

Introduction

- 1 My full name is Aaron Ross Hakkaart. My planning qualifications and experience are set out in my earlier Statement of Evidence on the proposed Timaru District Plan (**PDP**) dated 22 April 2024 (**April evidence**).
- 2 I am giving this evidence in my role as Planning Manager – District Plan Review at Timaru District Council (**TDC**). In this role I manage and progress the review of the Timaru District Plan. I understand the overall strategy and approach towards the review and seek to ensure the review continues in a timely and efficient manner). I have held this role for four months.
- 3 While I am giving this evidence on behalf of the Council, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it. I confirm that the issues addressed in this statement are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 4 This evidence has been prepared in response to paragraph 16 of Minute 7, which was issued by the Hearing Panel on 17 May 2024 (**Minute 7**). Minute 7 requested that the Council provide evidence in relation to the process it followed to identify Sites and Areas of Significance to Māori (**SASMs**), including:
 - (a) the process, including the methodology for the mapping undertaken; and
 - (b) the engagement undertaken with landowners prior to notification of the PDP.
- 5 While the Hearing Panel requested that the s42A author for Hearing D provide this evidence:
 - (a) Council processes for developing the PDP (including the approach that Council took towards identifying SASMs and preparing related provisions) and consulting with landowners fall within the scope of my role, rather than the role of the independent planning expert responsible for preparing the s42A report on the SASMs chapter. I am therefore providing this evidence; and

- (b) the methodology for identifying SASMs is best addressed by Kāti Huirapa o Arowhenua (**Arowhenua**), given that Arowhenua identified the sites and areas of significance to them, which the Council agreed to incorporate into the PDP. The Council intends to call this evidence for Hearing D.
- 6 Because I have only held this role for four months, this evidence has been prepared on the basis of:
- (a) my review of Council's files in relation to the PDP;
 - (b) consultation with Council staff and consultants who were involved in the process; and
 - (c) affidavits filed with the Environment Court in support of Council's application under s86D of the RMA for SASMs to have immediate legal effect from the date of notification.¹

Council process for developing SASMs in PDP

- 7 My April evidence provides an overview of the process adopted by the Council towards the review of the District Plan. In summary, the Council resolved to undertake a review the District Plan in 2014. Following that resolution, the Council:
- (a) Undertook a scoping phase, which involved consultation with statutory bodies, stakeholders and the public, and undertaking background studies (2015 – 2018);
 - (b) Issued discussion documents for the purposes of engaging with the public on issues faced by the district and identifying issues, and options to resolve those issues (2016 – 2017), including a [Takata Whenua Discussion Document \(December 2016\)](#);²
 - (c) Prepared and issued a draft District Plan (**draft DP**) for consideration and feedback by the public (October 2020); and
 - (d) Publicly notified the PDP (September 2022).
- 8 In each of the phases in (a) – (c) above, a variety of consultation opportunities were offered, including making written comments, public open

¹ Affidavit of Kylie Susan Hall (9 June 2022); Affidavit of Mark William Geddes (14 June 2022); Supplementary affidavit of Mark William Geddes (5 July 2022); Supplementary affidavit of Mark William Geddes (1 August 2022).

² The Takata Whenua Discussion Document (December 2016) can be found at the link above, or by copying and pasting the following link into an internet browser:
https://www.timaru.govt.nz/__data/assets/pdf_file/0013/101533/1022348-Discussion-Document-Topic-1-Takata-Whenua-Discussion-Document-Work-District-Plan-Review-December-2016.pdf

days, stakeholder meetings, and on-on-one meetings with Council staff and consultants. Consultation opportunities were widely publicised through a variety of media, including through newspaper and radio advertisements, Council's website, the District Plan Review email list and social media.

- 9 The Takata Whenua Discussion Document identified that Operative District Plan required amendments to align with current best practice. It proposed (as the preferred option) mapping, alongside objectives, policies and rules to manage areas of particular interest, to be addressed in the District Plan review. The intent was to take an integrated approach to including appropriate recognition and protection within the draft DP.³
- 10 The discussion document noted that there was some concern around striking the right balance between identifying SASMs and ensuring privacy, in order to avoid potential damage to the sites.⁴ It set out proposed next steps, including identification of sites, development of draft provisions for managing activities, and consultation with the wider community.⁵
- 11 The community was provided the opportunity to feed back on the discussion document via online feedback systems, emails, mail and public drop-in sessions from November 2016 to February 2017. That feedback generally supported the integration of takata whenua values and involvement of rūnanga in the District Plan development. The Environmental Services Committee's initial direction in response to feedback was to establish a takata whenua steering group to provide recommendations before commenting further.⁶
- 12 A Takata Whenua Steering Group was established, whose role was to make recommendations in relation to the draft DP's takata whenua chapters. It was comprised of members of Aoraki Environmental Consultancy Limited (AEC), elected members, and Council staff and consultants. The Steering Group was required to recommend objectives, policies and rules for SASMs and for a Māori Special Purpose Zone chapter (or similar).
- 13 The National Planning Standards were published in 2019, which influenced the work that Council was undertaking. Rather than integrating provisions relating to SASMs throughout the plan, the National Planning Standards require the inclusion of a SASM chapter, if SASMs are relevant to the

