



## SUBMISSION ON TIMARU PROPOSED DISTRICT PLAN

**Date:** 15 December 2022

**To:** Timaru District Council,  
P O Box 522,  
Timaru  
Attention: Proposed District Plan Submission  
Submission lodged by email: [pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)

**Name of person making submission:** Te Rūnanga o Ngāi Tahu (**Te Rūnanga**).

**This is a submission in support of:** the proposed Timaru District Plan.

1. Te Rūnanga **could not** gain an advantage in trade competition through this submission.
2. Te Rūnanga **wishes** to be heard in support of its submission
3. If others make a similar submission, Te Rūnanga **will** consider presenting a joint case with them at a hearing

### 1. Te Rūnanga o Ngāi Tahu

- 1.1 This submission is made on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**).
- 1.2 This submission is made on behalf of Te Rūnanga which is statutorily recognised as the representative tribal body of Ngāi Tahu Whānui and was established as a body corporate on 24 April 1996 under section 6 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**). Te Rūnanga encompasses 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Te Rūnanga is responsible for managing, advocating, and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.
- 1.3 Te Rūnanga expects that Timaru District Council accord this response with the status and weight of the tribal collective of Ngāi Tahu Whānui comprising over 74,000 registered iwi members within the Ngāi Tahu Takiwā, as defined in the Ngāi Tahu Claims Settlement Act

1998 (**NTCSA**). A map of the Ngai Tahu Takiwā is included at **Appendix One**. Ngāi Tahu and Ngāi Tahu Whānui means the collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely, Kāti Kurī, Kāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri, and Kai Te Ruahikihiki.

- 1.4 Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses.

## 2. Te Tiriti o Waitangi

- 2.1 The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents: Te Tiriti o Waitangi (Te Tiriti), the Ngāi Tahu Deed of Settlement 1997 (Deed of Settlement) and the NTCSA. These documents form an important legal relationship between Ngāi Tahu and the Crown and further entrench the Treaty partnership.
- 2.2 As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation”. The Crown apologised for its “past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries” and confirmed that it “recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”.

## 3 Ngāi Tahu interests in the proposed Timaru District Plan:

- 3.1 Ngāi Tahu notes the following particular interests in the proposed Timaru District Plan:

### *Treaty Relationship*

- Ngāi Tahu have an expectation that the Crown will honour the Treaty and the principles upon which the Treaty is founded. All persons undertaking duties and responsibilities in accordance with the purpose this document shall recognise and respect the Crown's responsibility to give effect to principles of the Treaty.

### *Kaitiakitanga*

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Ngāi Tahu has an interest in ensuring sustainable management of natural resources, including protection of taonga and mahinga kai for future generations
- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Ngāi Tahu is guided by the tribal whakataukī: “mō tātou, ā, mō kā uri ā muri ake nei” (*for us and our descendants after us*).

### *Whanaungatanga*

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

- 3.2 Statutory Acknowledgements are an instrument included in the Ngāi Tahu Claims Settlement Act 1998 (the **NTCSA**) legislation. Statutory Acknowledgements are areas acknowledged by the Crown of particular significance to Ngāi Tahu that recognise the

mana of tangata whenua in relation to specific areas. The acknowledgements relate to 'statutory areas', which include geographic features, lakes, wetlands, rivers, areas of land and coastal marine areas. Statutory Acknowledgments particularly relate to the cultural, spiritual, historical and traditional associations with the area.

- 3.3 The relevant Statutory Acknowledgements in respect of the proposed plan are the Rangitata River Statutory Acknowledgement Area<sup>1</sup> and the Ōrakitipaoa Wetland Statutory Acknowledgement Area<sup>2</sup>.
- 3.4 The NTCSA describes the Ngāi Tahu associations with each of the Statutory Acknowledgement areas (refer to **Appendix Three** for a full description for each Statutory Acknowledgement Area). These associations are material to decision making under the Resource Management Act 1991 (the **RMA**) and to this specific submission.

#### **4. Iwi Management Plans**

- 4.1 Iwi Management Plan of Kati Huirapa 1992
- 4.2 Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region
- 4.3 These Iwi Management Plans mention the points in our submission, and we submit that more provisions take these documents into account when drafting the decision for this proposed plan.

#### **5. Relief Sought - General**

- 5.1 Te Rūnanga supports the intent of the proposed plan provision except where we ask for specific amendments or additions as set out in **Submission form**.
- 5.2 We acknowledge and support the continuing evolving relationship between Kāti Huirapa and the Council.
- 5.3 The submission has been drafted as a whole, with interlinking submission points. While a submission point may have been made against one provision consequential changes will be required to other related provisions within the plan to ensure consistency across the plan and to address the concerns raised.
- 5.4 There are a number of matters raised within the submission form that are relevant to the entire plan these include:
  - The use of Te Reo (particularly macrons)
  - Integration of Ngāi Tahu values throughout the plan
  - The carving up of issues and spaces with little ability to consider the whole (in particular the Rangitata River)

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<sup>1</sup> Schedule 55 of the Ngāi Tahu Settlement Act 1998

<sup>2</sup> Schedule 49 of the Ngāi Tahu Settlement Act 1998

- The inclusion of Kāti Huirapa values as a matter of discretion throughout the plan

## 6. Reasons - General

6.1 The amendment sought to the proposed plan by Ngāi Tahu are to better incorporate the broader interests and aspirations of Ngāi Tahu within the Timaru District. The submitters consider these changes are necessary to:

- Better achieve the purpose of the Resource Management Act 1991 (**RMA**), including matters under s6, having particular regard to kaitiakitanga as required under s7(a) of the RMA, and taking into account the principles of the Treaty as required under s8 of the Act;
- Better implement the Ngāi Tahu Claims Settlement Act 1998;
- Take into account the relevant iwi management plans mentioned above as required under s74(2A) of the RMA; and
- Consequently, discharge the council's duties under s32 of the RMA.

6.2 These reasons apply to every decision requested in this submission, along with any additional specific reasons listed under each submission point.



