

Submission on Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council - Planning Unit

Date received: 15/12/2022

Submission Reference Number #:58

This is a submission on the following proposed plan (the **proposal**): Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Submitter:

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Attachments:

haypaddocktxt.jpg

haypaddocktxt.jpg

duckdamlinestxt.jpg

DJI_0019.JPG

haypaddock.jpg

greenhillearthworkstext.jpg

greenhillslip1.jpeg

egmonttrees1.jpeg

trailbike1.jpeg

I wish to be heard: No

I am willing to present a joint case: No

Could you gain an advantage in trade competition in making this submission?

- No

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- Yes

Submission points

Point 58.1

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

SASM-R6	Intensively farmed stock	
1.	Activity status: Restricted discretionary	Activity status where compliance not achieved: Not applicable
Wai taoka Overlay	Matters of discretion are restricted to: <ol style="list-style-type: none">whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; andwhether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; andthe potential adverse effects of the activity on the values associated with the Site, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; andwhether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:<ol style="list-style-type: none">affirm the connection between mana whenua and place; orenhance the cultural values of the site/area; orprovide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; andany effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.	

2. Activity status: Non-complying Wāhi taoka, wāhi tapu, and wai tapu overlays	Activity status where compliance not achieved: Not applicable
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Sentiment: Oppose

Submission:

I oppose the SASM-R6 Intensively Farmed Livestock - Non complying Wahi Taoka and Wahi tapu

- The area has been farmed for 180 years, and our property has been farmed for 115 years. Through that time farming has changed considerably, and it will need to continue to change to survive.

Making farming a non - complying activity places restrictions on the flexibility needed to survive in farming. Any restriction will reduce options, and it will reduce property value. Who will pay for this.

- The definition of intensive farmed livestock is very vague. It can be interpreted many different ways. Even mentioning dairy cows as intensive farmed livestock, is not necessarily correct. Uncertainty over these terms will reduce the flexibility of the property to the current, and future owners.

- The mapped areas, especially Wahi tapu, covers areas way outside of the site being protected. The zones seem to be a minimum of 30 ha. It is not clear why the zones are so large, compared to the small area that appears to be the site of significance. See attached pictures.

It is reasonably clear to see the sites of interest, but it is not clear as to why the zones extend out so far over developed farmland. As a result large areas of farmland are now deemed to be non-complying.

We are not sure who mapped these, or how they mapped them. No one has visited these areas in my farming lifetime.

There are plenty of regulations in place to ensure farmers follow best practises.

Relief sought

Intensive livestock farming needs to be a permitted activity. This is a farming area that has been farmed for 180 years. There are plenty of other rules and best practice guidelines to follow without adding extra layers to comply to.

The definition of intensive livestock needs to be tidied up

The mapped zones need to be realistic, and cover the actual site. and not needlessly tie up productive land.

Point 58.2

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Introduction

Provision:

The hapū who hold mana whenua in the Timaru District are Kāti Huirapa. The rohe of Kāti Huirapa extends over the area from the Rakaia River in the north to the Waitaki River in the south. The Papatipu Rūnaka that represents Kāti Huirapa is Te Rūnanga o Arowhenua.

As part of fulfilling its obligations under sections 6(e), 6(f), 7(a) and 8 of the RMA, the Council has developed this chapter (and provisions in other chapters) together with rūnaka for the purpose of managing activities that have potential adverse effects on the values of sites and areas that are significant to Kāti Huirapa.

Kāti Huirapa worked and travelled extensively across South Canterbury and, as a result, they have historical and cultural connections with land and waterways throughout the Timaru District. To appropriately reflect the depth and breadth of their relationship with the district, the approach taken is to firstly identify areas of association, referred to as 'wāhi tūpuna'. This term describes an area with significant associations to cultural traditions, history or identity. Typically, wāhi tūpuna encompass multiple related sites with connections to cultural beliefs, values and uses.

