

Proposed District Plan: WAHI TUPUNA & MAPPING

Abbreviations used:

H/E = Rendel Hearing Evidence	SUBM = Rendel Submission
CIA = Cultural Impact Assessment	WT = Wāhi Tūpuna
RR = Rural Residential zone	RL = Rural Lifestyle zone
RD = Restricted Discretionary	NC = Non Complying

Introduction & Clarification

- Kai ora koutou Commissioners and those present today.
- We are Heather and Ewen Rendel (Submitter #3207) owners of property at Closeburn mapped within Wāhi Tūpuna site, #16 Punatapu.
- We speak as concerned Landowners / Ratepayers who wish to see the formulation of fair and reasonable policy for all. As lay people we have some experience with consent processes; we do not pertain to be legal, planning or cultural experts.
- Initially we'd like to draw the Commissioners attention to the fact that throughout our submission and pre-lodged evidence we have questioned certain aspects or points. We do so to draw your attention to those points for further consideration in your decision making process, rather than to ask for direct answers from yourselves today.
- We'd like to take the opportunity now to point out that Sarah Picard for QLDC in her Summary of Evidence (spoken to on 29 June 2020) incorrectly implies we have asked for Lake Hayes to be included in the mapping. Her last sentence in 4 (a) states... **For example, the inclusion of Lake Hayes as suggested by Rendel (Submitter 3207).** To clarify, we questioned why a number of areas including Lake Hayes had been omitted from the mapping as the mapping appeared inconsistent; at no time did we request those areas be included.

Revisions & Key Points

We'd like to further comment on the latest QLDC policy revisions and draw your attention to the following three key points of concern:-

1. **Policy:** the lack of **criteria and clarity** set by QLDC for the policy.
2. **Evidence** or lack of to support the **Mapping** and Wāhi Tūpuna **designation** of all properties within each of the sites.
3. **#16 Punatapu** area, it's extended size and what appears to be the lack of relevance in the values for much of the area including our properties located in Closeburn.

Revisions

- The latest QLDC proposed policy revisions (primarily driven by Rūnaka's requests) are even more onerous than the previous versions, for our #16 Punatapu, RR properties. Anything and everything may now have significant adverse affects on Mana Whenua's values and must be avoided. REV 39.2.1.3. and 39.2.1.4.
- REV 39.2.1.6. implies a CIA report may be required for any activities even if you've already consulted with Mana Whenua.
- Further to our comments in H/E 5.2 regarding Earthworks; we consider proposed Standards Rule 25.5.22 sets a subjective framework, provides less clarity and will incur additional expenses for affected Landowners. Many Landowners will now be unknowingly caught by the provisions.
- If these provisions are retained, we consider the 400masl elevation in 22.5.22.2 is too low and does not take into consideration the topography and existing built environment. View planes resulting from 22.5.22.3 would be highly subjective and it's unclear whether an adjacent site is a neighbouring lot or a listed Wāhi Tūpuna area. Incidentally Micheal Bathgate for Rūnaka and subsequently QLDC's revisions have now introduced the wording "terrace edge" to 22.5.22.3; neither the policy or previous reports as far as we can see, note terraces or terrace edges being of importance or requiring protection.