Trudy Heath  
General Manager,  
Te Ao Tūroa,  
Te Rūnanga o Ngāi Tahu

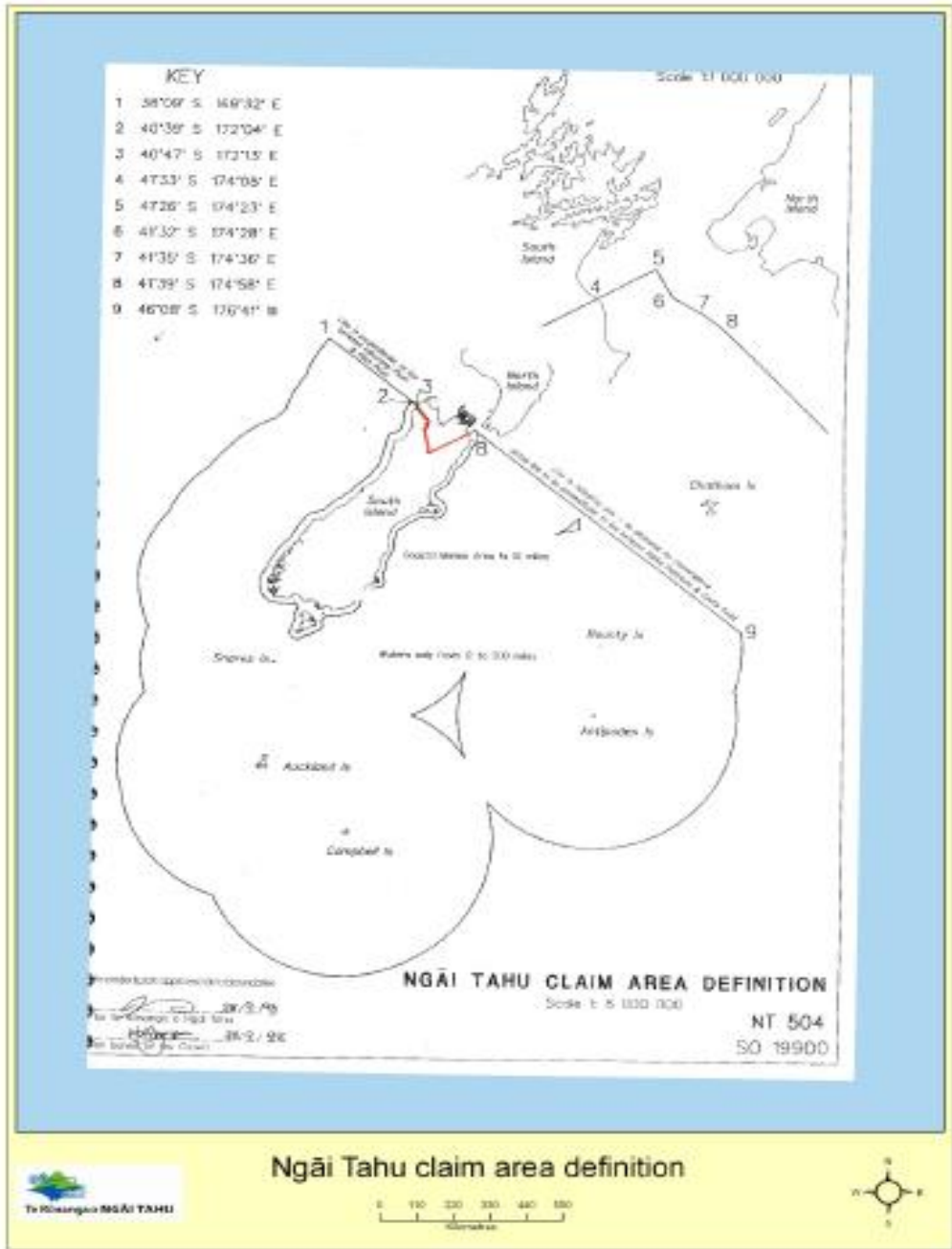
### Address for Service:

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Encl:

Appendix One:	Map of Ngāi Tahu Takiwā
Appendix Two:	Copy of the Crown apology
Appendix Three:	Text of Statutory Acknowledgement Areas
Appendix Four:	Submission Point Table

APPENDIX ONE: Ngāi Tahu Takiwā



## APPENDIX TWO: Copy of the Crown Apology

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

### **Part One – Apology by the Crown to Ngāi Tahu**

#### **Section 6 Text in English**

The text of the apology in English is as follows:

- 1 The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb ‘He mahi kai takata, he mahi kai hoaka’ (‘It is work that consumes people, as greenstone consumes sandstone’). The Ngāi Tahu understanding of the Crown’s responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:
 

“This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.”

The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
- 2 The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu’s use, and to provide adequate economic and social resources for Ngāi Tahu.
- 3 The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu’s use and ownership of such of their land and valued possessions as they wished to retain.
- 4 The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying ‘Te Hapa o Niu Tireni!’ (‘The unfulfilled promise of New Zealand’). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb ‘Te mate o te iwi’ (‘The malaise of the tribe’).
- 5 The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu’s loyalty and to the contribution made by the tribe to the nation.

6. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
7. 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 tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.

Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”

## **APPENDIX THREE: Text of Statutory Acknowledgement Areas**

### **Schedule 55**

#### **Statutory acknowledgement for Rangitata River**

##### **Statutory area**

The statutory area to which this statutory acknowledgement applies is the river known as Rangitata, the location of which is shown on Allocation Plan MD 115 (SO 19851).

##### **Preamble**

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Rangitata River, as set out below.

##### **Ngāi Tahu association with Rangitata River**

The Rangitata was a major mahinga kai for Canterbury Ngāi Tahu. Weka and other forest birds were the main foods taken from the inland reaches of the Rangitata. Tutu berries were also taken along the waterway.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The river was sometimes used by Ngāi Tahu parties from Canterbury as part of a trail to Te Tai Poutini (the West Coast). The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai.

Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

The mauri of the Rangitata represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.



## **Schedule 49**

### **Statutory acknowledgement for Ōrakipaoa Wetland**

#### **Statutory area**

The statutory area to which this statutory acknowledgement applies is the wetland known as Ōrakipaoa, the location of which is shown on Allocation Plan MD 54 (SO 19842).

#### **Preamble**

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Ōrakipaoa, as set out below.

#### **Ngāi Tahu association with Ōrakipaoa**

The creation of the Ōrakipaoa wetlands is associated with Tū Te Rakiwhānoa and his shaping of the island to make it habitable for humans. Ōrakipaoa was created as Tū Te Rakiwhānoa arranged the debris from the Waka o Aoraki while forming the harbours and plains and heaping up mountains of the interior.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

One of the first explorers recorded in the area was Rakaihouia, son of Rakaihautu, who was given the task of exploring the east coast of the South Island for suitable harbours, settlement sites and food resources. Rakaihouia met up with Rakaihautu at Waihao, just to the south of Ōrakipaoa, as Rakaihautu returned overland from Murihiku. From the time of Rakaihouia, the area was occupied in succession by Waitaha, Ngāti Mamoe and Ngāi Tahu, who established a number of settlements and pā at Ōrakipaoa. The old pā site of Te Waiaruatī was occupied as a strong defensive position during the time of Te Rauparaha and earlier periods. The kāinga of Te Rehe was on an island (Harakeke Tautoro) which was once surrounded by extensive swamplands, through which ran numerous creeks and waterways. Other pā and settlements within the Ōrakipaoa wetland complex include Ōrāhui and Hawea.

As well as being an area of permanent occupation, Ōrakipaoa formed part of numerous trails. Trails followed river valleys into the interior, as the populous settlements in the area required regular excursions to gather mahinga kai and other resources from further afield. Ōrakipaoa was also a tauranga waka and one of the stopping-off places for those travelling between Te Taumutu and Ōtākou. The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the trails. The wetlands were an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the wetlands.

