

The period for making submissions to Plan Change 26 to the District Plan closed on 22 July 2011. This is the second stage of the public submission process where people have the opportunity to make further submissions. Further submissions give the opportunity for the public to either support or oppose the submissions received and summarised or aspects of these submissions. Please note it is not another opportunity to make fresh submissions on the Plan Change itself, as a further submission can only relate to a submission which has already been lodged.

The further submission Form 6 is available at all Council offices and online at:

<http://www.selwyn.govt.nz/services/planning/planning-forms/form-6-further-submissions> <http://www.selwyn.govt.nz/services/planning/planning-forms/submission-forms-pdfs/submission-forms>

Submission Number	Name	Submission Point	Subject Area	Submission Type	Detail	Relief sought
01	Graham Shearman	1.1	Whole of Plan Change	Oppose	Submitter is not in favour of proposed plan change 26. If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property. A minority of the properties have been subjected to these investigations before a resource consent was issued before building development was commenced. The property owner deserves recognition of the expense and inconvenience that these efforts incurred.	If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property.
02	RA & PJ Perkins	2.1	Whole of Plan Change	Oppose	The fact that no archaeological material has ever been found on the south-western side of Pacific Drive. Our property is a split level house, the earthworks already done when the house was built were extensive, at least a metre deep and nothing found. We bought the section freehold from the Selwyn District Council 3 to 4 years ago - free of any restrictions at market price. We believe this plan will devalue our properties and we may jointly make a claim against Selwyn District Council from a loss in value. We oppose any archaeological restriction on our	Any costs incurred by a finding if reported (which is highly unlikely) be paid by Selwyn District Council. We believe our property will loose value of 25% and we would want compensation to that effect from the Council.

					LIM document.	
03	RGS & SM Nee	3.1	The placement of a report on my LIM Report to the importance of a Historic Places Trust interest in my freehold property.	Oppose	<p>I /we purchased the property off the Selwyn District Council for fair market value as freehold (Fee Simple) with no encumbrances and in good faith. Since then the Council has negotiated with the tribes to have our sections placed inside the protected area. This is not what the village is in favour of as it will detract from the value of our freehold properties. We believe it will have a devaluation value of at least \$20,000.00 per section and I believe the Council should reimburse the said amount to each and every section to the owner as compensation.</p> <p>It has been stated by Mr Witter that no Maori artefacts have ever been found on the south-west side of Pacific Drive, so why have they included it in their kitchen cupboard. Any discoveries would never be included to them anyway.</p>	<ol style="list-style-type: none"> 1. That the south-west side of Pacific Drive be excluded from the proposed Maori site. 2. That it be withdrawn from all LIM reports on the devaluation basis. 3. On the basis that no artefacts have ever been found on our side of the Pacific Drive, therefore the whole procedure is crap. 4. That we are kept informed by our employees of the situation
04	PL Williamson & EC Wilkes	4.1	Whole Plan Change	Oppose	<p>We wish to protest most strongly to the proposed Plan Change 26. This proposed Plan Change is described as simplifying things but we really must ask, simplifying for whom? Certainly not for the ratepayer of the Rakaia Huts and more specifically not those who have recently purchased (freehold) their sections (south side Pacific Drive).</p> <p>These residents purchased their sections in good faith with clear title. A discussion with a lawyer has revealed that the Council would have been well aware of this impending change and have “failed in their duty to advise”. We paid market value for</p>	The settlement of this situation once and for all. Stop this continuing pandering to certain groups of people at the expense of those who pay rates. We on the south side of Pacific Drive were not originally included in the Draft Plan and we wish this situation to remain.

					<p>our sections, with no mention of this impending change. Had we or our valuer been advised of this I'm sure the valuation would have been a good 20 – 25% less. We are also sure that the Council were more than well aware of this also. We believe the original area proposed should be the only area up for consideration, as per the residents memorandum in response to the Draft Plan and dated 25/02/09.</p>	
05	Selwyn District Council	5.1	Note 1 in Part C – 1 Rural Rules – Earthworks in the Rural Volume of the District Plan, identifying activities which are exempt from the Earthworks Rules in Rural Zones	Support, but with amendments to identified errors	<p>This submission is in support of Proposed Plan Change 26. However, an error has been identified in Part C of the Rural Volume of the notified Plan Change. This submission requests that the identified error is corrected.</p> <p>Note 1 in Rule 1 - Earthworks of the Rural Volume of the District Plan (page 54 of PC 26) identifies a number of activities which are exempt from the Earthworks Rules. The intent of the Plan Change for this particular Plan provision was to duplicate the <u>format</u> the note was written so that both volumes of the District Plan provided for a consistent and easy to read format. The intent was <u>not</u> to duplicate the activities which are to be exempt from the Earthworks Rules.</p> <p>However, in the course of finalising the Proposed Plan Change for public notification, Note 1 in the Rural Volume of the Plan was amended such that it inadvertently duplicated the corresponding Note 1 as found in the Township Volume of the District Plan.</p> <p>The Draft Plan Change 26 which was</p>	<p>Delete Note 1 from Part C – 1 Rural Rules – Earthworks of the Rural Volume of the Rural Volume subject to Plan Change 26. Replace with the amended Note 1, as outlined in the submission, which shows the correct list of activities which are exempt from the Earthworks Rules in Rural Zones.</p>

					<p>notified for public comment correctly identifies the list of activities intended to be exempt from the Earthworks Rules, other than 'Burying Pets' and 'Trenching Compost'. These two activities are to be retained in the amended Note 1 (Rural Volume). The Rakaia Huts Conservation Management Plan specifically identified these two activities as requiring exemption from any "monitoring of major works under 20cm" (Proposed Mangement Tool (i), page 34 Rakaia Huts Conservation Management Plan).</p>	
06	Te Runanga o Ngai Tahu and Te Taumutu Runanga	6.1	Whole of Plan Change	Support in part	<p>Overall, Ngai Tahu supports the proposed plan change to implement the Rakaia Huts Conservation Management Plan and which effectively provides better protection of the wahi tapu and wahi taonga values of the area. The proposed plan change adequately recognises the cultural significance of the wahi tapu values of the wahi Taonga Management Areas.</p> <p>However there are some areas that Ngai Tahu consider need strengthening to reflect the degree of protection that this area requires. These are outline below. In addition to these submission points, Ngai Tahu suggest a few recommendations to further provide for the protection of the integrity of the wahi tapu/taonga values of the area.</p>	Review the Rakaia Huts Conservation Management Plan.
		6.2	Whole of Plan Change	Support in part	As above	Re-name the Moa Hunter Site with a traditional Ngai Tahu name
		6.3	Whole of Plan Change	Support in part	As above	Set up a place to store artefacts

		6.4	Whole of Plan Change	Support in part	As above	Educate the local community and the wider public.
Issue:	Removal of the term 'culture/cultural' from several provisions seen as not adequately representing tangata whenua values.					
		6.5	Volumes 1 and 2: Heading B3.3 Historic Heritage - Issue	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the headings in both Township and Rural Volumes to read: <i>"B3.3 Culture and Historic Heritage - Issue"</i> .
		6.6	Volume 1 and 2: Statement under heading: Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage values.	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the statement in both Township and Rural Volumes to read: <i>"Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage and cultural values"</i> .
		6.7	Volume 1 and 2: Sub Heading: Historic Heritage in Selwyn District	Oppose in Part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sub-heading to in both Township and Rural Volumes to read: <i>"Culture and Historic Heritage in Selwyn District"</i> .
		6.8	Page 7 Volume 1 and Page 38 Volume 2: Third paragraph beginning "Sites, areas or buildings may have heritage values	Oppose in part	The paragraph discusses heritage values in a generic manner which effectively excludes any specific reference to tangata whenua cultural values. There is also an assumption of what "people most often" associate heritage values with. This assumption is based on predominately "pakeha" values that do not incorporate or relate to tangata whenua cultural values. There is a danger in using generic terms such as "people" in describing values which predominantly	AMEND the paragraphs in both Township and Rural Volumes to read: <i>"Sites , areas or buildings may have heritage and cultural values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person and in the case of tangata whenua they are shared by the local runanga and Ngai Tahu. In particular,</i>

					reflect the dominant culture's values and which exclude the "other" namely tangata whenua. Given that this plan change is about providing greater protection of a significant wahi tapu area of significant value to tangata whenua then there needs to be specific mention of tangata whenua cultural values in this section and the avoidance of assumptions that exclude tangata whenua values. Furthermore, tangata whenua values should not read as an 'add-on' or 'tagged on at the end' to the general text reflecting an interest group status rather than a treaty partner.	<i>wahi tapu, wahi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities".</i>
		6.9	Page 8 Volume 1 and page 39 Volume 2: First paragraph	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are not only part of our inheritance from the past; it is also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, cultural and historic heritage values are a vital part of what makes a place unique or important for the people who live there".</i>
		6.10	Page 8 in Volume 1 and Page 39 in Volume 2: Second paragraph beginning "Historic heritage is important because it provides a tangible"	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are important because it provides a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can.</i> <i>The accidental or inadvertent destruction or damage of cultural and heritage features</i>

						<i>can cause the loss of this knowledge as well as a social/cultural link to the past”.</i>
		6.11	Page 10 in Volume 1 and page 41 in Volume 2: First Heading – ‘Damage to Sites with Historic Heritage’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Damage To Sites With Cultural and Historic Heritage Values”</i>
		6.12	Page 10 in Volume 1 and page 41 in Volume 2: First paragraph after first heading ‘Sites and buildings with historic heritage values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Sites and buildings with cultural and historic heritage values”.</i>
		6.13	Page 10 in Volume 1 and page 41 in Volume 2: Second Heading – ‘Protecting Historic Heritage Values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Protecting Cultural and Historic Heritage Values”.</i>
		6.14	Page 10 in Volume 1 and page 41 in Volume 2: First sentence after second heading – As well as the specific duties under section 6 of the Act, maintaining’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:.....”</i>
		6.15	Page 10 of Volume 1 - Second sentence under second heading, and page 42 of	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Protecting sites and structures with cultural and historic heritage values</i>

			Volume 2 – First sentence ‘Protecting sites and structures with historic heritage values involve costs’			<i>involves costs:....”</i>
		6.16	Page 10 in Volume 1 – Second sentence under second heading, and page 42 in Volume 2 – First sentence first bullet point.	Oppose in part	<p>The following sentence which refers specifically to tangata whenua values has been deleted. <i>“Some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value”.</i></p> <p>There needs to be specific reference or examples of tangata whenua cultural values in the text of the section.</p>	<p>RETAIN the sentence in both Township and Rural Volumes and AMEND the so that the bullet point reads: <i>- “Many sites and structures are privately owned or on private land. For example, some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures may sometimes prevent the landholder from using them for other purposes, although adapting heritage buildings for new uses is common”.</i></p>
		6.17	Page 10 in Volume 1 – Third sentence under second heading, and page 42 in Volume 2 – second sentence.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the sentence in both Township and Rural Volumes to read:: <i>“Any measures in the District Plan to protect the cultural and historic heritage values of sites must....”:</i></p>
		6.18	Page 16 in Volume 1 and page 48 in Volume 2 – First Heading ‘Historic Heritage – Strategy’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Strategy”.</i></p>
		6.19	Page 16 Volume 1 Second statement – ‘Foster a partnership for protecting sites and buildings with	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND Second statement in the Township Volume to read: <i>“Foster a partnership for protecting sites and buildings with cultural and historic heritage....”</i></p>

			historic heritage ...’			
		6.20	Page 16 in Volume 1 – Second Heading and page 48 in Volume 2 – Second Heading – ‘Historic Heritage – Objectives’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>‘Culture and Historic Heritage – Objectives’</i>
		6.21	Page 16 in Volume 1 – Explanation and Reasons – Second paragraph – ‘Objective B3.3.1 develops a partnership’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND: Second paragraph in the Township Volume to read: <i>“Objective B3.3.1 develops a partnership approach to culture and heritage protection..... that have cultural and historic heritage values in the Selwyn District..”.</i>
		6.22	Page 17 in Volume 1 AND Volume 2: First Heading <i>“Historic Heritage – Policies and Methods”</i>	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage - Policies and Methods”</i>
		6.23	Page 20 in Volume 1 – Method – District Plan Rules – Cultural Historic Heritage Sites	Oppose	There doesn’t appear be a subsequent change of the rules to be consistent with the new Method title <i>“Cultural Historic Heritage Sites”</i> .	RETAIN: heading in TownshipVolume so as to be consistent with Rules. <i>“Sites of Significance to Tangata Whenua”</i>
		6.24	Page 20 in Volume 1 and page 54 in Volume 2 – First Heading – Historic Heritage – Anticipated Environmental	Oppose in Part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage- Anticipated Environmental Results”.</i>

			Results			
		6.25	Page 20 in Volume 1 and Volume 2 – Second Heading Historic Heritage – Monitoring.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage – Monitoring” .
Issue:	Replace the word ‘Maori’ with more appropriate term ‘local runanga’ to be more consistent					
		6.26	Page 16 in Volume 1 (Township) – Objective B3.3.2 – Explanation and Reasons , 4 th paragraph under second heading	Oppose in part	There are a number of references both within rules and policies to “local runanga” so for consistency it is appropriate to remove the word “Maori” and replace it with ‘local runanga’.	REPLACE : The word “Maori” with “local runanga”.
Issue:	“landscaping” which is exempt from the earthworks rules for both township and rural rules is defined as including the provision of ‘walls’. However, digging for walls is seen as causing adverse disturbance on the WTMA areas and should be subject to rules.					
		6.27	Page 21 in Volume 1 Part C , 2 Living Zone Rules – Earthworks Notes 1 and page 54 in Volume 2 Part C, 1 Rural Rules - Earthworks Notes 1. Page 35 in Volume 1 – Definitions And page 73 in Volume 2 - Definitions <i>“Landscaping: means the visual improvement of an area through designed live planting</i>	Oppose in part	<i>Part C , 2 Living Zone Rules –Earthworks Notes 1 and Part C, 1 Rural Rules – Earthworks Notes 1</i> both list activities that are exempt from earthworks rules. This includes <i>“Landscaping....of gardens, lawns or public spaces”</i> of which <i>“Landscaping”</i> is defined in pp 35 and 73 as including the provision of <i>“walls”</i> . It is argued that providing for walls most likely will involve digging the ground a considerable depth more than 20cm. As such, it needs to be removed from the definition.	DELETE the word <i>“walls”</i> from the definition of <i>“Landscaping”</i> in both Attachment 1: Changes to the District Plan (Township Volume) and Attachment 2: Changes to the District Plan (Rural Volume). And ADD the word <i>“post holes”</i> instead which is already exempt from the earthworks rules. Or REPLACE: the current proposed definition of <i>“Landscaping”</i> with new definitions of <i>“soft landscaping”</i> and <i>“hard landscaping”</i> which will respectively allow for activities that are permitted and those that are not.

			of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, walls, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil”.			
Issue:	Written approval process needs tool and methods to implement this					
		6.28	Page 23, 25 and 27 in Volume 1 - Part C, Rules – Earthworks, Buildings and Activities – Rules 2.1.2 2.1.3, 2.1.6 2.1.7, 4.14.2, 1.14.3, 4.14.4, 4.14.3 (5?), 10.4.2, 10.4.3, 10.4.4 and 10.4.5)	Support	Te Taumutu Runanga and Te Runanga o Ngai Tahu support the proposed process of a written consent from the local runanga as a requirement for a controlled activity. To ensure that this is carried through without it becoming a capacity issue for Te Taumutu Runanga, Ngai Tahu would like to discuss methods or tools to implement this process with Council.	DISCUSS: the methods or tools to implement this written approval process with Council.
		6.29	Page 23 in Volume 1 - Part C, 2 Living Zone Rules – Earthworks Notes 1 - <i>Rule 2 does not apply to any of the following activities:.....</i>	Oppose in Part	Notes 1 in the Township and in the Rural Volumes, list Earthwork <i>activities</i> that are exempt and those not exempt. However, these lists do NOT prevent the possibility of large scale plantings of trees e.g. plantations or forests. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is	ADD: Part C, 2 Living Zone Rules – Earthworks Notes 1 <i>Rule 2 does not apply to any of the following activities:...</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than ...(an appropriate</i>

			and page 54 in Volume 2 Part C, 1 Rural Rules- Earthworks Notes <i>1 Rule 1 – Earthworks, does not apply to any of the following activities.....</i>		exempt from the Earthworks rules. Therefore, this effectively does not protect the areas from significant land use change. In addition, the deep root structure of a large scale number of trees may have a significant impact on wahi tapu and wahi taonga than a smaller amount of trees planted randomly. Although this is really an issue for the rural zone it is appropriate to include the township zone to be consistent and cover any possibilities. As such, earthworks activities that are of a large scale should not be exempt from the rules.	<i>measure yet to be calculated)</i> - Planting of trees greater than a scale of ... (an appropriate measure yet to be calculated) except in Wahi Taonga Management Area C39(b)..... Part C, 1 Rural Rules- Earthworks Notes <i>Rule 1 –Earthworks, does not apply to any of the following activities....</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than (an appropriate measure yet to be calculated)</i> -Planting of trees greater than a scale of (an appropriate measure to be calculated) except in Wahi Taonga Management Area C39(a).
Issue:	In Rural Rules, significant change of landuse through large scale planting under Shelterbelt, Amenity Planting and Plantations Rules is a permitted activity.					
		6.30	Pages 58 and 59 of Volume 2 (Rural) - 2 Rural Rules – Tree Planting and Removal of Protected Trees – Rules 2.1, 2.1.1, 2.2 and 2.2.1	Oppose in part	In the Rural Rules for <i>Shelterbelt, Amenity Planting and Plantations</i> there is the same issue as above for Earthworks. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is permitted according to the rules as it could be planted in areas that were ‘ <i>previously disturbed by cultivation, planting (trees, pasture or crops, building or earthworks)</i> ’. Therefore, this effectively does not protect the WTMA C39(a) from significant land use change from tilled land to plantations etc. Any planting of <i>Shelterbelt, Amenity Planting and Plantations</i> trees on a large scale needs to be stated as not permitted. Otherwise large scale land use activities which have the potential to significantly	ADD: to <i>Permitted Activities - Shelterbelts and Amenity Planting</i> <i>2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:.....</i> <i>2.1.1.9 .In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i> ADD: to <i>2.2.1 Permitted Activities – Plantations</i> <i>2.2.1.3</i> <i>In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas</i>

					adversely affect the wahi tapu area could occur uncontrolled.	<i>shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i>
Issue:	Insufficient direction to decline an application that may cause significant change of land use through large scale plantings under Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations.					
		6.31	Matters discretion is restricted to under Restricted Discretionary Activities and Earthworks, Shelterbelts and Amenity Planting and plantations (Pages 56, 58 and 60 of Volume 2 (Rural)).	Oppose in part	In the Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations, Matters that Council has to consider under a Restricted Discretionary activity does not include the scale of the activity. Large scale activities such as plantings may result in significant changes of land use. There is the need to specifically include in the matters to consider the scale of the activity and its adverse effects on the WTMA areas so as to provide protection from inappropriate use. Rules must retain sufficient discretion to decline an application that may have adverse effects on wahi tapu values.	ADD: to Restricted Discretionary Activities- for Earthworks, Shelterbelt, Amenity Planting and Plantations <i>The Council shall include in its discretion to consideration of: the scale of the activity and the degree of change of land use and these effects on wahi tapu and wahi taonga and certain conditions to address this.</i>
Issue:	List of Statutory Acknowledgement Areas incomplete					
		6.32	Page 39 in Volume 2 – Statutory Acknowledgement and Nohoanga Sites	Oppose in part	Statutory Acknowledgment Areas are identified which are culturally significant to Ngai Tahu. However, both Te Waihora and Coopers Lagoon are missing from this list.	ADD: to list under heading <i>Statutory Acknowledgment and Nohoanga Sites</i> , in Attachment 2: Changes to the District Plan (Rural Volume), p.39. -Te Waihora -Coopers Lagoon
Issue:	Insufficient range of robustness included in ‘matters that Council shall consider’ for restricted discretionary activities to manage any risk of activities that may threaten wahi tapu values especially monitoring.					
		6.33	Volume 1 and 2 All rules for Restricted Discretionary Activities for both Township and Rural Volumes –	Oppose in part	Restricted Discretionary Activities for all activities for both Township and Rural areas need to provide more robustness in the “ <i>Matters to be considered</i> ” by Council to better manage any risk of an activity to	ADD: to “ <i>matters to be considered</i> ” by Council for all Restricted Discretionary Activities for all activities for both Township and Rural areas. - Special consideration of the risk of

			Matters that Council shall restrict its discretion to consideration of.		adversely affect wahi tapu values. These include providing for the local runanga to be actively involved in monitoring which can include a ruanga representative to be on the site. There also needs to be specific consent conditions and consideration of the location of potential urupa in the boundaries of the WTMA. Dan Witter who wrote the “Archeology Report of the Rakaia River Mouth Moa Hunter Site Precinct” of which the “Rakaia Huts Conservation Management Plan” is based, purposely made the size of the archaeological site larger to include the possibility of urupa which are usually positioned away from the settlement (pers.com.Witter, 2011).	<i>activities in the boundaries of the WTMA areas, especially in the western boundary of the Living Zone, to adversely disturb potential urupa in these locations.</i> <i>-Consent conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to for what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Lack of clear list of conditions for consents for all rules					
		6.34	All rules in proposed plan change regardless of whether controlled or restricted discretionary.	Neither support nor oppose	There needs to be a standard list of conditions for consents and for written approval to provide clear guidance.	ADD to all rules: <i>-Consent and written approval conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Insufficient robustness of rural Rules for utilities which has the potential to have some significant adverse effects on wahi tapu values.					
		6.35	Page 65 in Volume 2 (Rural) Part C Rural Rules – Utilities <i>5.10 Utility Structures</i>	Oppose in part	The Rural Rules for Utilities has the potential to have some significant adverse effects on wahi tapu values. There needs to be some additional levels of control.	ADD: to “Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> <i>5.10.1.2</i>

			and Sites of Significance to Tangata Whenua Permitted Activities - Utility Structures and Sites of Significance to Tangata Whenua 5.10.1.2			<p><i>-In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a) , any earthworks associated with any utility structure is limited to...</i></p> <p><i>.... repairing existing utilities provided that they are replaced in the same trench/hole</i></p> <p>ADD: If the utilities are “new” then they default to a Restricted Discretionary Activity with specific conditions (yet to be developed) that are required to be met.</p>
Issue:	A clause under the ‘Matters that Council shall restrict its consideration’ for Restricted Discretionary Activities may undermine the protection of wahi tapu values.					
		6.36	<p>Pages 20 – 29 in Volume 1 – Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 2.1), Buildings (Rule 4.14) and Activities (Rule 10.4) and</p> <p>Pages 54-72 in Volume 2 - Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for</p> <p>Earthworks (Rule 1.2), Shelterbelts and Amenity Planting (2.1), Buildings (3),</p>	Oppose	<p>In most of the Township and Rural Rules for Restricted Discretionary Activities there is a statement under “Matters that Council shall restrict its consideration” that allows the Council to grant the activity based on the “costs of the owner to not undertake that activity”. This “clause’ may effectively mean that the Council can override the local runanga’s concerns for protecting their wahi tapu values.</p>	<p>REMOVAL: in Restricted Discretionary Activities</p> <p>1.2 Earthworks, 2.1 Shelterbelts and Amenity Planting; 3 Buildings; 4.3 Rooding; 5.10 Utilities; 5.11 Utility Buildings ; B6.6 Outdoor Signs and Noticeboards Of Matters that Council shall restrict its consideration of:</p> <p><i>Any potential costs to the landowner/occupier of not being able to undertake the proposed activity on that site.</i></p>

			Roading (4.3), Utilities (5.10), Utility Buildings (5.11), and Outdoor Signs and Noticeboards (6.6).			
Issue:	Empty paddock owned by Council not identified as to which WTMA					
		6.37	Map 133 Sheet 2	Not stated	Ngai Tahu consider that the empty paddock owned by Council on the western boundary of C39(b) should be appropriately treated as C39(a) not as C39(b). This is because the land would be given a higher level of protection by the Rural Rules than the Township Rules. This is particularly important given that there is (or high possibility) an urupa sited there. In addition, this site is also proposed as a “storage area” for any found artefacts/objects from the WTMA's and it would be beneficial to have a higher level of protection.	AMEND: Map 133 to indicate that the empty paddock on the western boundary of C39 (b) is identified as C39 (a).
07	New Zealand Historic Places Trust Pouhere Taonga	7.0	Whole of Plan Change 26	Oppose in part	The New Zealand Historic Places Trust Pouhere Taonga (NZHPT) supports the Plan Change in part. This support is subject to amendments put forward in this submission. The NZHPT sees the proposed Plan Change provides an opportunity to incorporate the recommendations of the conservation Management Plan that was developed for the Rakaia Huts area. Specific provisions of the proposal that the NZHPT's submission relates to are: Historic Heritage matters contained in the Objectives, Policies, Rules and Appendices of Volume 1: Township and Volume 2: Rural of the Selwyn District Council District Plan. The reason for the NZHPT's submission is to ensure that under the RMA, Section 6 Matters of National	See various specific relief sought below.