Some smaller areas have been identified because they have highly significant values that Kāti Huirapa consider require special protection. These are categorised as:

- Wāhi taoka – places that are treasured due to their high intrinsic values and their role in maintaining a balanced and robust ecosystem, sustaining quality of life and providing for the needs of present and future generations. Examples include repo raupō, wai puna and mahika kai; and/or
- Wāhi tapu - sacred sites or areas held in reverence according to whakapapa. They may be associated with tākata whenua creation stories, particular events or ceremonies, or valued resources, and include sites such as urupā, pā, Kā tuhituhi o neherā and tauraka waka.

Significant waterways and their margins are also separately identified and are similarly categorised as wai taoka or wai tapu.

In parallel with the process of identifying significant sites and areas, threats to the values of the sites and areas from a range of land use activities have been considered. Based on this, the approach to the management of activities agreed with Kāti Huirapa is a layered approach with the following characteristics:

1. identification of broad wāhi tūpuna areas within which provisions are used to identify activities that pose particularly serious threats to values and make them subject to a different consent threshold or a more onerous activity status in these areas, or to trigger consultation with mana whenua when resource consent is already needed for some other reason;

2. identification of particularly important or vulnerable areas as wāhi tapu, wāhi taoka, wai tapu and/or wai taoka where resource consent is needed for a range of activities that could adversely affect cultural values of these areas;
3. across the district as a whole, policies and matters of discretion provide for consideration of effects on cultural values, particularly when consent is required for key activities with the potential to impact on cultural values, and there are also enabling provisions for customary harvest or other cultural practices of benefit to rūnaka.

Sentiment: Oppose

Submission:

I oppose the areas identified by Kati Huirapa, as areas of significant associations to cultural traditions, history or identity.

The reasons why I oppose this are:

1, The mapped areas extend way beyond the sites of significance. Typically a site identified by Kati Huirapa, will have a buffer of at least 310 meters either side.. This gives a single site, a presence on the map of over 30 ha. Many are larger.

That is an unworkable area of land to be placing restrictions on., Please see the attached picture for an example.

2. The mapped areas dont appear to be accurate. Some circles dont appear to sit directly over the specific site.

3. No - one has actually visited many of these sites. The mapping appears to have been done solely off google earth. How accurate is this? How can I be confident in the validity of this mapping.

How can I be confident of the credentials of the person who has mapped this private property.

4. There is no specific information as to what is actually being protected in many sites.

I oppose the Kati Huirapa's approach to management of activities, in regards to enabling provisions for customary harvest or other cultural practices.

The land is considerably different than it was 500 years ago. It is sounds nice on paper but likely to be highly impractical for customary harvest or practices on private land.

On private land that has restrictions placed on it.

Relief sought

1.

The council needs to ensure the area each zone covers is scaled back to a realistic level.,

A 10 meter raduis around each Wahi Tapu site would be more realistic than a 300 meter raduis.

It would then actually be possible to fence many of the areas off and that would achieve the majority of the outcomes Kati Huirapa want.

But under the current one, nothing will be acheived.

2.

The Council can't provide provisions for customary access.

Access to private property can only be through goodwill from the owner. Relationships need to be built, not legislated.

Point 58.3

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

SASM-R8	Shelterbelts or woodlots or plantation forestry	
Wāhi tapu	Activity status: Non-complying	Activity status where compliance not achieved: not applicable
Overlay – SASM8 and SASM9 only		

Sentiment: Oppose

Submission:

I oppose SASM R8 Shelterbelts or woodlots or plantation forestry : wahi tapu non complying

The reasons are as follows:

1. Careful plantings have often enhanced and protected the environment. Making SASM R8 non-complying will add additional un-necessary regulation, which will clearly reduce the amount of future tree planting.

2. The landowner often understands their property and the outcome they are hoping to achieve better than anyone else.

See attached photos. These Popular trees were planted to stop constant natural erosion occurring. They have most likely saved

the road situated above them.

This very type of planting has recently been declined on my neighbors farm - based on it is not the right type of tree. Clearly this planting has been a success, while still providing abundant grazing underneath. Its hard to see how getting Kati Huirapa (or equivalent), who do not have the years of site specific knowledge, to fully understand the site specific issues in making these decisions. The land owner is the most qualified. In our case these plantings have been made with 115 years of experience. Kati Huirapa probably havent seen these areas for 500 years.