Mahinga kai resources were gathered from Ōrakipaoa over many generations. A wide range of mahinga kai were found within the complex, including coastal and estuarine as well as freshwater resources. The area was renowned for its eeling and bird hunting. Other fisheries for which the area was known included inaka (whitebait) and wet fish, minnows, the now-extinct grayling, giant kōkopu, flounders, mullet, and small fish known as panako, pipiki and paraki. The complex was also a source of tī kouka (cabbage tree).

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the wetlands, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of Ōrakipaoa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the area.

# Proposed Timaru District Plan - multiple submission point table

You can attach this table when making your submission via the online PDP submission form <https://timaru.isoplan.co.nz/eplan>  
 Or by downloading our submission form [https://www.timaru.govt.nz/\\_data/assets/pdf\\_file/0005/17987/636102-Template-Form-5-Submission-on-proposed-plan,-change-or-variation.pdf](https://www.timaru.govt.nz/_data/assets/pdf_file/0005/17987/636102-Template-Form-5-Submission-on-proposed-plan,-change-or-variation.pdf) and then emailing [public@timardc.govt.nz](mailto:public@timardc.govt.nz)



**YOUR PLAN OUR FUTURE**  
**TIMARU DISTRICT PLAN REVIEW**  
 LAND USE PLAN

## Submitter Name:

Please add a new row for every specific and unique point you would like to submit on.

Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
<i>Please identify what part of the plan your submission point relates to – this could be a subpart or chapter heading within the plan. i.e. General Rural Zone</i>	<i>Please identify the specific provision or matter your submission point relates to – this could be a specific objective, policy, rule, standard, or a more general matter that relates to a whole chapter, topic, zone, or overlay. i.e. GRUZ-01</i>	<i>Please indicate whether you support, oppose, or seek to amend the specific provision / matter. i.e. Support</i>	<i>Please provide reasoning to support your position. This could be a detailed explanation, technical information, or simply stating you support the intent of the provision. i.e. support the direction or GRUZ-01 to provided for rural activities.</i>	<i>Please indicate whether you are seeking to retain the provision as notified in the PDP, delete the provision, or are seeking amendment. If you are seeking to amend a provision please set this out using strikethrough to indicate deletion and underline to indicate additional text. i.e. Retain GRUZ-01 as notified</i>
Mapping	Versatile Soil layer	Amend	The versatile soil overlay seeks to comply with the NPS-HPL. The NPS requires active tangata whenua involvement in the decision making for giving effect to the NPS. We submit that the best way to recognise tikanga Māori in respect of the Ōrakipaoa Wetland is to remove the versatile soil overlay. The overlay seeks to protect primary production activities on the site and the wetland is not an area that we want to encourage primary production.	Remove the versatile soil overlay from the Ōrakipaoa Wetland.
General	Throughout the Plan	Support	Kāi Tahu generally supports the intent of the proposed plan.	
General - References	Throughout the Plan	Support	The Plan contains a number of minor errors that could potentially impact the ability of Council to implement it as intended. Examples of this include: 1. Abbreviations - Does DRPA mean Drinking Water Protection Area (even though it is also abbreviated as DWPA)? 2. Legalisation reference errors - Health and Safety Act is incorrect - should read Health and Safety at Work Act 2015. Reserves Act date is wrong - should be 1977, not 1997.	A full check of the plan is undertaken by a suitably qualified person with understanding of the legal requirements for consistency with legalisation and case law as well as consistency between chapters.
General - Te Reo	Throughout the Plan	Support	Te Reo Māori is an official language of New Zealand. However, while preparing our submission we have found places where words have been spelt incorrectly. We acknowledge with a document this size there will be some mistakes. While most plan users are fluent in English and can aid the committee in identifying such errors this is not the case for te reo Māori. Given this, and that Te Reo Māori is an official language, it is important that a reo check is undertaken by a suitably qualified person (not Te Rūnanga o Ngāi Tahu), with knowledge of the Kāi Tahu dialect. Preferably this is done sooner rather than later, however a final check is needed before the plan is finalised. For example, bot Kāi Tahu and Ngāi Tahu have been used and the names of the SASMs have different macrons to the technical report.	A full check of the te reo Māori used in the plan and the section 32 reports is undertaken by a suitably qualified person with understanding of the Kāi Tahu dialect before sections/parts become operative.
General - Dual naming	Throughout the Plan	Support	The use of dual naming throughout the proposed plan is supported, however the approach needs to be consistent throughout the plan.	Ensure the use of dual naming is consistent throughout the plan with te reo Māori first and English second.
All Chapters	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.	That the cross references to the chapters are made more prominent and explanations given as to why to check them (i.e for compliance with additional earthworks rules) as well as the cultural values also being identified in the relevant objectives and policies for particular activities as relevant outside the SASM chapter - i.e Using Advice Notes for rules referencing activities such as Subdivision and Temporary Activities. Example: <u>Advice Note: Use of non-motorised watercraft for temporary events on the surface of waterbodies within Sites and Areas of Significance to Māori are also subject to Rule SASM - R4.</u>
All zones	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.	Include as a matter of control or a discretion within the controlled or restricted discretionary rules with all zones chapters effects on Kāti Huirapa values. Example: 1. the extent of any adverse social, cultural and environmental effects, including on any sensitive environments; 2. the potential of any adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects

