9.23.

¹⁰ Section 42A Report, para 8.9.24.

¹¹ Section 42A Report, para 8.10.7.

Rule	Notified PDP Rule	S42A Recommendation	Summary of Key Differences	Appropriateness
			<ul style="list-style-type: none"> - An ADP would apply, but there would no longer be a requirement to submit a form confirming adherence to it. 	
	Wāhi Tapu / Wai Tapu (SASM-R1.3)– RDIS	<p>Wai Tapu (in GRUZ and RLZ only and outside the bed of a river or a riparian margin) (SASM-R1.1) Permitted up to 2000m² or for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies</p> <p><i>In other zones, rely on Earthworks Chapter rules, but with additional SASM matters of discretion</i></p>	<ul style="list-style-type: none"> - Earthworks for the maintenance, repair or replacement of existing listed assets within GRUZ-based SASMs would be permitted. - In urban-based SASMs there would be no 'additional' rule in the SASM Chapter for earthworks. - Within a riparian margin, there would be no 'additional' rule in the SASM Chapter for earthworks, with that of the NATC Chapter applying. - Additional matters of discretion relating to SASM would be added to NATC Chapter earthworks rules to ensure consideration of effects on cultural effects for applications made under those rules. 	<ul style="list-style-type: none"> - Takes into account AECL Report that the the ability to manage the effects of earthworks (including through modification of the landscape or landforms and the impact this has on connections to whakapapa, history and cultural traditions; changes to land drainage and values associated with waterways; and the disturbance caused by earthworks to site integrity) needs to be balanced against the reasonable expectation of people to be able to undertake the activities provided for in the underlying zone.¹² - Notified rule is too restrictive, requiring a resource consent for any earthworks whatsoever. I consider it appropriate to permit earthworks associated with the maintenance, repair, or replacement of existing items within these areas, on the basis that the adverse effects of earthworks associated with the listed activities will have occurred when the item was installed, and any additional earthworks will disturb land that has already been previously disturbed, and in my view will therefore not have additional adverse effects of a level that warrant a resource consent being required.¹³ - More efficient to manage earthworks in those parts of wai tapu areas which are in riparian areas through NATZ Chapter. Effectiveness of approach is retained via matters of discretion

¹² Section 42A Report, para 8.9.16; AECL Report page 43.

¹³ Section 42A Report, para 8.9.28 (with reference back to para 8.9.25).

Rule	Notified PDP Rule	S42A Recommendation	Summary of Key Differences	Appropriateness
				relating to SASM values being added to NATC rule. ¹⁴
		<p>Wāhi Tapu (SASM-R1.3)– Permitted in SASM-1a, SASM-4a and SASM-4c (located in GRUZ) for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies. Otherwise RDIS.</p> <p>For other sites, permitted + ADP applies</p>	<ul style="list-style-type: none"> - Earthworks for the maintenance, repair or replacement of existing listed assets within GRUZ-based SASMs would be permitted. - In urban-based SASMs there would be no 'additional' rule in the SASM Chapter for earthworks. 	<ul style="list-style-type: none"> - Notified rule is too restrictive, requiring a resource consent for any earthworks whatsoever. I consider it appropriate to permit earthworks associated with the maintenance, repair, or replacement of existing items within GRUZ-based SASMs (excluding rock art sites), on the basis that the adverse effects of earthworks associated with the listed activities will have occurred when the item was installed, and any additional earthworks will disturb land that has already been previously disturbed, and in my view will therefore not have additional adverse effects of a level that warrant a resource consent being required.¹⁵ - For urban zones, removing additional SASM rule and relying on underlying zone controls will better align controls on earthworks with activities anticipated in the underlying zoning. It is more efficient to add further matters of discretion to the rules in the Earthworks chapter, so that when a consent is otherwise triggered, effects on the cultural values is part of the consideration of that consent.¹⁶ - For rock art sites, there are controls on earthworks within areas also identified as SNAs, and I do not consider there to be a need to effectively replicate the earthworks rule within these wāhi tapu sites. Outside of the mapped SNA areas (but otherwise within the mapped extent of the rock art sites) and taking into

¹⁴ Section 42A Report, para 8.9.28.

