

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 #:50

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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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

- **No**

Submission points

Point 50.2

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Objectives

Provision:

[Kāti Huirapa](#) are actively involved in decision making that affects the values of the identified [Sites](#) and Areas of Significance to [Kāti Huirapa](#).

Sentiment: Amend

Submission:

I am in favor of Kati Huirapa being involved in the identification of SASM and for the significance and values of these sites to be determined and set out. I however believe that when this is established that the TDC staff are best placed to make decisions regarding the effect of activities that might have an impact on these previously established values.

The reason I feel this way is that values need to be established at the start and transcend over time unaffected and unchanged. The effort should go into identifying the sites and areas of significance and their value to Kati Huirapa and then act on those by TDC staff to give rise to recognizing the value as well as certainty to the land owner over time.

Relief sought

All assessment relating to SASM to be actioned by TDC staff.

Point 50.3

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Objectives

Provision:

[Kāti Huirapa](#) are able to access, maintain and use resources and areas of cultural value within identified [Sites](#) and Areas of Significance to [Kāti Huirapa](#).

Sentiment: Oppose

Submission:

I oppose this objective as written as there is no legal access to private land and there should not be a implication of such.

I am however open to a discussion regarding a request to access land for a purpose that we can both agree.

Relief sought

That the wording is changed to reflect legal right to private land and no other party has an implied right of access.

Point 50.4

Section: SCHED6 – Schedule of Sites and Areas of Significance to Kati Huirapa

Sub-section: SCHED6D – Wai taoka area

Provision:

	The river and its catchment are highly significant in cultural tradition. The awa was also a very important ara tawhito linking to inland areas and the West Coast. It was a place of learning and trading, and had many associated
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SASM23	Rakitata (Rangitata) River (including south branch)	kāika nohoaka and kāika mahika kai . A wide range of mahika kai resources were harvested along the length of the awa. Wai puna in and near the river bed were also valued. The significance of the Rakitata River is marked by recognition in the Ngāi Tahu Claims Settlement Act 1998 (Schedule 55) as a statutory acknowledgement area.
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Sentiment: Oppose

Submission:

I oppose the scale of area included in SASM23, it is too large. I do agree with however only the river and the river bed being used to describe the area SASM23.

The broadness of the mapping has included land that hasn't been justified as having significant value for Wahi toaka and more effort is needed to specifically identify areas.

I note that the mapped area has increased in size from the draft plan to this proposed plan with no justification.

Relief sought

Reduce the area of SASM23 to that of the river only.

Point 50.1

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

<p>1. Activity status: Restricted discretionary</p> <p>Wai taoka Overlay</p> <p>Matters of discretion are restricted to:</p> <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; 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 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; and 4. 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; or b. enhance the cultural values of the site/area; or c. provide for the relationship of Kāti Huirapa 	<p>Activity status where compliance not achieved: Not applicable</p>
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- with their [taoka](#);
commensurate with the scale and nature of
the proposal; and
5. any [effects](#) on the ability of [Kāti Huirapa](#) to access
and use the [Site](#) or Area of Significance.

Sentiment: Oppose

Submission:

I oppose the activity status of restricted discretionary for intensively farmed stock. The environmental effects are already managed through the Regional Council. By adhering to the ECAN rules and auditing process and Farm Environment Plans the wellbeing of the land farmed is being regulated and controlled to safeguard the land and water.

It has not been made clear what the values are that the assessment is required to assess.

Relief sought

Change activity status to Permitted Activity with links to ECAN to connect current consents.

Point 50.5

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: Support

Submission:

I farm next to the Rangitata River and I support the broad cultural values of protection of the river and the land adjoining it. While I don't have a Maori cultural background there are some alignment to what I understand these to be, for me I;

- look after the land and the resources it provides and protect it for future generations (Mana Tiaki)
- Utilise the land for the people that live on it and the community it provides for (Ka Takata)

But I feel that the cultural values that are being assessed have not been well specified and are potentially too broad in scope. And this is important because if these rules (relating to SASM) or conditions to consents after consultation are too restrictive then what happens to progress (Kaneke)? We can't live in the past.

I looked up the core values of Arowhenua Runanga from their website to see what they were (hence the Maori terms used above) and found that Kaneke was one of the three values - encouraging progress and innovation. There will be a compromise between protection of the past and progress to the future and I feel that this Section of the Plan will counter progress. Progress should be for all.

Relief sought

To change the activity status of the rules to be less restrictive and focus on education of cultural values rather than assessment and restrictions.

Reduce the need for consultation and conditions placed on consents.

Point 50.6

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Policies

Provision:

Encourage and facilitate consultation and engagement between landowners and applicants with [Kāti Huirapa](#), prior to applying for consent and/or undertaking activities within or adjacent to the identified [sites](#) and areas listed in [SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa](#), as being the most appropriate way to obtain understanding of the potential impact of any activity on the [site](#) or area.

Sentiment: Support

Submission:

Yes, but it should be without a cost.

There is an uncomfortable element of conflict of interest here. Where the group assessing the impact of a land activity is also charging for the consultation and has established, but not clearly described in my view, the values that are being assessed.