3. Making forestry a non-complying activity will reduce property owners future options. Right now we are seeing farms being sold, with the emphasis split between productive land areas, and areas suitable for planting trees. Restricting the ability to plant tress will reduce the properties value. Who pays for this?

4. The mapped areas showing wahi tapu zones, are not accurate, and have tied up productive land that should not be linked to the site being protected. See attached picture.

Relief sought

Dont make forestry a non-complying activity for Wahi tapu zone.

Reduce the massive size of the Wahi tapu zones

Need justification for the reason these areas are mapped.

Point 58.4

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

SASM-R1	Earthworks not including quarrying and mining	
1.	<i>Note: for earthworks associated with quarrying and mining, see SASM-R5</i>	Activity status when compliance not achieved: Restricted Discretionary
Wāhi Tūpuna Overlay	Activity status: Permitted	Matters of discretion are restricted to:
(excluding the Māori Purpose Zone)	Where:	1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
	PER-1	2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa;
	The activity is either:	

1. earthworks, including those associated with and under new buildings/structures and those necessary for the installation of infrastructure / utilities, do not exceed a maximum area of 750m²; or
2. earthworks for the purpose of maintaining existing roads, tracks, or natural hazard mitigation works, and are within the footprint or modified ground comprised by the existing road, track or natural hazard mitigation works; and

PER-2

The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.

- and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and
5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and
6. the appropriateness of any mitigation measures proposed; and
7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
 - a. affirm the connection between mana whenua and place; or
 - b. enhance the cultural values of the site/area; or
 - c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and
8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.

**Activity status when compliance not achieved:
Restricted Discretionary**

Matters of discretion are restricted to:

1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and

2. Activity status: Permitted

**Wāhi Taoka
and Wai
Taoka
Overlay**

Where:

PER-1

The earthworks are for the purpose of maintenance, repair, or replacement, of any of the following:

1. existing fencing; or
2. existing tracks or roads; or
3. existing reticulated stock water systems including troughs; or
4. existing natural hazard mitigation works; and

PER-2

The earthworks are only undertaken within the footprint or modified ground comprised by the existing item; and

PER-3

Any replacement item is of the same nature, character and scale of the item being replaced; and

PER-4

The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.

2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and
5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and
6. the appropriateness of any mitigation measures proposed; and
7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
 1. affirm the connection between mana whenua and place; or
 2. enhance the cultural values of the site/area; or
 3. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and
8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.

Activity status when compliance not achieved: Not applicable

3. Activity status: Restricted Discretionary

Wāhi tapu and wai tapu overlays

Where:

RDIS-1

All earthworks, including those associated with and under new buildings/structures, and including those

necessary for the installation of infrastructure/utilities.

Matters of discretion are restricted to:

1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and
5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and
6. the appropriateness of any mitigation measures proposed; and
7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
 - a. affirm the connection between mana whenua and place; or
 - b. enhance the cultural values of the site/area; or
 - c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and
8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

Note: *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*

Sentiment: Oppose

Submission:

I Oppose Earthworks Wahi Tapu as restricted discretionary activity.

This is an overly restrictive rule, that is likely result in accidental non-compliance from day one.

1. Routine maintenance of fences or water schemes may require ditches, pipes laying, posts, minor earthworks etc. When this needs to be done, even on a Sunday, it needs to be done. This kind of work is occurring everyday on farms, and has done for probably 180 years in this area.

Getting advice, resource consents etc will be all but impossible within the time frames required. Not to mention the cost of \$1250 per consent. Expect this rule to be constantly broken by people just trying to get the job done in trying circumstances - which will be the first sign that it is unworkable. The nature of this kind of maintenance means planning ahead to get the paper work / consents in place is difficult or not possible. Sometimes its 12 months wait to get a contractor, sometimes it needs to be done tomorrow.

We currently have half a hectare of developed pasture, that has subsided in the wet weather.

The ground is too rough to drive over. Rain water is entering the topsoil through large cracks, and is rapidly accelerating further damage. See attached picture.

The second photo shows the distance to the rocks in the center of the wahi tapu zone. 350 meters. The large Wahi tapu zone is tying up too much ground - and making normal day to day work require costly permits and consents. This is an untenable situation for a property owner to be in.