					Importance 6(e) “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga” and Section 6(f) “the protection of historic heritage from inappropriate subdivision, use and development” are recognised and provided for.	
		7.1	Volumes 1 and 2: Definition and Terminology for historic heritage	Oppose in part	<p>Whilst the proposed amendments to the District Plan include a clear definition of historic heritage, consequential amendments have not been made through out the plan to compliment the definition provided.</p> <p>For example, Objective B3.3.2 states that “sites of wahi tapu and ‘other importance’ to tangata whenua are protected. The phrase ‘other importance’ is not defined in Part D Definitions and does not convey exactitude. The NZHPT suggests that the Council undertakes a separate planning exercise to address the terminology for historic heritage matters.</p>	At the time of the District Plan review, special focus is made on addressing the terminology of the heritage chapters of Volumes 1 and 2.
		7.2	Volume 1: Objective B3.3.2 Explanation and Reasons	Oppose in part	<p>The NZHPT is concerned to ensure that section 6(e) and 6(f) of the RMA are correctly referenced in this section. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to sections 6(e) and 6(f) of the RMA. As proposed the passages confuse and intermingle terminology from both sections of the Act and do not serve to convey the intent of the Objective.</p>	<p>That the ‘Explanation and Reasons’ paragraphs are amended to correctly reference sections 6(e) and 6(f) of the RMA and those amendments are consequential through Volume 1 and 2.</p> <ul style="list-style-type: none"> • Objective B3.3.2 reflects the duty under section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga. • Objective B3.3.3 reflects the duty under section 6(f) of the act to recognise and

						provide for the protection of historical heritage from inappropriate subdivision, use, and development.
		7.3	Volume 1: Policy B3.3.4 Explanation and Reasons	Oppose in part	<p>The NZHPT seeks that correct reference is made to the Policy which addresses ‘resource consent fee waivers’, in the paragraph beginning “Where a landowner requires consent to undertake an activity”</p> <p>Advising applicants of resource consent fee waivers is an important part of non regulatory service that Selwyn District Council provides. Correct reference to the policy needs to be provided to ensure accuracy and certainty for applicants.</p>	Amend the paragraph to give accurate reference to the policy which provides for reducing or waiving fees.
		7.4	Volume 1: Earthworks 2.1, Reason for Rules	Oppose in part	The proposed plan change does not include an area known as Wahi Taonga Management Area C39(c). The NZHPT seeks that amendment is made to the ‘Reasons for Rules’ section where incorrect reference is made to Wahi Taonga Management Area C39(c)	Amend to Wahi Taonga Management Area C39(b) in Reasons for Rules for Volume 1: Earthworks 2.1, Reason for Rules.
		7.5	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT	<p>Amend Rule 2.1.2 to reflect the following: Any earthworks which do not comply with Rule 2.1.1. 9 or 2.1.1.10 shall be a controlled activity if the written consent of the local runanga has been obtained. In the case of Wahi Taonga Management Area C39(b), which is an archaeological site, the written authorisation of the New Zealand Historic Places Trust has been obtained.</p> <p>And that consequential amendments are made through the appropriate sections of</p>

						Volumes 1 and 2 of the District Plan.
		7.6	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT.	<p>That an 'Advice Note' is included in the section as detailed below: Activities affecting any archaeological site including Wahi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga.</p> <p>And that consequential amendments are made through the appropriate sections of Volumes 1 and 2 of the District Plan.</p>
		7.7	Volume 2: Historic Heritage – Objective B3.3.3 Explanations and Reasons.	Oppose in Part	The NZHPT is concerned to ensure that correct reference is made to Section 6 of the RMA. Under the 'Explanation and Reasons' paragraphs, incorrect reference is made to section 6(f) of the RMA, as well as incorrect reference to the appropriate part of the Act.	<p>That the 'Explanations and Reasons' paragraphs are amended to correctly reference section 6(e) of the RMA and are amended as follows: Objective 3.3.1 reflects the duty under section 6(e) of the Act to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p>
		7.8	Volume 2: Policy B3.3.4 Explanation and Reasons	Oppose in part	The Explanation and Reasons section gives reference to Wahi Taonga Management Area C39(b). The NZHPT note that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature of Appendix 5 in Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the Explanation and Reasons section of Policy B3.3.4.
		7.9	Volume 2: Part C. Rural Rules – Earthworks. Note 1	Oppose in part	The 'Notes' section gives reference to Wahi Taonga Management Area C39(b). The NZHPT notes that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature in Appendix 5 of Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the 'Notes' section of Part C. Rural Rules – Earthworks.
		7.10	Volume 1 and 2		Plan Change 26 has provided rules specific	That the Selwyn District Council undertakes

			General Submission		<p>to site C39(a) and (b) (NZAA Site Record number L37/4) the NZHPT has wider concerns regarding the lack of clarity around the identification of (and provision of rules for) other recorded archaeological sites, sites of significance to Maori and historic heritage in the Selwyn District Plan.</p> <p>The NZHPT regards this proposed Plan Change as an interim measure to address issues regarding one specific site. However, a wider review of the heritage chapter is required.</p>	<p>a specific review of the heritage chapters to ensure that matters of national importance under sections 6(e) and 6(f) of the RMA are provided for.</p>
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The period for making submissions to Plan Change 26 to the District Plan closed on 22 July 2011. This is the second stage of the public submission process where people have the opportunity to make further submissions. Further submissions give the opportunity for the public to either support or oppose the submissions received and summarised or aspects of these submissions. Please note it is not another opportunity to make fresh submissions on the Plan Change itself, as a further submission can only relate to a submission which has already been lodged.

The further submission Form 6 is available at all Council offices and online at:

<http://www.selwyn.govt.nz/services/planning/planning-forms/form-6-further-submissions> <http://www.selwyn.govt.nz/services/planning/planning-forms/submission-forms-pdfs/submission-forms>

Submission Number	Name	Submission Point	Subject Area	Submission Type	Detail	Relief sought
01	Graham Shearman	1.1	Whole of Plan Change	Oppose	Submitter is not in favour of proposed plan change 26. If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property. A minority of the properties have been subjected to these investigations before a resource consent was issued before building development was commenced. The property owner deserves recognition of the expense and inconvenience that these efforts incurred.	If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property.
02	RA & PJ Perkins	2.1	Whole of Plan Change	Oppose	The fact that no archaeological material has ever been found on the south-western side of Pacific Drive. Our property is a split level house, the earthworks already done when the house was built were extensive, at least a metre deep and nothing found. We bought the section freehold from the Selwyn District Council 3 to 4 years ago - free of any restrictions at market price. We believe this plan will devalue our properties and we may jointly make a claim against Selwyn District Council from a loss in value. We oppose any archaeological restriction on our	Any costs incurred by a finding if reported (which is highly unlikely) be paid by Selwyn District Council. We believe our property will loose value of 25% and we would want compensation to that effect from the Council.

					LIM document.	
03	RGS & SM Nee	3.1	The placement of a report on my LIM Report to the importance of a Historic Places Trust interest in my freehold property.	Oppose	<p>I /we purchased the property off the Selwyn District Council for fair market value as freehold (Fee Simple) with no encumbrances and in good faith. Since then the Council has negotiated with the tribes to have our sections placed inside the protected area. This is not what the village is in favour of as it will detract from the value of our freehold properties. We believe it will have a devaluation value of at least \$20,000.00 per section and I believe the Council should reimburse the said amount to each and every section to the owner as compensation.</p> <p>It has been stated by Mr Witter that no Maori artefacts have ever been found on the south-west side of Pacific Drive, so why have they included it in their kitchen cupboard. Any discoveries would never be included to them anyway.</p>	<ol style="list-style-type: none"> 1. That the south-west side of Pacific Drive be excluded from the proposed Maori site. 2. That it be withdrawn from all LIM reports on the devaluation basis. 3. On the basis that no artefacts have ever been found on our side of the Pacific Drive, therefore the whole procedure is crap. 4. That we are kept informed by our employees of the situation
04	PL Williamson & EC Wilkes	4.1	Whole Plan Change	Oppose	<p>We wish to protest most strongly to the proposed Plan Change 26. This proposed Plan Change is described as simplifying things but we really must ask, simplifying for whom? Certainly not for the ratepayer of the Rakaia Huts and more specifically not those who have recently purchased (freehold) their sections (south side Pacific Drive).</p> <p>These residents purchased their sections in good faith with clear title. A discussion with a lawyer has revealed that the Council would have been well aware of this impending change and have “failed in their duty to advise”. We paid market value for</p>	The settlement of this situation once and for all. Stop this continuing pandering to certain groups of people at the expense of those who pay rates. We on the south side of Pacific Drive were not originally included in the Draft Plan and we wish this situation to remain.

					<p>our sections, with no mention of this impending change. Had we or our valuer been advised of this I'm sure the valuation would have been a good 20 – 25% less. We are also sure that the Council were more than well aware of this also. We believe the original area proposed should be the only area up for consideration, as per the residents memorandum in response to the Draft Plan and dated 25/02/09.</p>	
05	Selwyn District Council	5.1	Note 1 in Part C – 1 Rural Rules – Earthworks in the Rural Volume of the District Plan, identifying activities which are exempt from the Earthworks Rules in Rural Zones	Support, but with amendments to identified errors	<p>This submission is in support of Proposed Plan Change 26. However, an error has been identified in Part C of the Rural Volume of the notified Plan Change. This submission requests that the identified error is corrected.</p> <p>Note 1 in Rule 1 - Earthworks of the Rural Volume of the District Plan (page 54 of PC 26) identifies a number of activities which are exempt from the Earthworks Rules. The intent of the Plan Change for this particular Plan provision was to duplicate the <u>format</u> the note was written so that both volumes of the District Plan provided for a consistent and easy to read format. The intent was <u>not</u> to duplicate the activities which are to be exempt from the Earthworks Rules.</p> <p>However, in the course of finalising the Proposed Plan Change for public notification, Note 1 in the Rural Volume of the Plan was amended such that it inadvertently duplicated the corresponding Note 1 as found in the Township Volume of the District Plan.</p> <p>The Draft Plan Change 26 which was</p>	Delete Note 1 from Part C – 1 Rural Rules – Earthworks of the Rural Volume of the Rural Volume subject to Plan Change 26. Replace with the amended Note 1, as outlined in the submission, which shows the correct list of activities which are exempt from the Earthworks Rules in Rural Zones.

					<p>notified for public comment correctly identifies the list of activities intended to be exempt from the Earthworks Rules, other than 'Burying Pets' and 'Trenching Compost'. These two activities are to be retained in the amended Note 1 (Rural Volume). The Rakaia Huts Conservation Management Plan specifically identified these two activities as requiring exemption from any "monitoring of major works under 20cm" (Proposed Mangement Tool (i), page 34 Rakaia Huts Conservation Management Plan).</p>	
06	Te Runanga o Ngai Tahu and Te Taumutu Runanga	6.1	Whole of Plan Change	Support in part	<p>Overall, Ngai Tahu supports the proposed plan change to implement the Rakaia Huts Conservation Management Plan and which effectively provides better protection of the wahi tapu and wahi taonga values of the area. The proposed plan change adequately recognises the cultural significance of the wahi tapu values of the wahi Taonga Management Areas.</p> <p>However there are some areas that Ngai Tahu consider need strengthening to reflect the degree of protection that this area requires. These are outline below. In addition to these submission points, Ngai Tahu suggest a few recommendations to further provide for the protection of the integrity of the wahi tapu/taonga values of the area.</p>	Review the Rakaia Huts Conservation Management Plan.
		6.2	Whole of Plan Change	Support in part	As above	Re-name the Moa Hunter Site with a traditional Ngai Tahu name
		6.3	Whole of Plan Change	Support in part	As above	Set up a place to store artefacts

		6.4	Whole of Plan Change	Support in part	As above	Educate the local community and the wider public.
Issue:	Removal of the term 'culture/cultural' from several provisions seen as not adequately representing tangata whenua values.					
		6.5	Volumes 1 and 2: Heading B3.3 Historic Heritage - Issue	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the headings in both Township and Rural Volumes to read: <i>"B3.3 Culture and Historic Heritage - Issue"</i> .
		6.6	Volume 1 and 2: Statement under heading: Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage values.	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the statement in both Township and Rural Volumes to read: <i>"Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage and cultural values"</i> .
		6.7	Volume 1 and 2: Sub Heading: Historic Heritage in Selwyn District	Oppose in Part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sub-heading to in both Township and Rural Volumes to read: <i>"Culture and Historic Heritage in Selwyn District"</i> .
		6.8	Page 7 Volume 1 and Page 38 Volume 2: Third paragraph beginning "Sites, areas or buildings may have heritage values	Oppose in part	The paragraph discusses heritage values in a generic manner which effectively excludes any specific reference to tangata whenua cultural values. There is also an assumption of what "people most often" associate heritage values with. This assumption is based on predominately "pakeha" values that do not incorporate or relate to tangata whenua cultural values. There is a danger in using generic terms such as "people" in describing values which predominantly	AMEND the paragraphs in both Township and Rural Volumes to read: <i>"Sites , areas or buildings may have heritage and cultural values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person and in the case of tangata whenua they are shared by the local runanga and Ngai Tahu. In particular,</i>

					reflect the dominant culture's values and which exclude the "other" namely tangata whenua. Given that this plan change is about providing greater protection of a significant wahi tapu area of significant value to tangata whenua then there needs to be specific mention of tangata whenua cultural values in this section and the avoidance of assumptions that exclude tangata whenua values. Furthermore, tangata whenua values should not read as an 'add-on' or 'tagged on at the end' to the general text reflecting an interest group status rather than a treaty partner.	<i>wahi tapu, wahi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities".</i>
		6.9	Page 8 Volume 1 and page 39 Volume 2: First paragraph	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are not only part of our inheritance from the past; it is also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, cultural and historic heritage values are a vital part of what makes a place unique or important for the people who live there".</i>
		6.10	Page 8 in Volume 1 and Page 39 in Volume 2: Second paragraph beginning "Historic heritage is important because it provides a tangible"	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are important because it provides a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can.</i> <i>The accidental or inadvertent destruction or damage of cultural and heritage features</i>

						<i>can cause the loss of this knowledge as well as a social/cultural link to the past”.</i>
		6.11	Page 10 in Volume 1 and page 41 in Volume 2: First Heading – ‘Damage to Sites with Historic Heritage’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Damage To Sites With Cultural and Historic Heritage Values”</i>
		6.12	Page 10 in Volume 1 and page 41 in Volume 2: First paragraph after first heading ‘Sites and buildings with historic heritage values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Sites and buildings with cultural and historic heritage values”.</i>
		6.13	Page 10 in Volume 1 and page 41 in Volume 2: Second Heading – ‘Protecting Historic Heritage Values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Protecting Cultural and Historic Heritage Values”.</i>
		6.14	Page 10 in Volume 1 and page 41 in Volume 2: First sentence after second heading – As well as the specific duties under section 6 of the Act, maintaining’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:....”</i>
		6.15	Page 10 of Volume 1 - Second sentence under second heading, and page 42 of	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Protecting sites and structures with cultural and historic heritage values</i>

			Volume 2 – First sentence ‘Protecting sites and structures with historic heritage values involve costs’			<i>involves costs:....”</i>
		6.16	Page 10 in Volume 1 – Second sentence under second heading, and page 42 in Volume 2 – First sentence first bullet point.	Oppose in part	<p>The following sentence which refers specifically to tangata whenua values has been deleted. <i>“Some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value”.</i></p> <p>There needs to be specific reference or examples of tangata whenua cultural values in the text of the section.</p>	<p>RETAIN the sentence in both Township and Rural Volumes and AMEND the so that the bullet point reads: <i>- “Many sites and structures are privately owned or on private land. For example, some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures may sometimes prevent the landholder from using them for other purposes, although adapting heritage buildings for new uses is common”.</i></p>
		6.17	Page 10 in Volume 1 – Third sentence under second heading, and page 42 in Volume 2 – second sentence.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the sentence in both Township and Rural Volumes to read:: <i>“Any measures in the District Plan to protect the cultural and historic heritage values of sites must....”:</i></p>
		6.18	Page 16 in Volume 1 and page 48 in Volume 2 – First Heading ‘Historic Heritage – Strategy’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Strategy”.</i></p>
		6.19	Page 16 Volume 1 Second statement – ‘Foster a partnership for protecting sites and buildings with	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND Second statement in the Township Volume to read: <i>“Foster a partnership for protecting sites and buildings with cultural and historic heritage....”</i></p>

			historic heritage ...’			
		6.20	Page 16 in Volume 1 – Second Heading and page 48 in Volume 2 – Second Heading – ‘Historic Heritage – Objectives’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>‘Culture and Historic Heritage – Objectives’</i>
		6.21	Page 16 in Volume 1 – Explanation and Reasons – Second paragraph – ‘Objective B3.3.1 develops a partnership’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND: Second paragraph in the Township Volume to read: <i>“Objective B3.3.1 develops a partnership approach to culture and heritage protection..... that have cultural and historic heritage values in the Selwyn District..”.</i>
		6.22	Page 17 in Volume 1 AND Volume 2: First Heading <i>“Historic Heritage – Policies and Methods”</i>	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage - Policies and Methods”</i>
		6.23	Page 20 in Volume 1 – Method – District Plan Rules – Cultural Historic Heritage Sites	Oppose	There doesn’t appear be a subsequent change of the rules to be consistent with the new Method title <i>“Cultural Historic Heritage Sites’</i> .	RETAIN: heading in TownshipVolume so as to be consistent with Rules. <i>“Sites of Significance to Tangata Whenua”</i>
		6.24	Page 20 in Volume 1 and page 54 in Volume 2 – First Heading – Historic Heritage – Anticipated Environmental	Oppose in Part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage- Anticipated Environmental Results”.</i>

			Results			
		6.25	Page 20 in Volume 1 and Volume 2 – Second Heading Historic Heritage – Monitoring.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage – Monitoring” .
Issue:	Replace the word ‘Maori’ with more appropriate term ‘local runanga’ to be more consistent					
		6.26	Page 16 in Volume 1 (Township) – Objective B3.3.2 – Explanation and Reasons , 4 th paragraph under second heading	Oppose in part	There are a number of references both within rules and policies to “local runanga” so for consistency it is appropriate to remove the word “Maori” and replace it with ‘local runanga’.	REPLACE : The word “Maori” with “local runanga”.
Issue:	“landscaping” which is exempt from the earthworks rules for both township and rural rules is defined as including the provision of ‘walls’. However, digging for walls is seen as causing adverse disturbance on the WTMA areas and should be subject to rules.					
		6.27	Page 21 in Volume 1 Part C , 2 Living Zone Rules – Earthworks Notes 1 and page 54 in Volume 2 Part C, 1 Rural Rules - Earthworks Notes 1. Page 35 in Volume 1 – Definitions And page 73 in Volume 2 - Definitions <i>“Landscaping: means the visual improvement of an area through designed live planting</i>	Oppose in part	<i>Part C , 2 Living Zone Rules –Earthworks Notes 1 and Part C, 1 Rural Rules – Earthworks Notes 1</i> both list activities that are exempt from earthworks rules. This includes <i>“Landscaping....of gardens, lawns or public spaces”</i> of which <i>“Landscaping”</i> is defined in pp 35 and 73 as including the provision of <i>“walls”</i> . It is argued that providing for walls most likely will involve digging the ground a considerable depth more than 20cm. As such, it needs to be removed from the definition.	DELETE the word <i>“walls”</i> from the definition of <i>“Landscaping”</i> in both Attachment 1: Changes to the District Plan (Township Volume) and Attachment 2: Changes to the District Plan (Rural Volume). And ADD the word <i>“post holes”</i> instead which is already exempt from the earthworks rules. Or REPLACE: the current proposed definition of <i>“Landscaping”</i> with new definitions of <i>“soft landscaping”</i> and <i>“hard landscaping”</i> which will respectively allow for activities that are permitted and those that are not.

			of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, walls, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil”.			
Issue:	Written approval process needs tool and methods to implement this					
		6.28	Page 23, 25 and 27 in Volume 1 - Part C, Rules – Earthworks, Buildings and Activities – Rules 2.1.2 2.1.3, 2.1.6 2.1.7, 4.14.2, 1.14.3, 4.14.4, 4.14.3 (5?), 10.4.2, 10.4.3, 10.4.4 and 10.4.5)	Support	Te Taumutu Runanga and Te Runanga o Ngai Tahu support the proposed process of a written consent from the local runanga as a requirement for a controlled activity. To ensure that this is carried through without it becoming a capacity issue for Te Taumutu Runanga, Ngai Tahu would like to discuss methods or tools to implement this process with Council.	DISCUSS: the methods or tools to implement this written approval process with Council.
		6.29	Page 23 in Volume 1 - Part C, 2 Living Zone Rules – Earthworks Notes 1 - <i>Rule 2 does not apply to any of the following activities:.....</i>	Oppose in Part	Notes 1 in the Township and in the Rural Volumes, list Earthwork <i>activities</i> that are exempt and those not exempt. However, these lists do NOT prevent the possibility of large scale plantings of trees e.g. plantations or forests. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is	ADD: Part C, 2 Living Zone Rules – Earthworks Notes 1 <i>Rule 2 does not apply to any of the following activities:...</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than ...(an appropriate</i>

			and page 54 in Volume 2 Part C, 1 Rural Rules- Earthworks Notes <i>1 Rule 1 – Earthworks, does not apply to any of the following activities.....</i>		exempt from the Earthworks rules. Therefore, this effectively does not protect the areas from significant land use change. In addition, the deep root structure of a large scale number of trees may have a significant impact on wahi tapu and wahi taonga than a smaller amount of trees planted randomly. Although this is really an issue for the rural zone it is appropriate to include the township zone to be consistent and cover any possibilities. As such, earthworks activities that are of a large scale should not be exempt from the rules.	<i>measure yet to be calculated)</i> - Planting of trees greater than a scale of ... (an appropriate measure yet to be calculated) except in Wahi Taonga Management Area C39(b)..... Part C, 1 Rural Rules- Earthworks Notes <i>Rule 1 –Earthworks, does not apply to any of the following activities....</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than (an appropriate measure yet to be calculated)</i> -Planting of trees greater than a scale of (an appropriate measure to be calculated) except in Wahi Taonga Management Area C39(a).
Issue:	In Rural Rules, significant change of landuse through large scale planting under Shelterbelt, Amenity Planting and Plantations Rules is a permitted activity.					
		6.30	Pages 58 and 59 of Volume 2 (Rural) - 2 Rural Rules – Tree Planting and Removal of Protected Trees – Rules 2.1, 2.1.1, 2.2 and 2.2.1	Oppose in part	In the Rural Rules for <i>Shelterbelt, Amenity Planting and Plantations</i> there is the same issue as above for Earthworks. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is permitted according to the rules as it could be planted in areas that were ‘ <i>previously disturbed by cultivation, planting (trees, pasture or crops, building or earthworks)</i> ’. Therefore, this effectively does not protect the WTMA C39(a) from significant land use change from tilled land to plantations etc. Any planting of <i>Shelterbelt, Amenity Planting and Plantations</i> trees on a large scale needs to be stated as not permitted. Otherwise large scale land use activities which have the potential to significantly	ADD: to <i>Permitted Activities - Shelterbelts and Amenity Planting</i> <i>2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:.....</i> <i>2.1.1.9 .In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i> ADD: to <i>2.2.1 Permitted Activities – Plantations</i> <i>2.2.1.3</i> <i>In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas</i>

					adversely affect the wahi tapu area could occur uncontrolled.	<i>shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i>
Issue:	Insufficient direction to decline an application that may cause significant change of land use through large scale plantings under Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations.					
		6.31	Matters discretion is restricted to under Restricted Discretionary Activities and Earthworks, Shelterbelts and Amenity Planting and plantations (Pages 56, 58 and 60 of Volume 2 (Rural)).	Oppose in part	In the Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations, Matters that Council has to consider under a Restricted Discretionary activity does not include the scale of the activity. Large scale activities such as plantings may result in significant changes of land use. There is the need to specifically include in the matters to consider the scale of the activity and its adverse effects on the WTMA areas so as to provide protection from inappropriate use. Rules must retain sufficient discretion to decline an application that may have adverse effects on wahi tapu values.	ADD: to Restricted Discretionary Activities- for Earthworks, Shelterbelt, Amenity Planting and Plantations <i>The Council shall include in its discretion to consideration of: the scale of the activity and the degree of change of land use and these effects on wahi tapu and wahi taonga and certain conditions to address this.</i>
Issue:	List of Statutory Acknowledgement Areas incomplete					
		6.32	Page 39 in Volume 2 – Statutory Acknowledgement and Nohoanga Sites	Oppose in part	Statutory Acknowledgment Areas are identified which are culturally significant to Ngai Tahu. However, both Te Waihora and Coopers Lagoon are missing from this list.	ADD: to list under heading <i>Statutory Acknowledgment and Nohoanga Sites</i> , in Attachment 2: Changes to the District Plan (Rural Volume), p.39. -Te Waihora -Coopers Lagoon
Issue:	Insufficient range of robustness included in ‘matters that Council shall consider’ for restricted discretionary activities to manage any risk of activities that may threaten wahi tapu values especially monitoring.					
		6.33	Volume 1 and 2 All rules for Restricted Discretionary Activities for both Township and Rural Volumes –	Oppose in part	Restricted Discretionary Activities for all activities for both Township and Rural areas need to provide more robustness in the “ <i>Matters to be considered</i> ” by Council to better manage any risk of an activity to	ADD: to “ <i>matters to be considered</i> ” by Council for all Restricted Discretionary Activities for all activities for both Township and Rural areas. - Special consideration of the risk of

			Matters that Council shall restrict its discretion to consideration of.		adversely affect wahi tapu values. These include providing for the local runanga to be actively involved in monitoring which can include a ruanga reprensattive to be on the site. There also needs to be specific consent conditions and consideration of the location of potential urupa in the boundaries of the WTMA. Dan Witter who wrote the “Archeology Reoprt of the Rakaia River Mouth Moa Hunter Site Precinct” of which the “Rakaia Huts Conservation Manangement Plan” is based, purposely made the size of the archaeological site larger to include the possibility of urupa which are usually positioned away from the settlement (pers.com.Witter, 2011).	<i>activities in the boundaries of the WTMA areas, especially in the western boundary of the Living Zone, to adversely disturb potential urupa in these locations.</i> <i>-Consent conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to for what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Lack of clear list of conditions for consents for all rules					
		6.34	All rules in proposed plan change regardless of whether controlled or restricted discretionary.	Neither support nor oppose	There needs to be a standard list of conditions for consents and for written approval to provide clear guidance.	ADD to all rules: <i>-Consent and written approval conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Insufficient robustness of rural Rules for utilities which has the potential to have some significant adverse effects on wahi tapu values.					
		6.35	Page 65 in Volume 2 (Rural) Part C Rural Rules – Utilities <i>5.10 Utility Structures</i>	Oppose in part	The Rural Rules for Utilities has the potential to have some significant adverse effects on wahi tapu values. There needs to be some additional levels of control.	ADD: to “Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> <i>5.10.1.2</i>

			<i>and Sites of Significance to Tangata Whenua</i> Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> 5.10.1.2			<i>-In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a) , any earthworks associated with any utility structure is limited to...</i> <i>.... repairing existing utilities provided that they are replaced in the same trench/hole</i> ADD: If the utilities are “new” then they default to a Restricted Discretionary Activity with specific conditions (yet to be developed) that are required to be met.
Issue:	A clause under the ‘Matters that Council shall restrict its consideration’ for Restricted Discretionary Activities may undermine the protection of wahi tapu values.					
		6.36	Pages 20 – 29 in Volume 1 – Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 2.1), Buildings (Rule 4.14) and Activities (Rule 10.4) and Pages 54-72 in Volume 2 - Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 1.2), Shelterbelts and Amenity Planting (2.1), Buildings (3),	Oppose	In most of the Township and Rural Rules for Restricted Discretionary Activities there is a statement under “Matters that Council shall restrict its consideration” that allows the Council to grant the activity based on the “costs of the owner to not undertake that activity”. This “clause’ may effectively mean that the Council can override the local runanga’s concerns for protecting their wahi tapu values.	REMOVAL: in Restricted Discretionary Activities 1.2 Earthworks, 2.1 Shelterbelts and Amenity Planting; 3 Buildings; 4.3 Rooding; 5.10 Utilities; 5.11 Utility Buildings ; B6.6 Outdoor Signs and Noticeboards Of Matters that Council shall restrict its consideration of: Any potential costs to the landowner/occupier of not being able to undertake the proposed activity on that site.

