

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

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

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Timaru District Council - Planning Unit

**Date received:** 13/12/2022

**Submission Reference Number #:**25

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

**Submitter:**

Leon HILLEGERS

**Address for service:**

15 Lachlan st Temuka 7920  
New Zealand

**Email:** leon.hillegers@gmail.com

**I wish to be heard:** No

**I am willing to present a joint case:** No

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

- **No**

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

(a) adversely affects the environment; and

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

- **Yes**

**Submission points**

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**Point 25.1**

**Section:** Purpose

**Sub-section:** Purpose

**Provision:**

The Plan is a statutory document that is legally enforceable and which the Council is required to prepare in accordance with Section 73 of the RMA. The RMA requires the Plan be prepared subject to its purpose and principles and to give effect to the Canterbury Regional Policy Statement and National Policy Statements, and also to not be inconsistent with the relevant Regional Plans and National Environmental Standards. The Plan will have a 10 year lifespan.

**Sentiment:** Oppose

**Submission:**

15 Lachlan st

Temuka 13/12/2022

Timaru District Council

Timaru Group Manager Environmental Services

Re SASM and SNA

Dear Mr Cooper,

We are writing regarding the blanket claim of the

Wahi Tupuna

Unique Identifier: SASM-4

Name: Waitarakao to Orari, inland to Seadown Road  
and including Arowhenua and Temuka

This has been done without any personal direct consultation what so ever.

As Private land owners with land that is involved in the SASMS and also with existing AMF rights we have legal sovereign rights. Your letter dated 20th October 2022 informed us that submissions closed By definition in the Blacks law Dictionary any Act is a contract requiring agreement by both parties

and we do not consent to this application of (SASM) on our property.

Under Contract Law full disclosure must be given in any contract, in this instance The local Runanga refuse to give information about the (SAMS) on the grounds that "it is not appropriate for the cultural heritage associated with the site to be questioned by those who do not have the expertise

or authority to comment" in regard to this or any property. This non-disclosure deems any contract null and void.

Furthermore in your letter dated 20th October 2022 it stated that certain rules in the Proposed District Plan now have mandatory immediate legal effect this includes rules in relation to water, air, soil (conservation), significant natural areas and historic heritage (including SASMs).

The Blacks Law Dictionary 10th edition states the legal definition of mandatory is demanding compliance (you need consent for compliance). A mandate is not a law.

So as you now understand we: Leon Hillegers & Rebecca McMillan in our private capacity do not give consent to this process (SASM and SNA) and access to this Private Land by the Timaru District Council agents or any other Corporate authority is not given.

Yours faithfully

Leon Hillegers & Rebecca McMillan

### **Relief sought**

Council must seek clarification from local Runanga for grounds for it to be classed as SAMS, with specific details of area's and exact basis of classification for considerations.

Council must seek legal precedent for classification and limitations of private land owners rights:

1. Legal precedent to limit private landowners right under rule of law
2. Runanga to hold public meeting to talk to as tangata whenua and how tikanga will impact the RMA process. Will they and local council fund RMA impacts if this impacts private land owners detrimentally.
3. No Private land owners has agreed to this process, it is not mandatory. Every affected party shall be consulted personally by council/runanga and a register held that is publicly available if both parties agree.
4. How will SAMS specifically impact RMA process outside of notifiable consents- land use / building consents-subdivision /drainage/ pastoral types etc.