This ground needs levelling with an excavator, cultivated then redrilled in grass. The end result will be a far safer place to drive across, and it will dramatically reduce the chances of further erosion. If left unchecked water will continue to enter the large cracks in the ground, and will hasten the inevitable slip (large area of topsoil will slide off the clay base into the gully). This will scar the landscape forever. Farmers in the area are dealing with this all the time. It takes time and money. Adding a resource consent in place with mean many jobs wont get done. And the environment will suffer.

2. Overly restrictive rules will restrict future development. Often this future development is planned to improve the environment, whether its fencing off a water way or providing water to get stock out of natural water sources. This restricted discretionary rule will have a negative effect on what is trying to be achieved. Farming is difficult at the best of times, and this level of regulation placed on top of current regulation is a step too far.

Relief sought

This cannot be a restricted discretionary activity.

Unworkable.

Must be scope to maintain the owners property without regulation.

Point 58.5

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

SASM-R2	Buildings and structures, including additions and alterations to existing buildings and structures and network utilities	
1.	Activity status: Permitted	Activity status when compliance not achieved: Restricted Discretionary
Wāhi taoka Overlay	Where:	Matters of discretion are restricted to:
	PER-1	
	For buildings or structures located outside of the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone, the following limitations apply:	
	<ol style="list-style-type: none">1. The maximum height of buildings and structures does not exceed 5m above ground level; and2. Buildings and structures are not located within 20m vertical or 100m horizontal of any ridgeline; and3. Buildings and structures are not located at any point above 900m above sea level; and4. The maximum footprint of any building or structure does not exceed 300m².	<ol style="list-style-type: none">1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the site or area of significance; and5. the appropriateness of any mitigation measures proposed; and6. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:<ol style="list-style-type: none">a. affirm the connection between mana whenua and place; orb. enhance the cultural values of the site/area; orc. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and7. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and8. in respect of utilities, the extent to which the proposed utility has functional needs for its location.
	Note: For buildings or structures located within the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone, there is no limitation.	

Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.

2. Activity status: Restricted Discretionary

Activity status when compliance not achieved: Not applicable

Wāhi tapu and wai tapu overlays

Matters of discretion are restricted to:

1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the site or area of significance; and
5. the appropriateness of any mitigation measures proposed; and
6. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
 - a. affirm the connection between mana whenua and place; or
 - b. enhance the cultural values of the site/area; or
 - c. provide for the relationship of Kāti Huirapa with their taonga; commensurate with the scale and nature of the proposal; and
7. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
8. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.

Sentiment: Oppose

Submission:

I oppose the buildings and structures being a restricted discretionary activity in the Wahi Tapu zone.

There are plenty of building codes and regulations to comply with, without adding more unnecessary regulation.

This will only add time and cost to any project.

The matter is made worse by overly large areas being included in the wahi tapu zones - see picture for example. Our house is lumped in with

the zone protecting the rocks. This is totally unnecessary and its unclear as to why it was mapped this way.

The zones are typically over 30 ha each, all to protect a small half hectare site. They appear to be drawing a 320 meter zone around each site to form the zone.

The building code covers off all necessary building requirements.

Relief sought

Building and structures need to be permitted. There are plenty of rules already making sure buildings are appropriate for an area.

There needs to be justification as to why such large areas have been mapped in each of the Wahi tapu zones. Excessive farmland, and indeed farm buildings and structures have been lumped in.

Point 58.6

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

SASM-R4	Temporary events
Wāhi tapu, and wai tapu overlays	Activity status: Permitted
	Activity status when compliance not achieved: Non-complying
Where:	
PER-1	
Any temporary event where this is limited to a cultural event undertaken in accordance with tikanga.	

Sentiment: Oppose

Submission:

Oppose this :

1. Technically I cant hold my own wedding on my own property with out getting permission. This is an overbearing approach that is eroding property owners rights.

To add insult to this, permission is not required for a cultural event. Double standards?

2. Numerous fund raisers have been held for local groups - mountain biking, running, motorbike trail rides etc. We run the risk of losing these events if they are non-complying.