Introduction	Description of the District	Amend	As the first settlers to the area and with the longest history, Kāi Tahu should be noted at the start of the history of the section and not a small paragraph at the end. The term 'Takata Whenua' as a heading is not used anywhere else in the Plan.	Work with mana whenua to create a description of the District that reflects our place within it.
Statutory Context	Treaty of Waitangi / Te Tiriti o Waitangi and Māori Issues of Significance	Amend	This overarching section relies on the Mana Whenua Chapter and does not stand on its own. There is no reference to statutory acknowledgements, Te Rūnanga o Ngāi Tahu, relevant iwi documents or engagement with Kāti Huriapa in areas other than the mana whenua chapter where cultural values need to be considered.	This section is amended to include paragraphs to assist plan users that: reference to statutory acknowledgements, Te Rūnanga o Ngāi Tahu, relevant iwi documents and/or engagement with Kāti Huriapa in areas other than the mana whenua chapter where cultural values need to be considered.
Definitions	Non-Intensive Primary Production Intensive Primary Production Intensive Outdoor Primary Production Intensively Farmed Stock	Amend	There are too many definitions for farming that reduce the clarity and make understanding the potential effect of rules unclear. There are two definitions from the NPS and 6 new ones developed for this plan. These need to be simplified.	Clarify and simply the following definitions: Non-Intensive Primary Production Intensive Primary Production Intensive Outdoor Primary Production Intensively Farmed Stock
Definitions	Functional Needs	Support	We support the use of the definition (particularly in the Natural Hazards Chapter) as it recognises that certain cultural practices and activities can only occur in particular locations.	Retain as notified
Glossary	Kāti Huirapa	Amend	An advice note stating that for the purpose of interpreting this plan that Kāti Huirapa includes Te Rūnanga o Ngāi Tahu.	Amend as follows: The hapū that holds rights of mana whenua for the lands, waters, coastal and marine environments between the Rakaia River in the north, Waitaki River in the south and between the East Coast and the Southern Alps. <b>Note: For the purposes of implementing this plan, Kāti Huirapa includes Te Rūnanga o Ngāi Tahu.</b>
Glossary	Kāi Tahu	Amend	This definition is not complete as per section 9 of the Ngāi Tahu Claims Settlement Act 1998. A minor addition is requested to be consistent with legalisation.	Amend as follows: The collective of individuals who descend from one or more of the five primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely Kāti Kurī, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kai Te Ruahikihiki.
Strategic Direction	Introduction	Amend	The Introduction and Chapter as a whole seems to rely on the Growth Management Strategy for the District. This strategy indicates that mana whenua reviewed the document, however there is little provision for iwi growth and development within the document. We request that the Chapter does not solely rely on the Growth Strategy but also Iwi Management Plans and treaty obligations to partner with iwi to allow for growth and development on our land.	Amend as follows: These provisions have been informed by <u>iwi management plans</u> and the Timaru District 2045 Growth Management Strategy which addresses growth and development in the district and sets out a spatial framework for its management. They support achieving a district that has a sustainable lifestyle, a thriving and innovative economy and a strong identity.
Strategic Direction	Objectives (General)	Amend	The National Planning Standards require the Strategic Direction section outline the key strategic matters for the district and guide decision making at a strategic level. The objective for mana whenua is limited to the topic and are not integrated enough to provide guidance on how to address issues when the activity impacts more than one strategic objective. For example the Natural Hazards objective references infrastructure and the infrastructure objective references growth. This isolation of mana whenua to one objective will impact its ability to be considered and the following submission points identify how mana whenua values can be considered throughout the plan.	That the strategic objectives are expanded to provide guidance for activities that impact more than one objective.
Strategic Direction	SD-01 Residential Areas and Activities	Amend	The objective states there is sufficient residential capacity in the existing and proposed urban areas. It limits development outside these urban areas. There is little integration between the objectives meaning that they will be hard to implement at a decision making level without clarification within the objective as to how it relates to other objectives within the section.	That the objective is amended to better reflect the functional need for some activities and growth to occur outside the urban area.

Strategic Direction	SD-02 The Natural and Historic Environment	Amend	The definition of historic heritage includes sites of significance to Māori, however mana whenua consideration is not present in this objective. Section 6 of the RMA states that Council as part of its role in implementing the Act shall recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. In order to give effect to this, it is requested that the objective is amended to include reference to this relationship as to better provide guidance in how to achieve this objective.	That the objective is amended to better reflect the relationship of Kāti Huirapa and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
Strategic Direction	SD-04 Natural Hazards	Amend	Much of the district and the Māori Land is subject to Natural Hazards. The objective states 'avoid' development in these areas where the risk is 'unacceptable'. The term 'unacceptable' seems to be subjective and could see mana whenua unable to recognise their raketirataka on their own land. There is little integration between the objectives meaning that they will be hard to implement at a decision making level without clarification within the objective as to how it relates to other objectives within the section.	That the objective is amended to better reflect the relationship of Kāti Huirapa and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
Strategic Direction	SD-05 Mana Whenua	Support	We support the objective on mana whenua outlined by the National Planning Standard to address how resource management issues of significance to iwi authorities are addressed in the plan. However we requested that a minor changes to include all cultural resources and all types of Kāti Huirapa land to better achieve these outcomes. We also request that reference to growth and development of our people is acknowledged here as a desired outcome.	That the objective is amended to better reflect the relationship of Kāti Huirapa and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as well as their aspirations.
Strategic Direction	SD-07 Centres	Support	We support town centres as a place for social interaction. There is little integration between the objectives meaning that they will be hard to implement at a decision making level without clarification within the objective as to how it relates to other objectives within the section.	That the objective is amended to better reflect the relationship of Kāti Huirapa and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
Strategic Direction	SD-09 Rural Activities	Support	There is little integration between the objectives meaning that they will be hard to implement at a decision making level without clarification within the objective as to how it relates to other objectives within the section. In particular, how this objective is considered next to the objectives for Mana Whenua and the Natural and Historic Environment. Many of the Sites of Significance to Māori are in the rural environment and this strategic objective needs to recognise this and provide guidance.	That the objective is amended to better reflect the relationship of Kāti Huirapa and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Urban Form and Development	UFD-01 Settlement Patterns	Support	We recommend minor changes to this objective to be consistent with the Strategic Direction objectives and the policies of the various plan chapters.	A consolidated and integrated settlement pattern that: <ul style="list-style-type: none"> <li>i. efficiently accommodates future growth and capacity for commercial, industrial, community and residential activities, primarily within the urban areas of the Timaru township, and the existing townships of Temuka, Geraldine, and Pleasant Point;</li> <li>ii. is integrated with the efficient use of infrastructure;</li> <li>iii. reduces adverse effects on the environment, including energy consumption, carbon emissions and water use;</li> <li>iv. protects drinking water supplies from the adverse effects of subdivision, use and development;</li> <li>v. is well-designed, of a good quality, recognises existing character, Kāti Huirapa values and amenity, and is attractive and functional to residents, business and visitors;</li> <li>vi. avoids areas with important natural, cultural and or character values;</li> <li>vii. minimises the loss of versatile soils;</li> <li>viii. enables papakāika, to occur on ancestral lands;</li> <li>ix. avoids locating new growth in areas where the impacts from natural hazards are unacceptable or which would require additional hazard mitigation; and</li> <li>x. controls the location of activities, primarily by zoning, to minimise conflicts between incompatible activities and avoid these where there may be significant adverse effects;</li> <li>xi. improve accessibility and connectivity for people through services, and transport including walking and cycling routes;</li> <li>xii. promotes positive effects, and avoids, remedies, or mitigates adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</li> </ul>
Mana Whenua	MW1 Identity of Kāi Tahu and Kāti Huirapa in Timaru District	Support	The Mana Whenua section in its entirety is supported (expect where changes have been requested below) as it describes who mana whenua. It highlights the values and matters that are important to Kāi Tahu. This section has been developed with mana whenua as it is critical that only mana whenua define their own values and interests.	Retain as notified
Mana Whenua	MW1 Identity of Kāi Tahu and Kāti Huirapa in Timaru District MW2.2.5 Practical expression of rakatirataka and kaitiakitaka role in resource management	Amend	We recognise that 'Māori' is the legal term used by Central Government to outline its responsibilities in legalisation, however in the Mana Whenua Chapter, the precise term should apply to recognise that the provisions only apply to Mana Whenua.	Replace reference to 'Māori' with Kāti Huirapa or Mana Whenua
Mana Whenua	MW2.2 Resources of significance and specific interests in resource management	Support	The Mana Whenua section in its entirety is supported (expect where changes have been requested below) as it describes who mana whenua. It highlights the values and matters that are important to Kāi Tahu. This section has been developed with mana whenua as it is critical that only mana whenua define their own values and interests.	Retain as notified
Mana Whenua	MW2.1.5 Kaitiakitaka/ takata tiakitaka	Amend	We support this section, however request minor changes to improve clarity.	MW2.1.5 Kaitiakitaka/ takata tiakitaka Traditionally, kaitiaki were taniwha – birds or animals who were guardians of the environment - who signalled the relative health and vitality of their respective environments to the local tohuka <u>and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly.</u> Today, with the absence of many indigenous habitats and species, the term kaitiaki is used in reference to mana whenua, who have taken on the role of takata tiaki. Kaitiakitaka entails the active protection and responsibility for natural and physical resources by mana whenua. Kaitiakitaka is fundamental to the relationship between Kāi Tahu and the environment. The responsibility of kaitiakitaka is twofold: first, there is the ultimate aim of protecting mauri and, secondly, there is the duty to pass the environment to future generations in a state which is as good as, or better than, the current state. To Kāi Tahu, kaitiakitaka is not a passive custodianship, nor is it simply the exercise of traditional property rights, but entails an active exercise of responsibility in a manner beneficial to the resource. To give effect to kaitiakitaka it is important for resource users and decision-makers to engage meaningfully with those holding mana whenua over an area <u>as required by section 7 of the RMA.</u>
Mana Whenua	MW2.1.6 Rakatirataka	Support	We support this section, however request minor changes to improve clarity.	In the context of the RMA, rakatirataka includes the active involvement of mana whenua in resource management decision-making processes, including the appointment of commissioners on hearing panels <u>and having a voice in all resource management decision making.</u> Rakatirataka is also recognised through a planning framework that enables Kāi Tahu to maintain customary practices and to use their <del>ancestral</del> land in a way that supports their identity and wellbeing. This would include enabling development of papakāika and practices related to mara kai (food gardens), rokoā (medicinal plants) and toi Māori (crafts and creative arts).
Mana Whenua	MW2.1.9 Wāhi tapu and wāhi tūpuna	Support	We support this section, however request minor changes to improve clarity.	Retain as notified
Mana Whenua	MW2.2.3 Culturally significant sites and wāhi tūpuna	Support	We support this section, however request a minor changes to improve clarity regarding the expression of our cultural identity throughout the District.	Matters of concern include: ... * Recognition of Kāi Tahu cultural identity within the District
Mana Whenua	MW2.2.4 Occupation of ancestral land	Support	We support this section, however request a minor change to recognise the current zoning issues on these sites that are still to be addressed.	Matters of concern include: The effects of past <u>and current</u> zoning restrictions on the ability to establish residential settlements at Arowhenua and Waipopo;