³ Takata Whenua Discussion Document, pp 5 – 6.

⁴ Takata Whenua Discussion Document, p 3.

⁵ Takata Whenua Discussion Document, p 7.

⁶ [Timaru District Plan Review: Community Feedback and Initial Committee Direction on Discussion Documents](https://www.timaru.govt.nz/__data/assets/pdf_file/0005/144194/1070351-Booklet-District-Plan-Review-Discussion-Documents-Community-Feedback-and-Initial-Committee-Direction-Web.pdf), page 4. See: https://www.timaru.govt.nz/__data/assets/pdf_file/0005/144194/1070351-Booklet-District-Plan-Review-Discussion-Documents-Community-Feedback-and-Initial-Committee-Direction-Web.pdf

district.⁷ They also provide for the identification of SASMs via a schedule that lists the specific or general location of sites and areas of significance to Māori (although the inclusion of a description of sites and areas is subject to the agreement of Māori to include this information, and SASMs are not required to be mapped).⁸

- 14 The Council engaged AEC to prepare a research report on SASMs ([Timaru District Council: Report on Sites and Areas of Significance to Māori, March 2020](#)) (**SASM report**).⁹ The purpose of that report was to support the development of the SASM provisions, in accordance with the National Planning Standards.
- 15 The SASM report contains:
 - (a) a schedule of sites and areas of significance to Arowhenua – which were identified by four cultural advisors;
 - (b) a list of cultural values associated with different types of sites/taoka;
 - (c) desired outcomes for SASMs;
 - (d) an assessment of options for different management approaches from other district plans;
 - (e) a schedule of threats to sites and areas of significance; and
 - (f) preferred management approaches in relation to those threats.
- 16 As part of that process, I understand that the AEC cultural advisors identified the location of SASMs on aerial photographs of the district.
- 17 Council engaged an independent policy planner to assist in developing the objectives, policies and rules for SASMs, taking into account the SASMs report, and to prepare a GIS layer of SASMs based on the marked-up aerial photographs. AEC was consulted during that process. The Takata Whenua Steering Group reviewed the draft provisions and agreed the version to be recommended to Council's Environmental Services Committee. Before that recommendation was made, a Councillor workshop was held at Arowhenua Marae. This included a presentation by AEC explaining the process for identifying the SASMs and showing the mapped areas.

⁷ National Planning Standards, District Plan Structure Standard 3 and Table 4, pp 14 – 15 and District-wide Matters Standard 17, p33.

⁸ National Planning Standards, District-wide Matters Standard 17, p 33.

⁹ The SASM report can be found at the link above, or by copying and pasting the following link into an internet browser: https://www.timaru.govt.nz/__data/assets/pdf_file/0004/677263/AECL-2020-Report-on-sites-and-areas-of-significance-to-Maori.pdf

Consultation with landowners on SASMs

- 18 General consultation undertaken during the scoping phase and discussion document phase is addressed above. Specific consultation with landowners on the proposed SASM chapter and maps was undertaken in the context of the draft DP, further targeted consultation efforts were made during the PDP submission period and the Council intends to continue to engage with landowners and mana whenua through the process of considering submissions and developing the section 42A report. These processes are addressed below.