Once again, the scale of the wahi tapu areas is causing problems with living everyday life running, and living on effected properties. The wahi tapu hectares need to be typically less than 1 hectare in size, Not the 30 plus hectares they currently are.

Relief sought

Temporary Events cannot be restricted. As land owners we live in these areas and need to maintain our rights to continue to enjoy them as we have.

The sasm zones need to be dramatically scaled back in size.

Point 58.7

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

SASM-R1 Earthworks not including quarrying and mining

1. *Note: for earthworks associated with quarrying and mining, see SASM-R5*

**Wāhi Tūpuna
Overlay**

Activity status: Permitted

**(excluding
the Māori
Purpose
Zone)**

Where:

PER-1

The activity is either:

1. earthworks, including those associated with and under new buildings/structures and those necessary for the installation of infrastructure / utilities, do not exceed a maximum area of 750m²; or
2. earthworks for the purpose of maintaining existing roads, tracks, or natural hazard mitigation works, and are within the footprint or modified ground comprised by the existing road, track or natural hazard mitigation works; and

PER-2

The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.

**Activity status when compliance not achieved:
Restricted Discretionary**

Matters of discretion are restricted to:

1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and
5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and
6. the appropriateness of any mitigation measures proposed; and
7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
 - a. affirm the connection between mana whenua and place; or
 - b. enhance the cultural values of the site/area; or
 - c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and
8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

2. Activity status: Permitted

Wāhi Taoka
and Wai
Taoka
Overlay

Where:

PER-1

The earthworks are for the purpose of maintenance, repair, or replacement, of any of the following:

1. existing fencing; or
2. existing tracks or roads; or
3. existing reticulated stock water systems including troughs; or
4. existing natural hazard mitigation works; and

PER-2

The earthworks are only undertaken within the footprint or modified ground comprised by the existing item; and

PER-3

Any replacement item is of the same nature, character and scale of the item being replaced; and

PER-4

The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.

Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.

**Activity status when compliance not achieved:
Restricted Discretionary**

Matters of discretion are restricted to:

1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and
5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and
6. the appropriateness of any mitigation measures proposed; and
7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
 1. affirm the connection between mana whenua and place; or
 2. enhance the cultural values of the site/area; or
 3. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and
8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.

Activity status when compliance not achieved: Not applicable

3. Activity status: Restricted Discretionary

**Wāhi tapu
and wai tapu
overlays**

Where:

RDIS-1

All earthworks, including those associated with and under new buildings/structures, and including those necessary for the installation of infrastructure/utilities.

Matters of discretion are restricted to:

1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and
3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and
4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and
5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and
6. the appropriateness of any mitigation measures proposed; and
7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
 - a. affirm the connection between mana whenua and place; or
 - b. enhance the cultural values of the site/area; or
 - c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of

- the proposal; and
8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and
 9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and
 10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.

Note: *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*

Sentiment: Oppose

Submission:

Oppose Earthworks as a restricted discretionary Activity under Wahi Tapu.

The average farmer is likely to need 10 to 20 resource consents per year to continue to maintain his property in the Wahi Tapu zone.

This is impractical and unaffordable.

Relief sought

Earthworks must be permitted in Wahi Tapu.

This is obviously an ill thought out rule.