Key Point 1. Policy: Criteria & Clarity

- As we point out in our Hearing Evidence the entire process has been shambolic resulting in policy not fit for purpose.
- We believe policy to address Maori cultural values should have been integrated throughout the existing Chapters in the District Plan utilising Chapter 5 Tangata Whenua to inform purpose and provide specific directives. In its current form we consider the policy to be unnecessarily divisive.
- QLDC failed to set criteria and provide clarity for:-
 1. What constitutes a **sufficient** level of significance for Wāhi Tūpuna designation under the District Plan.
 2. What can be afforded protection under the District Plan, particularly with regard to the intangible.
 3. To enable anyone other than Mana Whenua to independently assess how the “threats” apply to a project and what constitutes “more than minor”. (Given threats have been broadly stated with little to no definition.)
- Buildings and structures is one of those “threats”; as we point out in our SUBM 39.2.1.2.c. is open ended, which presents a huge grey area and a threat to Landowners.
- The Policy ensures that only Mana Whenua are able to determine whether a project may or may not have adverse effects.
- Consequently QLDC Planners have no way of determining whether Mana Whenua’s requirements, if they have any, are fair and reasonable for both Iwi and Landowners.
- This will result in Commissioners and or the Environmental Court having to make rulings on projects which may well have been complying activities in the underlying zoning.
- In many instances Landowners with a Wāhi Tūpuna overlay will be subjected to any or all of the following additional costs:- Mana Whenua consultations and or CIA’s, QLDC Resource Consent charges (including application fees, initial project rates and generally additional hourly charges for engineering, planners, peer reviews, and monitoring), Surveying, Independent Planners, and Lawyers.

Key Point 2. Evidence, Mapping and Designation

- Based on Council's evidence it does indeed appear they chose to bypass a crucial step in the overall process by not requiring Mana Whenua to provide any specific evidence other than the mapping to verify the Wāhi Tūpuna sites or inclusion of individual properties within those sites.
- As we point out in H/E 3.7... QLDC and Rūnaka obviously chose not to follow any stringent guidelines like those set by Heritage New Zealand Pouhere Taonga Act 2014 which would have required adhering to certain criteria, provision of evidence and consultation with landowners. Currently there are only 10 Wāhi Tūpuna sites listed in the entire country, Waitangi being the first. Also of note, there are currently no Wāhi Tapu or Wāhi Tūpuna listings for the Wakatipu area.
- It appears that out of respect, Mana Whenua were not required to identify what specific features or aspects are to be protected on individual properties and why. As we point out and question in our H/E 3.13 ... Mana Whenua prefer to keep individual sites and certain cultural aspects secret. With all due respect to Mana Whenua, is the District Plan required to protect secrets?

Key Point 3. #16 Punatapu.

- Punatapu (meaning Sacred Spring), on Ngāi Tau's own Kā Huru Manu website mapping, is marked as being in or on the water within what is known as Bob's Cove. The site shows no Kā Ara Tupuna [trails] depicted by green lines or Ngā Ingoa (awa) [rivers] depicted by blue lines in the area. (See Screen Shots- Appendix E.5. & E.7.).
- Mana Whenua have listed 3 "values" for the area: Tauraka waka, Settlements and Archaeological, and 4 "threats": Earthworks, Subdivision and Development, Buildings and Structures and Energy & Utilities.
- As stated in both our SUBM and H/E the "values" chosen by Mana Whenua for the area don't appear to hold standing to land outside of the immediate Punatapu / Bob's Cove location.

- This Wāhi Tūpuna area includes land up to 13km's from Punatapu / Bob's Cove which is already substantially developed. To date there has been no evidence produced to corroborate the inclusion of such a vast tract of land and our properties within it.
- QLDC made no effort to evidence the inclusion of the hundreds of properties within #16 Punatapu intended to be designated Wāhi Tūpuna, other than to rely on the mapping provided by Rūnaka.
- We do not consider it fair and reasonable practice to broadly map, to capture a considerably larger area than the actual specific sites of importance, to protect the identity (i.e. keep secret) certain sites or join WT areas together... H/E 3.12, 3.13 & 3.14.
- In our H/E 8.1 we also note private property owners like ourselves were not party to the Ngai Tahu Claims Settlement Act 1998 and as such our lawful rights and interests are not affected by it's provisions.
- In Sarah Picard's QLDC latest revisions #16 Punatapu area has no exemptions from earthworks maximum volume of 10m³, as it is one of the 7 areas captured in 25.5.11. It is unclear whether earthworks over 10m³ our area is RD or NC. We consider this onerous given our underlying RR zoning allows 400m³ as a permitted activity.
- Incidentally in Dunedin permitted earthworks max. volumes on RR properties are not altered by the WT overlay providing there's no sediment run-off issues and less than 2 metres alteration to ground level. A 4000m² lot with a slope of 12deg or less is allowed 1200m³ per two year period in Dunedin as opposed to 20m³ proposed in 25.5.11 here... a massive difference.
- QLDC has previously assessed the zoned areas within the district and deemed the receiving environment in our area suited for RR zoning providing for subdivision and development of sites (4000m² or greater), earthworks and building to sustain residential living.
- Also of note QLDC is rating vacant land such our RR lot at a higher value; essentially landowners are paying a penalty to own vacant land. The higher rating was adopted to encourage development of vacant land to create more housing opportunities. Wāhi Tūpuna overlay may now adversely affect the residential development of that land.

