

Before the Hearings Panel

For the Proposed Timaru District Plan

Under the Resource Management Act 1991

In the matter of the Proposed Timaru District Plan – Submissions S240 (The Māori Trustee) and Further Submissions FS185 (Ngāi Tahu)

Joint Statement of Position and Recommendations to the Hearing Panel

Reasons for submissions/Points of agreement

- Māori land and Māori freehold landowners face specific challenges that limit the use and development of their whenua. This includes challenges such as;
 - The land not being economically viable in its own right: most less than 50 ha, often marginal land classes, regularly legally or physically landlocked with large tracks under-developed and/or unoccupied with minimal improvements;
 - accordingly, the land is more often than not forced into passive leasing to neighboring owners;
 - the income generated by the land is often being insufficient to meet costs;
 - having on average over 100 individual owners per parcel can complicate decision making, even when trustees have been appointed to administer the land on behalf of the owners;
 - access to third party capital is highly constrained; and
 - owners of Māori freehold land have been disproportionately impacted by climate change impacts.

The District Plan is one method to help address these challenges by enabling Māori Land use and development.

- The Ngāi Tahu Claims Settlement Act 1998 (NTCSA) includes the Crown recognition of Ngāi Tahu as *'the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui'*. The District Plan is one method used for Councils on behalf of the Crown to recognise this.
- The recommendations presented to the Hearing Panel in this statement seek to achieve both of the above outcomes.

Background for statement

1. During the hearings for the Te Tai o Poutini Plan (combined District Plan), the Māori Trustee and Poutini Ngāi Tahu¹ met and came to a joint position on

¹ Poutini Ngāi Tahu in this context is made up of Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu.

Māori Land issues where both parties submitted on the same provisions. This was presented to the Hearings Panel as a Joint Statement to help the Panel, reporting officers and the decision-making process by clarifying outstanding issues.

2. Similar issues have been raised in the Timaru District Plan submission process and therefore this statement has been prepared to assist the reporting officers and Hearings Panel with these submissions by outlining areas of agreement and disagreement that remain as at 18 December 2024.
3. **Appendix A** provides the agreed recommended amendments to the Timaru District Plan by the Māori Trustee and Ngāi Tahu to enable the use and development of Māori Land and recognise Ngāi Tahu rangatiratanga.
4. We are familiar with the Environment Court Code of Practise 2023 as it relates to expert witnesses and conferencing, having read the relevant parts within the last twelve months, have complied with it in all aspects of participating in this conference and preparing this statement.
5. All references to the Timaru District Plan are the notified version except where stated otherwise.

Conclusion

6. We agree to the above statements and the recommendations in Appendix A and believe that it addresses the outcomes sought by The Māori Trustee and Ngāi Tahu on those submission points.

Signatures and dates



Name: Dr. Charlotte Severne
Position: Māori Trustee
Te Tumu Paeroa | Office of the Māori Trustee
Date:



Jacqui Caine
Group Head – Strategy & Environment
Te Rūnanga o Ngāi Tahu
17/12/2024

APPENDIX A: The Māori Trustee (S240) and Ngāi Tahu Further Submissions (S185) with agreed recommendations to the Hearing Panel

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
240.1	General	<p>Submitter is generally comfortable with the objectives, policies, rules and standards to manage land use activities and subdivision across the Timaru district in the Proposed Plan. However, the submitter considers amendments are required to recognise all Māori landowners, reduce ambiguity and provide clear direction to those implementing plan</p> <p>As detailed in specific provisions</p>	<p>Note: The Timaru District Plan has obligations to enable Māori Land but note that this obligation is separate from Mana Whenua obligations.</p>
240.2	Definitions	<p>1. Add a new definition of Ancestral Lands. OR 2. Amend the Proposed District Plan to use a singular term for 'ancestral lands' and 'Māori land'.</p>	<p>Amend: Submission point in relation to Ancestral Land is withdrawn and instead both submitters support the definition of Māori Land in the Timaru Plan used in the Māori Purpose Zone and wish to see its application in other chapters (such as the Ecosystems and Biodiversity Chapter).</p>
240.3	Definitions	<p>Amend the definition of Papakāika as follows: Means any building associated with any activity undertaken in the traditional rohe of mana whenua <u>or on Māori land subject to the District Plan</u>, to sustain themselves <u>mana whenua or Māori landowners</u>, and may include (but is not limited to) residential, social, cultural, economic, conservation and recreation activities including: a. whare (household unit); b. home businesses;</p>	<p>Amend: Means any building associated with any activity undertaken in the traditional rohe of mana whenua <u>or on Māori land</u>, to sustain themselves and may include (but is not limited to) residential, social, cultural, economic, conservation and recreation activities including: a. whare (household unit); b. home businesses; c. marae complexes;</p>