¹⁵ Section 42A Report, para 8.9.25.

¹⁶ Section 42A Report, para 8.9.25.

Rule	Notified PDP Rule	S42A Recommendation	Summary of Key Differences	Appropriateness
				account the zoning is GRUZ, I consider that it is inefficient to require a resource consent for earthworks, provided that an ADP is applied. This reflects my understanding that a key issue in the area surrounding rock art sites relates to activities that change the freshwater environment, and the technical reporting ¹⁷ in relation to this does not identify a concern with earthworks in this respect. ¹⁸
Buildings & Structures	Wāhi Taoka (SASM-R2.1) – Permitted (outside RESZ, CMUZ, GIZ, PORTZ) up to 5m in height, away from ridgelines, below 900m, up to 300m ²	Wāhi Taoka (SASM-R2.1) – Permitted (outside RESZ, CMUZ, GIZ, PORTZ) up to 9m in height, away from ridgelines, below 900m , up to 300m ²	<ul style="list-style-type: none"> - The maximum permitted height in specified wāhi tapu areas would increase from 5m to 9m. - A resource consent would no longer be required for buildings in specified wāhi tapu areas located 900m above sea level. 	<ul style="list-style-type: none"> - Mr Henry's evidence is that the rule was intended to control line of sight from Te Waiaeruati and Arowhenua Marae across to the Tarahaoa Range and to Mount Peel¹⁹. The advice of Ms Hall and Ms Davidson, was that the intent was not to impose undue restrictions on the height of buildings, particularly when taking into account the activities anticipated in the underlying zone. The 9m limit would better align with the limit applying to some buildings in the GRUZ, while being lower than the higher height limits afforded to some buildings under the GRUZ rules.²⁰ - There are no areas within the wāhi taoka overlay that are 900m above sea level and therefore removing this condition has no practical effect.²¹
	Wāhi Tapu / Wai Tapu (SASM-R2.2) – RDIS	Do not apply to wai tapu or to SASM1c, SASM2, SASM3a, SASM-R8 and SASM-R9	<ul style="list-style-type: none"> - Rule would no longer apply to wai tapu sites - Rule would no longer apply to those SASMs located within urban zones. 	<ul style="list-style-type: none"> - Wai tapu overlays relate to waterbodies, and the NATC Chapter also manages activities, including buildings, within defined margins of waterbodies.

¹⁷ Guideline for implementing a land-based taonga risk and vulnerability assessment in the context of freshwater environments: Māori Rock Art. (November 2018). Gyopari, M. & Tipa, G. With contributions from Symon, A. & Scott, J. Refer to Appendix 5.

¹⁸ Section 42A Report, para 8.9.27.

¹⁹ John Henry - Expert Cultural Evidence to Support Section 42A Report: Sites and Areas of Significance to Māori (SASM) and Māori Purpose Zone, dated 9 December 2024, para 45.

²⁰ Section 42A Report, para 8.11.10-11.

²¹ Section 42A Report, para 8.11.10.

Rule	Notified PDP Rule	S42A Recommendation	Summary of Key Differences	Appropriateness
			<ul style="list-style-type: none"> - Rule would not apply to rock art SASMs. 	<p>It is more efficient to manage this under the NATC rules.²²</p> <ul style="list-style-type: none"> - The underlying zoning of the urban wāhi tapu sites (GRZ and GIZ) anticipates a high level of built form, and there are already a range of buildings established. Given the effects of existing buildings on cultural values, as well as the anticipated character of these areas, I consider it onerous to require a consent for any new building or structure. While appropriate for a resource consent pathway to apply to larger scale development or redevelopment in these areas, resource consent will be triggered through the earthworks rules, and as such there is no need to also require consent for built form.²³ - Based on discussions with Ms Hall and Ms Davidson, I am comfortable that the key concerns about the impacts of activities on the values of rock art areas is addressed through the earthworks and vegetation clearance rules, without the need for buildings and structures to also be limited.²⁴
Indigenous Vegetation Clearance	Wāhi Taoka / Wai Taoka / Wāhi Tapu / Wai Tapu (SASM-R3) – Permitted in listed circumstances.	Deleted- Rules in ECO Chapter relied on	<ul style="list-style-type: none"> - There would be no 'additional' rule in the SASM Chapter for indigenous vegetation clearance, with that of the ECO Chapter applying. This recommendation is reliant on the additional indigenous vegetation clearance rule recommended within the ECO Chapter being adopted, which 	<ul style="list-style-type: none"> - Given recommended new indigenous vegetation clearance rule, it is no longer necessary to include a separate rule within the SASM Chapter, as I consider the broader rule is more efficient, while still being effective at achieving the outcomes sought (in both the SASM and ECO Chapters). The recommended matters of discretion within the new recommended ECO Chapter rule will ensure that the values of any SASM within which indigenous vegetation