			Roading (4.3), Utilities (5.10), Utility Buildings (5.11), and Outdoor Signs and Noticeboards (6.6).			
Issue:	Empty paddock owned by Council not identified as to which WTMA					
		6.37	Map 133 Sheet 2	Not stated	Ngai Tahu consider that the empty paddock owned by Council on the western boundary of C39(b) should be appropriately treated as C39(a) not as C39(b). This is because the land would be given a higher level of protection by the Rural Rules than the Township Rules. This is particularly important given that there is (or high possibility) an urupa sited there. In addition, this site is also proposed as a “storage area” for any found artefacts/objects from the WTMA's and it would be beneficial to have a higher level of protection.	AMEND: Map 133 to indicate that the empty paddock on the western boundary of C39 (b) is identified as C39 (a).
07	New Zealand Historic Places Trust Pouhere Taonga	7.0	Whole of Plan Change 26	Oppose in part	The New Zealand Historic Places Trust Pouhere Taonga (NZHPT) supports the Plan Change in part. This support is subject to amendments put forward in this submission. The NZHPT sees the proposed Plan Change provides an opportunity to incorporate the recommendations of the conservation Management Plan that was developed for the Rakaia Huts area. Specific provisions of the proposal that the NZHPT's submission relates to are: Historic Heritage matters contained in the Objectives, Policies, Rules and Appendices of Volume 1: Township and Volume 2: Rural of the Selwyn District Council District Plan. The reason for the NZHPT's submission is to ensure that under the RMA, Section 6 Matters of National	See various specific relief sought below.

					Importance 6(e) “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga” and Section 6(f) “the protection of historic heritage from inappropriate subdivision, use and development” are recognised and provided for.	
		7.1	Volumes 1 and 2: Definition and Terminology for historic heritage	Oppose in part	<p>Whilst the proposed amendments to the District Plan include a clear definition of historic heritage, consequential amendments have not been made through out the plan to compliment the definition provided.</p> <p>For example, Objective B3.3.2 states that “sites of wahi tapu and ‘other importance’ to tangata whenua are protected. The phrase ‘other importance’ is not defined in Part D Definitions and does not convey exactitude. The NZHPT suggests that the Council undertakes a separate planning exercise to address the terminology for historic heritage matters.</p>	At the time of the District Plan review, special focus is made on addressing the terminology of the heritage chapters of Volumes 1 and 2.
		7.2	Volume 1: Objective B3.3.2 Explanation and Reasons	Oppose in part	<p>The NZHPT is concerned to ensure that section 6(e) and 6(f) of the RMA are correctly referenced in this section. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to sections 6(e) and 6(f) of the RMA. As proposed the passages confuse and intermingle terminology from both sections of the Act and do not serve to convey the intent of the Objective.</p>	<p>That the ‘Explanation and Reasons’ paragraphs are amended to correctly reference sections 6(e) and 6(f) of the RMA and those amendments are consequential through Volume 1 and 2.</p> <ul style="list-style-type: none"> • Objective B3.3.2 reflects the duty under section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga. • Objective B3.3.3 reflects the duty under section 6(f) of the act to recognise and

						provide for the protection of historical heritage from inappropriate subdivision, use, and development.
		7.3	Volume 1: Policy B3.3.4 Explanation and Reasons	Oppose in part	<p>The NZHPT seeks that correct reference is made to the Policy which addresses ‘resource consent fee waivers’, in the paragraph beginning “Where a landowner requires consent to undertake an activity”</p> <p>Advising applicants of resource consent fee waivers is an important part of non regulatory service that Selwyn District Council provides. Correct reference to the policy needs to be provided to ensure accuracy and certainty for applicants.</p>	Amend the paragraph to give accurate reference to the policy which provides for reducing or waiving fees.
		7.4	Volume 1: Earthworks 2.1, Reason for Rules	Oppose in part	The proposed plan change does not include an area known as Wahi Taonga Management Area C39(c). The NZHPT seeks that amendment is made to the ‘Reasons for Rules’ section where incorrect reference is made to Wahi Taonga Management Area C39(c)	Amend to Wahi Taonga Management Area C39(b) in Reasons for Rules for Volume 1: Earthworks 2.1, Reason for Rules.
		7.5	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT	<p>Amend Rule 2.1.2 to reflect the following: Any earthworks which do not comply with Rule 2.1.1. 9 or 2.1.1.10 shall be a controlled activity if the written consent of the local runanga has been obtained. In the case of Wahi Taonga Management Area C39(b), which is an archaeological site, the written authorisation of the New Zealand Historic Places Trust has been obtained.</p> <p>And that consequential amendments are made through the appropriate sections of</p>

						Volumes 1 and 2 of the District Plan.
		7.6	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT.	<p>That an ‘Advice Note’ is included in the section as detailed below: Activities affecting any archaeological site including Wahi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga.</p> <p>And that consequential amendments are made through the appropriate sections of Volumes 1 and 2 of the District Plan.</p>
		7.7	Volume 2: Historic Heritage – Objective B3.3.3 Explanations and Reasons.	Oppose in Part	The NZHPT is concerned to ensure that correct reference is made to Section 6 of the RMA. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to section 6(f) of the RMA, as well as incorrect reference to the appropriate part of the Act.	<p>That the ‘Explanations and Reasons’ paragraphs are amended to correctly reference section 6(e) of the RMA and are amended as follows: Objective 3.3.1 reflects the duty under section 6(e) of the Act to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p>
		7.8	Volume 2: Policy B3.3.4 Explanation and Reasons	Oppose in part	The Explanation and Reasons section gives reference to Wahi Taonga Management Area C39(b). The NZHPT note that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature of Appendix 5 in Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the Explanation and Reasons section of Policy B3.3.4.
		7.9	Volume 2: Part C. Rural Rules – Earthworks. Note 1	Oppose in part	The ‘Notes’ section gives reference to Wahi Taonga Management Area C39(b). The NZHPT notes that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature in Appendix 5 of Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the ‘Notes’ section of Part C. Rural Rules – Earthworks.
		7.10	Volume 1 and 2		Plan Change 26 has provided rules specific	That the Selwyn District Council undertakes

			General Submission		<p>to site C39(a) and (b) (NZAA Site Record number L37/4) the NZHPT has wider concerns regarding the lack of clarity around the identification of (and provision of rules for) other recorded archaeological sites, sites of significance to Maori and historic heritage in the Selwyn District Plan.</p> <p>The NZHPT regards this proposed Plan Change as an interim measure to address issues regarding one specific site. However, a wider review of the heritage chapter is required.</p>	<p>a specific review of the heritage chapters to ensure that matters of national importance under sections 6(e) and 6(f) of the RMA are provided for.</p>
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The period for making submissions to Plan Change 26 to the District Plan closed on 22 July 2011. This is the second stage of the public submission process where people have the opportunity to make further submissions. Further submissions give the opportunity for the public to either support or oppose the submissions received and summarised or aspects of these submissions. Please note it is not another opportunity to make fresh submissions on the Plan Change itself, as a further submission can only relate to a submission which has already been lodged.

The further submission Form 6 is available at all Council offices and online at:

<http://www.selwyn.govt.nz/services/planning/planning-forms/form-6-further-submissions> <http://www.selwyn.govt.nz/services/planning/planning-forms/submission-forms-pdfs/submission-forms>

Submission Number	Name	Submission Point	Subject Area	Submission Type	Detail	Relief sought
01	Graham Shearman	1.1	Whole of Plan Change	Oppose	Submitter is not in favour of proposed plan change 26. If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property. A minority of the properties have been subjected to these investigations before a resource consent was issued before building development was commenced. The property owner deserves recognition of the expense and inconvenience that these efforts incurred.	If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property.
02	RA & PJ Perkins	2.1	Whole of Plan Change	Oppose	The fact that no archaeological material has ever been found on the south-western side of Pacific Drive. Our property is a split level house, the earthworks already done when the house was built were extensive, at least a metre deep and nothing found. We bought the section freehold from the Selwyn District Council 3 to 4 years ago - free of any restrictions at market price. We believe this plan will devalue our properties and we may jointly make a claim against Selwyn District Council from a loss in value. We oppose any archaeological restriction on our	Any costs incurred by a finding if reported (which is highly unlikely) be paid by Selwyn District Council. We believe our property will loose value of 25% and we would want compensation to that effect from the Council.

					LIM document.	
03	RGS & SM Nee	3.1	The placement of a report on my LIM Report to the importance of a Historic Places Trust interest in my freehold property.	Oppose	<p>I /we purchased the property off the Selwyn District Council for fair market value as freehold (Fee Simple) with no encumbrances and in good faith. Since then the Council has negotiated with the tribes to have our sections placed inside the protected area. This is not what the village is in favour of as it will detract from the value of our freehold properties. We believe it will have a devaluation value of at least \$20,000.00 per section and I believe the Council should reimburse the said amount to each and every section to the owner as compensation.</p> <p>It has been stated by Mr Witter that no Maori artefacts have ever been found on the south-west side of Pacific Drive, so why have they included it in their kitchen cupboard. Any discoveries would never be included to them anyway.</p>	<ol style="list-style-type: none"> 1. That the south-west side of Pacific Drive be excluded from the proposed Maori site. 2. That it be withdrawn from all LIM reports on the devaluation basis. 3. On the basis that no artefacts have ever been found on our side of the Pacific Drive, therefore the whole procedure is crap. 4. That we are kept informed by our employees of the situation
04	PL Williamson & EC Wilkes	4.1	Whole Plan Change	Oppose	<p>We wish to protest most strongly to the proposed Plan Change 26. This proposed Plan Change is described as simplifying things but we really must ask, simplifying for whom? Certainly not for the ratepayer of the Rakaia Huts and more specifically not those who have recently purchased (freehold) their sections (south side Pacific Drive).</p> <p>These residents purchased their sections in good faith with clear title. A discussion with a lawyer has revealed that the Council would have been well aware of this impending change and have “failed in their duty to advise”. We paid market value for</p>	The settlement of this situation once and for all. Stop this continuing pandering to certain groups of people at the expense of those who pay rates. We on the south side of Pacific Drive were not originally included in the Draft Plan and we wish this situation to remain.

					<p>our sections, with no mention of this impending change. Had we or our valuer been advised of this I'm sure the valuation would have been a good 20 – 25% less. We are also sure that the Council were more than well aware of this also. We believe the original area proposed should be the only area up for consideration, as per the residents memorandum in response to the Draft Plan and dated 25/02/09.</p>	
05	Selwyn District Council	5.1	Note 1 in Part C – 1 Rural Rules – Earthworks in the Rural Volume of the District Plan, identifying activities which are exempt from the Earthworks Rules in Rural Zones	Support, but with amendments to identified errors	<p>This submission is in support of Proposed Plan Change 26. However, an error has been identified in Part C of the Rural Volume of the notified Plan Change. This submission requests that the identified error is corrected.</p> <p>Note 1 in Rule 1 - Earthworks of the Rural Volume of the District Plan (page 54 of PC 26) identifies a number of activities which are exempt from the Earthworks Rules. The intent of the Plan Change for this particular Plan provision was to duplicate the <u>format</u> the note was written so that both volumes of the District Plan provided for a consistent and easy to read format. The intent was <u>not</u> to duplicate the activities which are to be exempt from the Earthworks Rules.</p> <p>However, in the course of finalising the Proposed Plan Change for public notification, Note 1 in the Rural Volume of the Plan was amended such that it inadvertently duplicated the corresponding Note 1 as found in the Township Volume of the District Plan.</p> <p>The Draft Plan Change 26 which was</p>	Delete Note 1 from Part C – 1 Rural Rules – Earthworks of the Rural Volume of the Rural Volume subject to Plan Change 26. Replace with the amended Note 1, as outlined in the submission, which shows the correct list of activities which are exempt from the Earthworks Rules in Rural Zones.

					<p>notified for public comment correctly identifies the list of activities intended to be exempt from the Earthworks Rules, other than 'Burying Pets' and 'Trenching Compost'. These two activities are to be retained in the amended Note 1 (Rural Volume). The Rakaia Huts Conservation Management Plan specifically identified these two activities as requiring exemption from any "monitoring of major works under 20cm" (Proposed Mangement Tool (i), page 34 Rakaia Huts Conservation Management Plan).</p>	
06	Te Runanga o Ngai Tahu and Te Taumutu Runanga	6.1	Whole of Plan Change	Support in part	<p>Overall, Ngai Tahu supports the proposed plan change to implement the Rakaia Huts Conservation Management Plan and which effectively provides better protection of the wahi tapu and wahi taonga values of the area. The proposed plan change adequately recognises the cultural significance of the wahi tapu values of the wahi Taonga Management Areas.</p> <p>However there are some areas that Ngai Tahu consider need strengthening to reflect the degree of protection that this area requires. These are outline below. In addition to these submission points, Ngai Tahu suggest a few recommendations to further provide for the protection of the integrity of the wahi tapu/taonga values of the area.</p>	Review the Rakaia Huts Conservation Management Plan.
		6.2	Whole of Plan Change	Support in part	As above	Re-name the Moa Hunter Site with a traditional Ngai Tahu name
		6.3	Whole of Plan Change	Support in part	As above	Set up a place to store artefacts

		6.4	Whole of Plan Change	Support in part	As above	Educate the local community and the wider public.
Issue:	Removal of the term 'culture/cultural' from several provisions seen as not adequately representing tangata whenua values.					
		6.5	Volumes 1 and 2: Heading B3.3 Historic Heritage - Issue	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the headings in both Township and Rural Volumes to read: <i>"B3.3 Culture and Historic Heritage - Issue"</i> .
		6.6	Volume 1 and 2: Statement under heading: Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage values.	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the statement in both Township and Rural Volumes to read: <i>"Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage and cultural values"</i> .
		6.7	Volume 1 and 2: Sub Heading: Historic Heritage in Selwyn District	Oppose in Part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sub-heading to in both Township and Rural Volumes to read: <i>"Culture and Historic Heritage in Selwyn District"</i> .
		6.8	Page 7 Volume 1 and Page 38 Volume 2: Third paragraph beginning "Sites, areas or buildings may have heritage values	Oppose in part	The paragraph discusses heritage values in a generic manner which effectively excludes any specific reference to tangata whenua cultural values. There is also an assumption of what "people most often" associate heritage values with. This assumption is based on predominately "pakeha" values that do not incorporate or relate to tangata whenua cultural values. There is a danger in using generic terms such as "people" in describing values which predominantly	AMEND the paragraphs in both Township and Rural Volumes to read: <i>"Sites , areas or buildings may have heritage and cultural values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person and in the case of tangata whenua they are shared by the local runanga and Ngai Tahu. In particular,</i>

					reflect the dominant culture's values and which exclude the "other" namely tangata whenua. Given that this plan change is about providing greater protection of a significant wahi tapu area of significant value to tangata whenua then there needs to be specific mention of tangata whenua cultural values in this section and the avoidance of assumptions that exclude tangata whenua values. Furthermore, tangata whenua values should not read as an 'add-on' or 'tagged on at the end' to the general text reflecting an interest group status rather than a treaty partner.	<i>wahi tapu, wahi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities".</i>
		6.9	Page 8 Volume 1 and page 39 Volume 2: First paragraph	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are not only part of our inheritance from the past; it is also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, cultural and historic heritage values are a vital part of what makes a place unique or important for the people who live there".</i>
		6.10	Page 8 in Volume 1 and Page 39 in Volume 2: Second paragraph beginning "Historic heritage is important because it provides a tangible"	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are important because it provides a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can.</i> <i>The accidental or inadvertent destruction or damage of cultural and heritage features</i>

						<i>can cause the loss of this knowledge as well as a social/cultural link to the past”.</i>
		6.11	Page 10 in Volume 1 and page 41 in Volume 2: First Heading – ‘Damage to Sites with Historic Heritage’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Damage To Sites With Cultural and Historic Heritage Values”</i>
		6.12	Page 10 in Volume 1 and page 41 in Volume 2: First paragraph after first heading ‘Sites and buildings with historic heritage values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Sites and buildings with cultural and historic heritage values”.</i>
		6.13	Page 10 in Volume 1 and page 41 in Volume 2: Second Heading – ‘Protecting Historic Heritage Values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Protecting Cultural and Historic Heritage Values”.</i>
		6.14	Page 10 in Volume 1 and page 41 in Volume 2: First sentence after second heading – As well as the specific duties under section 6 of the Act, maintaining’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:.....”</i>
		6.15	Page 10 of Volume 1 - Second sentence under second heading, and page 42 of	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Protecting sites and structures with cultural and historic heritage values</i>

			Volume 2 – First sentence ‘Protecting sites and structures with historic heritage values involve costs’			<i>involves costs:....”</i>
		6.16	Page 10 in Volume 1 – Second sentence under second heading, and page 42 in Volume 2 – First sentence first bullet point.	Oppose in part	<p>The following sentence which refers specifically to tangata whenua values has been deleted. <i>“Some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value”.</i></p> <p>There needs to be specific reference or examples of tangata whenua cultural values in the text of the section.</p>	<p>RETAIN the sentence in both Township and Rural Volumes and AMEND the so that the bullet point reads: <i>- “Many sites and structures are privately owned or on private land. For example, some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures may sometimes prevent the landholder from using them for other purposes, although adapting heritage buildings for new uses is common”.</i></p>
		6.17	Page 10 in Volume 1 – Third sentence under second heading, and page 42 in Volume 2 – second sentence.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the sentence in both Township and Rural Volumes to read:: <i>“Any measures in the District Plan to protect the cultural and historic heritage values of sites must....”:</i></p>
		6.18	Page 16 in Volume 1 and page 48 in Volume 2 – First Heading ‘Historic Heritage – Strategy’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Strategy”.</i></p>
		6.19	Page 16 Volume 1 Second statement – ‘Foster a partnership for protecting sites and buildings with	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND Second statement in the Township Volume to read: <i>“Foster a partnership for protecting sites and buildings with cultural and historic heritage....”</i></p>

			historic heritage ...’			
		6.20	Page 16 in Volume 1 – Second Heading and page 48 in Volume 2 – Second Heading – ‘Historic Heritage – Objectives’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>‘Culture and Historic Heritage – Objectives’</i>
		6.21	Page 16 in Volume 1 – Explanation and Reasons – Second paragraph – ‘Objective B3.3.1 develops a partnership’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND: Second paragraph in the Township Volume to read: <i>“Objective B3.3.1 develops a partnership approach to culture and heritage protection..... that have cultural and historic heritage values in the Selwyn District..”.</i>
		6.22	Page 17 in Volume 1 AND Volume 2: First Heading <i>“Historic Heritage – Policies and Methods”</i>	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage - Policies and Methods”</i>
		6.23	Page 20 in Volume 1 – Method – District Plan Rules – Cultural Historic Heritage Sites	Oppose	There doesn’t appear be a subsequent change of the rules to be consistent with the new Method title <i>“Cultural Historic Heritage Sites”</i> .	RETAIN: heading in TownshipVolume so as to be consistent with Rules. <i>“Sites of Significance to Tangata Whenua”</i>
		6.24	Page 20 in Volume 1 and page 54 in Volume 2 – First Heading – Historic Heritage – Anticipated Environmental	Oppose in Part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage- Anticipated Environmental Results”.</i>

			Results			
		6.25	Page 20 in Volume 1 and Volume 2 – Second Heading Historic Heritage – Monitoring.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage – Monitoring” .
Issue:	Replace the word ‘Maori’ with more appropriate term ‘local runanga’ to be more consistent					
		6.26	Page 16 in Volume 1 (Township) – Objective B3.3.2 – Explanation and Reasons , 4 th paragraph under second heading	Oppose in part	There are a number of references both within rules and policies to “local runanga” so for consistency it is appropriate to remove the word “Maori” and replace it with ‘local runanga’.	REPLACE : The word “Maori” with “local runanga”.
Issue:	“landscaping” which is exempt from the earthworks rules for both township and rural rules is defined as including the provision of ‘walls’. However, digging for walls is seen as causing adverse disturbance on the WTMA areas and should be subject to rules.					
		6.27	<p>Page 21 in Volume 1 Part C , 2 Living Zone Rules – Earthworks Notes 1 and page 54 in Volume 2 Part C, 1 Rural Rules - Earthworks Notes 1.</p> <p>Page 35 in Volume 1 – Definitions And page 73 in Volume 2 - Definitions <i>“Landscaping: means the visual improvement of an area through designed live planting</i> </p>	Oppose in part	<p><i>Part C , 2 Living Zone Rules –Earthworks Notes 1 and Part C, 1 Rural Rules – Earthworks Notes 1</i> both list activities that are exempt from earthworks rules. This includes <i>“Landscaping....of gardens, lawns or public spaces”</i> of which <i>“Landscaping”</i> is defined in pp 35 and 73 as including the provision of <i>“walls”</i>. It is argued that providing for walls most likely will involve digging the ground a considerable depth more than 20cm. As such, it needs to be removed from the definition.</p>	<p>DELETE the word <i>“walls”</i> from the definition of <i>“Landscaping”</i> in both Attachment 1: Changes to the District Plan (Township Volume) and Attachment 2: Changes to the District Plan (Rural Volume).</p> <p>And ADD the word <i>“post holes”</i> instead which is already exempt from the earthworks rules.</p> <p>Or REPLACE: the current proposed definition of <i>“Landscaping”</i> with new definitions of <i>“soft landscaping”</i> and <i>“hard landscaping”</i> which will respectively allow for activities that are permitted and those that are not.</p>

			of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, walls, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil”.			
Issue:	Written approval process needs tool and methods to implement this					
		6.28	Page 23, 25 and 27 in Volume 1 - Part C, Rules – Earthworks, Buildings and Activities – Rules 2.1.2 2.1.3, 2.1.6 2.1.7, 4.14.2, 1.14.3, 4.14.4, 4.14.3 (5?), 10.4.2, 10.4.3, 10.4.4 and 10.4.5)	Support	Te Taumutu Runanga and Te Runanga o Ngai Tahu support the proposed process of a written consent from the local runanga as a requirement for a controlled activity. To ensure that this is carried through without it becoming a capacity issue for Te Taumutu Runanga, Ngai Tahu would like to discuss methods or tools to implement this process with Council.	DISCUSS: the methods or tools to implement this written approval process with Council.
		6.29	Page 23 in Volume 1 - Part C, 2 Living Zone Rules – Earthworks Notes 1 - <i>Rule 2 does not apply to any of the following activities:.....</i>	Oppose in Part	Notes 1 in the Township and in the Rural Volumes, list Earthwork <i>activities</i> that are exempt and those not exempt. However, these lists do NOT prevent the possibility of large scale plantings of trees e.g. plantations or forests. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is	ADD: Part C, 2 Living Zone Rules – Earthworks Notes 1 <i>Rule 2 does not apply to any of the following activities:...</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than ...(an appropriate</i>

			and page 54 in Volume 2 Part C, 1 Rural Rules- Earthworks Notes <i>1 Rule 1 – Earthworks, does not apply to any of the following activities.....</i>		exempt from the Earthworks rules. Therefore, this effectively does not protect the areas from significant land use change. In addition, the deep root structure of a large scale number of trees may have a significant impact on wahi tapu and wahi taonga than a smaller amount of trees planted randomly. Although this is really an issue for the rural zone it is appropriate to include the township zone to be consistent and cover any possibilities. As such, earthworks activities that are of a large scale should not be exempt from the rules.	<i>measure yet to be calculated)</i> - Planting of trees greater than a scale of ... (an appropriate measure yet to be calculated) except in Wahi Taonga Management Area C39(b)..... Part C, 1 Rural Rules- Earthworks Notes <i>Rule 1 –Earthworks, does not apply to any of the following activities....</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than (an appropriate measure yet to be calculated)</i> -Planting of trees greater than a scale of (an appropriate measure to be calculated) except in Wahi Taonga Management Area C39(a).
Issue:	In Rural Rules, significant change of landuse through large scale planting under Shelterbelt, Amenity Planting and Plantations Rules is a permitted activity.					
		6.30	Pages 58 and 59 of Volume 2 (Rural) - 2 Rural Rules – Tree Planting and Removal of Protected Trees – Rules 2.1, 2.1.1, 2.2 and 2.2.1	Oppose in part	In the Rural Rules for <i>Shelterbelt, Amenity Planting and Plantations</i> there is the same issue as above for Earthworks. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is permitted according to the rules as it could be planted in areas that were ‘ <i>previously disturbed by cultivation, planting (trees, pasture or crops, building or earthworks</i> ’’. Therefore, this effectively does not protect the WTMA C39(a) from significant land use change from tilled land to plantations etc. Any planting of <i>Shelterbelt, Amenity Planting and Plantations</i> trees on a large scale needs to be stated as not permitted. Otherwise large scale land use activities which have the potential to significantly	ADD: to <i>Permitted Activities - Shelterbelts and Amenity Planting</i> <i>2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:.....</i> <i>2.1.1.9 .In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i> ADD: to <i>2.2.1 Permitted Activities – Plantations</i> <i>2.2.1.3</i> <i>In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas</i>

					adversely affect the wahi tapu area could occur uncontrolled.	<i>shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i>
Issue:	Insufficient direction to decline an application that may cause significant change of land use through large scale plantings under Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations.					
		6.31	Matters discretion is restricted to under Restricted Discretionary Activities and Earthworks, Shelterbelts and Amenity Planting and plantations (Pages 56, 58 and 60 of Volume 2 (Rural)).	Oppose in part	In the Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations, Matters that Council has to consider under a Restricted Discretionary activity does not include the scale of the activity. Large scale activities such as plantings may result in significant changes of land use. There is the need to specifically include in the matters to consider the scale of the activity and its adverse effects on the WTMA areas so as to provide protection from inappropriate use. Rules must retain sufficient discretion to decline an application that may have adverse effects on wahi tapu values.	ADD: to Restricted Discretionary Activities- for Earthworks, Shelterbelt, Amenity Planting and Plantations <i>The Council shall include in its discretion to consideration of: the scale of the activity and the degree of change of land use and these effects on wahi tapu and wahi taonga and certain conditions to address this.</i>
Issue:	List of Statutory Acknowledgement Areas incomplete					
		6.32	Page 39 in Volume 2 – Statutory Acknowledgement and Nohoanga Sites	Oppose in part	Statutory Acknowledgment Areas are identified which are culturally significant to Ngai Tahu. However, both Te Waihora and Coopers Lagoon are missing from this list.	ADD: to list under heading <i>Statutory Acknowledgment and Nohoanga Sites</i> , in Attachment 2: Changes to the District Plan (Rural Volume), p.39. -Te Waihora -Coopers Lagoon
Issue:	Insufficient range of robustness included in ‘matters that Council shall consider’ for restricted discretionary activities to manage any risk of activities that may threaten wahi tapu values especially monitoring.					
		6.33	Volume 1 and 2 All rules for Restricted Discretionary Activities for both Township and Rural Volumes –	Oppose in part	Restricted Discretionary Activities for all activities for both Township and Rural areas need to provide more robustness in the “ <i>Matters to be considered</i> ” by Council to better manage any risk of an activity to	ADD: to “ <i>matters to be considered</i> ” by Council for all Restricted Discretionary Activities for all activities for both Township and Rural areas. - Special consideration of the risk of