Pre-notification consultation

- 19 The draft DP was released for consultation in October 2020. It included a similar SASM chapter to what is now proposed in the PDP.
- 20 Consultation on the draft DP occurred from 7 October 2020 to 30 November 2020. The community was provided with an opportunity to feed back on the draft DP via an online feedback system, email, mail, and one-on-one meetings (both online or in person) with staff. Opportunities to feed back were advertised via means such as emails to subscribers, public notices and radio.
- 21 Eighty-nine individual comments were received from 32 individuals/organisations in relation to the draft DP SASM chapter. A summary of the feedback received and the Council's response to that feedback is provided in Table 1 below.
- 22 Three meetings were held with landowners that raised particular concerns about the chapter. A consultation session was held with Federated Farmers in November 2020, during the draft DP feedback period, which included a discussion on the SASM chapter.
- 23 Revised provisions were then developed and circulated to landowners who had provided feedback for additional comment, before the Takata Whenua Steering Group considered the changes and made their recommendations to Council's Environmental Services Committee. All of the issues raised by the landowners were discussed with the Council's Environmental Services Committee before they confirmed the Takata Whenua Steering Group recommended provisions for the PDP. A number of the provisions of the SASM chapter did change as a result of the landowner consultation. These are outlined in the Council Response in Table 1 below.

Table 1 – Summary of feedback and Council response

Feedback Summary	Council Response
<ul style="list-style-type: none"> - Submitters questioning the extent of the proposed SASM overlays and how these were determined. 	<ul style="list-style-type: none"> - No change. - The methodology for identification of sites and identification approach is set out in the SASM Report. The assessment was undertaken by four cultural consultants, who are suitably qualified to undertake the assessment.
<ul style="list-style-type: none"> - Concern that where overlays apply to urban zones, the proposed controls will restrict reasonable development potential in line with what is anticipated by the zoning. 	<ul style="list-style-type: none"> - Less restrictive controls are now proposed for buildings and structures in urban areas within wāhi taoka and wai taoka overlays.
<ul style="list-style-type: none"> - Concern that earthworks provisions are too restrictive, particularly for remedial works and for maintenance and repair of existing infrastructure. 	<ul style="list-style-type: none"> - Within the wai taoka overlay, a permitted activity status is provided for earthworks for the purpose of maintenance, repair, or replacement of existing infrastructure, where it also meets specified conditions.
<ul style="list-style-type: none"> - The restrictions on buildings and structures are too stringent, particularly the requirement for resource consent to be obtained for all buildings and structures in the wāhi tapu, wai taoka and wai tapu overlays. 	<ul style="list-style-type: none"> - Provisions have been refined so that they are targeted only to areas where visual prominence may affect values associated with the site. This also reflects that where earthworks are required to establish building platforms, these are controlled under the earthworks provisions.
<ul style="list-style-type: none"> - Concerns that controls are too stringent on intensively farmed stock, quarrying and plantation forestry and may duplicate with regional council controls and/or relate to regional council functions. 	<ul style="list-style-type: none"> - Where quarrying is undertaken within a wai taoka overlay and has been authorised by the regional council, it is proposed to only control stockpiling within the overlay under the district plan, to avoid duplication. - It is proposed to manage intensively farmed stock within a wai taoka overlay as a restricted discretionary activity.

Feedback Summary	Council Response
	<ul style="list-style-type: none"> - Controls are no longer proposed for plantation forestry on the basis that this is managed under the National Environmental Standard for Plantation Forestry and that Standard does not allow for the District Plan to contain more stringent controls in relation to SASM.

Post-notification consultation

- 24 The PDP was notified on 22 September 2022 with a three month submission period. During this period, Council conducted targeted consultation on SASMs as follows:
- (a) a letter was sent to all SASM landowners and occupiers in the rural sector (approximately 1400 parties) in October 2022. This communication included reasons for including SASMs in the PDP, that the rules had immediate legal effect, where to find further information and how to submit on the PDP;
 - (b) Frequently Asked Questions on SASMs were prepared and made available on Council website from October 2022;
 - (c) a hotline was established, supported by a team of external contractors who were available to answer questions on SASMs from 24 October – 22 December 2022. During this period, the team responded to some 71 email enquiries, 79 face to face enquiries and 498 phone calls;
 - (d) a public consultation session was held with Federated Farmers in November 2022, in which SASMs were discussed.
- 25 Two hundred and seventy submissions were received on the SASMs chapter of the PDP, including 48 relating to the location of SASMs or the planning maps (based on submissions on the planning maps or the schedule). The Council's section 42A officer is currently considering those submissions for the purposes of preparing a report to the Hearing Panel.
- 26 Council officers are working closely with AEC to assess the appropriateness of amendments to the SASM chapter and planning maps in response to submissions. I propose to conduct further discussions with

landowners once the section 42A officer has undertaken an initial assessment of the submissions. I expect that to occur in August – September 2024, in preparation for Hearing D at the beginning of November 2024.

Aaron Hakkaart

20 June 2024