²² Section 42A Report, para 8.11.15.

²³ Section 42A Report, para 8.11.12.

²⁴ Section 42A Report, para 8.11.13.

Rule	Notified PDP Rule	S42A Recommendation	Summary of Key Differences	Appropriateness
			would apply to any indigenous vegetation clearance within a SASM and includes matters of discretion relating to effects on cultural values in SASMs.	clearance is proposed are appropriately considered. ²⁵
Temporary Events	Wāhi Tapu / Wai Tapu (SASM-R4) – Permitted where it is a cultural event undertaken in accordance with tikanga, otherwise non-complying	Wāhi Tapu / Wai Tapu (outside urban-zoned SASMs) (SASM-R4) – Permitted where it is a cultural event (added as a defined term) undertaken in accordance with tikanga, or a planned social occasion, or within SASM8 or SASM9 and not in an SNA; otherwise restricted discretionary	<ul style="list-style-type: none"> - Rule would no longer restrict temporary events within urban-based wāhi tapu areas (e.g. residential sites). - Rule would no longer apply to planned social occasions. - Within mapped rock art SASM areas, rule would only apply to areas also identified as SNAs (and therefore not restrict temporary events in the wider buffer area.) - Activity status for temporary events triggering a consent would change from non-complying to restricted discretionary 	<ul style="list-style-type: none"> - For those wāhi tapu areas that are within a largely built up urban and/or public area, I consider that the effects of temporary events on cultural values are unlikely to be different to those arising from the current land uses.²⁶ - Exclusion of social occasions is based on advice from Ms Hall and Ms Davidson that the concern the rule is intended to address relates to public access to wāhi tapu areas, rather than private occasions, such as a wedding or birthday celebration.²⁷ - Changes in relation to rock art sites is based on advice from Ms Davidson that for these sites, there is not a concern over temporary events being undertaken within the wider area of the mapped SASMs, but with the public accessing and potentially damaging the rock art itself and surrounding limestone outcrops. As these areas are generally also identified as SNAs, the recommended changes will ensure the rule is targeted to the effects it is intended to manage.²⁸ - Change to activity status reflects that temporary events may be undertaken in a way that avoids adverse effects on identified values, and is therefore more efficiently addressed through a restricted discretionary activity status.²⁹

²⁵ Section 42A Report, para 8.12.8-9.

²⁶ Section 42A Report, para 8.13.9.

²⁷ Section 42A Report, para 8.13.7.

²⁸ Section 42A Report, para 8.13.9.

²⁹ Section 42A Report, para 8.13.11.