			Matters that Council shall restrict its discretion to consideration of.		adversely affect wahi tapu values. These include providing for the local runanga to be actively involved in monitoring which can include a ruanga representative to be on the site. There also needs to be specific consent conditions and consideration of the location of potential urupa in the boundaries of the WTMA. Dan Witter who wrote the “Archeology Report of the Rakaia River Mouth Moa Hunter Site Precinct” of which the “Rakaia Huts Conservation Management Plan” is based, purposely made the size of the archaeological site larger to include the possibility of urupa which are usually positioned away from the settlement (pers.com.Witter, 2011).	<i>activities in the boundaries of the WTMA areas, especially in the western boundary of the Living Zone, to adversely disturb potential urupa in these locations.</i> <i>-Consent conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to for what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Lack of clear list of conditions for consents for all rules					
		6.34	All rules in proposed plan change regardless of whether controlled or restricted discretionary.	Neither support nor oppose	There needs to be a standard list of conditions for consents and for written approval to provide clear guidance.	ADD to all rules: <i>-Consent and written approval conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Insufficient robustness of rural Rules for utilities which has the potential to have some significant adverse effects on wahi tapu values.					
		6.35	Page 65 in Volume 2 (Rural) Part C Rural Rules – Utilities <i>5.10 Utility Structures</i>	Oppose in part	The Rural Rules for Utilities has the potential to have some significant adverse effects on wahi tapu values. There needs to be some additional levels of control.	ADD: to “Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> <i>5.10.1.2</i>

			and Sites of Significance to Tangata Whenua Permitted Activities - Utility Structures and Sites of Significance to Tangata Whenua 5.10.1.2			<p><i>-In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a) , any earthworks associated with any utility structure is limited to...</i></p> <p><i>.... repairing existing utilities provided that they are replaced in the same trench/hole</i></p> <p>ADD: If the utilities are “new” then they default to a Restricted Discretionary Activity with specific conditions (yet to be developed) that are required to be met.</p>
Issue:	A clause under the ‘Matters that Council shall restrict its consideration’ for Restricted Discretionary Activities may undermine the protection of wahi tapu values.					
		6.36	<p>Pages 20 – 29 in Volume 1 – Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 2.1), Buildings (Rule 4.14) and Activities (Rule 10.4) and</p> <p>Pages 54-72 in Volume 2 - Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for</p> <p>Earthworks (Rule 1.2), Shelterbelts and Amenity Planting (2.1), Buildings (3),</p>	Oppose	<p>In most of the Township and Rural Rules for Restricted Discretionary Activities there is a statement under “Matters that Council shall restrict its consideration” that allows the Council to grant the activity based on the “costs of the owner to not undertake that activity”. This “clause’ may effectively mean that the Council can override the local runanga’s concerns for protecting their wahi tapu values.</p>	<p>REMOVAL: in Restricted Discretionary Activities</p> <p>1.2 Earthworks, 2.1 Shelterbelts and Amenity Planting; 3 Buildings; 4.3 Rooding; 5.10 Utilities; 5.11 Utility Buildings ; B6.6 Outdoor Signs and Noticeboards Of Matters that Council shall restrict its consideration of:</p> <p><i>Any potential costs to the landowner/occupier of not being able to undertake the proposed activity on that site.</i></p>

			Roading (4.3), Utilities (5.10), Utility Buildings (5.11), and Outdoor Signs and Noticeboards (6.6).			
Issue:	Empty paddock owned by Council not identified as to which WTMA					
		6.37	Map 133 Sheet 2	Not stated	Ngai Tahu consider that the empty paddock owned by Council on the western boundary of C39(b) should be appropriately treated as C39(a) not as C39(b). This is because the land would be given a higher level of protection by the Rural Rules than the Township Rules. This is particularly important given that there is (or high possibility) an urupa sited there. In addition, this site is also proposed as a “storage area” for any found artefacts/objects from the WTMA's and it would be beneficial to have a higher level of protection.	AMEND: Map 133 to indicate that the empty paddock on the western boundary of C39 (b) is identified as C39 (a).
07	New Zealand Historic Places Trust Pouhere Taonga	7.0	Whole of Plan Change 26	Oppose in part	The New Zealand Historic Places Trust Pouhere Taonga (NZHPT) supports the Plan Change in part. This support is subject to amendments put forward in this submission. The NZHPT sees the proposed Plan Change provides an opportunity to incorporate the recommendations of the conservation Management Plan that was developed for the Rakaia Huts area. Specific provisions of the proposal that the NZHPT's submission relates to are: Historic Heritage matters contained in the Objectives, Policies, Rules and Appendices of Volume 1: Township and Volume 2: Rural of the Selwyn District Council District Plan. The reason for the NZHPT's submission is to ensure that under the RMA, Section 6 Matters of National	See various specific relief sought below.

					Importance 6(e) “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga” and Section 6(f) “the protection of historic heritage from inappropriate subdivision, use and development” are recognised and provided for.	
		7.1	Volumes 1 and 2: Definition and Terminology for historic heritage	Oppose in part	<p>Whilst the proposed amendments to the District Plan include a clear definition of historic heritage, consequential amendments have not been made through out the plan to compliment the definition provided.</p> <p>For example, Objective B3.3.2 states that “sites of wahi tapu and ‘other importance’ to tangata whenua are protected. The phrase ‘other importance’ is not defined in Part D Definitions and does not convey exactitude. The NZHPT suggests that the Council undertakes a separate planning exercise to address the terminology for historic heritage matters.</p>	At the time of the District Plan review, special focus is made on addressing the terminology of the heritage chapters of Volumes 1 and 2.
		7.2	Volume 1: Objective B3.3.2 Explanation and Reasons	Oppose in part	<p>The NZHPT is concerned to ensure that section 6(e) and 6(f) of the RMA are correctly referenced in this section. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to sections 6(e) and 6(f) of the RMA. As proposed the passages confuse and intermingle terminology from both sections of the Act and do not serve to convey the intent of the Objective.</p>	<p>That the ‘Explanation and Reasons’ paragraphs are amended to correctly reference sections 6(e) and 6(f) of the RMA and those amendments are consequential through Volume 1 and 2.</p> <ul style="list-style-type: none"> • Objective B3.3.2 reflects the duty under section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga. • Objective B3.3.3 reflects the duty under section 6(f) of the act to recognise and

						provide for the protection of historical heritage from inappropriate subdivision, use, and development.
		7.3	Volume 1: Policy B3.3.4 Explanation and Reasons	Oppose in part	<p>The NZHPT seeks that correct reference is made to the Policy which addresses ‘resource consent fee waivers’, in the paragraph beginning “Where a landowner requires consent to undertake an activity”</p> <p>Advising applicants of resource consent fee waivers is an important part of non regulatory service that Selwyn District Council provides. Correct reference to the policy needs to be provided to ensure accuracy and certainty for applicants.</p>	Amend the paragraph to give accurate reference to the policy which provides for reducing or waiving fees.
		7.4	Volume 1: Earthworks 2.1, Reason for Rules	Oppose in part	The proposed plan change does not include an area known as Wahi Taonga Management Area C39(c). The NZHPT seeks that amendment is made to the ‘Reasons for Rules’ section where incorrect reference is made to Wahi Taonga Management Area C39(c)	Amend to Wahi Taonga Management Area C39(b) in Reasons for Rules for Volume 1: Earthworks 2.1, Reason for Rules.
		7.5	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT	<p>Amend Rule 2.1.2 to reflect the following: Any earthworks which do not comply with Rule 2.1.1. 9 or 2.1.1.10 shall be a controlled activity if the written consent of the local runanga has been obtained. In the case of Wahi Taonga Management Area C39(b), which is an archaeological site, the written authorisation of the New Zealand Historic Places Trust has been obtained.</p> <p>And that consequential amendments are made through the appropriate sections of</p>

						Volumes 1 and 2 of the District Plan.
		7.6	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT.	<p>That an ‘Advice Note’ is included in the section as detailed below: Activities affecting any archaeological site including Wahi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga.</p> <p>And that consequential amendments are made through the appropriate sections of Volumes 1 and 2 of the District Plan.</p>
		7.7	Volume 2: Historic Heritage – Objective B3.3.3 Explanations and Reasons.	Oppose in Part	The NZHPT is concerned to ensure that correct reference is made to Section 6 of the RMA. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to section 6(f) of the RMA, as well as incorrect reference to the appropriate part of the Act.	<p>That the ‘Explanations and Reasons’ paragraphs are amended to correctly reference section 6(e) of the RMA and are amended as follows: Objective 3.3.1 reflects the duty under section 6(e) of the Act to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p>
		7.8	Volume 2: Policy B3.3.4 Explanation and Reasons	Oppose in part	The Explanation and Reasons section gives reference to Wahi Taonga Management Area C39(b). The NZHPT note that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature of Appendix 5 in Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the Explanation and Reasons section of Policy B3.3.4.
		7.9	Volume 2: Part C. Rural Rules – Earthworks. Note 1	Oppose in part	The ‘Notes’ section gives reference to Wahi Taonga Management Area C39(b). The NZHPT notes that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature in Appendix 5 of Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the ‘Notes’ section of Part C. Rural Rules – Earthworks.
		7.10	Volume 1 and 2		Plan Change 26 has provided rules specific	That the Selwyn District Council undertakes

			General Submission		<p>to site C39(a) and (b) (NZAA Site Record number L37/4) the NZHPT has wider concerns regarding the lack of clarity around the identification of (and provision of rules for) other recorded archaeological sites, sites of significance to Maori and historic heritage in the Selwyn District Plan.</p> <p>The NZHPT regards this proposed Plan Change as an interim measure to address issues regarding one specific site. However, a wider review of the heritage chapter is required.</p>	<p>a specific review of the heritage chapters to ensure that matters of national importance under sections 6(e) and 6(f) of the RMA are provided for.</p>
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The period for making submissions to Plan Change 26 to the District Plan closed on 22 July 2011. This is the second stage of the public submission process where people have the opportunity to make further submissions. Further submissions give the opportunity for the public to either support or oppose the submissions received and summarised or aspects of these submissions. Please note it is not another opportunity to make fresh submissions on the Plan Change itself, as a further submission can only relate to a submission which has already been lodged.

The further submission Form 6 is available at all Council offices and online at:

<http://www.selwyn.govt.nz/services/planning/planning-forms/form-6-further-submissions> <http://www.selwyn.govt.nz/services/planning/planning-forms/submission-forms-pdfs/submission-forms>

Submission Number	Name	Submission Point	Subject Area	Submission Type	Detail	Relief sought
01	Graham Shearman	1.1	Whole of Plan Change	Oppose	Submitter is not in favour of proposed plan change 26. If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property. A minority of the properties have been subjected to these investigations before a resource consent was issued before building development was commenced. The property owner deserves recognition of the expense and inconvenience that these efforts incurred.	If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property.
02	RA & PJ Perkins	2.1	Whole of Plan Change	Oppose	The fact that no archaeological material has ever been found on the south-western side of Pacific Drive. Our property is a split level house, the earthworks already done when the house was built were extensive, at least a metre deep and nothing found. We bought the section freehold from the Selwyn District Council 3 to 4 years ago - free of any restrictions at market price. We believe this plan will devalue our properties and we may jointly make a claim against Selwyn District Council from a loss in value. We oppose any archaeological restriction on our	Any costs incurred by a finding if reported (which is highly unlikely) be paid by Selwyn District Council. We believe our property will loose value of 25% and we would want compensation to that effect from the Council.

					LIM document.	
03	RGS & SM Nee	3.1	The placement of a report on my LIM Report to the importance of a Historic Places Trust interest in my freehold property.	Oppose	<p>I /we purchased the property off the Selwyn District Council for fair market value as freehold (Fee Simple) with no encumbrances and in good faith. Since then the Council has negotiated with the tribes to have our sections placed inside the protected area. This is not what the village is in favour of as it will detract from the value of our freehold properties. We believe it will have a devaluation value of at least \$20,000.00 per section and I believe the Council should reimburse the said amount to each and every section to the owner as compensation.</p> <p>It has been stated by Mr Witter that no Maori artefacts have ever been found on the south-west side of Pacific Drive, so why have they included it in their kitchen cupboard. Any discoveries would never be included to them anyway.</p>	<ol style="list-style-type: none"> 1. That the south-west side of Pacific Drive be excluded from the proposed Maori site. 2. That it be withdrawn from all LIM reports on the devaluation basis. 3. On the basis that no artefacts have ever been found on our side of the Pacific Drive, therefore the whole procedure is crap. 4. That we are kept informed by our employees of the situation
04	PL Williamson & EC Wilkes	4.1	Whole Plan Change	Oppose	<p>We wish to protest most strongly to the proposed Plan Change 26. This proposed Plan Change is described as simplifying things but we really must ask, simplifying for whom? Certainly not for the ratepayer of the Rakaia Huts and more specifically not those who have recently purchased (freehold) their sections (south side Pacific Drive).</p> <p>These residents purchased their sections in good faith with clear title. A discussion with a lawyer has revealed that the Council would have been well aware of this impending change and have “failed in their duty to advise”. We paid market value for</p>	The settlement of this situation once and for all. Stop this continuing pandering to certain groups of people at the expense of those who pay rates. We on the south side of Pacific Drive were not originally included in the Draft Plan and we wish this situation to remain.

					<p>our sections, with no mention of this impending change. Had we or our valuer been advised of this I'm sure the valuation would have been a good 20 – 25% less. We are also sure that the Council were more than well aware of this also. We believe the original area proposed should be the only area up for consideration, as per the residents memorandum in response to the Draft Plan and dated 25/02/09.</p>	
05	Selwyn District Council	5.1	Note 1 in Part C – 1 Rural Rules – Earthworks in the Rural Volume of the District Plan, identifying activities which are exempt from the Earthworks Rules in Rural Zones	Support, but with amendments to identified errors	<p>This submission is in support of Proposed Plan Change 26. However, an error has been identified in Part C of the Rural Volume of the notified Plan Change. This submission requests that the identified error is corrected.</p> <p>Note 1 in Rule 1 - Earthworks of the Rural Volume of the District Plan (page 54 of PC 26) identifies a number of activities which are exempt from the Earthworks Rules. The intent of the Plan Change for this particular Plan provision was to duplicate the <u>format</u> the note was written so that both volumes of the District Plan provided for a consistent and easy to read format. The intent was <u>not</u> to duplicate the activities which are to be exempt from the Earthworks Rules.</p> <p>However, in the course of finalising the Proposed Plan Change for public notification, Note 1 in the Rural Volume of the Plan was amended such that it inadvertently duplicated the corresponding Note 1 as found in the Township Volume of the District Plan.</p> <p>The Draft Plan Change 26 which was</p>	<p>Delete Note 1 from Part C – 1 Rural Rules – Earthworks of the Rural Volume of the Rural Volume subject to Plan Change 26. Replace with the amended Note 1, as outlined in the submission, which shows the correct list of activities which are exempt from the Earthworks Rules in Rural Zones.</p>

					<p>notified for public comment correctly identifies the list of activities intended to be exempt from the Earthworks Rules, other than 'Burying Pets' and 'Trenching Compost'. These two activities are to be retained in the amended Note 1 (Rural Volume). The Rakaia Huts Conservation Management Plan specifically identified these two activities as requiring exemption from any "monitoring of major works under 20cm" (Proposed Mangement Tool (i), page 34 Rakaia Huts Conservation Management Plan).</p>	
06	Te Runanga o Ngai Tahu and Te Taumutu Runanga	6.1	Whole of Plan Change	Support in part	<p>Overall, Ngai Tahu supports the proposed plan change to implement the Rakaia Huts Conservation Management Plan and which effectively provides better protection of the wahi tapu and wahi taonga values of the area. The proposed plan change adequately recognises the cultural significance of the wahi tapu values of the wahi Taonga Management Areas.</p> <p>However there are some areas that Ngai Tahu consider need strengthening to reflect the degree of protection that this area requires. These are outline below. In addition to these submission points, Ngai Tahu suggest a few recommendations to further provide for the protection of the integrity of the wahi tapu/taonga values of the area.</p>	Review the Rakaia Huts Conservation Management Plan.
		6.2	Whole of Plan Change	Support in part	As above	Re-name the Moa Hunter Site with a traditional Ngai Tahu name
		6.3	Whole of Plan Change	Support in part	As above	Set up a place to store artefacts

		6.4	Whole of Plan Change	Support in part	As above	Educate the local community and the wider public.
Issue:	Removal of the term 'culture/cultural' from several provisions seen as not adequately representing tangata whenua values.					
		6.5	Volumes 1 and 2: Heading B3.3 Historic Heritage - Issue	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the headings in both Township and Rural Volumes to read: <i>"B3.3 Culture and Historic Heritage - Issue"</i> .
		6.6	Volume 1 and 2: Statement under heading: Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage values.	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the statement in both Township and Rural Volumes to read: <i>"Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage and cultural values"</i> .
		6.7	Volume 1 and 2: Sub Heading: Historic Heritage in Selwyn District	Oppose in Part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sub-heading to in both Township and Rural Volumes to read: <i>"Culture and Historic Heritage in Selwyn District"</i> .
		6.8	Page 7 Volume 1 and Page 38 Volume 2: Third paragraph beginning "Sites, areas or buildings may have heritage values	Oppose in part	The paragraph discusses heritage values in a generic manner which effectively excludes any specific reference to tangata whenua cultural values. There is also an assumption of what "people most often" associate heritage values with. This assumption is based on predominately "pakeha" values that do not incorporate or relate to tangata whenua cultural values. There is a danger in using generic terms such as "people" in describing values which predominantly	AMEND the paragraphs in both Township and Rural Volumes to read: <i>"Sites , areas or buildings may have heritage and cultural values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person and in the case of tangata whenua they are shared by the local runanga and Ngai Tahu. In particular,</i>

					reflect the dominant culture's values and which exclude the "other" namely tangata whenua. Given that this plan change is about providing greater protection of a significant wahi tapu area of significant value to tangata whenua then there needs to be specific mention of tangata whenua cultural values in this section and the avoidance of assumptions that exclude tangata whenua values. Furthermore, tangata whenua values should not read as an 'add-on' or 'tagged on at the end' to the general text reflecting an interest group status rather than a treaty partner.	<i>wahi tapu, wahi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities".</i>
		6.9	Page 8 Volume 1 and page 39 Volume 2: First paragraph	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are not only part of our inheritance from the past; it is also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, cultural and historic heritage values are a vital part of what makes a place unique or important for the people who live there".</i>
		6.10	Page 8 in Volume 1 and Page 39 in Volume 2: Second paragraph beginning "Historic heritage is important because it provides a tangible"	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are important because it provides a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can.</i> <i>The accidental or inadvertent destruction or damage of cultural and heritage features</i>

						<i>can cause the loss of this knowledge as well as a social/cultural link to the past”.</i>
		6.11	Page 10 in Volume 1 and page 41 in Volume 2: First Heading – ‘Damage to Sites with Historic Heritage’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Damage To Sites With Cultural and Historic Heritage Values”</i>
		6.12	Page 10 in Volume 1 and page 41 in Volume 2: First paragraph after first heading ‘Sites and buildings with historic heritage values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Sites and buildings with cultural and historic heritage values”.</i>
		6.13	Page 10 in Volume 1 and page 41 in Volume 2: Second Heading – ‘Protecting Historic Heritage Values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Protecting Cultural and Historic Heritage Values”.</i>
		6.14	Page 10 in Volume 1 and page 41 in Volume 2: First sentence after second heading – As well as the specific duties under section 6 of the Act, maintaining’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:.....”</i>
		6.15	Page 10 of Volume 1 - Second sentence under second heading, and page 42 of	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Protecting sites and structures with cultural and historic heritage values</i>

			Volume 2 – First sentence ‘Protecting sites and structures with historic heritage values involve costs’			<i>involves costs:....”</i>
		6.16	Page 10 in Volume 1 – Second sentence under second heading, and page 42 in Volume 2 – First sentence first bullet point.	Oppose in part	<p>The following sentence which refers specifically to tangata whenua values has been deleted. <i>“Some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value”.</i></p> <p>There needs to be specific reference or examples of tangata whenua cultural values in the text of the section.</p>	<p>RETAIN the sentence in both Township and Rural Volumes and AMEND the so that the bullet point reads: <i>- “Many sites and structures are privately owned or on private land. For example, some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures may sometimes prevent the landholder from using them for other purposes, although adapting heritage buildings for new uses is common”.</i></p>
		6.17	Page 10 in Volume 1 – Third sentence under second heading, and page 42 in Volume 2 – second sentence.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the sentence in both Township and Rural Volumes to read:: <i>“Any measures in the District Plan to protect the cultural and historic heritage values of sites must....”:</i></p>
		6.18	Page 16 in Volume 1 and page 48 in Volume 2 – First Heading ‘Historic Heritage – Strategy’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Strategy”.</i></p>
		6.19	Page 16 Volume 1 Second statement – ‘Foster a partnership for protecting sites and buildings with	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND Second statement in the Township Volume to read: <i>“Foster a partnership for protecting sites and buildings with cultural and historic heritage....”</i></p>

			historic heritage ...’			
		6.20	Page 16 in Volume 1 – Second Heading and page 48 in Volume 2 – Second Heading – ‘Historic Heritage – Objectives’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>‘Culture and Historic Heritage – Objectives’</i>
		6.21	Page 16 in Volume 1 – Explanation and Reasons – Second paragraph – ‘Objective B3.3.1 develops a partnership’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND: Second paragraph in the Township Volume to read: <i>“Objective B3.3.1 develops a partnership approach to culture and heritage protection..... that have cultural and historic heritage values in the Selwyn District..”.</i>
		6.22	Page 17 in Volume 1 AND Volume 2: First Heading <i>“Historic Heritage – Policies and Methods”</i>	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage - Policies and Methods”</i>
		6.23	Page 20 in Volume 1 – Method – District Plan Rules – Cultural Historic Heritage Sites	Oppose	There doesn’t appear be a subsequent change of the rules to be consistent with the new Method title <i>“Cultural Historic Heritage Sites”</i> .	RETAIN: heading in TownshipVolume so as to be consistent with Rules. <i>“Sites of Significance to Tangata Whenua”</i>
		6.24	Page 20 in Volume 1 and page 54 in Volume 2 – First Heading – Historic Heritage – Anticipated Environmental	Oppose in Part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage- Anticipated Environmental Results”.</i>