Mana Whenua	MW2.2.5 Practical expression of rakatirataka and kaitiakitaka role in resource management	Support	We support this section, however request a minor change to recognise that the Te Reo version of the Treaty should be used in the Mana Whenua section. Also that the hyperlink for the Treaty should refer to the principles or a word version in Te Reo Māori and English of the actual treaty. It currently links to the Treaty of Waitangi Act 1975 which is not relevant to this section.	Replace reference to 'Treaty of Waitangi' with 'Te Tiriti o Waitangi' and include an appropriate hyperlink.
Mana Whenua	MW2.2.5 Practical expression of rakatirataka and kaitiakitaka role in resource management	Support	We support this section, however request minor changes to improve clarity regarding legal and moral obligations	<p>Include reference to Te Rūnanga o Ngāi Tahu when referring to Te Rūnanga o Arowhenua as both entities have rights and responsibilities in this area.</p> <p>To achieve this, Kāti Huirapa seek to build on their existing relationship with the Council to improve recognition and provision for the practical expression of rakatirataka and kaitiakitaka on matters relating to resources of importance to mana whenua, including through:</p> <p>Recognition of Treaty guarantees in regard to the relationship of Kāti Huirapa with their ancestral land, sites and taoka and removing impediments that limit their ability to use their resources;</p> <p><del>Consultation Working with</del> Te Rūnanga o Arowhenua on all matters related to the mana whenua values and interests described in this chapter of the Plan, especially matters related to the health of mahika kai and water body environments;</p>
Mana Whenua	MW3.2 Statutory acknowledgements	Support	We support this section, however request minor changes to improve clarity.	Section 208 of the Ngāi Tahu Claims Settlement Act 1998 and 95B of the RMA recognise the interests of Kāi Tahu in statutory acknowledgement areas in regard to notification of resource consent applications for activities that may affect land in these areas. The Council will forward <del>advice of</del> all resource consent applications which may affect a statutory acknowledgement to Te Rūnanga o Ngāi Tahu and to Aoraki Environmental Consultancy Limited (AECL), as the resource management agent of Te Rūnanga o Arowhenua. <u>Council will seek advice and it must</u> have regard to effects on Kāi Tahu when considering the need for notification of such resource consents and in making decisions on resource consent applications.
Mana Whenua	MW3.2 Statutory acknowledgements	Support	We support this section, however request minor changes to improve clarity to identify that statutory acknowledgement areas and their cultural values are also protected through Outstanding Natural Landscape provisions.	The statutory acknowledgements are recognised in this Plan <u>by protecting their values through provisions within the Sites and Areas of Significance to Māori and Outstanding Natural Landscapes, and their values are protected through the provisions relating to those sites.</u>
Mana Whenua	MW4 Hapū and iwi planning documents	Support	We support this section, however request minor changes to improve clarity to identify that iwi planning documents also include planning documents from the Te Rūnanga o Ngāi Tahu. This section could also provide more detail as to how it complies with the National Planning Standards regarding Hapū and iwi planning documents.	Include reference to Te Rūnanga o Ngāi Tahu planning documents and how they have been taken into account in the preparation and use of this document.
Mana Whenua	MW5.3 Consultation expectations	Support	We support this section.	Retain as notified
Schedule	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.	New Scedhule in Plan for Statutory Acknowledgements: Ōrakipaoa Wetland (Schedule 49); and Rangitata River (Schedule 55)
Schedule 6	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.	That Council work with AECL to amend the Schedule 6 to better reflect the advice given and used as evidence for this Plan review.
Schedules 7, 8,10, 14	Landscape values and characteristics	Support	We support these schedules, however request minor changes to improve clarity and ensure that all cultural values are given the appropriate weight.	That the attributes/ values of these areas cross reference the SASM references to ensure that the cultural values are fully recognised and protected as required by case law for landscape assessments.
Coastal Environment Area	CE-O3 Kāti Huirapa values	Support	The relationship of Kāti Huirapa with their values and traditions is important maintain their relationship with the coastal environment. We recommend a minor expansion of what this relationship includes.	The relationship of mana whenua / Kāti Huirapa with, and their cultural values, traditions and ancestral lands and waters in, the coastal environment are recognised and provided for <u>and Kāti Huirapa are able to exercise rakatirataka and kaitiakitaka.</u>
Coastal Environment Area	CE-P5 Coastal natural character matters	Support	The attributes/qualities of the Coastal Natural Character includes its cultural values as identified in the Objectives for this chapter. This needs to also be provided for in the policy recognising these matters.	Recognise that the following matters contribute to the coastal natural character of the terrestrial part of Timaru's coastal environment: <u>9. the relationship and values of Kāti Huirapa.</u>
Coastal Environment Area	CE-P6 Kāti Huirapa values	Support	We support this policy as it provides for Kāti Huirapa's values.	Retain as notified
Coastal Environment Area	CE-P8 Maintain and/or enhance the quality of the coastal environment	Support	We support this policy, but submit that the attributes of the costal environment as documented in the Schedules are also a consideration.	Outside of urban areas, enable subdivision, use and development where it maintains and/or enhances the following qualities that contribute to the quality, and the public's enjoyment of the coastal environment: <u>9. the attributes/ values that are identified in any overlay relating to the site.</u>
Coastal Environment Area	CE-P12 Coastal Hazard Areas (excluding Regional Significant Infrastructure)	Amend	Part of the Māori Purpose Zone has the Sea Water Inundation Overlay . This policy prevents the development of the MPZ on Māori Land which is against the function of the zone and does not recognise the statement in section 2.2.4 of the plan that restrictions by government about flood protection etc that have prevented Kāti Huirapa from exercising rakatirataka on their ancestral land	<ol style="list-style-type: none"> <li>1. In non-urban areas (<u>except the Māori Land</u>), avoid subdivision, use and development within the Coastal Erosion Overlay and Sea Water Inundation Overlay where there is a new or increased risk of loss of life, or significant damage to structures or property;</li> <li>2. Within existing urban areas, avoid increasing the risk of social, economic, or environmental harm from coastal natural hazards</li> </ol>