- The Wāhi Tūpuna provisions will trigger the need for Resource Consents that aren't necessary in a RR zone without the overlay. Every time we wish to undertake such an activity our social and economic wellbeing will be affected through substantial additional costs, time delays and unnecessary stress, and then depending on the outcome may impact our use of the land. This is unreasonably onerous.

Conclusion

- Our SUBM and H/E provide more in depth information and description of what we want.
- In short we believe the entire Wāhi Tūpuna policy and mapping should be deleted and readdressed in a more appropriate manner. QLDC should be required to undertake an in depth independent study and evidence all sites and properties being included in the Wāhi Tūpuna areas. The policies must be fair and reasonable, criteria driven and more clearly defined for all parties subject to them.
- In the absence of any robust evidence we consider #16 Punatapu has been grossly oversized and needs to be re-evaluated, removing properties outside of the immediate Punatapu / Bob's Cove area, including our own, from the Wāhi Tūpuna mapping.
- On the basis of the latest proposed policy revisions RR & RL properties are unfairly penalised by the onerous WT provisions. We consider our underlying RR zone standards and rules should apply; WT provisions and or consultation with Mana Whenua would only be triggered if we intended to undertake a Non-Complying (NC), RR zone activity... as per our SUBM 9 & 10, Pg 4.
- As we state in H/E 10.3 & 10.4 we have attempted to gain a better understanding of why our properties have been designated Wāhi Tūpuna and to date we still have no reasonable answers, however we have gained some insight into our local history and some aspects of Iwi's cultural values.

Nga mihi.

CALCULATIONS

Earthworks Additional Fees:

DESCRIPTION	FEES	TOTALS
QLDC- Application	\$225.00	
QLDC- Earthworks	\$3015.00	
QLDC- Monitoring / Compliance (1 hour)	<u>\$145.00</u>	
QLDC SUBTOTAL		\$3385.00
AUKAHA-(3 hours @ \$160.00 per hour + GST)	\$552.00	
TAMI- (3 hours @ \$160.00 per hour + GST)	<u>\$552.00</u>	
AUKAHA & TAMI SUBTOTAL		<u>\$1104.00</u>
INITIAL TOTAL		\$4489.00
QLDC Additional Hourly Rates... per current	Fees Schedule	
Additional Costs		
PLANNERS- hourly rates excl. GST	\$160.00 - \$200.00	
SURVEYORS- hourly rates excl. GST	\$160.00 - \$185.00	
LAWYERS- hourly rates excl. GST	\$350.00 - \$500.00	

Dunedin G2 District Plan Earthworks:

8A.4.1 a. large scale earthworks in a Wahi Tupuna area... & b. activities that contravene sediment control performance standard in wāhi tūpuna mapped area.

8A.5.1.2. Scale Thresholds Small Scale

8A.5.1.3. RR zone- Max. Change in finished ground level 2.0m

8A.5.1.5. Max. Volume- RR zone... 0-12deg slope. 30m³ per 100m² of site

Per two year period

RR lot with WT overlay.... (4000m² / 100m²) x 30m³ = 1200m² per two year period.

#16 PUNATAPU AREA. WĀHI TŪPUNA OVERLAY MARKED APPROX. IN RED.

ARROWS POINT TO: LOTS 14-3 DP 509575

Stage 1 and 2 Decisions and Appeals PDP Map