			Results			
		6.25	Page 20 in Volume 1 and Volume 2 – Second Heading Historic Heritage – Monitoring.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Monitoring”</i> .
Issue:	Replace the word ‘Maori’ with more appropriate term ‘local runanga’ to be more consistent					
		6.26	Page 16 in Volume 1 (Township) – Objective B3.3.2 – Explanation and Reasons , 4 th paragraph under second heading	Oppose in part	There are a number of references both within rules and policies to “local runanga” so for consistency it is appropriate to remove the word “Maori” and replace it with ‘local runanga’.	REPLACE : The word “Maori” with “local runanga”.
Issue:	“landscaping” which is exempt from the earthworks rules for both township and rural rules is defined as including the provision of ‘walls’. However, digging for walls is seen as causing adverse disturbance on the WTMA areas and should be subject to rules.					
		6.27	<p>Page 21 in Volume 1 Part C , 2 Living Zone Rules – Earthworks Notes 1 and page 54 in Volume 2 Part C, 1 Rural Rules - Earthworks Notes 1.</p> <p>Page 35 in Volume 1 – Definitions And page 73 in Volume 2 - Definitions <i>“Landscaping: means the visual improvement of an area through designed live planting</i> </p>	Oppose in part	<p><i>Part C , 2 Living Zone Rules –Earthworks Notes 1 and Part C, 1 Rural Rules – Earthworks Notes 1</i> both list activities that are exempt from earthworks rules. This includes <i>“Landscaping....of gardens, lawns or public spaces”</i> of which <i>“Landscaping”</i> is defined in pp 35 and 73 as including the provision of <i>“walls”</i>. It is argued that providing for walls most likely will involve digging the ground a considerable depth more than 20cm. As such, it needs to be removed from the definition.</p>	<p>DELETE the word <i>“walls”</i> from the definition of <i>“Landscaping”</i> in both Attachment 1: Changes to the District Plan (Township Volume) and Attachment 2: Changes to the District Plan (Rural Volume).</p> <p>And ADD the word <i>“post holes”</i> instead which is already exempt from the earthworks rules.</p> <p>Or REPLACE: the current proposed definition of <i>“Landscaping”</i> with new definitions of <i>“soft landscaping”</i> and <i>“hard landscaping”</i> which will respectively allow for activities that are permitted and those that are not.</p>

			of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, walls, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil”.			
Issue:	Written approval process needs tool and methods to implement this					
		6.28	Page 23, 25 and 27 in Volume 1 - Part C, Rules – Earthworks, Buildings and Activities – Rules 2.1.2 2.1.3, 2.1.6 2.1.7, 4.14.2, 1.14.3, 4.14.4, 4.14.3 (5?), 10.4.2, 10.4.3, 10.4.4 and 10.4.5)	Support	Te Taumutu Runanga and Te Runanga o Ngai Tahu support the proposed process of a written consent from the local runanga as a requirement for a controlled activity. To ensure that this is carried through without it becoming a capacity issue for Te Taumutu Runanga, Ngai Tahu would like to discuss methods or tools to implement this process with Council.	DISCUSS: the methods or tools to implement this written approval process with Council.
		6.29	Page 23 in Volume 1 - Part C, 2 Living Zone Rules – Earthworks Notes 1 - <i>Rule 2 does not apply to any of the following activities:.....</i>	Oppose in Part	Notes 1 in the Township and in the Rural Volumes, list Earthwork <i>activities</i> that are exempt and those not exempt. However, these lists do NOT prevent the possibility of large scale plantings of trees e.g. plantations or forests. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is	ADD: Part C, 2 Living Zone Rules – Earthworks Notes 1 <i>Rule 2 does not apply to any of the following activities:...</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than ...(an appropriate</i>

			and page 54 in Volume 2 Part C, 1 Rural Rules- Earthworks Notes <i>1 Rule 1 – Earthworks, does not apply to any of the following activities.....</i>		exempt from the Earthworks rules. Therefore, this effectively does not protect the areas from significant land use change. In addition, the deep root structure of a large scale number of trees may have a significant impact on wahi tapu and wahi taonga than a smaller amount of trees planted randomly. Although this is really an issue for the rural zone it is appropriate to include the township zone to be consistent and cover any possibilities. As such, earthworks activities that are of a large scale should not be exempt from the rules.	<i>measure yet to be calculated)</i> - Planting of trees greater than a scale of ... (an appropriate measure yet to be calculated) except in Wahi Taonga Management Area C39(b)..... Part C, 1 Rural Rules- Earthworks Notes <i>Rule 1 –Earthworks, does not apply to any of the following activities....</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than (an appropriate measure yet to be calculated)</i> -Planting of trees greater than a scale of (an appropriate measure to be calculated) except in Wahi Taonga Management Area C39(a).
Issue:	In Rural Rules, significant change of landuse through large scale planting under Shelterbelt, Amenity Planting and Plantations Rules is a permitted activity.					
		6.30	Pages 58 and 59 of Volume 2 (Rural) - 2 Rural Rules – Tree Planting and Removal of Protected Trees – Rules 2.1, 2.1.1, 2.2 and 2.2.1	Oppose in part	In the Rural Rules for <i>Shelterbelt, Amenity Planting and Plantations</i> there is the same issue as above for Earthworks. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is permitted according to the rules as it could be planted in areas that were ‘ <i>previously disturbed by cultivation, planting (trees, pasture or crops, building or earthworks</i> ’’. Therefore, this effectively does not protect the WTMA C39(a) from significant land use change from tilled land to plantations etc. Any planting of <i>Shelterbelt, Amenity Planting and Plantations</i> trees on a large scale needs to be stated as not permitted. Otherwise large scale land use activities which have the potential to significantly	ADD: to <i>Permitted Activities - Shelterbelts and Amenity Planting</i> <i>2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:.....</i> <i>2.1.1.9 .In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i> ADD: to <i>2.2.1 Permitted Activities – Plantations</i> <i>2.2.1.3</i> <i>In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas</i>

					adversely affect the wahi tapu area could occur uncontrolled.	<i>shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i>
Issue:	Insufficient direction to decline an application that may cause significant change of land use through large scale plantings under Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations.					
		6.31	Matters discretion is restricted to under Restricted Discretionary Activities and Earthworks, Shelterbelts and Amenity Planting and plantations (Pages 56, 58 and 60 of Volume 2 (Rural)).	Oppose in part	In the Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations, Matters that Council has to consider under a Restricted Discretionary activity does not include the scale of the activity. Large scale activities such as plantings may result in significant changes of land use. There is the need to specifically include in the matters to consider the scale of the activity and its adverse effects on the WTMA areas so as to provide protection from inappropriate use. Rules must retain sufficient discretion to decline an application that may have adverse effects on wahi tapu values.	ADD: to Restricted Discretionary Activities- for Earthworks, Shelterbelt, Amenity Planting and Plantations <i>The Council shall include in its discretion to consideration of: the scale of the activity and the degree of change of land use and these effects on wahi tapu and wahi taonga and certain conditions to address this.</i>
Issue:	List of Statutory Acknowledgement Areas incomplete					
		6.32	Page 39 in Volume 2 – Statutory Acknowledgement and Nohoanga Sites	Oppose in part	Statutory Acknowledgment Areas are identified which are culturally significant to Ngai Tahu. However, both Te Waihora and Coopers Lagoon are missing from this list.	ADD: to list under heading <i>Statutory Acknowledgment and Nohoanga Sites</i> , in Attachment 2: Changes to the District Plan (Rural Volume), p.39. -Te Waihora -Coopers Lagoon
Issue:	Insufficient range of robustness included in ‘matters that Council shall consider’ for restricted discretionary activities to manage any risk of activities that may threaten wahi tapu values especially monitoring.					
		6.33	Volume 1 and 2 All rules for Restricted Discretionary Activities for both Township and Rural Volumes –	Oppose in part	Restricted Discretionary Activities for all activities for both Township and Rural areas need to provide more robustness in the “ <i>Matters to be considered</i> ” by Council to better manage any risk of an activity to	ADD: to “ <i>matters to be considered</i> ” by Council for all Restricted Discretionary Activities for all activities for both Township and Rural areas. - Special consideration of the risk of

			Matters that Council shall restrict its discretion to consideration of.		adversely affect wahi tapu values. These include providing for the local runanga to be actively involved in monitoring which can include a ruanga representative to be on the site. There also needs to be specific consent conditions and consideration of the location of potential urupa in the boundaries of the WTMA. Dan Witter who wrote the “Archeology Report of the Rakaia River Mouth Moa Hunter Site Precinct” of which the “Rakaia Huts Conservation Management Plan” is based, purposely made the size of the archaeological site larger to include the possibility of urupa which are usually positioned away from the settlement (pers.com.Witter, 2011).	<i>activities in the boundaries of the WTMA areas, especially in the western boundary of the Living Zone, to adversely disturb potential urupa in these locations.</i> <i>-Consent conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to for what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Lack of clear list of conditions for consents for all rules					
		6.34	All rules in proposed plan change regardless of whether controlled or restricted discretionary.	Neither support nor oppose	There needs to be a standard list of conditions for consents and for written approval to provide clear guidance.	ADD to all rules: <i>-Consent and written approval conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Insufficient robustness of rural Rules for utilities which has the potential to have some significant adverse effects on wahi tapu values.					
		6.35	Page 65 in Volume 2 (Rural) Part C Rural Rules – Utilities <i>5.10 Utility Structures</i>	Oppose in part	The Rural Rules for Utilities has the potential to have some significant adverse effects on wahi tapu values. There needs to be some additional levels of control.	ADD: to “Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> <i>5.10.1.2</i>

			and Sites of Significance to Tangata Whenua Permitted Activities - Utility Structures and Sites of Significance to Tangata Whenua 5.10.1.2			<p><i>-In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a) , any earthworks associated with any utility structure is limited to...</i></p> <p><i>.... repairing existing utilities provided that they are replaced in the same trench/hole</i></p> <p>ADD: If the utilities are “new” then they default to a Restricted Discretionary Activity with specific conditions (yet to be developed) that are required to be met.</p>
Issue:	A clause under the ‘Matters that Council shall restrict its consideration’ for Restricted Discretionary Activities may undermine the protection of wahi tapu values.					
		6.36	<p>Pages 20 – 29 in Volume 1 – Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 2.1), Buildings (Rule 4.14) and Activities (Rule 10.4) and</p> <p>Pages 54-72 in Volume 2 - Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for</p> <p>Earthworks (Rule 1.2), Shelterbelts and Amenity Planting (2.1), Buildings (3),</p>	Oppose	<p>In most of the Township and Rural Rules for Restricted Discretionary Activities there is a statement under “Matters that Council shall restrict its consideration” that allows the Council to grant the activity based on the “costs of the owner to not undertake that activity”. This “clause’ may effectively mean that the Council can override the local runanga’s concerns for protecting their wahi tapu values.</p>	<p>REMOVAL: in Restricted Discretionary Activities</p> <p>1.2 Earthworks, 2.1 Shelterbelts and Amenity Planting; 3 Buildings; 4.3 Rooding; 5.10 Utilities; 5.11 Utility Buildings ; B6.6 Outdoor Signs and Noticeboards Of Matters that Council shall restrict its consideration of:</p> <p><i>Any potential costs to the landowner/occupier of not being able to undertake the proposed activity on that site.</i></p>

			Roading (4.3), Utilities (5.10), Utility Buildings (5.11), and Outdoor Signs and Noticeboards (6.6).			
Issue:	Empty paddock owned by Council not identified as to which WTMA					
		6.37	Map 133 Sheet 2	Not stated	Ngai Tahu consider that the empty paddock owned by Council on the western boundary of C39(b) should be appropriately treated as C39(a) not as C39(b). This is because the land would be given a higher level of protection by the Rural Rules than the Township Rules. This is particularly important given that there is (or high possibility) an urupa sited there. In addition, this site is also proposed as a “storage area” for any found artefacts/objects from the WTMA's and it would be beneficial to have a higher level of protection.	AMEND: Map 133 to indicate that the empty paddock on the western boundary of C39 (b) is identified as C39 (a).
07	New Zealand Historic Places Trust Pouhere Taonga	7.0	Whole of Plan Change 26	Oppose in part	The New Zealand Historic Places Trust Pouhere Taonga (NZHPT) supports the Plan Change in part. This support is subject to amendments put forward in this submission. The NZHPT sees the proposed Plan Change provides an opportunity to incorporate the recommendations of the conservation Management Plan that was developed for the Rakaia Huts area. Specific provisions of the proposal that the NZHPT's submission relates to are: Historic Heritage matters contained in the Objectives, Policies, Rules and Appendices of Volume 1: Township and Volume 2: Rural of the Selwyn District Council District Plan. The reason for the NZHPT's submission is to ensure that under the RMA, Section 6 Matters of National	See various specific relief sought below.

					Importance 6(e) “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga” and Section 6(f) “the protection of historic heritage from inappropriate subdivision, use and development” are recognised and provided for.	
		7.1	Volumes 1 and 2: Definition and Terminology for historic heritage	Oppose in part	<p>Whilst the proposed amendments to the District Plan include a clear definition of historic heritage, consequential amendments have not been made through out the plan to compliment the definition provided.</p> <p>For example, Objective B3.3.2 states that “sites of wahi tapu and ‘other importance’ to tangata whenua are protected. The phrase ‘other importance’ is not defined in Part D Definitions and does not convey exactitude. The NZHPT suggests that the Council undertakes a separate planning exercise to address the terminology for historic heritage matters.</p>	At the time of the District Plan review, special focus is made on addressing the terminology of the heritage chapters of Volumes 1 and 2.
		7.2	Volume 1: Objective B3.3.2 Explanation and Reasons	Oppose in part	<p>The NZHPT is concerned to ensure that section 6(e) and 6(f) of the RMA are correctly referenced in this section. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to sections 6(e) and 6(f) of the RMA. As proposed the passages confuse and intermingle terminology from both sections of the Act and do not serve to convey the intent of the Objective.</p>	<p>That the ‘Explanation and Reasons’ paragraphs are amended to correctly reference sections 6(e) and 6(f) of the RMA and those amendments are consequential through Volume 1 and 2.</p> <ul style="list-style-type: none"> • Objective B3.3.2 reflects the duty under section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga. • Objective B3.3.3 reflects the duty under section 6(f) of the act to recognise and

						provide for the protection of historical heritage from inappropriate subdivision, use, and development.
		7.3	Volume 1: Policy B3.3.4 Explanation and Reasons	Oppose in part	<p>The NZHPT seeks that correct reference is made to the Policy which addresses ‘resource consent fee waivers’, in the paragraph beginning “Where a landowner requires consent to undertake an activity”</p> <p>Advising applicants of resource consent fee waivers is an important part of non regulatory service that Selwyn District Council provides. Correct reference to the policy needs to be provided to ensure accuracy and certainty for applicants.</p>	Amend the paragraph to give accurate reference to the policy which provides for reducing or waiving fees.
		7.4	Volume 1: Earthworks 2.1, Reason for Rules	Oppose in part	The proposed plan change does not include an area known as Wahi Taonga Management Area C39(c). The NZHPT seeks that amendment is made to the ‘Reasons for Rules’ section where incorrect reference is made to Wahi Taonga Management Area C39(c)	Amend to Wahi Taonga Management Area C39(b) in Reasons for Rules for Volume 1: Earthworks 2.1, Reason for Rules.
		7.5	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT	<p>Amend Rule 2.1.2 to reflect the following: Any earthworks which do not comply with Rule 2.1.1. 9 or 2.1.1.10 shall be a controlled activity if the written consent of the local runanga has been obtained. In the case of Wahi Taonga Management Area C39(b), which is an archaeological site, the written authorisation of the New Zealand Historic Places Trust has been obtained.</p> <p>And that consequential amendments are made through the appropriate sections of</p>

						Volumes 1 and 2 of the District Plan.
		7.6	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT.	That an 'Advice Note' is included in the section as detailed below: Activities affecting any archaeological site including Wahi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga. And that consequential amendments are made through the appropriate sections of Volumes 1 and 2 of the District Plan.
		7.7	Volume 2: Historic Heritage – Objective B3.3.3 Explanations and Reasons.	Oppose in Part	The NZHPT is concerned to ensure that correct reference is made to Section 6 of the RMA. Under the 'Explanation and Reasons' paragraphs, incorrect reference is made to section 6(f) of the RMA, as well as incorrect reference to the appropriate part of the Act.	That the 'Explanations and Reasons' paragraphs are amended to correctly reference section 6(e) of the RMA and are amended as follows: Objective 3.3.1 reflects the duty under section 6(e) of the Act to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
		7.8	Volume 2: Policy B3.3.4 Explanation and Reasons	Oppose in part	The Explanation and Reasons section gives reference to Wahi Taonga Management Area C39(b). The NZHPT note that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature of Appendix 5 in Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the Explanation and Reasons section of Policy B3.3.4.
		7.9	Volume 2: Part C. Rural Rules – Earthworks. Note 1	Oppose in part	The 'Notes' section gives reference to Wahi Taonga Management Area C39(b). The NZHPT notes that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature in Appendix 5 of Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the 'Notes' section of Part C. Rural Rules – Earthworks.
		7.10	Volume 1 and 2		Plan Change 26 has provided rules specific	That the Selwyn District Council undertakes

			General Submission		<p>to site C39(a) and (b) (NZAA Site Record number L37/4) the NZHPT has wider concerns regarding the lack of clarity around the identification of (and provision of rules for) other recorded archaeological sites, sites of significance to Maori and historic heritage in the Selwyn District Plan.</p> <p>The NZHPT regards this proposed Plan Change as an interim measure to address issues regarding one specific site. However, a wider review of the heritage chapter is required.</p>	<p>a specific review of the heritage chapters to ensure that matters of national importance under sections 6(e) and 6(f) of the RMA are provided for.</p>
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The period for making submissions to Plan Change 26 to the District Plan closed on 22 July 2011. This is the second stage of the public submission process where people have the opportunity to make further submissions. Further submissions give the opportunity for the public to either support or oppose the submissions received and summarised or aspects of these submissions. Please note it is not another opportunity to make fresh submissions on the Plan Change itself, as a further submission can only relate to a submission which has already been lodged.

The further submission Form 6 is available at all Council offices and online at:

<http://www.selwyn.govt.nz/services/planning/planning-forms/form-6-further-submissions> <http://www.selwyn.govt.nz/services/planning/planning-forms/submission-forms-pdfs/submission-forms>

Submission Number	Name	Submission Point	Subject Area	Submission Type	Detail	Relief sought
01	Graham Shearman	1.1	Whole of Plan Change	Oppose	Submitter is not in favour of proposed plan change 26. If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property. A minority of the properties have been subjected to these investigations before a resource consent was issued before building development was commenced. The property owner deserves recognition of the expense and inconvenience that these efforts incurred.	If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property.
02	RA & PJ Perkins	2.1	Whole of Plan Change	Oppose	The fact that no archaeological material has ever been found on the south-western side of Pacific Drive. Our property is a split level house, the earthworks already done when the house was built were extensive, at least a metre deep and nothing found. We bought the section freehold from the Selwyn District Council 3 to 4 years ago - free of any restrictions at market price. We believe this plan will devalue our properties and we may jointly make a claim against Selwyn District Council from a loss in value. We oppose any archaeological restriction on our	Any costs incurred by a finding if reported (which is highly unlikely) be paid by Selwyn District Council. We believe our property will loose value of 25% and we would want compensation to that effect from the Council.

					LIM document.	
03	RGS & SM Nee	3.1	The placement of a report on my LIM Report to the importance of a Historic Places Trust interest in my freehold property.	Oppose	<p>I /we purchased the property off the Selwyn District Council for fair market value as freehold (Fee Simple) with no encumbrances and in good faith. Since then the Council has negotiated with the tribes to have our sections placed inside the protected area. This is not what the village is in favour of as it will detract from the value of our freehold properties. We believe it will have a devaluation value of at least \$20,000.00 per section and I believe the Council should reimburse the said amount to each and every section to the owner as compensation.</p> <p>It has been stated by Mr Witter that no Maori artefacts have ever been found on the south-west side of Pacific Drive, so why have they included it in their kitchen cupboard. Any discoveries would never be included to them anyway.</p>	<ol style="list-style-type: none"> 1. That the south-west side of Pacific Drive be excluded from the proposed Maori site. 2. That it be withdrawn from all LIM reports on the devaluation basis. 3. On the basis that no artefacts have ever been found on our side of the Pacific Drive, therefore the whole procedure is crap. 4. That we are kept informed by our employees of the situation
04	PL Williamson & EC Wilkes	4.1	Whole Plan Change	Oppose	<p>We wish to protest most strongly to the proposed Plan Change 26. This proposed Plan Change is described as simplifying things but we really must ask, simplifying for whom? Certainly not for the ratepayer of the Rakaia Huts and more specifically not those who have recently purchased (freehold) their sections (south side Pacific Drive).</p> <p>These residents purchased their sections in good faith with clear title. A discussion with a lawyer has revealed that the Council would have been well aware of this impending change and have “failed in their duty to advise”. We paid market value for</p>	The settlement of this situation once and for all. Stop this continuing pandering to certain groups of people at the expense of those who pay rates. We on the south side of Pacific Drive were not originally included in the Draft Plan and we wish this situation to remain.

					<p>our sections, with no mention of this impending change. Had we or our valuer been advised of this I'm sure the valuation would have been a good 20 – 25% less. We are also sure that the Council were more than well aware of this also. We believe the original area proposed should be the only area up for consideration, as per the residents memorandum in response to the Draft Plan and dated 25/02/09.</p>	
05	Selwyn District Council	5.1	Note 1 in Part C – 1 Rural Rules – Earthworks in the Rural Volume of the District Plan, identifying activities which are exempt from the Earthworks Rules in Rural Zones	Support, but with amendments to identified errors	<p>This submission is in support of Proposed Plan Change 26. However, an error has been identified in Part C of the Rural Volume of the notified Plan Change. This submission requests that the identified error is corrected.</p> <p>Note 1 in Rule 1 - Earthworks of the Rural Volume of the District Plan (page 54 of PC 26) identifies a number of activities which are exempt from the Earthworks Rules. The intent of the Plan Change for this particular Plan provision was to duplicate the <u>format</u> the note was written so that both volumes of the District Plan provided for a consistent and easy to read format. The intent was <u>not</u> to duplicate the activities which are to be exempt from the Earthworks Rules.</p> <p>However, in the course of finalising the Proposed Plan Change for public notification, Note 1 in the Rural Volume of the Plan was amended such that it inadvertently duplicated the corresponding Note 1 as found in the Township Volume of the District Plan.</p> <p>The Draft Plan Change 26 which was</p>	Delete Note 1 from Part C – 1 Rural Rules – Earthworks of the Rural Volume of the Rural Volume subject to Plan Change 26. Replace with the amended Note 1, as outlined in the submission, which shows the correct list of activities which are exempt from the Earthworks Rules in Rural Zones.

					<p>notified for public comment correctly identifies the list of activities intended to be exempt from the Earthworks Rules, other than 'Burying Pets' and 'Trenching Compost'. These two activities are to be retained in the amended Note 1 (Rural Volume). The Rakaia Huts Conservation Management Plan specifically identified these two activities as requiring exemption from any "monitoring of major works under 20cm" (Proposed Mangement Tool (i), page 34 Rakaia Huts Conservation Management Plan).</p>	
06	Te Runanga o Ngai Tahu and Te Taumutu Runanga	6.1	Whole of Plan Change	Support in part	<p>Overall, Ngai Tahu supports the proposed plan change to implement the Rakaia Huts Conservation Management Plan and which effectively provides better protection of the wahi tapu and wahi taonga values of the area. The proposed plan change adequately recognises the cultural significance of the wahi tapu values of the wahi Taonga Management Areas.</p> <p>However there are some areas that Ngai Tahu consider need strengthening to reflect the degree of protection that this area requires. These are outline below. In addition to these submission points, Ngai Tahu suggest a few recommendations to further provide for the protection of the integrity of the wahi tapu/taonga values of the area.</p>	Review the Rakaia Huts Conservation Management Plan.
		6.2	Whole of Plan Change	Support in part	As above	Re-name the Moa Hunter Site with a traditional Ngai Tahu name
		6.3	Whole of Plan Change	Support in part	As above	Set up a place to store artefacts

		6.4	Whole of Plan Change	Support in part	As above	Educate the local community and the wider public.
Issue:	Removal of the term 'culture/cultural' from several provisions seen as not adequately representing tangata whenua values.					
		6.5	Volumes 1 and 2: Heading B3.3 Historic Heritage - Issue	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the headings in both Township and Rural Volumes to read: <i>"B3.3 Culture and Historic Heritage - Issue"</i> .
		6.6	Volume 1 and 2: Statement under heading: Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage values.	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the statement in both Township and Rural Volumes to read: <i>"Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage and cultural values"</i> .
		6.7	Volume 1 and 2: Sub Heading: Historic Heritage in Selwyn District	Oppose in Part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sub-heading to in both Township and Rural Volumes to read: <i>"Culture and Historic Heritage in Selwyn District"</i> .
		6.8	Page 7 Volume 1 and Page 38 Volume 2: Third paragraph beginning "Sites, areas or buildings may have heritage values	Oppose in part	The paragraph discusses heritage values in a generic manner which effectively excludes any specific reference to tangata whenua cultural values. There is also an assumption of what "people most often" associate heritage values with. This assumption is based on predominately "pakeha" values that do not incorporate or relate to tangata whenua cultural values. There is a danger in using generic terms such as "people" in describing values which predominantly	AMEND the paragraphs in both Township and Rural Volumes to read: <i>"Sites , areas or buildings may have heritage and cultural values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person and in the case of tangata whenua they are shared by the local runanga and Ngai Tahu. In particular,</i>

					reflect the dominant culture's values and which exclude the "other" namely tangata whenua. Given that this plan change is about providing greater protection of a significant wahi tapu area of significant value to tangata whenua then there needs to be specific mention of tangata whenua cultural values in this section and the avoidance of assumptions that exclude tangata whenua values. Furthermore, tangata whenua values should not read as an 'add-on' or 'tagged on at the end' to the general text reflecting an interest group status rather than a treaty partner.	<i>wahi tapu, wahi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities".</i>
		6.9	Page 8 Volume 1 and page 39 Volume 2: First paragraph	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are not only part of our inheritance from the past; it is also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, cultural and historic heritage values are a vital part of what makes a place unique or important for the people who live there".</i>
		6.10	Page 8 in Volume 1 and Page 39 in Volume 2: Second paragraph beginning "Historic heritage is important because it provides a tangible"	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are important because it provides a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can.</i> <i>The accidental or inadvertent destruction or damage of cultural and heritage features</i>

						<i>can cause the loss of this knowledge as well as a social/cultural link to the past”.</i>
		6.11	Page 10 in Volume 1 and page 41 in Volume 2: First Heading – ‘Damage to Sites with Historic Heritage’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Damage To Sites With Cultural and Historic Heritage Values”</i>
		6.12	Page 10 in Volume 1 and page 41 in Volume 2: First paragraph after first heading ‘Sites and buildings with historic heritage values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Sites and buildings with cultural and historic heritage values”.</i>
		6.13	Page 10 in Volume 1 and page 41 in Volume 2: Second Heading – ‘Protecting Historic Heritage Values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Protecting Cultural and Historic Heritage Values”.</i>
		6.14	Page 10 in Volume 1 and page 41 in Volume 2: First sentence after second heading – As well as the specific duties under section 6 of the Act, maintaining’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:.....”</i>
		6.15	Page 10 of Volume 1 - Second sentence under second heading, and page 42 of	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Protecting sites and structures with cultural and historic heritage values</i>

			Volume 2 – First sentence ‘Protecting sites and structures with historic heritage values involve costs’			<i>involves costs:....”</i>
		6.16	Page 10 in Volume 1 – Second sentence under second heading, and page 42 in Volume 2 – First sentence first bullet point.	Oppose in part	<p>The following sentence which refers specifically to tangata whenua values has been deleted. <i>“Some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value”.</i></p> <p>There needs to be specific reference or examples of tangata whenua cultural values in the text of the section.</p>	<p>RETAIN the sentence in both Township and Rural Volumes and AMEND the so that the bullet point reads: <i>- “Many sites and structures are privately owned or on private land. For example, some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures may sometimes prevent the landholder from using them for other purposes, although adapting heritage buildings for new uses is common”.</i></p>
		6.17	Page 10 in Volume 1 – Third sentence under second heading, and page 42 in Volume 2 – second sentence.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the sentence in both Township and Rural Volumes to read:: <i>“Any measures in the District Plan to protect the cultural and historic heritage values of sites must....”:</i></p>
		6.18	Page 16 in Volume 1 and page 48 in Volume 2 – First Heading ‘Historic Heritage – Strategy’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Strategy”.</i></p>
		6.19	Page 16 Volume 1 Second statement – ‘Foster a partnership for protecting sites and buildings with	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND Second statement in the Township Volume to read: <i>“Foster a partnership for protecting sites and buildings with cultural and historic heritage....”</i></p>

			historic heritage ...’			
		6.20	Page 16 in Volume 1 – Second Heading and page 48 in Volume 2 – Second Heading – ‘Historic Heritage – Objectives’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>‘Culture and Historic Heritage – Objectives’</i>
		6.21	Page 16 in Volume 1 – Explanation and Reasons – Second paragraph – ‘Objective B3.3.1 develops a partnership’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND: Second paragraph in the Township Volume to read: <i>“Objective B3.3.1 develops a partnership approach to culture and heritage protection..... that have cultural and historic heritage values in the Selwyn District..”.</i>
		6.22	Page 17 in Volume 1 AND Volume 2: First Heading <i>“Historic Heritage – Policies and Methods”</i>	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage - Policies and Methods”</i>
		6.23	Page 20 in Volume 1 – Method – District Plan Rules – Cultural Historic Heritage Sites	Oppose	There doesn’t appear be a subsequent change of the rules to be consistent with the new Method title <i>“Cultural Historic Heritage Sites”</i> .	RETAIN: heading in TownshipVolume so as to be consistent with Rules. <i>“Sites of Significance to Tangata Whenua”</i>
		6.24	Page 20 in Volume 1 and page 54 in Volume 2 – First Heading – Historic Heritage – Anticipated Environmental	Oppose in Part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage- Anticipated Environmental Results”.</i>