Relief sought

That this is free.

Point 50.7

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

1. Activity status: Restricted discretionary

[Wai taoka](#) Overlay

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](#) 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](#); and
4. 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
5. any [effects](#) on the ability of [Kāti Huirapa](#) to access and use the [Site](#) or Area of Significance.

**Activity status where compliance not achieved:
Not applicable**

Sentiment: Oppose

Submission:

Intensively farmed stock is going to have an effect on the land it is on and for this reason there should be strict controls for the protection of the land and water. But this is managed via ECAN and there is no need to have another layer of restrictions.

ECAN has implemented a raft of measures that protect the environment from the effects of farming.

Relief sought

That the Plan gives affect to recognizing the cultural values but doesn't overlap the protection of land and water that ECAN currently does.

Point 50.8

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Policies

Provision:

Where an activity is proposed within any of the [wāhi taoka sites](#), [wāhi tapu sites](#), [wai taoka](#) areas and [wai tapu](#) areas listed in [SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa](#), ensure that:

1. there is engagement with [Te Rūnanga o Arowhenua](#) to understand the [effects](#) of the activity on the identified values of the [site](#) or area, including the connections of [Kāti Huirapa](#) to the [site](#) or area, the [mauri](#) of the [site](#) or area, [site](#) integrity, and the ability of the [site](#) or area to support [taoka](#) species and [mahika kai](#); and
2. an accidental discovery protocol is prepared and adopted for any [earthworks](#); and
3. any adverse [effects](#) on identified values are avoided unless it can be demonstrated that:
 - a. due to the [functional needs](#) of the activity, it is not possible to avoid all adverse [effects](#); and
 - b. any residual [effects](#) that cannot be practicably avoided are mitigated, as far as possible, in a way that protects, maintains or enhances the overall values of the [site](#) or area; and
 - c. where any historical loss of values can be remediated.

Sentiment: Amend

Submission:

If sites are not specifically identified then activities should be a Permitted Activity. But an emphasis on education about significance.

Relief sought

A reduction in the area included in SASM to those that are specific rather than broad in nature.

Point 50.9

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:

1. **Activity status: Restricted discretionary**

[Wai](#)

**Activity status where compliance not achieved:
Not applicable**

taoka Overlay

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](#) 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](#); and
4. 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
5. any [effects](#) on the ability of [Kāti Huirapa](#) to access and use the [Site](#) or Area of Significance.

Sentiment: Oppose

Submission:

After reading through the AECL (June 2021) Response SASM Issues and Options letter I am concerned about the tone and directness of their response to issues raised by the Options report. That there is an abruptness that implies an unwillingness to listen to the concerns from people that will be affected by this chapter. Our need to understand values and how they have arrived at their position is obvious and we should not be restricted in asking this.

Of note the last sentence of the letter "AEC do not wish to see the activity status of resource consents being more permissive for SASM areas.

Arowhenua support a non-complying activity status for intensively farmed stock and in particular within a SASM." is a statement that is hard to comprehend. There must be intensively farmed stock to sustain the current and future food requirements of NZ.

It does raise a conflicting position to that of Ngai Tahu, where they as an iwi and land owner have converted large areas to dairy farming. How can the Runanga and AEC be at odds with it's own iwi on what can and cant be done on fam land.

Relief sought

That the council respects the input of AEC but has the confidence to make the right decisions for all the people it represents.

That answers to what the values are and why areas have been identified (SAMS) should be answered. These answers can then transcend time and be consistent.

Point 50.10

Section: SASM – Sites and Areas of Significance to Maori

Sub-section: Objectives

Provision:

The values of identified areas and [sites](#) of significance to [Kāti Huirapa](#) are recognised and protected from inappropriate [subdivision](#), use and development.

Sentiment: Oppose

Submission:

Are there are unintended consequences of being overly consultative and restrictive regarding this chapter? I believe so. I understand protecting something but the balance is future needs and this can't be put aside.

Of concern is that this responsibility lies outside the TDC.

Relief sought

Reduce the consultation requirement of the rules regarding SASM and have TDC staff responsible for the assessment.

Point 50.11

Section: SCHED6 – Schedule of Sites and Areas of Significance to Kati Huirapa

Sub-section: SCHED6D – Wai taoka area

Provision:

SASM23	Rakitata (Rangitata) River (including south branch)	The river and its catchment are highly significant in cultural tradition. The awa was also a very important ara tawhito linking to inland areas and the West Coast. It was a place of learning and trading, and had many associated kāika nohoaka and kāika mahika kai . A wide range of mahika kai resources were harvested along the length of the awa. Wai puna in and near the river bed were also valued. The significance of the Rakitata River is marked by recognition in the Ngāi Tahu Claims Settlement Act 1998 (Schedule 55) as a statutory acknowledgement area.
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Sentiment: Oppose

Submission:

The area included in SASM23 has increased from the Draft to the Proposed Plan. Is that due to a change in values or a desire to increase the area of influence?

Relief sought

Reduce the area to river and its bed.