Coastal Environment Area	CE-R4 Buildings and structures and extensions (excluding Regionally Significant Infrastructure and fences)	Amend	Part of the Māori Purpose Zone has coastal environment overlays. This rule prevents the development of Māori Land in the MPZ which is against the function of the zone and does not recognise the statement in section 2.2.4 of the plan that restrictions by government about flood protection etc that have prevented Kāti Huirapa from expressing rakatirataka on their ancestral land. We submit that the Māori Land should be exempt from this rule.	Buildings and structures and extensions (excluding Regionally Significant Infrastructure, <u>activities on the Māori Land</u> and fences)
Coastal Environment Area	CE-R7 Regionally Significant Infrastructure - maintenance and upgrade	Amend	The extend of any impact on cultural values should be a matter of discretion for all the activities requiring consent in this overlay given the significance of the coastal environment on Kāti Huirapa values.	Matters of discretion are restricted to: 1. the extent to which the proposal results in an increased risk of economic, <u>cultural</u> , social or environmental harm;
Coastal Environment Area	CE-R11 Subdivision	Amend	We submit that cultural effects should be a matter of discretion as it is a part of the social construct we live in and within the definition of environment. Specifically stating cultural will provide clarity of the issue to the plan user.	Matters of discretion are restricted to: ... 1. the extent of any adverse social, cultural and environmental effects, including on any sensitive environments; 2. the potential of any adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects.
Light	LIGHT - Objectives and Policies	Support	We support these standards as it provides for the protection of Kāti Huirapa's values.	Retain as notified
Light	LIGHT - Standards	Support	We support these standards as it provides for Kāti Huirapa's values as part of the definition of 'light sensitive areas'. However we submit that in order to give effect to the Objectives and Policies that effects on the light sensitive areas are added as matter of discretion to the standards.	Matters of discretion restricted to: 1. the actual and potential effects on values and attributes of light sensitive areas. 2. the potential of any adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects
Noise	NOISE-R9	Oppose	The Background Report from Malcolm Hunt Associates states on pg. 26 that the noise insulation against busy roads is acceptable in principle however some aspects need to be confirmed and clarified prior to implementing any specific recommendation within the new proposed plan. We agree that the general, 7-year old national guidance that is not Timaru specific may restrict the ability for iwi to develop their own land. Therefore the potential noise risk could potentially be much lower than indicated in the report and the rules could be excessive. There is limited land that is suitable for buildings and 'noise sensitive activities' within the Māori Purpose Zone. Between hazards and other overlay restrictions we do not want to have significant portions of the remaining land unable to be sustainably used – especially with a national housing shortage. There are also increased infrastructure costs to running services to buildings further away from the road, as well as the costs of insulating or bringing an acoustic expert into the district for an assessment.	That Council engages an acoustic expert to assess the generated noise, vehicle speeds and times it is generated on the state highway and railway networks and based on that assessment re-assess if the rules are protecting human health at their current setbacks. The Council should also re-assess if the State Highway at the Māori Purpose Zone has the correct speed limit as iwi have asked for the speed to be reduced.
Drinking Water Protection Areas	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.	That the non-complying status of Industrial and Rural Industry activities does not apply on Māori Land within the Māori Purpose Zone.
Rural Zones - General Rural, Rural Lifestyle and Settlement Zones	GRUZ-R21-R23 RLZ-R17 SETZ-R13	Amend	The Rural Zones have many overlays that recognise cultural values, however for Restricted Discretionary Activities in these Rural zones there does not seem to be any ability to consider the values of these overlays - particularly SASM unless the activity also requires consent under the SASM rules, which is an unnecessary doubleup. Our submission is that cultural values needs to be a matter of discretion in these zones.	Matters of discretion are restricted to: the potential of any adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects
Public Access	PA-P1 Benefits of public access PA-P4 Limiting public access	Support	These policies respect and provide for cultural values. This is important as the public access overlay adjoins identified sites of significance to Māori.	Retain as notified



Subdivision	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.	New subdivisions will: 1. accord with the purpose, character and qualities of the zone; and 2. respond positively to the physical <u>and associational</u> 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 <del>significant</del> 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 regional 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 development of adjoining or adjacent land.
Subdivision	SUB-P2 Subdivision of land within sensitive environments	Support	This policy seeks to protect Kāti Huirapa values. We submit that this policy is retained	Retain as notified
Subdivision	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.	Require subdivision to maintain and enhance amenity values and the quality of the environment by ensuring subdivision design: 1. responds positively to <u>the associational</u> , natural and physical features such as underlying landscape, topography and established trees and vegetation that provide amenity, contribute to local character and sense of place; and
Subdivision	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.	Ensure subdivision is serviced sustainably with infrastructure by requiring: <u>10. infrastructure will maintain or enhance Kāti Huirapa values onsite or downstream</u>
Subdivision	SUB-R1 Boundary Adjustment SUB-R2 Subdivision that creates new allotments solely for the purpose of network utilities, the national grid or roads SUB-R3 Subdivision not listed in SUB-R1 and SUB-R2	Support	Kāi Tahu support that sensitive environments such as SASM are a matter of control.	Retain as notified
Subdivision	SUB-S2 Stormwater treatment, catchment and disposal SUB-S4 Wastewater disposal	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.	Matters of discretion restricted to: ... <u>effects of the discharge on the values of Kāti Huirapa</u>
Subdivision	SUB-S8 Esplanade reserves and strips	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.	Matters of discretion restricted to: ... <u>The impact of taking the esplanade provision on Kāti Huirapa values</u>
Stormwater Management	SW-S2 Stormwater neutrality devices or systems	Support	This rule supports Kāti Huirapa values as documented in the Background Report.	Retain as notified
Natural Hazards	NH-P4 Subdivision, use and development in Flood Assessment Areas, excluding high hazard areas and overland flow paths	Support	Kāi Tahu supports this policy as it allows for Māori land to be developed and used while recognising the risks and considering the alternatives.	Retain as notified