			Results			
		6.25	Page 20 in Volume 1 and Volume 2 – Second Heading Historic Heritage – Monitoring.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage – Monitoring” .
Issue:	Replace the word ‘Maori’ with more appropriate term ‘local runanga’ to be more consistent					
		6.26	Page 16 in Volume 1 (Township) – Objective B3.3.2 – Explanation and Reasons , 4 th paragraph under second heading	Oppose in part	There are a number of references both within rules and policies to “local runanga” so for consistency it is appropriate to remove the word “Maori” and replace it with ‘local runanga’.	REPLACE : The word “Maori” with “local runanga”.
Issue:	“landscaping” which is exempt from the earthworks rules for both township and rural rules is defined as including the provision of ‘walls’. However, digging for walls is seen as causing adverse disturbance on the WTMA areas and should be subject to rules.					
		6.27	<p>Page 21 in Volume 1 Part C , 2 Living Zone Rules – Earthworks Notes 1 and page 54 in Volume 2 Part C, 1 Rural Rules - Earthworks Notes 1.</p> <p>Page 35 in Volume 1 – Definitions And page 73 in Volume 2 - Definitions <i>“Landscaping: means the visual improvement of an area through designed live planting</i> </p>	Oppose in part	<p><i>Part C , 2 Living Zone Rules –Earthworks Notes 1 and Part C, 1 Rural Rules – Earthworks Notes 1</i> both list activities that are exempt from earthworks rules. This includes <i>“Landscaping....of gardens, lawns or public spaces”</i> of which <i>“Landscaping”</i> is defined in pp 35 and 73 as including the provision of <i>“walls”</i>. It is argued that providing for walls most likely will involve digging the ground a considerable depth more than 20cm. As such, it needs to be removed from the definition.</p>	<p>DELETE the word <i>“walls”</i> from the definition of <i>“Landscaping”</i> in both Attachment 1: Changes to the District Plan (Township Volume) and Attachment 2: Changes to the District Plan (Rural Volume).</p> <p>And ADD the word <i>“post holes”</i> instead which is already exempt from the earthworks rules.</p> <p>Or REPLACE: the current proposed definition of <i>“Landscaping”</i> with new definitions of <i>“soft landscaping”</i> and <i>“hard landscaping”</i> which will respectively allow for activities that are permitted and those that are not.</p>

			of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, walls, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil”.			
Issue:	Written approval process needs tool and methods to implement this					
		6.28	Page 23, 25 and 27 in Volume 1 - Part C, Rules – Earthworks, Buildings and Activities – Rules 2.1.2 2.1.3, 2.1.6 2.1.7, 4.14.2, 1.14.3, 4.14.4, 4.14.3 (5?), 10.4.2, 10.4.3, 10.4.4 and 10.4.5)	Support	Te Taumutu Runanga and Te Runanga o Ngai Tahu support the proposed process of a written consent from the local runanga as a requirement for a controlled activity. To ensure that this is carried through without it becoming a capacity issue for Te Taumutu Runanga, Ngai Tahu would like to discuss methods or tools to implement this process with Council.	DISCUSS: the methods or tools to implement this written approval process with Council.
		6.29	Page 23 in Volume 1 - Part C, 2 Living Zone Rules – Earthworks Notes 1 - <i>Rule 2 does not apply to any of the following activities:.....</i>	Oppose in Part	Notes 1 in the Township and in the Rural Volumes, list Earthwork <i>activities</i> that are exempt and those not exempt. However, these lists do NOT prevent the possibility of large scale plantings of trees e.g. plantations or forests. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is	ADD: Part C, 2 Living Zone Rules – Earthworks Notes 1 <i>Rule 2 does not apply to any of the following activities:...</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than ...(an appropriate</i>

			and page 54 in Volume 2 Part C, 1 Rural Rules- Earthworks Notes <i>1 Rule 1 – Earthworks, does not apply to any of the following activities.....</i>		exempt from the Earthworks rules. Therefore, this effectively does not protect the areas from significant land use change. In addition, the deep root structure of a large scale number of trees may have a significant impact on wahi tapu and wahi taonga than a smaller amount of trees planted randomly. Although this is really an issue for the rural zone it is appropriate to include the township zone to be consistent and cover any possibilities. As such, earthworks activities that are of a large scale should not be exempt from the rules.	<i>measure yet to be calculated)</i> - Planting of trees greater than a scale of ... (an appropriate measure yet to be calculated) except in Wahi Taonga Management Area C39(b)..... Part C, 1 Rural Rules- Earthworks Notes <i>Rule 1 –Earthworks, does not apply to any of the following activities....</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than (an appropriate measure yet to be calculated)</i> -Planting of trees greater than a scale of (an appropriate measure to be calculated) except in Wahi Taonga Management Area C39(a).
Issue:	In Rural Rules, significant change of landuse through large scale planting under Shelterbelt, Amenity Planting and Plantations Rules is a permitted activity.					
		6.30	Pages 58 and 59 of Volume 2 (Rural) - 2 Rural Rules – Tree Planting and Removal of Protected Trees – Rules 2.1, 2.1.1, 2.2 and 2.2.1	Oppose in part	In the Rural Rules for <i>Shelterbelt, Amenity Planting and Plantations</i> there is the same issue as above for Earthworks. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is permitted according to the rules as it could be planted in areas that were ‘ <i>previously disturbed by cultivation, planting (trees, pasture or crops, building or earthworks)</i> ’. Therefore, this effectively does not protect the WTMA C39(a) from significant land use change from tilled land to plantations etc. Any planting of <i>Shelterbelt, Amenity Planting and Plantations</i> trees on a large scale needs to be stated as not permitted. Otherwise large scale land use activities which have the potential to significantly	ADD: to <i>Permitted Activities - Shelterbelts and Amenity Planting</i> <i>2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:.....</i> <i>2.1.1.9 .In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i> ADD: to <i>2.2.1 Permitted Activities – Plantations</i> <i>2.2.1.3</i> <i>In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas</i>

					adversely affect the wahi tapu area could occur uncontrolled.	<i>shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i>
Issue:	Insufficient direction to decline an application that may cause significant change of land use through large scale plantings under Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations.					
		6.31	Matters discretion is restricted to under Restricted Discretionary Activities and Earthworks, Shelterbelts and Amenity Planting and plantations (Pages 56, 58 and 60 of Volume 2 (Rural)).	Oppose in part	In the Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations, Matters that Council has to consider under a Restricted Discretionary activity does not include the scale of the activity. Large scale activities such as plantings may result in significant changes of land use. There is the need to specifically include in the matters to consider the scale of the activity and its adverse effects on the WTMA areas so as to provide protection from inappropriate use. Rules must retain sufficient discretion to decline an application that may have adverse effects on wahi tapu values.	ADD: to Restricted Discretionary Activities- for Earthworks, Shelterbelt, Amenity Planting and Plantations <i>The Council shall include in its discretion to consideration of: the scale of the activity and the degree of change of land use and these effects on wahi tapu and wahi taonga and certain conditions to address this.</i>
Issue:	List of Statutory Acknowledgement Areas incomplete					
		6.32	Page 39 in Volume 2 – Statutory Acknowledgement and Nohoanga Sites	Oppose in part	Statutory Acknowledgment Areas are identified which are culturally significant to Ngai Tahu. However, both Te Waihora and Coopers Lagoon are missing from this list.	ADD: to list under heading <i>Statutory Acknowledgment and Nohoanga Sites</i> , in Attachment 2: Changes to the District Plan (Rural Volume), p.39. -Te Waihora -Coopers Lagoon
Issue:	Insufficient range of robustness included in ‘matters that Council shall consider’ for restricted discretionary activities to manage any risk of activities that may threaten wahi tapu values especially monitoring.					
		6.33	Volume 1 and 2 All rules for Restricted Discretionary Activities for both Township and Rural Volumes –	Oppose in part	Restricted Discretionary Activities for all activities for both Township and Rural areas need to provide more robustness in the “ <i>Matters to be considered</i> ” by Council to better manage any risk of an activity to	ADD: to “ <i>matters to be considered</i> ” by Council for all Restricted Discretionary Activities for all activities for both Township and Rural areas. - Special consideration of the risk of

			Matters that Council shall restrict its discretion to consideration of.		adversely affect wahi tapu values. These include providing for the local runanga to be actively involved in monitoring which can include a ruanga representative to be on the site. There also needs to be specific consent conditions and consideration of the location of potential urupa in the boundaries of the WTMA. Dan Witter who wrote the “Archeology Report of the Rakaia River Mouth Moa Hunter Site Precinct” of which the “Rakaia Huts Conservation Management Plan” is based, purposely made the size of the archaeological site larger to include the possibility of urupa which are usually positioned away from the settlement (pers.com.Witter, 2011).	<i>activities in the boundaries of the WTMA areas, especially in the western boundary of the Living Zone, to adversely disturb potential urupa in these locations.</i> <i>-Consent conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to for what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Lack of clear list of conditions for consents for all rules					
		6.34	All rules in proposed plan change regardless of whether controlled or restricted discretionary.	Neither support nor oppose	There needs to be a standard list of conditions for consents and for written approval to provide clear guidance.	ADD to all rules: <i>-Consent and written approval conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Insufficient robustness of rural Rules for utilities which has the potential to have some significant adverse effects on wahi tapu values.					
		6.35	Page 65 in Volume 2 (Rural) Part C Rural Rules – Utilities <i>5.10 Utility Structures</i>	Oppose in part	The Rural Rules for Utilities has the potential to have some significant adverse effects on wahi tapu values. There needs to be some additional levels of control.	ADD: to “Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> <i>5.10.1.2</i>

			<i>and Sites of Significance to Tangata Whenua</i> Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> 5.10.1.2			<i>-In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a) , any earthworks associated with any utility structure is limited to...</i> <i>.... repairing existing utilities provided that they are replaced in the same trench/hole</i> ADD: If the utilities are “new” then they default to a Restricted Discretionary Activity with specific conditions (yet to be developed) that are required to be met.
Issue:	A clause under the ‘Matters that Council shall restrict its consideration’ for Restricted Discretionary Activities may undermine the protection of wahi tapu values.					
		6.36	Pages 20 – 29 in Volume 1 – Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 2.1), Buildings (Rule 4.14) and Activities (Rule 10.4) and Pages 54-72 in Volume 2 - Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 1.2), Shelterbelts and Amenity Planting (2.1), Buildings (3),	Oppose	In most of the Township and Rural Rules for Restricted Discretionary Activities there is a statement under “Matters that Council shall restrict its consideration” that allows the Council to grant the activity based on the “costs of the owner to not undertake that activity”. This “clause’ may effectively mean that the Council can override the local runanga’s concerns for protecting their wahi tapu values.	REMOVAL: in Restricted Discretionary Activities 1.2 Earthworks, 2.1 Shelterbelts and Amenity Planting; 3 Buildings; 4.3 Rooding; 5.10 Utilities; 5.11 Utility Buildings ; B6.6 Outdoor Signs and Noticeboards Of Matters that Council shall restrict its consideration of: Any potential costs to the landowner/occupier of not being able to undertake the proposed activity on that site.

			Roading (4.3), Utilities (5.10), Utility Buildings (5.11), and Outdoor Signs and Noticeboards (6.6).			
Issue:	Empty paddock owned by Council not identified as to which WTMA					
		6.37	Map 133 Sheet 2	Not stated	Ngai Tahu consider that the empty paddock owned by Council on the western boundary of C39(b) should be appropriately treated as C39(a) not as C39(b). This is because the land would be given a higher level of protection by the Rural Rules than the Township Rules. This is particularly important given that there is (or high possibility) an urupa sited there. In addition, this site is also proposed as a “storage area” for any found artefacts/objects from the WTMA's and it would be beneficial to have a higher level of protection.	AMEND: Map 133 to indicate that the empty paddock on the western boundary of C39 (b) is identified as C39 (a).
07	New Zealand Historic Places Trust Pouhere Taonga	7.0	Whole of Plan Change 26	Oppose in part	The New Zealand Historic Places Trust Pouhere Taonga (NZHPT) supports the Plan Change in part. This support is subject to amendments put forward in this submission. The NZHPT sees the proposed Plan Change provides an opportunity to incorporate the recommendations of the conservation Management Plan that was developed for the Rakaia Huts area. Specific provisions of the proposal that the NZHPT's submission relates to are: Historic Heritage matters contained in the Objectives, Policies, Rules and Appendices of Volume 1: Township and Volume 2: Rural of the Selwyn District Council District Plan. The reason for the NZHPT's submission is to ensure that under the RMA, Section 6 Matters of National	See various specific relief sought below.

					Importance 6(e) “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga” and Section 6(f) “the protection of historic heritage from inappropriate subdivision, use and development” are recognised and provided for.	
		7.1	Volumes 1 and 2: Definition and Terminology for historic heritage	Oppose in part	<p>Whilst the proposed amendments to the District Plan include a clear definition of historic heritage, consequential amendments have not been made through out the plan to compliment the definition provided.</p> <p>For example, Objective B3.3.2 states that “sites of wahi tapu and ‘other importance’ to tangata whenua are protected. The phrase ‘other importance’ is not defined in Part D Definitions and does not convey exactitude. The NZHPT suggests that the Council undertakes a separate planning exercise to address the terminology for historic heritage matters.</p>	At the time of the District Plan review, special focus is made on addressing the terminology of the heritage chapters of Volumes 1 and 2.
		7.2	Volume 1: Objective B3.3.2 Explanation and Reasons	Oppose in part	<p>The NZHPT is concerned to ensure that section 6(e) and 6(f) of the RMA are correctly referenced in this section. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to sections 6(e) and 6(f) of the RMA. As proposed the passages confuse and intermingle terminology from both sections of the Act and do not serve to convey the intent of the Objective.</p>	<p>That the ‘Explanation and Reasons’ paragraphs are amended to correctly reference sections 6(e) and 6(f) of the RMA and those amendments are consequential through Volume 1 and 2.</p> <ul style="list-style-type: none"> Objective B3.3.2 reflects the duty under section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga. Objective B3.3.3 reflects the duty under section 6(f) of the act to recognise and

						provide for the protection of historical heritage from inappropriate subdivision, use, and development.
		7.3	Volume 1: Policy B3.3.4 Explanation and Reasons	Oppose in part	<p>The NZHPT seeks that correct reference is made to the Policy which addresses ‘resource consent fee waivers’, in the paragraph beginning “Where a landowner requires consent to undertake an activity”</p> <p>Advising applicants of resource consent fee waivers is an important part of non regulatory service that Selwyn District Council provides. Correct reference to the policy needs to be provided to ensure accuracy and certainty for applicants.</p>	Amend the paragraph to give accurate reference to the policy which provides for reducing or waiving fees.
		7.4	Volume 1: Earthworks 2.1, Reason for Rules	Oppose in part	The proposed plan change does not include an area known as Wahi Taonga Management Area C39(c). The NZHPT seeks that amendment is made to the ‘Reasons for Rules’ section where incorrect reference is made to Wahi Taonga Management Area C39(c)	Amend to Wahi Taonga Management Area C39(b) in Reasons for Rules for Volume 1: Earthworks 2.1, Reason for Rules.
		7.5	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT	<p>Amend Rule 2.1.2 to reflect the following: Any earthworks which do not comply with Rule 2.1.1. 9 or 2.1.1.10 shall be a controlled activity if the written consent of the local runanga has been obtained. In the case of Wahi Taonga Management Area C39(b), which is an archaeological site, the written authorisation of the New Zealand Historic Places Trust has been obtained.</p> <p>And that consequential amendments are made through the appropriate sections of</p>

						Volumes 1 and 2 of the District Plan.
		7.6	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT.	That an 'Advice Note' is included in the section as detailed below: Activities affecting any archaeological site including Wahi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga. And that consequential amendments are made through the appropriate sections of Volumes 1 and 2 of the District Plan.
		7.7	Volume 2: Historic Heritage – Objective B3.3.3 Explanations and Reasons.	Oppose in Part	The NZHPT is concerned to ensure that correct reference is made to Section 6 of the RMA. Under the 'Explanation and Reasons' paragraphs, incorrect reference is made to section 6(f) of the RMA, as well as incorrect reference to the appropriate part of the Act.	That the 'Explanations and Reasons' paragraphs are amended to correctly reference section 6(e) of the RMA and are amended as follows: Objective 3.3.1 reflects the duty under section 6(e) of the Act to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
		7.8	Volume 2: Policy B3.3.4 Explanation and Reasons	Oppose in part	The Explanation and Reasons section gives reference to Wahi Taonga Management Area C39(b). The NZHPT note that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature of Appendix 5 in Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the Explanation and Reasons section of Policy B3.3.4.
		7.9	Volume 2: Part C. Rural Rules – Earthworks. Note 1	Oppose in part	The 'Notes' section gives reference to Wahi Taonga Management Area C39(b). The NZHPT notes that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature in Appendix 5 of Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the 'Notes' section of Part C. Rural Rules – Earthworks.
		7.10	Volume 1 and 2		Plan Change 26 has provided rules specific	That the Selwyn District Council undertakes

			General Submission		<p>to site C39(a) and (b) (NZAA Site Record number L37/4) the NZHPT has wider concerns regarding the lack of clarity around the identification of (and provision of rules for) other recorded archaeological sites, sites of significance to Maori and historic heritage in the Selwyn District Plan.</p> <p>The NZHPT regards this proposed Plan Change as an interim measure to address issues regarding one specific site. However, a wider review of the heritage chapter is required.</p>	<p>a specific review of the heritage chapters to ensure that matters of national importance under sections 6(e) and 6(f) of the RMA are provided for.</p>
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The period for making submissions to Plan Change 26 to the District Plan closed on 22 July 2011. This is the second stage of the public submission process where people have the opportunity to make further submissions. Further submissions give the opportunity for the public to either support or oppose the submissions received and summarised or aspects of these submissions. Please note it is not another opportunity to make fresh submissions on the Plan Change itself, as a further submission can only relate to a submission which has already been lodged.

The further submission Form 6 is available at all Council offices and online at:

<http://www.selwyn.govt.nz/services/planning/planning-forms/form-6-further-submissions> <http://www.selwyn.govt.nz/services/planning/planning-forms/submission-forms-pdfs/submission-forms>

Submission Number	Name	Submission Point	Subject Area	Submission Type	Detail	Relief sought
01	Graham Shearman	1.1	Whole of Plan Change	Oppose	Submitter is not in favour of proposed plan change 26. If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property. A minority of the properties have been subjected to these investigations before a resource consent was issued before building development was commenced. The property owner deserves recognition of the expense and inconvenience that these efforts incurred.	If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property.
02	RA & PJ Perkins	2.1	Whole of Plan Change	Oppose	The fact that no archaeological material has ever been found on the south-western side of Pacific Drive. Our property is a split level house, the earthworks already done when the house was built were extensive, at least a metre deep and nothing found. We bought the section freehold from the Selwyn District Council 3 to 4 years ago - free of any restrictions at market price. We believe this plan will devalue our properties and we may jointly make a claim against Selwyn District Council from a loss in value. We oppose any archaeological restriction on our	Any costs incurred by a finding if reported (which is highly unlikely) be paid by Selwyn District Council. We believe our property will loose value of 25% and we would want compensation to that effect from the Council.

					LIM document.	
03	RGS & SM Nee	3.1	The placement of a report on my LIM Report to the importance of a Historic Places Trust interest in my freehold property.	Oppose	<p>I /we purchased the property off the Selwyn District Council for fair market value as freehold (Fee Simple) with no encumbrances and in good faith. Since then the Council has negotiated with the tribes to have our sections placed inside the protected area. This is not what the village is in favour of as it will detract from the value of our freehold properties. We believe it will have a devaluation value of at least \$20,000.00 per section and I believe the Council should reimburse the said amount to each and every section to the owner as compensation.</p> <p>It has been stated by Mr Witter that no Maori artefacts have ever been found on the south-west side of Pacific Drive, so why have they included it in their kitchen cupboard. Any discoveries would never be included to them anyway.</p>	<ol style="list-style-type: none"> 1. That the south-west side of Pacific Drive be excluded from the proposed Maori site. 2. That it be withdrawn from all LIM reports on the devaluation basis. 3. On the basis that no artefacts have ever been found on our side of the Pacific Drive, therefore the whole procedure is crap. 4. That we are kept informed by our employees of the situation
04	PL Williamson & EC Wilkes	4.1	Whole Plan Change	Oppose	<p>We wish to protest most strongly to the proposed Plan Change 26. This proposed Plan Change is described as simplifying things but we really must ask, simplifying for whom? Certainly not for the ratepayer of the Rakaia Huts and more specifically not those who have recently purchased (freehold) their sections (south side Pacific Drive).</p> <p>These residents purchased their sections in good faith with clear title. A discussion with a lawyer has revealed that the Council would have been well aware of this impending change and have “failed in their duty to advise”. We paid market value for</p>	The settlement of this situation once and for all. Stop this continuing pandering to certain groups of people at the expense of those who pay rates. We on the south side of Pacific Drive were not originally included in the Draft Plan and we wish this situation to remain.

					<p>our sections, with no mention of this impending change. Had we or our valuer been advised of this I'm sure the valuation would have been a good 20 – 25% less. We are also sure that the Council were more than well aware of this also. We believe the original area proposed should be the only area up for consideration, as per the residents memorandum in response to the Draft Plan and dated 25/02/09.</p>	
05	Selwyn District Council	5.1	Note 1 in Part C – 1 Rural Rules – Earthworks in the Rural Volume of the District Plan, identifying activities which are exempt from the Earthworks Rules in Rural Zones	Support, but with amendments to identified errors	<p>This submission is in support of Proposed Plan Change 26. However, an error has been identified in Part C of the Rural Volume of the notified Plan Change. This submission requests that the identified error is corrected.</p> <p>Note 1 in Rule 1 - Earthworks of the Rural Volume of the District Plan (page 54 of PC 26) identifies a number of activities which are exempt from the Earthworks Rules. The intent of the Plan Change for this particular Plan provision was to duplicate the <u>format</u> the note was written so that both volumes of the District Plan provided for a consistent and easy to read format. The intent was <u>not</u> to duplicate the activities which are to be exempt from the Earthworks Rules.</p> <p>However, in the course of finalising the Proposed Plan Change for public notification, Note 1 in the Rural Volume of the Plan was amended such that it inadvertently duplicated the corresponding Note 1 as found in the Township Volume of the District Plan.</p> <p>The Draft Plan Change 26 which was</p>	Delete Note 1 from Part C – 1 Rural Rules – Earthworks of the Rural Volume of the Rural Volume subject to Plan Change 26. Replace with the amended Note 1, as outlined in the submission, which shows the correct list of activities which are exempt from the Earthworks Rules in Rural Zones.