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
		c. marae complexes; d. manuhiri noho; e. whare taoka; f. urupā; g. pouwhenua h. mahika kai; i. community facilities; j. kōhanga reo (preschool); k. kura kaupapa (education activity and facilities); l. whare hauora (health care facilities); m. Māori cultural activities, including art and wānanga, n. Hākinakina (recreation activities and facilities, excluding commercial recreation and motorised sports), and o. ahuwenua (primary production).	d. manuhiri noho; e. whare taoka; f. urupā; g. pouwhenua h. mahika kai; i. community facilities; j. kōhanga reo (preschool); k. kura kaupapa (education activity and facilities); l. whare hauora (health care facilities); m. Māori cultural activities, including art and wānanga, n. Hākinakina (recreation activities and facilities, excluding commercial recreation and motorised sports), and o. ahuwenua (primary production).
240.4	Objectives	Amend SD-O5 as follows: SD-O5 Mana Whenua The mana whenua status of Kāti Huirapa is recognised and their historic and contemporary relationship with the District's land, water bodies and wetlands, coastal environment, and indigenous species is recognised and provided for by ensuring: i. mahika kai resources and habitats of indigenous species are sustained and opportunities for their enhancement or restoration are encouraged; ii. the health of water body and wetland environments is protected from adverse effects of land use and development; iii. the values of identified sites and areas of significance to Kāti Huirapa are recognised and protected;	Amend: No amendment made to SD-O5 but change SD-O9 instead to read: A range of primary productive activities are enabled in the rural environment to enable the ongoing use of land for primary production for present and future generations, while: ... Vii. <u>Enabling Māori land for use and development</u>

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
		iv. Kāti Huirapa <u>and Māori landowners retains</u> , and where appropriate <u>is are</u> able to enhance access to their sites and areas of significance; ...	
240.5	Objectives	Amend UFD-O1 as follows: UFD-O1 Settlement Patterns A consolidated and integrated settlement pattern that: [...] vi. avoids areas with important natural, cultural and character values; vii. minimises the loss of versatile soils; viii. enables papakāika, to occur on ancestral lands <u>and Māori land</u> ; [...]	Submission retained and further submission in opposition withdrawn.
240.6	Objectives	Amend SASM-O2 as follows: SASM-O2 Access and use Kāti Huirapa are able to, <u>in agreement with affected landowners</u> , access, maintain and use resources and areas of cultural value within identified Sites and Areas of Significance to Kāti Huirapa.	That the Māori Trustee submission will be withdrawn.
240.7	Policies	Amend SASM-P3 as follows: SASM-P3 Use of sites and areas for cultural practices Enable Kāti Huirapa <u>and Māori landowners</u> to undertake customary harvest and other cultural practices in identified sites and areas listed in SCHED6 - Schedule of Sites and Areas of Significance to Kāti Huirapa, in accordance with tikaka	That the Māori Trustee submission will be withdrawn.
240.8	Rules	No specific relief sought.	Submission retained.
240.9	Introduction	Amend the Introduction of the Māori Purpose Zone as follows: The purpose of the Māori Purpose Zone is to provide for the social, cultural, environmental and economic wellbeing of mana whenua, <u>and Māori landowners</u> and ensure a	Amend the Introduction of the Māori Purpose Zone as follows: The purpose of the Māori Purpose Zone is to provide for the social, cultural, environmental and economic wellbeing of mana whenua, <u>enable Māori land</u> and ensure a thriving and self-

Sub No.	Provision	The Māori Trustee's original relief sought	Agreed recommendation to the Hearing Panel
		<p>thriving and self-sustaining Māori community. The zone recognises and provides for the relationship of Māori with the land.</p> <p>The Māori Purpose Zone is applied to areas of land originally granted as Native Reserve for Māori occupation or use. One of the main aspirations of the Māori Purpose Zone is to create an enabling planning regime to not only encourage the development and use of the existing Māori land, but to create a place for mana whenua <u>and Māori landowners</u> to return to. Māori should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone. ...</p>	<p>sustaining Māori community. The zone recognises and provides for the relationship of Māori with the land.</p> <p>The Māori Purpose Zone is applied to areas of land originally granted as Native Reserve for Māori occupation or use. One of the main aspirations of the Māori Purpose Zone is to create an enabling planning regime to not only encourage the development and use of the existing Māori land, but to create a place for mana whenua to return to. Māori should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone. ...</p>
240.10	Objectives	<p>Amend MPZ-O1 as follows: MPZ-O1 Enabling use and development of Māori land The occupation of ancestral land by mana whenua <u>and Māori landowners</u> is recognised and provided for within the Māori Purpose Zone.</p>	<p>Amend MPZ-O1 as follows: MPZ-O1 Enabling use and development of Māori land The occupation of ancestral land by mana whenua <u>and the enablement of Māori land</u> is recognised and provided for within the Māori Purpose Zone.</p>
240.11	Objectives	<p>Amend MPZ-O2 as follows: MPZ-O2 Purpose of the Zone The Māori Purpose Zone specifically provides for mana whenua <u>and Māori landowners</u> needs and activities, including papakāika, to achieves a thriving, sustainable and self-sufficient Māori community.</p>	<p>Amend MPZ-O2 as follows: MPZ-O2 Purpose of the Zone The Māori Purpose Zone specifically provides for mana whenua needs and activities <u>and the enablement of Māori Land</u>, including papakāika, to achieves a thriving, sustainable and self-sufficient Māori community.</p>
240.12	Policies	<p>Amend MPZ-P6 as follows: MPZ-P6 Future zone locations Support the future application of the Māori Purpose Zone in other locations where it will enable the use and development of land in accordance with tikaka Māori and to meet mana whenua <u>and Māori landowner's</u> needs.</p>	<p>Amend MPZ-P6 as follows: MPZ-P6 Future zone locations Support the future application of the Māori Purpose Zone in other locations where it will enable the use and development of land in accordance with tikaka Māori and to meet mana whenua needs <u>and enable Māori Land</u>.</p>