Natural Hazards	NH-P9 Natural hazard mitigation works	Amend	The values of qualities of ONL/ONF, Historic Heritage and SASM do not become less important when the works are being undertaken by the Crown, Canterbury Regional Council or the Council. Therefore the policy should be amended to only consider one set of criteria and due to the section 6 importance of these values, it should be subsection 2.	Natural hazard mitigation works: <del>1. undertaken by the Crown, Canterbury Regional Council or the Council are enabled, where community scale hazard mitigation is necessary to protect existing communities from natural hazard risk which cannot reasonably be avoided, and any adverse effects on the identified values and qualities of Outstanding Landscapes and Features, the Coastal Environment, Visual Amenity Landscapes, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, Historic Heritage, cultural, and archaeological areas, riparian margins and Notable Trees are mitigated; or</del> 2. <del>not undertaken by the Crown, Canterbury Regional Council or the Council</del> , will only be acceptable where: a. the natural hazard risk cannot otherwise be reasonably avoided; and b. consideration has been given to alternative solutions such as the relocation, removal or abandonment of existing uses, buildings and structures and all alternatives are not economically viable; and c. any adverse effects arising from the construction or operation of the works on the identified values and qualities of Outstanding Landscapes and Features, the Coastal Environment, Visual Amenity Landscapes, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and Notable Trees are avoided, remedied or mitigated in accordance with the provisions in those Chapters; and d. the construction or operation of the works will not lead to any increased or new risk from flooding on human life and property.
Natural Hazards	NH-P11 Regionally Significant Infrastructure in Natural Hazard Areas	Amend	The impact on Kāti Huirapa values and the ability to avoid, remedy and mitigate them should be a consideration of this policy given the long lifespan and potentially permanent impact of regionally significant infrastructure. It needs to be identified in the policy in order to ensure good cross referencing and to allow for consideration as a matter of discretion.	Only allow Regionally Significant Infrastructure in Natural Hazard Areas where: 1. it has an operational need or functional need for the location and there are no feasible alternative locations; and 2. it is designed to maintain its integrity and function during and after a natural hazard event, or it is able to be readily re-instated after a natural hazard event; and 3. it is designed and located to ensure that it will not exacerbate the risks or potential adverse effects of the natural hazard on surrounding land. <u>4. the impact on values identified in sensitive environments is avoided, remedied or mitigated.</u>
Natural Hazards	NH-R1 Earthworks, excluding land disturbance and for natural hazard mitigation works NH- R4 Natural hazard sensitive activities or structures and additions to such activities or structures with a ground floor area of 30m2 or more NH-R5 Regionally Significant Infrastructure - maintenance, replacement and upgrading NH-R6 Regionally Significant Infrastructure – New NH-R7 Natural Hazard Sensitive Activities and additions, new buildings, and structures with a ground floor area of less than 30m2 (excluding Regionally Significant Infrastructure)	Amend	The extend of any impact on Kāti Huirapa values should be a matter of discretion for all the activities requiring consent in this overlay and not just the maintenance, replacement and upgrading of mitigation works.	Matters of discretion are restricted to: ... the extent of any adverse social, cultural and environmental effects, including on any sensitive environments; the potential of any adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects
Activities on the surface of water	ASW-O1 Protecting the values of the District's rivers	Amend	We support the Objective that seeks to protect the cultural values of the District's rivers. Inappropriate structures or activities on the surface of water can adversely affect the values associated with a waterbody. We submit that the objective and subsequent policies and rules should apply to all waterbodies and not limited to rivers given that the rule is about the surface of water.	Replace 'rivers' with 'waterbodies' throughout the chapter
Activities on the surface of water	ASW-P3 Recreational use of motorised craft within specified areas of identified rivers ASW-P6 Other non-commercial activities	Amend	Both these policies are limited to the use of motorised craft for recreation and do not allow for any structures. We submit that structures are also used for non-commercial activities and the consideration of them should be guided by a policy	Reconsider how structures for recreational activities will be considered through these policies
Activities on the surface of water	ASW-P4 Commercial activities ASW-P6 Other non-commercial activities	Amend	Expand the policy to consider any adverse effects on sensitive environments and Kāti Huirapa. This will allow for a more holistic assessment of any effects.	Only allow commercial activities and structures on the surface of the District's rivers where it can be demonstrated that the activity and/or structure will not result in any: ... <u>7. the extent of any adverse social, cultural and environmental effects, including on any sensitive environments;</u> <u>8. the adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects</u>

Natural Features and Landscapes	NFL-O1 Outstanding Natural Features and Outstanding Natural Landscapes	Support	The Objective is generally supported however we submit that all the values should be protected, not just the landscape values.	The <del>landscape</del> values of the Outstanding Natural Features and Outstanding Natural Landscapes of the Timaru District are protected from inappropriate subdivision, use and development.
Natural Features and Landscapes	NFL-O2 Visual Amenity Landscapes	Support	Amenity values include cultural attributes and we submit that all amenity values should be maintained or enhanced and not just visual amenity. The schedule that identifies the Visual Amenity Landscapes includes values that are not solely visual.	The landscape character and <del>visual</del> amenity values of the visual amenity landscapes of the Timaru District are maintained or enhanced.
Natural Features and Landscapes	NFL-P1 Identification of Outstanding Natural Features, Outstanding Natural Landscapes and Visual Amenity Landscapes	Support	This policy is generally supportive	Retain as notified
Natural Features and Landscapes	NFL-P2 Enabling appropriate use and development	Support	This policy is generally supported, except for the inclusion of non-intensive primary production. The definitions surrounding and cross referencing production activities is confusing and open to interpretation. Therefore we cannot currently understand how non-intensive primary production activities will not impact the values of these landscapes. If it only applies with existing activities, then it is already covered by existing use rights and does not require express approval in a policy. ONLs and ONFs in particular are about the naturalness of the environment which does not include primary production activities.	Enable certain activities in Visual Amenity Landscapes, Outstanding Natural Features and Outstanding Natural Landscapes, including <del>existing non-intensive primary production</del> , small scale earthworks, maintenance of existing tracks and fences, and underground utilities, that are consistent with:
Natural Features and Landscapes	NFL-P5 New Policy requested	Support	Given the important cultural values within the natural features and landscapes areas that a policy is created to recognise these values and give guidance in how to consider these values.	<u>Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Kāi Tahu and opportunities for Kāi Tahu to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.</u>
Natural Features and Landscapes	NFL-R5 New Rule requested	Support	Many of the landscapes hold cultural value to Kāti Huirapa. As a section 6 matter, the rules need to provide for the relationship of Kāti Huirapa to land. mahika kai is a critical aspect of Kāti Huirapa values and erection of buildings and structures associated with mahika kai should be a permitted activity.	<u>Kāti Huirapa Activities</u> <u>Activity Status Permitted</u> <u>Where this includes:</u> <u>1. the use of land and/or buildings for traditional Māori activities and includes making and/or creating cultural goods, textiles and art, medicinal and food gathering, waka ama, events, management and activities that recognise and provide for the special relationship between Kāti Huirapa and places of cultural importance or</u> <u>2. activities associated with the protection and restoration of Kā tuhituhi o neherā; or</u> <u>3. Cultural harvest (which may including the clearance of vegetation) for mahika kai.</u>
Natural Features and Landscapes	NFL-R1 Buildings, structures (other than fences) and irrigators and associated earthworks NFL-R2 Earthworks not listed in NFL-R1 , NFL-R3 or NFL-R4 NFL-R3 Network utilities including associated earthworks NFL-R4 Construction of fences, including earthworks NFL-R5 Tree planting, other than plantation forestry NFL-R6 Primary production not listed in the Rules section of this chapter NFL-R7 Afforestation NFL-R8 New roads, farm tracks and walking and cycling tracks	Amend	The extend of any impact on cultural values should be a matter of discretion for all the activities requiring consent in this overlay.	Matters of discretion are restricted to: ... 1. the extent of any adverse social, cultural and environmental effects, including on any sensitive environments; 2. the potential of any adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects
Māori Purpose Zone	MPZ - Chapter including all objectives, policies and rules	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 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.	