					<p>notified for public comment correctly identifies the list of activities intended to be exempt from the Earthworks Rules, other than 'Burying Pets' and 'Trenching Compost'. These two activities are to be retained in the amended Note 1 (Rural Volume). The Rakaia Huts Conservation Management Plan specifically identified these two activities as requiring exemption from any "monitoring of major works under 20cm" (Proposed Mangement Tool (i), page 34 Rakaia Huts Conservation Management Plan).</p>	
06	Te Runanga o Ngai Tahu and Te Taumutu Runanga	6.1	Whole of Plan Change	Support in part	<p>Overall, Ngai Tahu supports the proposed plan change to implement the Rakaia Huts Conservation Management Plan and which effectively provides better protection of the wahi tapu and wahi taonga values of the area. The proposed plan change adequately recognises the cultural significance of the wahi tapu values of the wahi Taonga Management Areas.</p> <p>However there are some areas that Ngai Tahu consider need strengthening to reflect the degree of protection that this area requires. These are outline below. In addition to these submission points, Ngai Tahu suggest a few recommendations to further provide for the protection of the integrity of the wahi tapu/taonga values of the area.</p>	Review the Rakaia Huts Conservation Management Plan.
		6.2	Whole of Plan Change	Support in part	As above	Re-name the Moa Hunter Site with a traditional Ngai Tahu name
		6.3	Whole of Plan Change	Support in part	As above	Set up a place to store artefacts

		6.4	Whole of Plan Change	Support in part	As above	Educate the local community and the wider public.
Issue:	Removal of the term 'culture/cultural' from several provisions seen as not adequately representing tangata whenua values.					
		6.5	Volumes 1 and 2: Heading B3.3 Historic Heritage - Issue	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the headings in both Township and Rural Volumes to read: <i>"B3.3 Culture and Historic Heritage - Issue"</i> .
		6.6	Volume 1 and 2: Statement under heading: Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage values.	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the statement in both Township and Rural Volumes to read: <i>"Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage and cultural values"</i> .
		6.7	Volume 1 and 2: Sub Heading: Historic Heritage in Selwyn District	Oppose in Part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sub-heading to in both Township and Rural Volumes to read: <i>"Culture and Historic Heritage in Selwyn District"</i> .
		6.8	Page 7 Volume 1 and Page 38 Volume 2: Third paragraph beginning "Sites, areas or buildings may have heritage values	Oppose in part	The paragraph discusses heritage values in a generic manner which effectively excludes any specific reference to tangata whenua cultural values. There is also an assumption of what "people most often" associate heritage values with. This assumption is based on predominately "pakeha" values that do not incorporate or relate to tangata whenua cultural values. There is a danger in using generic terms such as "people" in describing values which predominantly	AMEND the paragraphs in both Township and Rural Volumes to read: <i>"Sites , areas or buildings may have heritage and cultural values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person and in the case of tangata whenua they are shared by the local runanga and Ngai Tahu. In particular,</i>

					reflect the dominant culture's values and which exclude the "other" namely tangata whenua. Given that this plan change is about providing greater protection of a significant wahi tapu area of significant value to tangata whenua then there needs to be specific mention of tangata whenua cultural values in this section and the avoidance of assumptions that exclude tangata whenua values. Furthermore, tangata whenua values should not read as an 'add-on' or 'tagged on at the end' to the general text reflecting an interest group status rather than a treaty partner.	<i>wahi tapu, wahi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities".</i>
		6.9	Page 8 Volume 1 and page 39 Volume 2: First paragraph	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are not only part of our inheritance from the past; it is also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, cultural and historic heritage values are a vital part of what makes a place unique or important for the people who live there".</i>
		6.10	Page 8 in Volume 1 and Page 39 in Volume 2: Second paragraph beginning "Historic heritage is important because it provides a tangible"	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are important because it provides a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can.</i> <i>The accidental or inadvertent destruction or damage of cultural and heritage features</i>

						<i>can cause the loss of this knowledge as well as a social/cultural link to the past”.</i>
		6.11	Page 10 in Volume 1 and page 41 in Volume 2: First Heading – ‘Damage to Sites with Historic Heritage’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Damage To Sites With Cultural and Historic Heritage Values”</i>
		6.12	Page 10 in Volume 1 and page 41 in Volume 2: First paragraph after first heading ‘Sites and buildings with historic heritage values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Sites and buildings with cultural and historic heritage values”.</i>
		6.13	Page 10 in Volume 1 and page 41 in Volume 2: Second Heading – ‘Protecting Historic Heritage Values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Protecting Cultural and Historic Heritage Values”.</i>
		6.14	Page 10 in Volume 1 and page 41 in Volume 2: First sentence after second heading – As well as the specific duties under section 6 of the Act, maintaining’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:....”</i>
		6.15	Page 10 of Volume 1 - Second sentence under second heading, and page 42 of	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Protecting sites and structures with cultural and historic heritage values</i>

			Volume 2 – First sentence ‘Protecting sites and structures with historic heritage values involve costs’			<i>involves costs:....”</i>
		6.16	Page 10 in Volume 1 – Second sentence under second heading, and page 42 in Volume 2 – First sentence first bullet point.	Oppose in part	<p>The following sentence which refers specifically to tangata whenua values has been deleted. <i>“Some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value”.</i></p> <p>There needs to be specific reference or examples of tangata whenua cultural values in the text of the section.</p>	<p>RETAIN the sentence in both Township and Rural Volumes and AMEND the so that the bullet point reads: <i>- “Many sites and structures are privately owned or on private land. For example, some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures may sometimes prevent the landholder from using them for other purposes, although adapting heritage buildings for new uses is common”.</i></p>
		6.17	Page 10 in Volume 1 – Third sentence under second heading, and page 42 in Volume 2 – second sentence.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the sentence in both Township and Rural Volumes to read:: <i>“Any measures in the District Plan to protect the cultural and historic heritage values of sites must....”:</i></p>
		6.18	Page 16 in Volume 1 and page 48 in Volume 2 – First Heading ‘Historic Heritage – Strategy’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Strategy”.</i></p>
		6.19	Page 16 Volume 1 Second statement – ‘Foster a partnership for protecting sites and buildings with	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND Second statement in the Township Volume to read: <i>“Foster a partnership for protecting sites and buildings with cultural and historic heritage....”</i></p>

			historic heritage ...’			
		6.20	Page 16 in Volume 1 – Second Heading and page 48 in Volume 2 – Second Heading – ‘Historic Heritage – Objectives’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: ‘Culture and Historic Heritage – Objectives’
		6.21	Page 16 in Volume 1 – Explanation and Reasons – Second paragraph – ‘Objective B3.3.1 develops a partnership’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND: Second paragraph in the Township Volume to read: <i>“Objective B3.3.1 develops a partnership approach to culture and heritage protection..... that have cultural and historic heritage values in the Selwyn District..”.</i>
		6.22	Page 17 in Volume 1 AND Volume 2: First Heading <i>“Historic Heritage – Policies and Methods”</i>	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage - Policies and Methods”
		6.23	Page 20 in Volume 1 – Method – District Plan Rules – Cultural Historic Heritage Sites	Oppose	There doesn’t appear be a subsequent change of the rules to be consistent with the new Method title <i>“Cultural Historic Heritage Sites”</i> .	RETAIN: heading in TownshipVolume so as to be consistent with Rules. “Sites of Significance to Tangata Whenua”
		6.24	Page 20 in Volume 1 and page 54 in Volume 2 – First Heading – Historic Heritage – Anticipated Environmental	Oppose in Part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage- Anticipated Environmental Results” .

			Results			
		6.25	Page 20 in Volume 1 and Volume 2 – Second Heading Historic Heritage – Monitoring.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Monitoring”</i> .
Issue:	Replace the word ‘Maori’ with more appropriate term ‘local runanga’ to be more consistent					
		6.26	Page 16 in Volume 1 (Township) – Objective B3.3.2 – Explanation and Reasons , 4 th paragraph under second heading	Oppose in part	There are a number of references both within rules and policies to “local runanga” so for consistency it is appropriate to remove the word “Maori” and replace it with ‘local runanga’.	REPLACE : The word “Maori” with “local runanga”.
Issue:	“landscaping” which is exempt from the earthworks rules for both township and rural rules is defined as including the provision of ‘walls’. However, digging for walls is seen as causing adverse disturbance on the WTMA areas and should be subject to rules.					
		6.27	Page 21 in Volume 1 Part C , 2 Living Zone Rules – Earthworks Notes 1 and page 54 in Volume 2 Part C, 1 Rural Rules - Earthworks Notes 1. Page 35 in Volume 1 – Definitions And page 73 in Volume 2 - Definitions <i>“Landscaping: means the visual improvement of an area through designed live planting</i>	Oppose in part	<i>Part C , 2 Living Zone Rules –Earthworks Notes 1 and Part C, 1 Rural Rules – Earthworks Notes 1</i> both list activities that are exempt from earthworks rules. This includes <i>“Landscaping....of gardens, lawns or public spaces”</i> of which <i>“Landscaping”</i> is defined in pp 35 and 73 as including the provision of <i>“walls”</i> . It is argued that providing for walls most likely will involve digging the ground a considerable depth more than 20cm. As such, it needs to be removed from the definition.	DELETE the word <i>“walls”</i> from the definition of <i>“Landscaping”</i> in both Attachment 1: Changes to the District Plan (Township Volume) and Attachment 2: Changes to the District Plan (Rural Volume). And ADD the word <i>“post holes”</i> instead which is already exempt from the earthworks rules. Or REPLACE: the current proposed definition of <i>“Landscaping”</i> with new definitions of <i>“soft landscaping”</i> and <i>“hard landscaping”</i> which will respectively allow for activities that are permitted and those that are not.

			of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, walls, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil”.			
Issue:	Written approval process needs tool and methods to implement this					
		6.28	Page 23, 25 and 27 in Volume 1 - Part C, Rules – Earthworks, Buildings and Activities – Rules 2.1.2 2.1.3, 2.1.6 2.1.7, 4.14.2, 1.14.3, 4.14.4, 4.14.3 (5?), 10.4.2, 10.4.3, 10.4.4 and 10.4.5)	Support	Te Taumutu Runanga and Te Runanga o Ngai Tahu support the proposed process of a written consent from the local runanga as a requirement for a controlled activity. To ensure that this is carried through without it becoming a capacity issue for Te Taumutu Runanga, Ngai Tahu would like to discuss methods or tools to implement this process with Council.	DISCUSS: the methods or tools to implement this written approval process with Council.
		6.29	Page 23 in Volume 1 - Part C, 2 Living Zone Rules – Earthworks Notes 1 - <i>Rule 2 does not apply to any of the following activities:.....</i>	Oppose in Part	Notes 1 in the Township and in the Rural Volumes, list Earthwork <i>activities</i> that are exempt and those not exempt. However, these lists do NOT prevent the possibility of large scale plantings of trees e.g. plantations or forests. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is	ADD: Part C, 2 Living Zone Rules – Earthworks Notes 1 <i>Rule 2 does not apply to any of the following activities:...</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than ...(an appropriate</i>

			and page 54 in Volume 2 Part C, 1 Rural Rules- Earthworks Notes <i>1 Rule 1 – Earthworks, does not apply to any of the following activities.....</i>		exempt from the Earthworks rules. Therefore, this effectively does not protect the areas from significant land use change. In addition, the deep root structure of a large scale number of trees may have a significant impact on wahi tapu and wahi taonga than a smaller amount of trees planted randomly. Although this is really an issue for the rural zone it is appropriate to include the township zone to be consistent and cover any possibilities. As such, earthworks activities that are of a large scale should not be exempt from the rules.	<i>measure yet to be calculated)</i> - Planting of trees greater than a scale of ... (an appropriate measure yet to be calculated) except in Wahi Taonga Management Area C39(b)..... Part C, 1 Rural Rules- Earthworks Notes <i>Rule 1 –Earthworks, does not apply to any of the following activities....</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than (an appropriate measure yet to be calculated)</i> -Planting of trees greater than a scale of (an appropriate measure to be calculated) except in Wahi Taonga Management Area C39(a).
Issue:	In Rural Rules, significant change of landuse through large scale planting under Shelterbelt, Amenity Planting and Plantations Rules is a permitted activity.					
		6.30	Pages 58 and 59 of Volume 2 (Rural) - 2 Rural Rules – Tree Planting and Removal of Protected Trees – Rules 2.1, 2.1.1, 2.2 and 2.2.1	Oppose in part	In the Rural Rules for <i>Shelterbelt, Amenity Planting and Plantations</i> there is the same issue as above for Earthworks. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is permitted according to the rules as it could be planted in areas that were ‘ <i>previously disturbed by cultivation, planting (trees, pasture or crops, building or earthworks</i> ’’. Therefore, this effectively does not protect the WTMA C39(a) from significant land use change from tilled land to plantations etc. Any planting of <i>Shelterbelt, Amenity Planting and Plantations</i> trees on a large scale needs to be stated as not permitted. Otherwise large scale land use activities which have the potential to significantly	ADD: to <i>Permitted Activities - Shelterbelts and Amenity Planting</i> <i>2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:.....</i> <i>2.1.1.9 .In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i> ADD: to <i>2.2.1 Permitted Activities – Plantations</i> <i>2.2.1.3</i> <i>In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas</i>

					adversely affect the wahi tapu area could occur uncontrolled.	<i>shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i>
Issue:	Insufficient direction to decline an application that may cause significant change of land use through large scale plantings under Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations.					
		6.31	Matters discretion is restricted to under Restricted Discretionary Activities and Earthworks, Shelterbelts and Amenity Planting and plantations (Pages 56, 58 and 60 of Volume 2 (Rural)).	Oppose in part	In the Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations, Matters that Council has to consider under a Restricted Discretionary activity does not include the scale of the activity. Large scale activities such as plantings may result in significant changes of land use. There is the need to specifically include in the matters to consider the scale of the activity and its adverse effects on the WTMA areas so as to provide protection from inappropriate use. Rules must retain sufficient discretion to decline an application that may have adverse effects on wahi tapu values.	ADD: to Restricted Discretionary Activities- for Earthworks, Shelterbelt, Amenity Planting and Plantations <i>The Council shall include in its discretion to consideration of: the scale of the activity and the degree of change of land use and these effects on wahi tapu and wahi taonga and certain conditions to address this.</i>
Issue:	List of Statutory Acknowledgement Areas incomplete					
		6.32	Page 39 in Volume 2 – Statutory Acknowledgement and Nohoanga Sites	Oppose in part	Statutory Acknowledgment Areas are identified which are culturally significant to Ngai Tahu. However, both Te Waihora and Coopers Lagoon are missing from this list.	ADD: to list under heading <i>Statutory Acknowledgment and Nohoanga Sites</i> , in Attachment 2: Changes to the District Plan (Rural Volume), p.39. -Te Waihora -Coopers Lagoon
Issue:	Insufficient range of robustness included in ‘matters that Council shall consider’ for restricted discretionary activities to manage any risk of activities that may threaten wahi tapu values especially monitoring.					
		6.33	Volume 1 and 2 All rules for Restricted Discretionary Activities for both Township and Rural Volumes –	Oppose in part	Restricted Discretionary Activities for all activities for both Township and Rural areas need to provide more robustness in the “ <i>Matters to be considered</i> ” by Council to better manage any risk of an activity to	ADD: to “ <i>matters to be considered</i> ” by Council for all Restricted Discretionary Activities for all activities for both Township and Rural areas. - Special consideration of the risk of

			Matters that Council shall restrict its discretion to consideration of.		adversely affect wahi tapu values. These include providing for the local runanga to be actively involved in monitoring which can include a ruanga representative to be on the site. There also needs to be specific consent conditions and consideration of the location of potential urupa in the boundaries of the WTMA. Dan Witter who wrote the “Archeology Report of the Rakaia River Mouth Moa Hunter Site Precinct” of which the “Rakaia Huts Conservation Management Plan” is based, purposely made the size of the archaeological site larger to include the possibility of urupa which are usually positioned away from the settlement (pers.com.Witter, 2011).	<i>activities in the boundaries of the WTMA areas, especially in the western boundary of the Living Zone, to adversely disturb potential urupa in these locations.</i> <i>-Consent conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to for what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Lack of clear list of conditions for consents for all rules					
		6.34	All rules in proposed plan change regardless of whether controlled or restricted discretionary.	Neither support nor oppose	There needs to be a standard list of conditions for consents and for written approval to provide clear guidance.	ADD to all rules: <i>-Consent and written approval conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Insufficient robustness of rural Rules for utilities which has the potential to have some significant adverse effects on wahi tapu values.					
		6.35	Page 65 in Volume 2 (Rural) Part C Rural Rules – Utilities <i>5.10 Utility Structures</i>	Oppose in part	The Rural Rules for Utilities has the potential to have some significant adverse effects on wahi tapu values. There needs to be some additional levels of control.	ADD: to “Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> <i>5.10.1.2</i>

			<i>and Sites of Significance to Tangata Whenua</i> Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> 5.10.1.2			<i>-In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a) , any earthworks associated with any utility structure is limited to...</i> <i>.... repairing existing utilities provided that they are replaced in the same trench/hole</i> ADD: If the utilities are “new” then they default to a Restricted Discretionary Activity with specific conditions (yet to be developed) that are required to be met.
Issue:	A clause under the ‘Matters that Council shall restrict its consideration’ for Restricted Discretionary Activities may undermine the protection of wahi tapu values.					
		6.36	Pages 20 – 29 in Volume 1 – Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 2.1), Buildings (Rule 4.14) and Activities (Rule 10.4) and Pages 54-72 in Volume 2 - Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 1.2), Shelterbelts and Amenity Planting (2.1), Buildings (3),	Oppose	In most of the Township and Rural Rules for Restricted Discretionary Activities there is a statement under “Matters that Council shall restrict its consideration” that allows the Council to grant the activity based on the “costs of the owner to not undertake that activity”. This “clause’ may effectively mean that the Council can override the local runanga’s concerns for protecting their wahi tapu values.	REMOVAL: in Restricted Discretionary Activities 1.2 Earthworks, 2.1 Shelterbelts and Amenity Planting; 3 Buildings; 4.3 Rooding; 5.10 Utilities; 5.11 Utility Buildings ; B6.6 Outdoor Signs and Noticeboards Of Matters that Council shall restrict its consideration of: Any potential costs to the landowner/occupier of not being able to undertake the proposed activity on that site.

			Roading (4.3), Utilities (5.10), Utility Buildings (5.11), and Outdoor Signs and Noticeboards (6.6).			
Issue:	Empty paddock owned by Council not identified as to which WTMA					
		6.37	Map 133 Sheet 2	Not stated	Ngai Tahu consider that the empty paddock owned by Council on the western boundary of C39(b) should be appropriately treated as C39(a) not as C39(b). This is because the land would be given a higher level of protection by the Rural Rules than the Township Rules. This is particularly important given that there is (or high possibility) an urupa sited there. In addition, this site is also proposed as a “storage area” for any found artefacts/objects from the WTMA's and it would be beneficial to have a higher level of protection.	AMEND: Map 133 to indicate that the empty paddock on the western boundary of C39 (b) is identified as C39 (a).
07	New Zealand Historic Places Trust Pouhere Taonga	7.0	Whole of Plan Change 26	Oppose in part	The New Zealand Historic Places Trust Pouhere Taonga (NZHPT) supports the Plan Change in part. This support is subject to amendments put forward in this submission. The NZHPT sees the proposed Plan Change provides an opportunity to incorporate the recommendations of the conservation Management Plan that was developed for the Rakaia Huts area. Specific provisions of the proposal that the NZHPT's submission relates to are: Historic Heritage matters contained in the Objectives, Policies, Rules and Appendices of Volume 1: Township and Volume 2: Rural of the Selwyn District Council District Plan. The reason for the NZHPT's submission is to ensure that under the RMA, Section 6 Matters of National	See various specific relief sought below.

					Importance 6(e) “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga” and Section 6(f) “the protection of historic heritage from inappropriate subdivision, use and development” are recognised and provided for.	
		7.1	Volumes 1 and 2: Definition and Terminology for historic heritage	Oppose in part	<p>Whilst the proposed amendments to the District Plan include a clear definition of historic heritage, consequential amendments have not been made through out the plan to compliment the definition provided.</p> <p>For example, Objective B3.3.2 states that “sites of wahi tapu and ‘other importance’ to tangata whenua are protected. The phrase ‘other importance’ is not defined in Part D Definitions and does not convey exactitude. The NZHPT suggests that the Council undertakes a separate planning exercise to address the terminology for historic heritage matters.</p>	At the time of the District Plan review, special focus is made on addressing the terminology of the heritage chapters of Volumes 1 and 2.
		7.2	Volume 1: Objective B3.3.2 Explanation and Reasons	Oppose in part	<p>The NZHPT is concerned to ensure that section 6(e) and 6(f) of the RMA are correctly referenced in this section. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to sections 6(e) and 6(f) of the RMA. As proposed the passages confuse and intermingle terminology from both sections of the Act and do not serve to convey the intent of the Objective.</p>	<p>That the ‘Explanation and Reasons’ paragraphs are amended to correctly reference sections 6(e) and 6(f) of the RMA and those amendments are consequential through Volume 1 and 2.</p> <ul style="list-style-type: none"> • Objective B3.3.2 reflects the duty under section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga. • Objective B3.3.3 reflects the duty under section 6(f) of the act to recognise and

						provide for the protection of historical heritage from inappropriate subdivision, use, and development.
		7.3	Volume 1: Policy B3.3.4 Explanation and Reasons	Oppose in part	<p>The NZHPT seeks that correct reference is made to the Policy which addresses ‘resource consent fee waivers’, in the paragraph beginning “Where a landowner requires consent to undertake an activity”</p> <p>Advising applicants of resource consent fee waivers is an important part of non regulatory service that Selwyn District Council provides. Correct reference to the policy needs to be provided to ensure accuracy and certainty for applicants.</p>	Amend the paragraph to give accurate reference to the policy which provides for reducing or waiving fees.
		7.4	Volume 1: Earthworks 2.1, Reason for Rules	Oppose in part	The proposed plan change does not include an area known as Wahi Taonga Management Area C39(c). The NZHPT seeks that amendment is made to the ‘Reasons for Rules’ section where incorrect reference is made to Wahi Taonga Management Area C39(c)	Amend to Wahi Taonga Management Area C39(b) in Reasons for Rules for Volume 1: Earthworks 2.1, Reason for Rules.
		7.5	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT	<p>Amend Rule 2.1.2 to reflect the following: Any earthworks which do not comply with Rule 2.1.1. 9 or 2.1.1.10 shall be a controlled activity if the written consent of the local runanga has been obtained. In the case of Wahi Taonga Management Area C39(b), which is an archaeological site, the written authorisation of the New Zealand Historic Places Trust has been obtained.</p> <p>And that consequential amendments are made through the appropriate sections of</p>

						Volumes 1 and 2 of the District Plan.
		7.6	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT.	<p>That an ‘Advice Note’ is included in the section as detailed below: Activities affecting any archaeological site including Wahi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga.</p> <p>And that consequential amendments are made through the appropriate sections of Volumes 1 and 2 of the District Plan.</p>
		7.7	Volume 2: Historic Heritage – Objective B3.3.3 Explanations and Reasons.	Oppose in Part	The NZHPT is concerned to ensure that correct reference is made to Section 6 of the RMA. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to section 6(f) of the RMA, as well as incorrect reference to the appropriate part of the Act.	<p>That the ‘Explanations and Reasons’ paragraphs are amended to correctly reference section 6(e) of the RMA and are amended as follows: Objective 3.3.1 reflects the duty under section 6(e) of the Act to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p>
		7.8	Volume 2: Policy B3.3.4 Explanation and Reasons	Oppose in part	The Explanation and Reasons section gives reference to Wahi Taonga Management Area C39(b). The NZHPT note that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature of Appendix 5 in Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the Explanation and Reasons section of Policy B3.3.4.
		7.9	Volume 2: Part C. Rural Rules – Earthworks. Note 1	Oppose in part	The ‘Notes’ section gives reference to Wahi Taonga Management Area C39(b). The NZHPT notes that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature in Appendix 5 of Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the ‘Notes’ section of Part C. Rural Rules – Earthworks.
		7.10	Volume 1 and 2		Plan Change 26 has provided rules specific	That the Selwyn District Council undertakes

			General Submission		<p>to site C39(a) and (b) (NZAA Site Record number L37/4) the NZHPT has wider concerns regarding the lack of clarity around the identification of (and provision of rules for) other recorded archaeological sites, sites of significance to Maori and historic heritage in the Selwyn District Plan.</p> <p>The NZHPT regards this proposed Plan Change as an interim measure to address issues regarding one specific site. However, a wider review of the heritage chapter is required.</p>	<p>a specific review of the heritage chapters to ensure that matters of national importance under sections 6(e) and 6(f) of the RMA are provided for.</p>
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The period for making submissions to Plan Change 26 to the District Plan closed on 22 July 2011. This is the second stage of the public submission process where people have the opportunity to make further submissions. Further submissions give the opportunity for the public to either support or oppose the submissions received and summarised or aspects of these submissions. Please note it is not another opportunity to make fresh submissions on the Plan Change itself, as a further submission can only relate to a submission which has already been lodged.

The further submission Form 6 is available at all Council offices and online at:

<http://www.selwyn.govt.nz/services/planning/planning-forms/form-6-further-submissions> <http://www.selwyn.govt.nz/services/planning/planning-forms/submission-forms-pdfs/submission-forms>

Submission Number	Name	Submission Point	Subject Area	Submission Type	Detail	Relief sought
01	Graham Shearman	1.1	Whole of Plan Change	Oppose	Submitter is not in favour of proposed plan change 26. If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property. A minority of the properties have been subjected to these investigations before a resource consent was issued before building development was commenced. The property owner deserves recognition of the expense and inconvenience that these efforts incurred.	If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property.
02	RA & PJ Perkins	2.1	Whole of Plan Change	Oppose	The fact that no archaeological material has ever been found on the south-western side of Pacific Drive. Our property is a split level house, the earthworks already done when the house was built were extensive, at least a metre deep and nothing found. We bought the section freehold from the Selwyn District Council 3 to 4 years ago - free of any restrictions at market price. We believe this plan will devalue our properties and we may jointly make a claim against Selwyn District Council from a loss in value. We oppose any archaeological restriction on our	Any costs incurred by a finding if reported (which is highly unlikely) be paid by Selwyn District Council. We believe our property will loose value of 25% and we would want compensation to that effect from the Council.

					LIM document.	
03	RGS & SM Nee	3.1	The placement of a report on my LIM Report to the importance of a Historic Places Trust interest in my freehold property.	Oppose	<p>I /we purchased the property off the Selwyn District Council for fair market value as freehold (Fee Simple) with no encumbrances and in good faith. Since then the Council has negotiated with the tribes to have our sections placed inside the protected area. This is not what the village is in favour of as it will detract from the value of our freehold properties. We believe it will have a devaluation value of at least \$20,000.00 per section and I believe the Council should reimburse the said amount to each and every section to the owner as compensation.</p> <p>It has been stated by Mr Witter that no Maori artefacts have ever been found on the south-west side of Pacific Drive, so why have they included it in their kitchen cupboard. Any discoveries would never be included to them anyway.</p>	<ol style="list-style-type: none"> 1. That the south-west side of Pacific Drive be excluded from the proposed Maori site. 2. That it be withdrawn from all LIM reports on the devaluation basis. 3. On the basis that no artefacts have ever been found on our side of the Pacific Drive, therefore the whole procedure is crap. 4. That we are kept informed by our employees of the situation
04	PL Williamson & EC Wilkes	4.1	Whole Plan Change	Oppose	<p>We wish to protest most strongly to the proposed Plan Change 26. This proposed Plan Change is described as simplifying things but we really must ask, simplifying for whom? Certainly not for the ratepayer of the Rakaia Huts and more specifically not those who have recently purchased (freehold) their sections (south side Pacific Drive).</p> <p>These residents purchased their sections in good faith with clear title. A discussion with a lawyer has revealed that the Council would have been well aware of this impending change and have “failed in their duty to advise”. We paid market value for</p>	The settlement of this situation once and for all. Stop this continuing pandering to certain groups of people at the expense of those who pay rates. We on the south side of Pacific Drive were not originally included in the Draft Plan and we wish this situation to remain.