**Pink line shows edge
of Wahi Tapu zone.
House buildings
included in zone.**

**Over 30ha covered,
to protect the
site.**

House and Buildings

sSite



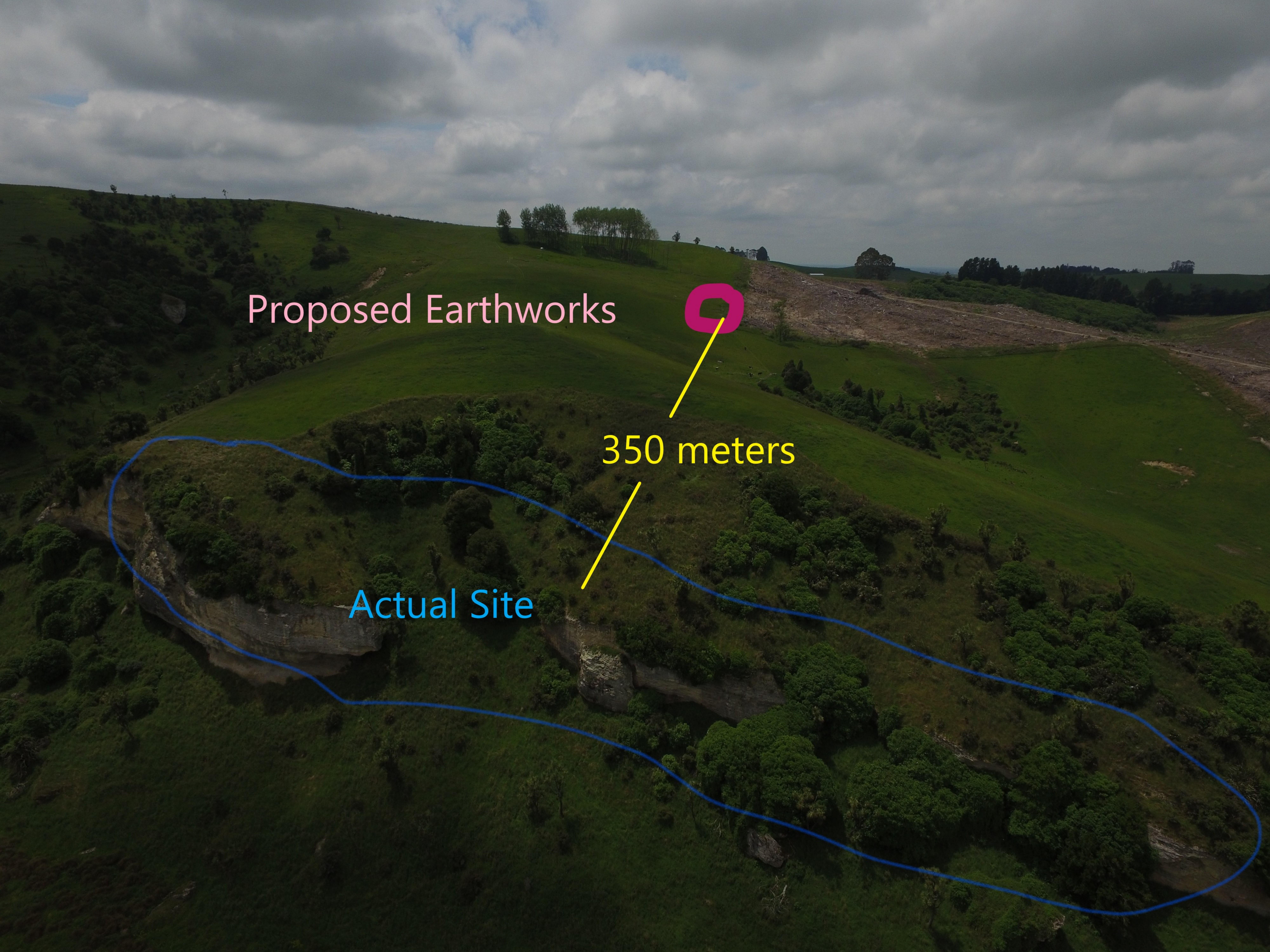


Proposed Earthworks




350 meters

Actual Site








An aerial photograph of a rural landscape with rolling green hills and fields. A thick pink line is drawn across the top of the image, representing a wahi tapu boundary. In the lower-middle section, a small, irregularly shaped area is circled in blue, containing a rocky outcrop. The word "Site" is written in bold black text below this circled area. The sky is overcast with grey clouds.

**The pink line is the wahi tapu
boundry. It covers 32 ha of
farmland, to protect the site,
circled in blue.....**

Site

An aerial photograph of a rural landscape with rolling green hills and fields. A prominent pink line runs horizontally across the upper portion of the image, representing a wahi tapu boundary. In the lower-middle section, a small, irregularly shaped area is circled in blue, containing a rocky outcrop. The word "Site" is printed in bold black text directly below this circled area. The sky is overcast with grey clouds.

**The pink line is the wahi tapu
boundry. It covers 32 ha of
farmland, to protect the site,
circled in blue.....**

Site