Historic and Cultural Values	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.	Amend as follows: Historic heritage values can be adversely impacted or lost through inappropriate subdivision, use or development. It is therefore important that historic heritage is identified, protected and managed. The District Plan recognises and manages two elements of historic heritage namely: 1. Historic Heritage Items: These items, which include buildings, structures and places, are listed in SCHED3 – Schedule of Historic Heritage Items. There are two categories of heritage items: Category A - which are highly significant, and Category B - which are significant. 2. Historic Heritage Areas: These areas are identified in SCHED4 – Schedule of Historic Heritage Areas and contain groups of buildings, structures and places which collectively have significant historic heritage value. 3. Sites of Significance to Māori: 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.  <u>Where a historic heritage value is listed in multiple schedules then the provisions of all chapters must be considered.</u>
Historic and Cultural Values	HH-R2 Temporary buildings and structures within a heritage setting HH-R3 New buildings, structures and signs within a heritage setting HH-R4 Earthworks within heritage settings HH-R5 External strengthening of a Historic Heritage Item HH-R12 Maintenance, repair or internal alteration of buildings HH-R13 New buildings or structures HH-R14 External alterations and additions to buildings	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.	Matters of discretion are restricted to: ... 1. the extent of any adverse social, cultural and environmental effects, including on any sensitive environments; 2. the potential of any adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, including measures to avoid, remedy or mitigate adverse effects
Sites and Areas of Significance to Māori	Sites and Areas of Significance to Māori Chapter including all objectives, policies and rules	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.	Retain the objectives, policies and rules within this chapter as notified, expect where changes have been requested to an objective, policy or rule below.
Sites and Areas of Significance to Māori	SASM - Introduction	Support	We support the introduction be request clarification as to the SASM status as Historic Heritage.	Amending the working to acknowledge the Historic Heritage status of SASM.
Sites and Areas of Significance to Māori	SASM- O1 Decision Making	Support	We support this objective however recommended changes to provide for rakatirataka and kaitiakitaka.	Retain as notified
Sites and Areas of Significance to Māori	SASM- O2 Access and use	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).	Amend as follows: Kāti Huirapa are able to access, maintain and use resources and areas of cultural value within identified Sites and Areas of Significance and cultural landscapes to Kāti Huirapa.
Sites and Areas of Significance to Māori	SASM- O3 Protection of Sites and Areas of Significance	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).	Amend as follows: The values of identified areas and sites of significance to Kāti Huirapa <u>and cultural landscapes</u> are recognised and protected from inappropriate subdivision, use and development <u>including inappropriate modification, demolition or destruction</u>
Sites and Areas of Significance to Māori	SASM- P4 Cultural access	Support	We support this policy but recommend changes to clarify the purpose and goal of enhancing access for specific cultural reasons and tikaka.	Amend as follows: Maintain <u>or enhance</u> existing access, <u>and encourage landowners and applicants to explore opportunities and methods to enhance</u> access, for Kāti Huirapa to the identified sites and areas listed in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa <u>for mahika kai, karakia, monitoring, cultural activities and ahi kā roa.</u>
Sites and Areas of Significance to Māori	SASM- P5 Protection of values of Sites and Areas of Significance to Kāti Huirapa	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.	Amend as follows: Protect the identified values of the <u>landscape and sites</u> and areas listed in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa <u>and other sensitive environments</u> through: 1. retention of connections to whakapapa, history and cultural tradition; and 2. protection of mauri and intangible values; and 3. maintenance or enhancement of access by whānau for customary use and cultural purposes; and 4. protection of site integrity; and 5. ensuring sustainability of ecosystems supporting taoka species and mahika kai resources <u>and</u> 6. <u>requiring activities on or adjoining sites and areas of significance to Māori to minimise adverse effects on the cultural, spiritual and/or heritage values, interests and associations of importance</u>

Sites and Areas of Significance to Māori	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.	Amend as follows: Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: ... whether a cultural impact assessment <u>endorsed by Kāti Huirapa</u> has been undertaken and the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa;
Sites and Areas of Significance to Māori	SASM- R1 Earthworks not including quarrying and mining	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.	Amend as follows: Wāhi Tūpuna Overlay Activity status: Permitted 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 750m <sup>2</sup> per site;
Sites and Areas of Significance to Māori	SASM- R2 Buildings and structures, including additions and alterations to existing buildings and structures and network utilities	Support	We support the intent of this rule but submit that clarification is required to ensure that the rule protects the values identified.	That the rule is clarified.
Sites and Areas of Significance to Māori	SASM- R3 Indigenous vegetation clearance	Support	We support this rule but submit that it should also apply to the Wāhi Tūpuna overlay.	That the rule includes the Wāhi Tūpuna overlay.
Sites and Areas of Significance to Māori	SASM- R4 Temporary events	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.	That the rule is retained and cross referenced specifically in the TEMP chapter.
Sites and Areas of Significance to Māori	SASM- R5 Mining and quarrying	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.	That the rule is limited to 750m <sup>3</sup> per site per calendar year and that it is relocated to the Earthworks Chapter
Sites and Areas of Significance to Māori	SASM- R6 Intensively farmed stock	Support	We generally support the intent of this rule but submit that it could be clarified.	That the rule is clarified.
Sites and Areas of Significance to Māori	SASM- R7 Subdivision	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.	That the rule is retained and cross referenced specifically in the SUB chapter.
Sites and Areas of Significance to Māori	SASM- R8 Shelterbelts or woodlots or plantation forestry	Support	We support this rule and seek its expansion to include all forestry in order to protect these clearly identified sites.	That the rule is expanded to include all forestry activities.