					<p>our sections, with no mention of this impending change. Had we or our valuer been advised of this I'm sure the valuation would have been a good 20 – 25% less. We are also sure that the Council were more than well aware of this also. We believe the original area proposed should be the only area up for consideration, as per the residents memorandum in response to the Draft Plan and dated 25/02/09.</p>	
05	Selwyn District Council	5.1	Note 1 in Part C – 1 Rural Rules – Earthworks in the Rural Volume of the District Plan, identifying activities which are exempt from the Earthworks Rules in Rural Zones	Support, but with amendments to identified errors	<p>This submission is in support of Proposed Plan Change 26. However, an error has been identified in Part C of the Rural Volume of the notified Plan Change. This submission requests that the identified error is corrected.</p> <p>Note 1 in Rule 1 - Earthworks of the Rural Volume of the District Plan (page 54 of PC 26) identifies a number of activities which are exempt from the Earthworks Rules. The intent of the Plan Change for this particular Plan provision was to duplicate the <u>format</u> the note was written so that both volumes of the District Plan provided for a consistent and easy to read format. The intent was <u>not</u> to duplicate the activities which are to be exempt from the Earthworks Rules.</p> <p>However, in the course of finalising the Proposed Plan Change for public notification, Note 1 in the Rural Volume of the Plan was amended such that it inadvertently duplicated the corresponding Note 1 as found in the Township Volume of the District Plan.</p> <p>The Draft Plan Change 26 which was</p>	<p>Delete Note 1 from Part C – 1 Rural Rules – Earthworks of the Rural Volume of the Rural Volume subject to Plan Change 26. Replace with the amended Note 1, as outlined in the submission, which shows the correct list of activities which are exempt from the Earthworks Rules in Rural Zones.</p>

					<p>notified for public comment correctly identifies the list of activities intended to be exempt from the Earthworks Rules, other than 'Burying Pets' and 'Trenching Compost'. These two activities are to be retained in the amended Note 1 (Rural Volume). The Rakaia Huts Conservation Management Plan specifically identified these two activities as requiring exemption from any "monitoring of major works under 20cm" (Proposed Mangement Tool (i), page 34 Rakaia Huts Conservation Management Plan).</p>	
06	Te Runanga o Ngai Tahu and Te Taumutu Runanga	6.1	Whole of Plan Change	Support in part	<p>Overall, Ngai Tahu supports the proposed plan change to implement the Rakaia Huts Conservation Management Plan and which effectively provides better protection of the wahi tapu and wahi taonga values of the area. The proposed plan change adequately recognises the cultural significance of the wahi tapu values of the wahi Taonga Management Areas.</p> <p>However there are some areas that Ngai Tahu consider need strengthening to reflect the degree of protection that this area requires. These are outline below. In addition to these submission points, Ngai Tahu suggest a few recommendations to further provide for the protection of the integrity of the wahi tapu/taonga values of the area.</p>	Review the Rakaia Huts Conservation Management Plan.
		6.2	Whole of Plan Change	Support in part	As above	Re-name the Moa Hunter Site with a traditional Ngai Tahu name
		6.3	Whole of Plan Change	Support in part	As above	Set up a place to store artefacts

		6.4	Whole of Plan Change	Support in part	As above	Educate the local community and the wider public.
Issue:	Removal of the term 'culture/cultural' from several provisions seen as not adequately representing tangata whenua values.					
		6.5	Volumes 1 and 2: Heading B3.3 Historic Heritage - Issue	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the headings in both Township and Rural Volumes to read: <i>"B3.3 Culture and Historic Heritage - Issue"</i> .
		6.6	Volume 1 and 2: Statement under heading: Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage values.	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the statement in both Township and Rural Volumes to read: <i>"Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage and cultural values"</i> .
		6.7	Volume 1 and 2: Sub Heading: Historic Heritage in Selwyn District	Oppose in Part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sub-heading to in both Township and Rural Volumes to read: <i>"Culture and Historic Heritage in Selwyn District"</i> .
		6.8	Page 7 Volume 1 and Page 38 Volume 2: Third paragraph beginning "Sites, areas or buildings may have heritage values	Oppose in part	The paragraph discusses heritage values in a generic manner which effectively excludes any specific reference to tangata whenua cultural values. There is also an assumption of what "people most often" associate heritage values with. This assumption is based on predominately "pakeha" values that do not incorporate or relate to tangata whenua cultural values. There is a danger in using generic terms such as "people" in describing values which predominantly	AMEND the paragraphs in both Township and Rural Volumes to read: <i>"Sites , areas or buildings may have heritage and cultural values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person and in the case of tangata whenua they are shared by the local runanga and Ngai Tahu. In particular,</i>

					reflect the dominant culture's values and which exclude the "other" namely tangata whenua. Given that this plan change is about providing greater protection of a significant wahi tapu area of significant value to tangata whenua then there needs to be specific mention of tangata whenua cultural values in this section and the avoidance of assumptions that exclude tangata whenua values. Furthermore, tangata whenua values should not read as an 'add-on' or 'tagged on at the end' to the general text reflecting an interest group status rather than a treaty partner.	<i>wahi tapu, wahi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities".</i>
		6.9	Page 8 Volume 1 and page 39 Volume 2: First paragraph	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are not only part of our inheritance from the past; it is also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, cultural and historic heritage values are a vital part of what makes a place unique or important for the people who live there".</i>
		6.10	Page 8 in Volume 1 and Page 39 in Volume 2: Second paragraph beginning "Historic heritage is important because it provides a tangible"	Oppose in part	The generic term 'historic heritage' does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are important because it provides a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can.</i> <i>The accidental or inadvertent destruction or damage of cultural and heritage features</i>

						<i>can cause the loss of this knowledge as well as a social/cultural link to the past”.</i>
		6.11	Page 10 in Volume 1 and page 41 in Volume 2: First Heading – ‘Damage to Sites with Historic Heritage’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Damage To Sites With Cultural and Historic Heritage Values”</i>
		6.12	Page 10 in Volume 1 and page 41 in Volume 2: First paragraph after first heading ‘Sites and buildings with historic heritage values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Sites and buildings with cultural and historic heritage values”.</i>
		6.13	Page 10 in Volume 1 and page 41 in Volume 2: Second Heading – ‘Protecting Historic Heritage Values’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Protecting Cultural and Historic Heritage Values”.</i>
		6.14	Page 10 in Volume 1 and page 41 in Volume 2: First sentence after second heading – As well as the specific duties under section 6 of the Act, maintaining’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:....”</i>
		6.15	Page 10 of Volume 1 - Second sentence under second heading, and page 42 of	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the sentence in both Township and Rural Volumes to read: <i>“Protecting sites and structures with cultural and historic heritage values</i>

			Volume 2 – First sentence ‘Protecting sites and structures with historic heritage values involve costs’			<i>involves costs:....”</i>
		6.16	Page 10 in Volume 1 – Second sentence under second heading, and page 42 in Volume 2 – First sentence first bullet point.	Oppose in part	<p>The following sentence which refers specifically to tangata whenua values has been deleted. <i>“Some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value”.</i></p> <p>There needs to be specific reference or examples of tangata whenua cultural values in the text of the section.</p>	<p>RETAIN the sentence in both Township and Rural Volumes and AMEND the so that the bullet point reads: <i>- “Many sites and structures are privately owned or on private land. For example, some wahi taonga and wahi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures may sometimes prevent the landholder from using them for other purposes, although adapting heritage buildings for new uses is common”.</i></p>
		6.17	Page 10 in Volume 1 – Third sentence under second heading, and page 42 in Volume 2 – second sentence.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the sentence in both Township and Rural Volumes to read:: <i>“Any measures in the District Plan to protect the cultural and historic heritage values of sites must....”:</i></p>
		6.18	Page 16 in Volume 1 and page 48 in Volume 2 – First Heading ‘Historic Heritage – Strategy’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Strategy”.</i></p>
		6.19	Page 16 Volume 1 Second statement – ‘Foster a partnership for protecting sites and buildings with	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	<p>AMEND Second statement in the Township Volume to read: <i>“Foster a partnership for protecting sites and buildings with cultural and historic heritage....”</i></p>

			historic heritage ...’			
		6.20	Page 16 in Volume 1 – Second Heading and page 48 in Volume 2 – Second Heading – ‘Historic Heritage – Objectives’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: ‘Culture and Historic Heritage – Objectives’
		6.21	Page 16 in Volume 1 – Explanation and Reasons – Second paragraph – ‘Objective B3.3.1 develops a partnership’	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND: Second paragraph in the Township Volume to read: <i>“Objective B3.3.1 develops a partnership approach to culture and heritage protection..... that have cultural and historic heritage values in the Selwyn District..”.</i>
		6.22	Page 17 in Volume 1 AND Volume 2: First Heading <i>“Historic Heritage – Policies and Methods”</i>	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage - Policies and Methods”
		6.23	Page 20 in Volume 1 – Method – District Plan Rules – Cultural Historic Heritage Sites	Oppose	There doesn’t appear be a subsequent change of the rules to be consistent with the new Method title <i>“Cultural Historic Heritage Sites”</i> .	RETAIN: heading in TownshipVolume so as to be consistent with Rules. “Sites of Significance to Tangata Whenua”
		6.24	Page 20 in Volume 1 and page 54 in Volume 2 – First Heading – Historic Heritage – Anticipated Environmental	Oppose in Part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage- Anticipated Environmental Results” .

			Results			
		6.25	Page 20 in Volume 1 and Volume 2 – Second Heading Historic Heritage – Monitoring.	Oppose in part	The generic term ‘historic heritage’ does not adequately encompass tangata whenua cultural values. There needs to be a more direct reference to cultural values.	AMEND the heading in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage – Monitoring”</i> .
Issue:	Replace the word ‘Maori’ with more appropriate term ‘local runanga’ to be more consistent					
		6.26	Page 16 in Volume 1 (Township) – Objective B3.3.2 – Explanation and Reasons , 4 th paragraph under second heading	Oppose in part	There are a number of references both within rules and policies to “local runanga” so for consistency it is appropriate to remove the word “Maori” and replace it with ‘local runanga’.	REPLACE : The word “Maori” with “local runanga”.
Issue:	“landscaping” which is exempt from the earthworks rules for both township and rural rules is defined as including the provision of ‘walls’. However, digging for walls is seen as causing adverse disturbance on the WTMA areas and should be subject to rules.					
		6.27	Page 21 in Volume 1 Part C , 2 Living Zone Rules – Earthworks Notes 1 and page 54 in Volume 2 Part C, 1 Rural Rules - Earthworks Notes 1. Page 35 in Volume 1 – Definitions And page 73 in Volume 2 - Definitions <i>“Landscaping: means the visual improvement of an area through designed live planting</i>	Oppose in part	<i>Part C , 2 Living Zone Rules –Earthworks Notes 1 and Part C, 1 Rural Rules – Earthworks Notes 1</i> both list activities that are exempt from earthworks rules. This includes <i>“Landscaping....of gardens, lawns or public spaces”</i> of which <i>“Landscaping”</i> is defined in pp 35 and 73 as including the provision of <i>“walls”</i> . It is argued that providing for walls most likely will involve digging the ground a considerable depth more than 20cm. As such, it needs to be removed from the definition.	DELETE the word <i>“walls”</i> from the definition of <i>“Landscaping”</i> in both Attachment 1: Changes to the District Plan (Township Volume) and Attachment 2: Changes to the District Plan (Rural Volume). And ADD the word <i>“post holes”</i> instead which is already exempt from the earthworks rules. Or REPLACE: the current proposed definition of <i>“Landscaping”</i> with new definitions of <i>“soft landscaping”</i> and <i>“hard landscaping”</i> which will respectively allow for activities that are permitted and those that are not.

			of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, walls, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil”.			
Issue:	Written approval process needs tool and methods to implement this					
		6.28	Page 23, 25 and 27 in Volume 1 - Part C, Rules – Earthworks, Buildings and Activities – Rules 2.1.2 2.1.3, 2.1.6 2.1.7, 4.14.2, 1.14.3, 4.14.4, 4.14.3 (5?), 10.4.2, 10.4.3, 10.4.4 and 10.4.5)	Support	Te Taumutu Runanga and Te Runanga o Ngai Tahu support the proposed process of a written consent from the local runanga as a requirement for a controlled activity. To ensure that this is carried through without it becoming a capacity issue for Te Taumutu Runanga, Ngai Tahu would like to discuss methods or tools to implement this process with Council.	DISCUSS: the methods or tools to implement this written approval process with Council.
		6.29	Page 23 in Volume 1 - Part C, 2 Living Zone Rules – Earthworks Notes 1 - <i>Rule 2 does not apply to any of the following activities:.....</i>	Oppose in Part	Notes 1 in the Township and in the Rural Volumes, list Earthwork <i>activities</i> that are exempt and those not exempt. However, these lists do NOT prevent the possibility of large scale plantings of trees e.g. plantations or forests. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is	ADD: Part C, 2 Living Zone Rules – Earthworks Notes 1 <i>Rule 2 does not apply to any of the following activities:...</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than ...(an appropriate</i>

			and page 54 in Volume 2 Part C, 1 Rural Rules- Earthworks Notes <i>1 Rule 1 – Earthworks, does not apply to any of the following activities.....</i>		exempt from the Earthworks rules. Therefore, this effectively does not protect the areas from significant land use change. In addition, the deep root structure of a large scale number of trees may have a significant impact on wahi tapu and wahi taonga than a smaller amount of trees planted randomly. Although this is really an issue for the rural zone it is appropriate to include the township zone to be consistent and cover any possibilities. As such, earthworks activities that are of a large scale should not be exempt from the rules.	<i>measure yet to be calculated)</i> - Planting of trees greater than a scale of ... (an appropriate measure yet to be calculated) except in Wahi Taonga Management Area C39(b)..... Part C, 1 Rural Rules- Earthworks Notes <i>Rule 1 –Earthworks, does not apply to any of the following activities....</i> <i>-Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than (an appropriate measure yet to be calculated)</i> -Planting of trees greater than a scale of (an appropriate measure to be calculated) except in Wahi Taonga Management Area C39(a).
Issue:	In Rural Rules, significant change of landuse through large scale planting under Shelterbelt, Amenity Planting and Plantations Rules is a permitted activity.					
		6.30	Pages 58 and 59 of Volume 2 (Rural) - 2 Rural Rules – Tree Planting and Removal of Protected Trees – Rules 2.1, 2.1.1, 2.2 and 2.2.1	Oppose in part	In the Rural Rules for <i>Shelterbelt, Amenity Planting and Plantations</i> there is the same issue as above for Earthworks. It is possible to plant trees in a hole dug 20cm deep or less which can be planted on a large scale. This activity is permitted according to the rules as it could be planted in areas that were ‘ <i>previously disturbed by cultivation, planting (trees, pasture or crops, building or earthworks)</i> ’. Therefore, this effectively does not protect the WTMA C39(a) from significant land use change from tilled land to plantations etc. Any planting of <i>Shelterbelt, Amenity Planting and Plantations</i> trees on a large scale needs to be stated as not permitted. Otherwise large scale land use activities which have the potential to significantly	ADD: to <i>Permitted Activities - Shelterbelts and Amenity Planting</i> <i>2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:.....</i> <i>2.1.1.9 .In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i> ADD: to <i>2.2.1 Permitted Activities – Plantations</i> <i>2.2.1.3</i> <i>In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas</i>

					adversely affect the wahi tapu area could occur uncontrolled.	<i>shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i>
Issue:	Insufficient direction to decline an application that may cause significant change of land use through large scale plantings under Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations.					
		6.31	Matters discretion is restricted to under Restricted Discretionary Activities and Earthworks, Shelterbelts and Amenity Planting and plantations (Pages 56, 58 and 60 of Volume 2 (Rural)).	Oppose in part	In the Rural Rules for Earthworks, Shelterbelt, Amenity Planting and Plantations, Matters that Council has to consider under a Restricted Discretionary activity does not include the scale of the activity. Large scale activities such as plantings may result in significant changes of land use. There is the need to specifically include in the matters to consider the scale of the activity and its adverse effects on the WTMA areas so as to provide protection from inappropriate use. Rules must retain sufficient discretion to decline an application that may have adverse effects on wahi tapu values.	ADD: to Restricted Discretionary Activities- for Earthworks, Shelterbelt, Amenity Planting and Plantations <i>The Council shall include in its discretion to consideration of: the scale of the activity and the degree of change of land use and these effects on wahi tapu and wahi taonga and certain conditions to address this.</i>
Issue:	List of Statutory Acknowledgement Areas incomplete					
		6.32	Page 39 in Volume 2 – Statutory Acknowledgement and Nohoanga Sites	Oppose in part	Statutory Acknowledgment Areas are identified which are culturally significant to Ngai Tahu. However, both Te Waihora and Coopers Lagoon are missing from this list.	ADD: to list under heading <i>Statutory Acknowledgment and Nohoanga Sites</i> , in Attachment 2: Changes to the District Plan (Rural Volume), p.39. -Te Waihora -Coopers Lagoon
Issue:	Insufficient range of robustness included in ‘matters that Council shall consider’ for restricted discretionary activities to manage any risk of activities that may threaten wahi tapu values especially monitoring.					
		6.33	Volume 1 and 2 All rules for Restricted Discretionary Activities for both Township and Rural Volumes –	Oppose in part	Restricted Discretionary Activities for all activities for both Township and Rural areas need to provide more robustness in the “ <i>Matters to be considered</i> ” by Council to better manage any risk of an activity to	ADD: to “ <i>matters to be considered</i> ” by Council for all Restricted Discretionary Activities for all activities for both Township and Rural areas. - Special consideration of the risk of

			Matters that Council shall restrict its discretion to consideration of.		adversely affect wahi tapu values. These include providing for the local runanga to be actively involved in monitoring which can include a ruanga representative to be on the site. There also needs to be specific consent conditions and consideration of the location of potential urupa in the boundaries of the WTMA. Dan Witter who wrote the “Archeology Report of the Rakaia River Mouth Moa Hunter Site Precinct” of which the “Rakaia Huts Conservation Management Plan” is based, purposely made the size of the archaeological site larger to include the possibility of urupa which are usually positioned away from the settlement (pers.com.Witter, 2011).	<i>activities in the boundaries of the WTMA areas, especially in the western boundary of the Living Zone, to adversely disturb potential urupa in these locations.</i> <i>-Consent conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to for what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Lack of clear list of conditions for consents for all rules					
		6.34	All rules in proposed plan change regardless of whether controlled or restricted discretionary.	Neither support nor oppose	There needs to be a standard list of conditions for consents and for written approval to provide clear guidance.	ADD to all rules: <i>-Consent and written approval conditions requiring specific requirements for:</i> • <i>cultural monitoring;</i> • <i>a local runanga representative on site during the works;</i> • <i>ensuring that a Accident Discovery Protocol is followed;</i> • <i>An agreement with local runanga as to what happens to any found artefacts; and</i> • <i>a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</i>
Issue:	Insufficient robustness of rural Rules for utilities which has the potential to have some significant adverse effects on wahi tapu values.					
		6.35	Page 65 in Volume 2 (Rural) Part C Rural Rules – Utilities <i>5.10 Utility Structures</i>	Oppose in part	The Rural Rules for Utilities has the potential to have some significant adverse effects on wahi tapu values. There needs to be some additional levels of control.	ADD: to “Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> <i>5.10.1.2</i>

			<i>and Sites of Significance to Tangata Whenua</i> Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> 5.10.1.2			<i>-In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a) , any earthworks associated with any utility structure is limited to...</i> <i>.... repairing existing utilities provided that they are replaced in the same trench/hole</i> ADD: If the utilities are “new” then they default to a Restricted Discretionary Activity with specific conditions (yet to be developed) that are required to be met.
Issue:	A clause under the ‘Matters that Council shall restrict its consideration’ for Restricted Discretionary Activities may undermine the protection of wahi tapu values.					
		6.36	Pages 20 – 29 in Volume 1 – Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 2.1), Buildings (Rule 4.14) and Activities (Rule 10.4) and Pages 54-72 in Volume 2 - Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 1.2), Shelterbelts and Amenity Planting (2.1), Buildings (3),	Oppose	In most of the Township and Rural Rules for Restricted Discretionary Activities there is a statement under “Matters that Council shall restrict its consideration” that allows the Council to grant the activity based on the “costs of the owner to not undertake that activity”. This “clause’ may effectively mean that the Council can override the local runanga’s concerns for protecting their wahi tapu values.	REMOVAL: in Restricted Discretionary Activities 1.2 Earthworks, 2.1 Shelterbelts and Amenity Planting; 3 Buildings; 4.3 Rooding; 5.10 Utilities; 5.11 Utility Buildings ; B6.6 Outdoor Signs and Noticeboards Of Matters that Council shall restrict its consideration of: Any potential costs to the landowner/occupier of not being able to undertake the proposed activity on that site.

			Roading (4.3), Utilities (5.10), Utility Buildings (5.11), and Outdoor Signs and Noticeboards (6.6).			
Issue:	Empty paddock owned by Council not identified as to which WTMA					
		6.37	Map 133 Sheet 2	Not stated	Ngai Tahu consider that the empty paddock owned by Council on the western boundary of C39(b) should be appropriately treated as C39(a) not as C39(b). This is because the land would be given a higher level of protection by the Rural Rules than the Township Rules. This is particularly important given that there is (or high possibility) an urupa sited there. In addition, this site is also proposed as a “storage area” for any found artefacts/objects from the WTMA's and it would be beneficial to have a higher level of protection.	AMEND: Map 133 to indicate that the empty paddock on the western boundary of C39 (b) is identified as C39 (a).
07	New Zealand Historic Places Trust Pouhere Taonga	7.0	Whole of Plan Change 26	Oppose in part	The New Zealand Historic Places Trust Pouhere Taonga (NZHPT) supports the Plan Change in part. This support is subject to amendments put forward in this submission. The NZHPT sees the proposed Plan Change provides an opportunity to incorporate the recommendations of the conservation Management Plan that was developed for the Rakaia Huts area. Specific provisions of the proposal that the NZHPT's submission relates to are: Historic Heritage matters contained in the Objectives, Policies, Rules and Appendices of Volume 1: Township and Volume 2: Rural of the Selwyn District Council District Plan. The reason for the NZHPT's submission is to ensure that under the RMA, Section 6 Matters of National	See various specific relief sought below.

					Importance 6(e) “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga” and Section 6(f) “the protection of historic heritage from inappropriate subdivision, use and development” are recognised and provided for.	
		7.1	Volumes 1 and 2: Definition and Terminology for historic heritage	Oppose in part	<p>Whilst the proposed amendments to the District Plan include a clear definition of historic heritage, consequential amendments have not been made through out the plan to compliment the definition provided.</p> <p>For example, Objective B3.3.2 states that “sites of wahi tapu and ‘other importance’ to tangata whenua are protected. The phrase ‘other importance’ is not defined in Part D Definitions and does not convey exactitude. The NZHPT suggests that the Council undertakes a separate planning exercise to address the terminology for historic heritage matters.</p>	At the time of the District Plan review, special focus is made on addressing the terminology of the heritage chapters of Volumes 1 and 2.
		7.2	Volume 1: Objective B3.3.2 Explanation and Reasons	Oppose in part	<p>The NZHPT is concerned to ensure that section 6(e) and 6(f) of the RMA are correctly referenced in this section. Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to sections 6(e) and 6(f) of the RMA. As proposed the passages confuse and intermingle terminology from both sections of the Act and do not serve to convey the intent of the Objective.</p>	<p>That the ‘Explanation and Reasons’ paragraphs are amended to correctly reference sections 6(e) and 6(f) of the RMA and those amendments are consequential through Volume 1 and 2.</p> <ul style="list-style-type: none"> Objective B3.3.2 reflects the duty under section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga. Objective B3.3.3 reflects the duty under section 6(f) of the act to recognise and

						provide for the protection of historical heritage from inappropriate subdivision, use, and development.
		7.3	Volume 1: Policy B3.3.4 Explanation and Reasons	Oppose in part	<p>The NZHPT seeks that correct reference is made to the Policy which addresses ‘resource consent fee waivers’, in the paragraph beginning “Where a landowner requires consent to undertake an activity”</p> <p>Advising applicants of resource consent fee waivers is an important part of non regulatory service that Selwyn District Council provides. Correct reference to the policy needs to be provided to ensure accuracy and certainty for applicants.</p>	Amend the paragraph to give accurate reference to the policy which provides for reducing or waiving fees.
		7.4	Volume 1: Earthworks 2.1, Reason for Rules	Oppose in part	The proposed plan change does not include an area known as Wahi Taonga Management Area C39(c). The NZHPT seeks that amendment is made to the ‘Reasons for Rules’ section where incorrect reference is made to Wahi Taonga Management Area C39(c)	Amend to Wahi Taonga Management Area C39(b) in Reasons for Rules for Volume 1: Earthworks 2.1, Reason for Rules.
		7.5	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT	<p>Amend Rule 2.1.2 to reflect the following: Any earthworks which do not comply with Rule 2.1.1. 9 or 2.1.1.10 shall be a controlled activity if the written consent of the local runanga has been obtained. In the case of Wahi Taonga Management Area C39(b), which is an archaeological site, the written authorisation of the New Zealand Historic Places Trust has been obtained.</p> <p>And that consequential amendments are made through the appropriate sections of</p>

						Volumes 1 and 2 of the District Plan.
		7.6	Volume 1: Controlled Activity 2.1.2	Oppose in part	This rule does not provide a clear expectation to applicants in regard to consultation with the NZHPT.	That an 'Advice Note' is included in the section as detailed below: Activities affecting any archaeological site including Wahi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga. And that consequential amendments are made through the appropriate sections of Volumes 1 and 2 of the District Plan.
		7.7	Volume 2: Historic Heritage – Objective B3.3.3 Explanations and Reasons.	Oppose in Part	The NZHPT is concerned to ensure that correct reference is made to Section 6 of the RMA. Under the 'Explanation and Reasons' paragraphs, incorrect reference is made to section 6(f) of the RMA, as well as incorrect reference to the appropriate part of the Act.	That the 'Explanations and Reasons' paragraphs are amended to correctly reference section 6(e) of the RMA and are amended as follows: Objective 3.3.1 reflects the duty under section 6(e) of the Act to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
		7.8	Volume 2: Policy B3.3.4 Explanation and Reasons	Oppose in part	The Explanation and Reasons section gives reference to Wahi Taonga Management Area C39(b). The NZHPT note that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature of Appendix 5 in Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the Explanation and Reasons section of Policy B3.3.4.
		7.9	Volume 2: Part C. Rural Rules – Earthworks. Note 1	Oppose in part	The 'Notes' section gives reference to Wahi Taonga Management Area C39(b). The NZHPT notes that C39(b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature in Appendix 5 of Volume 1.	That amendment is made to reference Wahi Taonga Management Area C39(a) in the 'Notes' section of Part C. Rural Rules – Earthworks.
		7.10	Volume 1 and 2		Plan Change 26 has provided rules specific	That the Selwyn District Council undertakes

			General Submission		<p>to site C39(a) and (b) (NZAA Site Record number L37/4) the NZHPT has wider concerns regarding the lack of clarity around the identification of (and provision of rules for) other recorded archaeological sites, sites of significance to Maori and historic heritage in the Selwyn District Plan.</p> <p>The NZHPT regards this proposed Plan Change as an interim measure to address issues regarding one specific site. However, a wider review of the heritage chapter is required.</p>	<p>a specific review of the heritage chapters to ensure that matters of national importance under sections 6(e) and 6(f) of the RMA are provided for.</p>
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