Rule	Notified PDP Rule	S42A Recommendation	Summary of Key Differences	Appropriateness
Mining and Quarrying	Wāhi Tūpuna (SASM-R5.1) - Permitted up to 750m ² + ADP form lodged	Wāhi Tūpuna (outside ONL or VAL only) (SASM-R5.1) - Permitted up to 750m ² + ADP applies	<ul style="list-style-type: none"> - Rule would no longer apply to SASMs that are also within an ONL/VAL Overlay - An ADP applies, but there is no longer a requirement to submit a form confirming adherence to it. 	<ul style="list-style-type: none"> - Removes duplication as mining and quarrying is a non-complying activity in ONLs and VALs.³⁰ - Requirement to fill out ADP form is inefficient and does not achieve anything over and above requirement to comply with protocol.³¹
	Wai Taoka (SASM-R5.2) – Permitted in riverbed where authorized by ECan + excavated materials removed from bed after 10 days	(SASM-R5A) Restricted discretionary where outside the bed of a river <i>Within bed of a river, no rules applies</i>	<ul style="list-style-type: none"> - Intent of rule clarified, which is that the rule only applies to that part of wai taoka overlay that is not regulated through CLWRP.³² 	<ul style="list-style-type: none"> - Change does not alter the way the rule applies, but in my view provides much greater clarity as to how the rule is intended to work.³³
	Wāhi Taoka / Wāhi Tapu / Wai Tapu (SASM-R5.3) – Non-complying	(No change, but now numbered SASM-R5.2)	N/A	N/A
Intensively Farmed Stock	Wai Taoka – (SASM-R6.1) Restricted Discretionary	Deleted	<ul style="list-style-type: none"> - Activities falling within the proposed definition of Intensively Farmed Stock would no longer trigger a consent requirement under the SASM Chapter rules. 	<ul style="list-style-type: none"> - CLWRP includes controls on land use which seek to manage the effects of land use activities on water quality. The ability to intensify further, or start new intensive farming activities, and the effects of these activities on water quality, are therefore already managed under the regional plan. Because of this, I consider that an additional rule in the PDP to manage intensively farmed stock would duplicate the CLWRP controls and is not needed to achieve the outcomes sought in the PDP.³⁴
	Wāhi Taoka / Wāhi Tapu / Wai Tapu (SASM-R6.2) – Non-complying	Deleted		

³⁰ Section 42A Report, para 8.14.10.

³¹ Section 42A Report, para 8.10.7.

³² Section 42A Report, para 8.14.14.

³³ Section 42A Report, para 8.14.14.

³⁴ Section 42A Report, para 8.15.13.

Rule	Notified PDP Rule	S42A Recommendation	Summary of Key Differences	Appropriateness
				<ul style="list-style-type: none"> - Mr Henry also accepts that the PDP rule seeking to manage such land use would result in duplication.³⁵ - For wāhi tapu sites, potential impacts of this activity could have some potential impact on the integrity of these sites (e.g. destruction or modification of rock art or ground disturbance), but this is managed under the HPA so the additional control in the District Plan is not necessary to manage this.³⁶
Subdivision	Wāhi Taoka / Wai Taoka / Wāhi Tapu / Wai Tapu (SASM-R7) – Discretionary	(No change) (Rule shifted to subdivision chapter)	<ul style="list-style-type: none"> - Rule located in different chapter. 	The effect of the rule does not change.
Planting	Wāhi Tapu (SASM8 and SASM9) (SASM-R8) - Shelterbelts, woodlots, plantation forestry – Non-complying	Wāhi Tapu (SASM8 and SASM9) (SASM-R8) - Shelterbelts, woodlots, plantation commercial forestry – Restricted Discretionary	<ul style="list-style-type: none"> - Rule would no longer apply to woodlots. - Resource consent would still be required for forestry in these SASMs, but activity status would change from non-complying to restricted discretionary. 	<ul style="list-style-type: none"> - Technical basis for rule relates to impact of forestry on integrity of rock art, via changes to freshwater environment. the same level of adverse effects will not arise from shelter belts, which cover less area and are linear in nature.³⁷ - The intent of the mapped buffer area for rock art SASMs is to trigger a consent process to consider activities that may have a potential adverse effect on rock art and the values in the surrounding area. In my view, a non-complying activity status does not align with this and instead suggests that planting is not anticipated within the mapped area.³⁸

³⁵ John Henry - Expert Cultural Evidence to Support Section 42A Report: Sites and Areas of Significance to Māori (SASM) and Māori Purpose Zone, dated 9 December 2024, para 46.

³⁶ Section 42A Report, para 8.15.15.

³⁷ Section 42A Report, paras 8.17.11-12.

³⁸ Interim Reply Report, Appendix A, page 15